APPENDIX 2-1

SECTION 106 CONSULTATION

Appendix 2-1, *Section 106 Consultation,* contains a record of communications pertaining to the Section 106 Consultation process pursuant to the National Historic Preservation Act. Correspondence is generally organized in chronological order by original inquiries with the exception of responses to original inquiries. Responses to original inquiries, regardless of the date, immediately follow the original inquiries. The reader is referred to the Cultural Resources section of Chapter 4, *Affected Environment, Environmental Consequences, and Mitigation* and Chapter 2, *Gila River Indian Community Coordination*.

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

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Mr. Steve Ross, Archaeologist
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

Dear Mr. Ross:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

The scope of this project would involve the construction of a freeway to connect I-10 south of Phoenix to I-10 west of Phoenix. The project team is in the process of identifying potential project alternatives, but the area of potential effect (APE) has not yet been defined.

The GRIC Cultural Resources Management Program performed a Class I overview of the freeway corridor to identify previously recorded cultural resources. The results of the Class I overview are presented in a draft report entitled *"A Class I Overview of the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Burden 2002) and is enclosed for your review.

A total of 301 cultural resources were identified as being within the proposed project corridor. Two of these cultural resources, sites AZ T:12:9(ASM), the Villa Buena site, and site AZ T:11:39(ASM), the Cashion site, are listed on the National Register of Historic Places (NRHP). An additional 27 sites were

previously recommended as eligible for the NRHP. Fifteen (15) sites were identified as being previously recommended as ineligible to the NRHP. One hundred thirty-six (136) sites either were not evaluated for the NRHP eligibility or would require additional information in order to determine their NRHP eligibility. The Class I overview acknowledges the presence of prior survey data for the South Mountain corridor area and the need for further investigations into the eligibility of the historic properties identified within the corridor. FHWA recommends that future cultural resource survey and eligibility determinations be made once potential project alternatives are identified.

As a cultural resources survey has not yet occurred for this project, FHWA is not currently making any recommendations of project effect. As additional information regarding the project alternatives, project scope, and historic properties becomes available, it will be provided to your agency through continued Section 106 consultation. However, because the likelihood is high that historic properties would be affected, FHWA proposes that a Programmatic Agreement (PA) be developed to address the effects of the project as they become known.

Please review the enclosed report and the information provided in this letter. If you agree with FHWA's recommendation that this report serve as consultation initiation and that consultation regarding eligibility, area of potential effect, and project scope as well as effect, be continued once surveys of the preferred alternatives are completed and that a PA be developed to address potential impacts to historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Kae Neustadt, ADOT Historic Preservation Specialist at 602-712-8148 or email kneustadt@dot.state.az.us. Thank you.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____
Signature for ASLD Concurrence

_____
Date

Enclosure
cc:
SThomas
BVachon
KNeustadt (619E)

SDT:cdm

The previous letter was also sent to:

Mr. Garry Cantley, Archaeologist, Bureau of Indian Affairs
Ms. Connie Stone, Archaeologist, Bureau of Land Management
Ms. Carol Heathington, Bureau of Reclamation
Mr. Todd Hileman, City Manager, City of Avondale
Mr. Pat McDermott, City Manager, City of Chandler
Mr. Todd Bostwick, Archaeologist, City of Phoenix
Ms. Barbara Stocklin, Historical Preservation Office, City of Phoenix
Mr. Ralph Valez, City Manager, City of Tolleson
Mr. Rick Anduze, Archaeologist, Salt River Project
Mr. David Jacobs, Ph.D., Compliance Specialist, State Historic Preservation Office
Mr. Terry Enos, Chairman, Ak Chin Indian Community
Mr. Richard Narcia, Gila River Indian Community
Mr. Leigh Kuwanwisiwma, Cultural Preservation Office, Hopi Tribe
Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community
Mr. Pete Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation
Mr. Joe Joaquin, Cultural Affairs Office, Tohono O'odham Nation
Mr. Vincent Randall, Chairman, Yavapai-Apache Nation
Mr. Ernest Jones, Sr., President, Yavapai-Prescott Indian Tribe

City of Phoenix
HISTORIC PRESERVATION OFFICE

September 8, 2003

Robert E. Hollis
Division Administrator
U.S. Department of Transportation
FHWA – Arizona Division
400 E. Van Buren Street
Phoenix, AZ 85004

Re: HA-AZ, NR-202(ADY), 202L MA 054 H5764 01L, Loop 202, South Mountain, Initial Section 106 Consultation

Dear Mr. Hollis:

Your office recently forwarded a "Class I" report to my office regarding the proposed Loop 202 freeway corridor. The purpose of the report as explained in your letter is to identify "previously recorded cultural resources" to help with the process of identifying feasible project alternatives for the proposed freeway.

I have a number of concerns regarding this report. They are as follows:

+ It does not appear that this initial study attempted to identify non-archeological historic properties that have been previously identified through historic surveys or determined National Register eligible by the State Historic Preservation Office (SHPO). I am aware of at least several known National Register eligible historic properties located within the corridor area, including the Webster Farmstead at 75th Avenue and Baseline Road (previously determined National Register eligible by the SHPO), South Mountain Park (may or may not be partially in the boundaries of the corridor study), and potentially historic canals and canal laterals (need to confer with Bureau of Reclamation and Salt River Project).

+ A search of the National Register and Section 106 files of the Arizona State Historic Preservation Office and the survey files of the City Historic Preservation Office is needed to locate any historic non-archeological properties in the project corridor and "to identify previously recorded cultural resources" as stated in your letter. We highly recommend that the cultural resources "Class I Overview" by amended at this time to incorporate a records search of surveyed and designated historic buildings, structures, districts and objects.

+ My office also recommends that all further cultural resources identification efforts for this project include a qualified architectural historian on the identification team. This is needed given the high potential to locate other historic non-archeological properties within the project's area of potential effects.

If I can provide additional information, please feel free to contact me at (602) 262-7468.

Sincerely,

Barbara Stocklin, City Historic Preservation Officer

cc: Kae Neustadt, Arizona Department of Transportation
Jim Garrison, State Historic Preservation Office

200 West Washington Street, 17th Floor • Phoenix, Arizona 85003 • 602-261-8699 FAX: 602-534-4571

Recycled Paper

Katherine Neustadt

From: Barbara.Stocklin@phoenix.gov
Sent: Tuesday, September 09, 2003 7:19 PM
To: KNeustadt@dot.state.az.us
Cc: SLaine@dot.state.az.us; jgarrison@pr.state.az.us; bcollins@pr.state.az.us
Subject: RE: Loop 202 , South Mountain, HA-AZ, NH-202-D(ADY), 202L MA 054 H5764 01L

Thanks for the information Kim. I continue to recommend that a "records search" effort occur for historic non-archeological properties at this stage in the project prior to selection of alternatives just as it has for archeological resources. Identification efforts for archeological and non-archeological historic resources should parallel one another. If archeological resources and other environmental resources/impacts are being identified at this preliminary stage prior to selection of alternatives, then the same level of identification effort should be ocurring at the same time for non-archeological cultural resources. I don't understand why they would be treated differently.

My office would desire that non-historic cultural resources show up on the same constraints map on which archeological resources appear when ADOT draws/decides on its selection of alternatives to consider further. If ADOT sees a known National Register historic property on their constraints map, then hopefully they would think twice before even drawing an alternative that might include that resource.

I don't recommend that a programmatic agreement be executed prior to ADOT at least doing a records search for non-archeological cultural resources so that all parties have at least a conceptual idea as to the extent and type of historic resources that may be impacted by the project.

As previously noted, there are known National Register eligible/listed historic properties in the project corridor. I don't forsee the suggestion that ADPTdo a records search of known historic resources prior to executing a Programmatic Agreement as an unreasonable request. This should be a relatively easy and routine request for a large public agency as ADOT who carries out Section 106 responsibilities on a regular basis. However, I will defer to the SHPO for their opinion.

Thanx.

Barbara Stocklin
City of Phoenix, Historic Preservation Officer

KNeustadt@dot.state.az.us

09/09/2003 10:00 AM

To: Barbara Stocklin/MGR/PHX@PHXENT
cc: SLaine@dot.state.az.us
Subject: RE: Loop 202 , South Mountain, HA-AZ, NH-202-D(ADY), 202L MA 054 H5764 01L

Thank you for your response. The Class I inventory of historic properties for the South Mountain Corridor was a very preliminary document prepared by the Gila River Indian Community for planning purposes. Once the corridor is examined in light of the information provided in the Class I inventory and reviews done to address other environmental concerns, alternatives will be selected for further, more in-depth review. FHWA and ADOT recognize that the Class I overview was not complete with regards to non-archaeological historic sites, but are waiting until more information is known on the possible alternatives before conducting an in-depth cultural resources survey, including complete review of all historic property records, such as

SHPO, AZSITE and ASM, as well as pedestrian survey of the proposed alternatives.

I hope this addresses some of your concerns. I have forwarded your email to Serelle Laine, Historic Preservation Team Leader, so she may address your general concerns with the reports you have been receiving from ADOT. Please let me know if you have any further concerns and if the City of Phoenix will concur with the recommendation to develop a Programmatic Agreement for the South Mountain project to outline the process of dealing with adverse effects to historic properties that are likely to occur as a result of the project.

Thank you,
Kae

Kae Neustadt, MA
Historic Preservation Specialist
ADOT EEG
205 S. 17th Avenue, MD619E
Phoenix, AZ 85007
602/712-8148 (phone)
602/712-3066 (fax)
kneustadt@dot.state.az.us

-----Original Message-----
From: Barbara.Stocklin@phoenix.gov [mailto:Barbara.Stocklin@phoenix.gov]
Sent: Monday, September 08, 2003 4:19 PM
To: kneustadt@dot.state.az.us
Subject: Loop 202 , South Mountain, HA-AZ, NH-202-D(ADY), 202L MA 054 H5764 01L

Hi Kim.

My office received a Class I overview report of the proposed Loop 202 freeway corridor to identify previously identified cultural resources.

I have a number of concerns regarding this report:

+ There does not appear to be any efforts undertakens to identify non-archeological historic properties that have been previously identified or designated. I am aware of at least several known National Register eligible historic properties located within the corridor area, including the Webster Farmstead at 75th Avenue and Baseline Road (previously determined National Register eligible by the SHPO), South Mountain Park (may or may not be partially in the boundaries of the corridor study), and historic canals and canal laterals (need to confer with Bureau of Reclamation and Salt River Project).

+ A search of the National Register files of the Arizona State Historic Preservation Office and the CIty Historic Preservation Office for historic non-archeological properties does not appear to have occurred, and is needed "to identify previously recorded cultural resources" as stated in the cover letter.

+ In recent months, I have received various cultural resource reports from your office to review, and am concerned in general regarding the consistent lack of information on historic non-archeological resources - including buildings, structures, objects and districts in particular - in the front end of the planning process.

In summary, prior to completing a "Class I overview of the freeway to identify previously recorded cultural resources", I am recommending that additional work be done to identify previously identified historic non-archeological resources.

Thanx.

Barbara Stocklin, City Historic Preservation Officer

THE HOPI TRIBE

Hopi Cultural Preservation Office

Wayne Taylor, Jr.
Chairman

Caleb Johnson
Vice Chairman

September 10, 2003

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration, Arizona Division
400 E. Van Buren St., Suite 410
Phoenix, Arizona 85004

Re: Loop 202, South Mountain

Dear Mr. Hollis,

This letter is in response to your correspondence dated August 20, 2003, regarding the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As you know the Hopi Tribe appreciates FHWA's and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office understands that the project area has not yet been defined, and we have reviewed the enclosed *A Class I Overview of the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*, by the Gila River Indian Community Cultural Resources Management Program. We further understand that 301 cultural resources were identified as being within the proposed corridor, including two prehistoric sites listed on the National Register, 27 sites recommended as eligible, 15 sites recommended as ineligible, and 136 sites not evaluated.

Therefore, we concur that the likelihood is high that historic properties would be affected by this proposal, and look forward to further consultations once surveys of the preferred alternatives are completed and a Programmatic Agreement is being developed to address impacts. We also support ADOT's continuing use of the Gila River Indian Community Cultural Resources Management Program for the identification and mitigation of historic properties that will be adversely affected by this project.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: John Ravesloot, Barnaby Lewis, Gila River Indian Community Cultural Resources Management Program
Kae Neustadt, Arizona Department of Transportation
Arizona State Historic Preservation Office

P.O. Box 123 **KYKOTSMOVI, AZ 86039** **(928) 734-3000**

YAVAPAI

PRESCOTT ◆ INDIAN ◆ TRIBE

September 10, 2003

2003 SEP 12 PM 12:24

Mr. Robert E. Hollis
Division Administrator
USDOT, FHWA, Arizona Division
One Arizona Center, Suite 41D
400 E. Van Buren St.
Phoenix, AZ 85004

RE: HA-AZ, NH-202-D (ADY), 202L MA054 H5764 01L
Loop 202, South Mountain

Dear Mr. Hollis:

We have reviewed your letter dated August 20, 2003 regarding the above named project. Since this project lies in the South Mountain area we will defer to the tribes nearer to that area. If you have any questions regarding this matter please contact our Tribal Culture Research Director, Nancy Lee Hayden at (928) 445-8790 ext. 135.

Sincerely,

Ernest Jones, Sr.
President

EJS:lj:2003

530 E. MERRITT PRESCOTT, AZ 86301-2038 Phone 928-445-8790 FAX 928-778-9445

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

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Ms. Carol Heathington
Bureau of Reclamation
P.O. Box 81169
2222 W. Dunlap, Suite 330
Phoenix, Arizona 85069-1169

Dear Ms. Heathington:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

The scope of this project would involve the construction of a freeway to connect I-10 south of Phoenix to I-10 west of Phoenix. The project team is in the process of identifying potential project alternatives, but the area of potential effect (APE) has not yet been defined.

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Cashion site, are listed on the National Register of Historic Places (NRHP). An additional 27 sites were previously recommended as eligible for the NRHP. Fifteen (15) sites were identified as being previously recommended as ineligible to the NRHP. One hundred thirty-six (136) sites either were not evaluated for the NRHP eligibility or would require additional information in order to determine their NRHP eligibility. The Class I overview acknowledges the presence of prior survey data for the South Mountain corridor area and the need for further investigations into the eligibility of the historic properties identified within the corridor. FHWA recommends that future cultural resource survey and eligibility determinations be made once potential project alternatives are identified.

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Please review the enclosed report and the information provided in this letter. If you agree with FHWA's recommendation that this report serve as consultation initiation and that consultation regarding eligibility, area of potential effect, and project scope as well as effect, be continued once surveys of the preferred alternatives are completed and that a PA be developed to address potential impacts to historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Kae Neustadt, ADOT Historic Preservation Specialist at 602-712-8148 or email kneustadt@dot.state.az.us. Thank you.

Sincerely,

Robert E. Hollis
Division Administrator

Signature for BOR Concurrence

11 Sep 03
Date

Enclosure

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

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Mr. Todd Bostwick
Archaeologist
City of Phoenix
Pueblo Grande Museum
4619 E. Washington
Phoenix, Arizona 85034

Dear Mr. Bostwick:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

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Sincerely,

Robert E. Hollis
Division Administrator

T. D. Bostwick
Signature for City of Phoenix Concurrence

9-17-03
Date

Enclosure

City of Phoenix

Archaeology Section
Pueblo Grande Museum
4619 E. Washington St.
Phoenix, AZ 85034

Report Review Form

Project No.: ADOT **Date Report Submitted: 9-5-03**

Report Title: A Class I Overview of the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona.

XDraft **Final**

Author: Damon Burden **Firm:** GRIC

Action: **Accepted** **More Information Requested** **XRevise & Resubmit**

Comments: On the abstract page under agency, it should read Phoenix Parks and Recreation Department. Library is now its own separate Department. On page 2-14, third paragraph, please add river after lower salt and before valley. On page 2-15, first paragraph, the second sentence should read like this, For example, habitation sites comprised o f c ourtyard groups focusing o n a m utual e xtramural w ork a reas b ecome a common settlement organizational pattern. In figure 5.3 does the legend explain what the colors of the sites stand for or for the colors of their boundaries? Please add something in the legend to explain this. Figure 5.4 and 5.5 need the same clarification that figure 5.3 does. On page 5-14, last paragraph, please add river between Salt and Valley. Also on the same p age p lease r eplace i s w ith a re after examples. Please add Bostwick (2002) and Stubing et al (2000) to your references cited section. Also add these references and projects to the table you have on previous research in section 3.1.

Recommendations: P lease revise report accordingly and send the City Archaeologist one final bound copy.

2003 SEP 22 AM 7:49

Reviewed By: Robert A. Serocki Jr. and Todd W. Bostwick, Ph.D. TWB **Date: 9-17-03**

Saving the past for the future...

References to be added:

Stubing, Michael, Chris T. Wenker, John M. Lindly, Ph.D., and Douglas Mitchell
2000 *Archaeological Testing at Site AZ T:12:117 (ASM) for the Foothills Reserve Development, Phoenix, Arizona.* SWCA Cultural Resource Report No. 00-91.

Bostwick, Ph.D., Todd and Peter Krocek
2002 *Landscape of the Spirits: Hohokam Rock Art at South Mountain Park.* University of Arizona Press.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
ARIZONA DIVISION
One Arizona Center, Suite 410
400 E. Van Buren St.
Phoenix, AZ. 85004
August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

David Jacobs, Ph.D.
Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 W. Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

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Sincerely,

Robert E. Hollis
Division Administrator

Signature for SHPO Concurrence

19 SEPT 03
Date

Enclosure

* Current submittal failed to mention some significant historic properties within corridor area.

Cc: Kae Neustadt, ADOT

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

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Ms. Connie Stone, Archaeologist
Bureau of Land Management
Phoenix Field Office
21605 N 7th Ave
Phoenix, Arizona 85027

Dear Ms. Stone:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

The scope of this project would involve the construction of a freeway to connect I-10 south of Phoenix to I-10 west of Phoenix. The project team is in the process of identifying potential project alternatives, but the area of potential effect (APE) has not yet been defined.

The GRIC Cultural Resources Management Program performed a Class I overview of the freeway corridor to identify previously recorded cultural resources. The results of the Class I overview are presented in a draft report entitled *"A Class I Overview of the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Burden 2002) and is enclosed for your review.

A total of 301 cultural resources were identified as being within the proposed project corridor. Two of these cultural resources, sites AZ T:12:9(ASM), the Villa Buena site, and site AZ T:11:39(ASM), the

Cashion site, are listed on the National Register of Historic Places (NRHP). An additional 27 sites were previously recommended as eligible for the NRHP. Fifteen (15) sites were identified as being previously recommended as ineligible to the NRHP. One hundred thirty-six (136) sites either were not evaluated for the NRHP eligibility or would require additional information in order to determine their NRHP eligibility. The Class I overview acknowledges the presence of prior survey data for the South Mountain corridor area and the need for further investigations into the eligibility of the historic properties identified within the corridor. FHWA recommends that future cultural resource survey and eligibility determinations be made once potential project alternatives are identified.

As a cultural resources survey has not yet occurred for this project, FHWA is not currently making any recommendations of project effect. As additional information regarding the project alternatives, project scope, and historic properties becomes available, it will be provided to your agency through continued Section 106 consultation. However, because the likelihood is high that historic properties would be affected, FHWA proposes that a Programmatic Agreement (PA) be developed to address the effects of the project as they become known.

Please review the enclosed report and the information provided in this letter. If you agree with FHWA's recommendation that this report serve as consultation initiation and that consultation regarding eligibility, area of potential effect, and project scope as well as effect, be continued once surveys of the preferred alternatives are completed and that a PA be developed to address potential impacts to historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Kae Neustadt, ADOT Historic Preservation Specialist at 602-712-8148 or email kneustadt@dot.state.az.us. Thank you.

Sincerely,

Robert E. Hollis
Division Administrator

Connie L. Stone, Ph.D.
Signature for BLM Concurrence

Sept. 22, 2003
Date

Enclosure

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

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Mr. Garry Cantley, Archaeologist
Bureau of Indian Affairs
BIA-WRO/EQS
P.O. Box 10
Phoenix, Arizona 85001

Dear Mr. Cantley:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

The scope of this project would involve the construction of a freeway to connect I-10 south of Phoenix to I-10 west of Phoenix. The project team is in the process of identifying potential project alternatives, but the area of potential effect (APE) has not yet been defined.

The GRIC Cultural Resources Management Program performed a Class I overview of the freeway corridor to identify previously recorded cultural resources. The results of the Class I overview are presented in a draft report entitled *"A Class I Overview of the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Burden 2002) and is enclosed for your review.

A total of 301 cultural resources were identified as being within the proposed project corridor. Two of these cultural resources, sites AZ T:12:9(ASM), the Villa Buena site, and site AZ T:11:39(ASM), the

Cashion site, are listed on the National Register of Historic Places (NRHP). An additional 27 sites were previously recommended as eligible for the NRHP. Fifteen (15) sites were identified as being previously recommended as ineligible to the NRHP. One hundred thirty-six (136) sites either were not evaluated for the NRHP eligibility or would require additional information in order to determine their NRHP eligibility. The Class I overview acknowledges the presence of prior survey data for the South Mountain corridor area and the need for further investigations into the eligibility of the historic properties identified within the corridor. FHWA recommends that future cultural resource survey and eligibility determinations be made once potential project alternatives are identified.

As a cultural resources survey has not yet occurred for this project, FHWA is not currently making any recommendations of project effect. As additional information regarding the project alternatives, project scope, and historic properties becomes available, it will be provided to your agency through continued Section 106 consultation. However, because the likelihood is high that historic properties would be affected, FHWA proposes that a Programmatic Agreement (PA) be developed to address the effects of the project as they become known.

Please review the enclosed report and the information provided in this letter. If you agree with FHWA's recommendation that this report serve as consultation initiation and that consultation regarding eligibility, area of potential effect, and project scope as well as effect, be continued once surveys of the preferred alternatives are completed and that a PA be developed to address potential impacts to historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Kae Neustadt, ADOT Historic Preservation Specialist at 602-712-8148 or email kneustadt@dot.state.az.us. Thank you.

Sincerely,

Robert E. Hollis
Division Administrator

Signature for BIA Concurrence

OCT 27 2003
Date

Enclosure

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

Environmental Compliance
Environmental Services

August 20, 2003

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
202L MA 054 H5764 01L
Loop 202, South Mountain
Initial Section 106 Consultation

Mr. Rick Anduze
Archaeologist
Salt River Project
M.S. PAB 355
P.O. Box 5625
Phoenix, Arizona 85072-2025

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been decided, land ownership of the project area is not yet known. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

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As a cultural resources survey has not yet occurred for this project, FHWA is not currently making any recommendations of project effect. As additional information regarding the project alternatives, project scope, and historic properties becomes available, it will be provided to your agency through continued Section 106 consultation. However, because the likelihood is high that historic properties would be affected, FHWA proposes that a Programmatic Agreement (PA) be developed to address the effects of the project as they become known.

Please review the enclosed report and the information provided in this letter. If you agree with FHWA's recommendation that this report serve as consultation initiation and that consultation regarding eligibility, area of potential effect, and project scope as well as effect, be continued once surveys of the preferred alternatives are completed and that a PA be developed to address potential impacts to historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Kae Neustadt, ADOT Historic Preservation Specialist at 602-712-8148 or email kneustadt@dot.state.az.us. Thank you.

Sincerely,

Robert E. Hollis
Division Administrator

Ray Dedalt
Signature for SRP Concurrence

11/10/03
Date

Enclosure

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Bill Higgins
Acting State Engineer

December 9, 2003

Steve Ross
Cultural Resource Manager
Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Continuing Section 106 Consultation

Dear Mr. Ross:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find the PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

Kae Neustadt
Historic Preservation Specialist
Environmental & Enhancement Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

_____ _____
Signature for ASLD Concurrence Date

Enclosure

c: SThomas
WVachon

The previous letter was also sent to:
Ms. Connie Stone, Archaeologist, Bureau of Land Management
Mr. John Czaplick, Bureau of Reclamation
Dr. Todd Bostwick, Archaeologist, City of Phoenix
Ms. Barbara Stocklin, Historic Preservation Office, City of Phoenix
Mr. Rick Anduze, Archaeologist, Salt River Project
Dr. David Jacobs, Ph.D., Compliance Specialist, State Historic Preservation Office
Mr. Richard Narcia, Governor , Gila River Indian Community
Mr. Leigh Kuwanwisiwma, Cultural Preservation Office, Hopi Tribe

THE HOPI TRIBE

Wayne Taylor, Jr.
CHAIRMAN

Caleb Johnson
VICE-CHAIRMAN

December 11, 2003

Kae Neustadt, Historic Preservation Specialist
Arizona Department of Transportation, Environmental & Enhancement Group
206 South 17th Avenue, Room 213E, Mail Drop 619E
Phoenix, Arizona 85007-3213

Re: Loop 202; South Mountain, Draft Programmatic Agreement

Dear Ms. Neustadt,

This letter is in response to your correspondence with an enclosed draft Programmatic Agreement dated December 9, 2003, regarding the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As you know, the Hopi Tribe appreciates FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

In a letter dated September 10, 2003, in response to a correspondence from the Federal Highway Administration dated August 20, 2003, the Hopi Cultural Preservation Office reviewed the cultural resources overview report for this project by the Gila River Indian Community that identifies 301 cultural resources within the proposed project corridor. We stated we support the continuing use of the Gila River Indian Community Cultural Resources Management Program for the identification and mitigation of historic properties that will be adversely affected by this project.

We note that the Gila River Indian Community is a party in the enclosed draft Programmatic Agreement, and therefore we defer to the Gila River Indian Community as a party to the Programmatic Agreement. However, we request to be provided copies of the cultural resource surveys, archaeological treatment plans, and archeological reports for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for consulting with the Hopi Tribe.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: John Ravesloot, Barnaby Lewis, Gila River Indian Community Cultural Resources Program
Arizona State Historic Preservation Office

P.O. BOX 123 — KYKOTSMOVI, AZ. — 86039 — (928) 734-3000

ADOT

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Bill Higgins
Acting State Engineer

December 9, 2003

Todd Bostwick
Archaeologist
City of Phoenix
Pueblo Grande Museum
4619 E. Washington
Phoenix, AZ 85034

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Continuing Section 106 Consultation

Dear Mr. Bostwick:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find the PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

Kae Neustadt
Historic Preservation Specialist
Environmental & Enhancement Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Todd Bostwick
Signature for COP Concurrence

12-17-03
Date

Enclosure

c: SThomas
WVachon

United States Department of the Interior

BUREAU OF RECLAMATION
Phoenix Area Office
PO Box 81169
Phoenix, Arizona 85069-1169

IN REPLY REFER TO:
PXAO-1500
ENV-3.00

DEC 18 2003

Ms. Kae Neustadt
Historic Preservation Specialist
Arizona Department of Transportation
Environmental & Enhancement Group
205 South 17th Avenue, Room 213E/MD 619E
Phoenix, Arizona 85007

Subject: Draft Programmatic Agreement (PA) Loop 2002, South Mountain – Project No. NH-202-D(ADY); TRACS No. 202L MA 054 H5764 01L

Dear Ms. Neustadt:

We have reviewed the subject PA and have several comments. On page 2, the seventh WHERAS dealing with treatment of human remains under NAGPRA applies only to remains found on federally-owned lands. The last WHEREAS should refer to State and private lands only; a permit issued by the Arizona State Museum is not valid on federally-owned land. Another WHEREAS should be added that addresses permitting on Federal lands under the Archaeological Resource and Protection Act (ARPA). In this particular case, an ARPA permit from Reclamation is required for any archaeological activity on lands under Reclamation's jurisdiction.

On page 5 under Item "9. Curation," all records and materials from archaeological investigations conducted on lands under Reclamation's jurisdiction shall be curated at the Huhugam Heritage Center (HHC), Gila River Indian Reservation. In January 2004, Reclamation's temporary curatorial facility in Tucson (the Central Arizona Project Repository) will close,and the collections will be moved to the new permanent repository at the HHC. The HHC will serve as Reclamation's new curation facility for all future Reclamation cultural resource activities.

Item "12. Discoveries" on page 12 must be changed to reflect that in the case of discovery situations on lands under the jurisdiction of Reclamation, the Phoenix Area Office archaeological staff shall be notified immediately. This is especially true in cases involving potential or known human remains, in which case Reclamation is responsible for consultation under NAGPRA.

Thank you for the opportunity to review and comment on the draft PA. We would appreciate the chance to review the revised PA prior to signing the final version. If you have questions, please contact staff Archaeologist Jon S. Czaplicki at 602-216-3862.

Sincerely,

Bruce D. Ellis
Chief, Environmental Resource
Management Division

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Bill Higgins
Acting State Engineer

December 9, 2003

Connie Stone, Archaeologist
Bureau of Land Management
Phoenix Field Office
21605 N 7th Ave
Phoenix, AZ 85027

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Continuing Section 106 Consultation

Dear Ms. Stone:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find the PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

Kae Neustadt
Historic Preservation Specialist
Environmental & Enhancement Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Connie L. Stone
Signature for BLM Concurrence

Dec. 30, 2003
Date

Enclosure Archaeologist

c: SThomas
WVachon

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Bill Higgins
Acting State Engineer

December 9, 2003

David Jacobs, Ph.D.
Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 W Washington
Phoenix, AZ 85007

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Continuing Section 106 Consultation

Dear Dr. Jacobs

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find the PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

Kae Neustadt
Historic Preservation Specialist
Environmental & Enhancement Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Signature for SHPO Concurrence

12JAN04
Date

Enclosure

c: SThomas
WVachon

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

March 4, 2004

IN REPLY REFER TO
HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Council notification

Ms. Jane Crisler
Historic Preservation Specialist
Advisory Council on Historic Preservation
12136 W. Bayaud Avenue
Suite 330
Lakewood, Colorado 80228

Dear Ms. Crisler:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix with I-10 south of Phoenix. As this project is qualified for federal-aid funding, it is considered an undertaking subject to Section 106 review. Because alternatives have not yet been determined, land ownership for the project is not yet known. Consulting parties for this project include FHWA, ADOT, SHPO, the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Western Area Power Administration (WAPA), the Bureau of Reclamation (BOR), the Arizona State Land Department (ASLD), the Cities of Phoenix, Avondale, Tolleson and Chandler, the Salt River Project (SRP), Roosevelt Irrigation District, the Gila River Indian Community (GRIC), the Ak Chin Indian Community, the Salt River Pima-Maricopa Indian Community (SRPMIC), the Tohono O'odham Nation, the Hopi Tribe, the Yavapai-Prescott Tribe and the Yavapai Apache Nation.

The scope of this project would involve the construction of a freeway to connect I-10 south of Phoenix to I-10 west of Phoenix. The project team is in the process of identifying potential project alternatives, and the area of potential effect (APE) has not yet been defined.

Because of the scope of the project, it is unlikely that the project would avoid all historic properties. Consultation with the SHPO recommended the development of a Programmatic Agreement (PA) to address the effects of the project on any historic properties as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003, enclosed).

The purpose of this letter is to notify the Advisory Council on Historic Preservation and to determine Council participation pursuant to 36 CFR § 800.6(1). Attached to this letter is documentation specified in § 800.11(e). Please review this information and if the Council plans to participate in consultation, inform us within 15 days of receipt of this notice. If there is any

additional information you require for this project or if you have any questions or comments, please contact Kae Neustadt at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure
cc:
SThomas
WVachon
KNeustadt (619E)
SDT:cdm

Preserving America's Heritage

March 30, 2004

Robert E. Hollis
Division Administrator
Federal Highway Administration
Arizona Division
One Arizona Center, Suite 410
400 E. Van Bureau St.
Phoenix, AZ 85004

RE: *Proposed Programmatic Agreement Regarding Construction of a loop highway between Interstate 10 (I-10) west of Phoenix and I-10 south of Phoenix.*

Dear Mr. Hollis:

On March 12, 2004, we received your notification and supporting documentation regarding the FHWA's intent to develop a Programmatic Agreement (PA) with the Arizona State Historic Preservation Officer (SHPO) and other parties regarding the construction of a loop highway between I-10 west of Phoenix and I-10 south of Phoenix. We appreciate your notifying the ACHP early in planning, but at present there is not enough information available about the historic properties that may be affected to determine if the ACHP's participation is warranted. We encourage you to proceed to develop the PA in consultation with the SHPO and other parties without our participation. As consultation proceeds, please notify us if any of the criteria for ACHP involvement appear to be met.

The criteria for ACHP involvement are included in Appendix A of our regulations (36 CFR Part 800). According to these criteria, the ACHP is likely to participate in consultation when the undertaking:

(1) Has substantial impacts on important historic properties;
(2) Presents important questions of policy or interpretation;
(3) Has the potential for presenting procedural problems; or
(4) Presents issues of concern to Indian tribes or Native Hawaiian organizations.

If none of these criteria apply, you will need to file the final PA, developed in consultation with the Arizona State Historic Preservation Officer (SHPO), Arizona Department of Transportation (ADOT), and other parties, at the conclusion of the consultation process pursuant to 36 CFR 800.6(b)(1)(iv). Please also provide us at that time with a description of the undertaking, including maps and illustrations as needed, the views of consulting parties and the public, and any additional information you feel appropriate. The filing of this PA with the ACHP is required in order for the FHWA to complete its compliance responsibilities under Section 106 of the National Historic Preservation Act.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
Phone: 303-969-5110 • Fax: 303-969-5115 • achp@achp.gov • www.achp.gov

Thank you for providing us with your notification. If you have any questions, please contact Carol Legard at (303) 969-5110 or via E-mail at clegard@achp.gov.

Sincerely,

Carol Legard

Carol Legard
FHWA Liaison
Office of Federal Agency Programs

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Bill Higgins
Acting State Engineer

December 9, 2003

Rick Anduze
Archaeologist
Salt River Project
M.S. PAB 355
P.O. Box 5625
Phoenix, AZ 85072-2025

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
Loop 202; South Mountain
Continuing Section 106 Consultation

Dear Mr. Anduze:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway between Interstate 10 (I-10) west of Phoenix to the I-10 south of Phoenix. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 19, 2003).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find the PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8148 or via email at kneustadt@dot.state.az.us. Thank you.

Sincerely,

Kae Neustadt
Historic Preservation Specialist
Environmental & Enhancement Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Ray Hadrick
Signature for SRP Concurrence

4/1/04
Date

Enclosure

c: SThomas
WVachon

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

John A. Bogert
Chief of Staff

July 1, 2005

Mr. Steve Ross, Archaeologist
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report
Second Draft Programmatic Agreement

Dear Mr. Ross:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan

Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: *"A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Darling 2005), which is enclosed for consultation and discussed below.

- Addendum Class I overview and Addendum Class III survey to address the expansion (late 2004 and early 2005) of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments. These two additional reports will be forthcoming as part of the Section 106 consultations. The results of these two studies will be provided in the near future.

The initial alternative alignments, defined in March 2003, were surveyed by the Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP). The results are reported in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), which is enclosed for your review and comment. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

- AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) are prehistoric Hohokam villages with existing and/or historically documented public architecture. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the village structure and the development of irrigation communities south of the Salt River.

Arizona Governor's Award for Quality
2001 Award Recipient

- AZ T:11:164 (ASM), AZ T:12:91 (ASM), AZ T:12:127 (ASM) (Baseline Ruin), AZ T:12:202 (ASM), AZ T:12:203 (ASM), AZ T:12:204 (ASM), AZ T:12:205 (ASM), and AZ T:12:206 (ASM) are prehistoric Hohokam artifact scatters. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the development and structure of irrigation communities.

- AZ T:12:197 (ASM), AZ T:12:201 (ASM), and AZ T:12:211 (ASM) are trail sites with associated features (age and cultural affiliation unknown, but likely Native American in origin). AZ T:12:207 (ASM) is a prehistoric trail site with an associated Hohokam artifact scatter. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including social mobility and transportation networks.

- AZ T:12:210 (ASM) is a prehistoric quarry (age and cultural affiliation unknown, but likely Native American in origin). The site is recommended as eligible for the NRHP under Criterion D for its potential to provide important information prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including lithic resource procurement and ground stone technology.

- AZ T:12:199 (ASM) and AZ T:12:200 (ASM) are historic O'odham artifact scatters. AZ T:12:199 (ASM) is recommended as eligible for the NRHP under Criterion D for its potential to provide important information on historical-period O'odham settlement and land use near the confluence of the Gila and Salt Rivers, including the use of upland areas for subsistence and religious practices. AZ T:12:200 (ASM) is recommended as not eligible for the NRHP due to a lack of integrity and information potential.

- AZ T:12:198 (ASM) and AZ T:12:208 (ASM) are prehistoric petroglyph sites with historic components. The sites are considered eligible to the NRHP under Criterion D for their potential to provide important information of prehistoric Hohokam and historic O'odham settlement and land use at the confluence of the Gila and Salt Rivers, including the use of upland areas for religious practices.

- AZ T:10:83 (ASM) (Roosevelt Canal) and AZ T:12:154 (ASM) (Western Canal) are historic American irrigation canals. Both sites have previously been determined eligible for the NRHP under Criterion A for their important associations with the development of Arizona's agricultural industry and irrigation networks.

All sites are located on private land, except for AZ T:10:83 (ASM) – Roosevelt Irrigation District; AZ T:12:154 (ASM) – Bureau of Reclamation / Salt River Project; AZ T:12:207 (ASM) – City of Phoenix, Park and Recreation; and AZ T:12:211 (ASM) – Arizona State Land Department. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

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2001 Award Recipient

In addition, FHWA/ADOT is recirculating a second draft Programmatic Agreement (PA, enclosed) because few tribes opted to participate in the PA when it was originally circulated in August 2003. This recirculation will allow the tribes another opportunity to participate in the PA. This second draft PA has been edited to address any comments from the first draft as well as to also addresses TCP properties more specifically.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed survey report, PA, and information provided in this letter. If you find the survey report adequate, agree with the eligibility recommendation for site AZ T:12:211 (ASM), and find the second draft PA acceptable, please sign below to indicate your concurrence and return to ADOT within 30 days. If you have any comments or changes to request for the PA, please respond in writing. We look forward to continuing consultation with your office as we develop the final PA to address project effects as the environmental documentation continues. If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

_____ _____

Signature for ASLD Concurrence Date

cc: SThomas (FHWA); WVachon (FHWA)

This letter was also sent to:
Mr. Garry Cantley, Western Regional Archaeologist, Bureau of Indian Affairs
Dr. Connie Stone, Archaeologist, Bureau of Land Management
Mr. Richard Boston, Archaeologist, Bureau of Reclamation
Mr. Todd Bostwick, Archaeologist, City of Phoenix
Mr. Rick Anduze, Archaeologist, Salt River Project
Dr. David Jacobs, Compliance Specialist, State Historic Preservation Office

Arizona Governor's Award for Quality
2001 Award Recipient

U.S. Department of Transportation
Federal Highway Administration

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

July 7, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Draft Programmatic Agreement

Mr. Terry Enos, Chair
Ak-Chin Indian Community
42507 W. Peters & Nall Rd.
Maricopa, Arizona 85239

Dear Chairperson Enos:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), Salt River Project (SRP), Roosevelt Irrigation District (RID), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

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The Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP) conducted a Class III cultural resources survey of the proposed alternative alignments. The results of the GRIC-CRMP survey are presented in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), which is enclosed for your review. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

Because of the presence of the South Mountain Range and because areas of traditional cultural significance are not always identified through archaeological surveys, FHWA would like to request your participation in discussions regarding the potential effects to such resources that could result from the South Mountain Freeway project.

At this time, FHWA is inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns.

Additionally, FHWA is in the process of finalizing the South Mountain Corridor Programmatic Agreement (PA) to address project effects as the environmental documentation continues. The original draft PA was circulated in August 2003. At that time few tribes opted to participate. FHWA is re-circulating the draft PA (enclosed) and would like to offer another opportunity for your tribe/community to participate in the PA. Please sign below if you would like to be included as a Concurring Party to the PA and return to FHWA within in 30 days.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your tribe/community through continued Section 106 consultation. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Serelle E. Laine at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____

Signature for Ak-Chin Indian Community Concurrence — Date

Enclosures under separate cover (Chair: map and Programmatic Agreement)
cc:
Nancy Nelson, Archaeologist, Ak-Chin Indian Community, 47685 N. Eco Museum Rd., Maricopa, AZ 85239 (Enclosures under separate cover: map, site table, Programmatic Agreement, and cultural resources survey report)
SThomas, WVachon, SLaine (619E), REllis (619E)
SDThomas:cdm

The previous letter was also sent to:

Mr. Edward Smith, Chairman, Chemehuevi Indian Tribe
Ms. Sherry Cordova, Chairwoman, Cocopah Indian Tribe
Mr. Daniel Eddy, Jr., Chairman, Colorado River Indian Tribe
Mr. Ralph Bear, President, Fort McDowell Yavapai Nation
Ms. Nora McDowell, Chairwoman, Fort Mojave Tribe
Mr. Mike Jackson, Sr., President, Fort Yuma-Quechan Tribe
Mr. Richard Narcia, Governor, Gila River Indian Community
Mr. Don Watahonigie, Chairman, Havasupai Tribe
Mr. Leigh Kuwanisiwma, Cultural Preservation Office, Hopi Tribe
Ms. Loretta Jackson, Tribal Historic Preservation Office, Hualapai Tribe
Ms. Carmen Bradley, Chair, Kaibab Band of Paiute Indians
Mr. Alan Downer, Ph.D., Tribal Historic Preservation Officer, Navajo Nation Historic Preservation Department
Ms. Herminia Frias, Chairwoman, Pascua Yaqui Tribe
Mr. Arden Quewakia, Governor, Pueblo of Zuni
Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community
Ms. Kathleen Wesley-Kitcheyan, Chairwoman, San Carlos Apache Nation
Mr. John Lehi, Sr., President, San Juan Southern Paiute
Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation
Mr. Joe Joaquin, Cultural Resource Specialist, Tohono O'odham Nation
Mr. Ivan Smith, Chairman, Tonto Apache Tribe
Mr. Dallas Massey, Sr., Chairman, White Mountain Apache Tribe
Ms. Jamie Fullmer, Chairman, Yavapai-Apache Nation
Mr. Ernest Jones, Sr., President, Yavapai-Prescott Indian Tribe

Arizona State Parks

"Managing and conserving natural, cultural, and recreational resources"

July 11, 2005

Serelle Laine
Historic Preservation Coordinator
Environmental and Enhancement Group
Arizona Department of Transportation
205 South 17th Avenue Room 213E
Phoenix, AZ 85007-3212

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report; Draft PA
SHPO-2003-1890 (24603)

Janet Napolitano
Governor

State Parks Board Members

Chair
Elizabeth Stewart
Tempe

William C. Porter
Kingman

William Cordasco
Flagstaff

Janice Chilton
Payson

William C. Scalzo
Phoenix

John U. Hays
Yarnell

Mark Winkleman
State Land Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from (520 & 928) area codes

General Fax: 602.542.4180

Director's Office Fax: 602.542.4188

Dear Ms. Laine:

Thank you for consulting with this office regarding the cultural resources survey report and the second draft of a Programmatic Agreement (PA) associated with the South Mountain Transportation Corridor pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800. We have reviewed the submitted materials and offer the following comments.

The submitted cultural resource report [*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*] by J. Andrew Darling identified 21 sites and 191 Isolated Occurrences (IOs). One of sites [i.e., AZ T:12:200 (ASM)] is recommended as ineligible, and well as all of the IOs. Many of the IOs should be reconsidered as parts of larger entities, such as known prehistoric habitation sites, canals, and avenues of travel.

For instance, the report grouped some of the IOs into twelve IO clusters in "areas where numerous artifacts co-occur but in concentrations less than would merit an archaeological site designation (Darling 2005:4-13)." One of these areas is noted in association with several prehistoric trails and trail sites (Darling 2005:4-14), with the additional comment that some of these trails continue to be used by GRIC today. It is suggested that these associations be distinguished with the assignment of a linear site number to the trail in question, and the IOs linked as features to their associated site. This will help guarantee, as Darling (2005:5-12) notes, that investigations of these non-site features "include detailed surface studies or subsurface investigations."

Regarding eligibility recommendations, besides the above comments about IOs, two of the identified historic properties are historic period canals. Both AZ T:10:83 (ASM), the Roosevelt Canal, and AZ T;12:154 (ASM), the Western Canal, are recommended as eligible under Criterion "d", however, our records suggest Criterion "a" should also be considered.

The submitted draft PA contains provisions for federal, state, and private land, but not tribal land? Twenty-three tribal groups are listed on the first page of the draft PA, yet if any tribal land is involved in the area of potential effect (which is not defined in the draft PA document), then the tribal interactions will change.

One specific concern about the draft PA involves the number of days consulting parties will have from receipt to review and provide comments. The number of days is not mentioned in the first several stipulations, however, Stipulation #4 regarding data recovery work plans states 30 calendar days' review. Stipulation #11 of the draft PA deals with additional inventory survey and the number of calendar days provided for resolution of any disagreement, and the suggested twenty days seems inappropriate.

We do appreciate your cooperation with this office in considering the impacts of federal undertakings on cultural resources situated in Arizona, and we look forward to reviewing the revised data recovery report. If you have any questions, please contact me at (602) 542-7140 or electronically via djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

U.S. Department of Transportation
Federal Highway Administration

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

July 7, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Draft Programmatic Agreement

Mr. Arden Quewakia, Governor
Pueblo of Zuni
P. O. Box 339
Zuni, New Mexico 87327

Dear Governor Quewakia:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), Salt River Project (SRP), Roosevelt Irrigation District (RID), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

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At this time, FHWA is inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns.

Additionally, FHWA is in the process of finalizing the South Mountain Corridor Programmatic Agreement (PA) to address project effects as the environmental documentation continues. The original draft PA was circulated in August 2003. At that time few tribes opted to participate. FHWA is re-circulating the draft PA (enclosed) and would like to offer another opportunity for your tribe/community to participate in the PA. Please sign below if you would like to be included as a Concurring Party to the PA and return to FHWA within in 30 days.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your tribe/community through continued Section 106 consultation. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Serelle E. Laine at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Robert E. Hollis
Division Administrator

Signature for Pueblo of Zuni Concurrence

7-12-05
Date

Enclosures under separate cover: (Governor: map and Programmatic Agreement)
cc:
Jonathan Damp, Archaeologist, Pueblo of Zuni, Cultural Resources Enterprise, P.O. Box 1149, Zuni, NM, 87328 (Enclosures under separate cover: map, site table, Programmatic Agreement, and cultural resources survey report)

United States Department of the Interior

BUREAU OF RECLAMATION
Phoenix Area Office
P.O. Box 81169
Phoenix, Arizona 85069-1169

IN REPLY REFER TO:
PXAO-1500
ENV-3.00

JUL 12 2005

Ms. Serrelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue
Rm. 213E, Mail Drop 619E
Phoenix, Arizona 85007-3213

Subject: Project No: NH-202-D(ADY), TRACS No. 202L MA H5764 01L, South Mountain Transportation Corridor

Dear Ms. Laine:

We have reviewed the report titled, "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005)," and find it complete and adequate with one minor revision. The summary of Site Eligibility on page 5-21, paragraph 5, should indicate that the Western Canal AZ T:12:154 (ASM) has been determined eligible for listing on the National Register of Historic Places.

We have also reviewed the second draft Programmatic Agreement for the project and look forward to signing as a concurring party. If you any questions, please do not hesitate to call Mr. Richard Boston at 602-216-3941.

Sincerely,

Bruce D. Ellis
Chief, Environmental Resource
Management Division

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

John A. Bogert
Chief of Staff

July 1, 2005

Mr. Todd Bostwick, Archaeologist
City of Phoenix
Pueblo Grande Museum
4619 E. Washington
Phoenix, Arizona 85034

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report
Second Draft Programmatic Agreement

Dear Mr. Bostwick:

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The initial alternative alignments, defined in March 2003, were surveyed by the Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP). The results are reported in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), which is enclosed for your review and comment. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

- AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) are prehistoric Hohokam villages with existing and/or historically documented public architecture. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the village structure and the development of irrigation communities south of the Salt River.

Arizona Governor's Award for Quality
2001 Award Recipient

- AZ T:11:164 (ASM), AZ T:12:91 (ASM), AZ T:12:127 (ASM) (Baseline Ruin), AZ T:12:202 (ASM), AZ T:12:203 (ASM), AZ T:12:204 (ASM), AZ T:12:205 (ASM), and AZ T:12:206 (ASM) are prehistoric Hohokam artifact scatters. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the development and structure of irrigation communities.

- AZ T:12:197 (ASM), AZ T:12:201 (ASM), and AZ T:12:211 (ASM) are trail sites with associated features (age and cultural affiliation unknown, but likely Native American in origin). AZ T:12:207 (ASM) is a prehistoric trail site with an associated Hohokam artifact scatter. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including social mobility and transportation networks.

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- AZ T:12:199 (ASM) and AZ T:12:200 (ASM) are historic O'odham artifact scatters. AZ T:12:199 (ASM) is recommended as eligible for the NRHP under Criterion D for its potential to provide important information on historical-period O'odham settlement and land use near the confluence of the Gila and Salt Rivers, including the use of upland areas for subsistence and religious practices. AZ T:12:200 (ASM) is recommended as not eligible for the NRHP due to a lack of integrity and information potential.

- AZ T:12:198 (ASM) and AZ T:12:208 (ASM) are prehistoric petroglyph sites with historic components. The sites are considered eligible to the NRHP under Criterion D for their potential to provide important information of prehistoric Hohokam and historic O'odham settlement and land use at the confluence of the Gila and Salt Rivers, including the use of upland areas for religious practices.

- AZ T:10:83 (ASM) (Roosevelt Canal) and AZ T:12:154 (ASM) (Western Canal) are historic American irrigation canals. Both sites have previously been determined eligible for the NRHP under Criterion A for their important associations with the development of Arizona's agricultural industry and irrigation networks.

All sites are located on private land, except for AZ T:10:83 (ASM) – Roosevelt Irrigation District; AZ T:12:154 (ASM) – Bureau of Reclamation / Salt River Project; AZ T:12:207 (ASM) – City of Phoenix, Park and Recreation; and AZ T:12:211 (ASM) – Arizona State Land Department. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

Arizona Governor's Award for Quality
2001 Award Recipient

Bostwick
July 1, 2005
Page 4 of 6

In addition, FHWA/ADOT is recirculating a second draft Programmatic Agreement (PA, enclosed) because few tribes opted to participate in the PA when it was originally circulated in August 2003. This recirculation will allow the tribes another opportunity to participate in the PA. This second draft PA has been edited to address any comments from the first draft as well as to also addresses TCP properties more specifically.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed survey report, PA, and information provided in this letter. If you find the survey report adequate, agree with the eligibility recommendation for site AZ T:12:207 (ASM), and find the second draft PA acceptable, please sign below to indicate your concurrence and return to ADOT within 30 days. If you have any comments or changes to request for the PA, please respond in writing. We look forward to continuing consultation with your office as we develop the final PA to address project effects as the environmental documentation continues. If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Todd Bostwick

Signature for City of Phoenix Concurrence

7-18-05

Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

City of Phoenix
PARKS AND RECREATION DEPARTMENT

Archaeology Section
Pueblo Grande Museum
4619 E. Washington St.
Phoenix, AZ 85034

Report Review Form

Project No.: ADOT **Date Report Submitted: 7/5/05**

Report Title: A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona

Draft: X **Final:**

Author: Darling **Firm:** ADOT

Action: **Accepted** **More Information Requested** **X Revise & Resubmit**

Comments:

- Under Agency on the Abstract page (i): Other agencies should be listed here (SHPO, COP, Tribes, other cities, etc.).
- Under the Introduction, page 1-1, final paragraph, line 2: Insert the word *a* between *of* and *detailed.*
- Under the Introduction, page 1-1, final paragraph: The owners of the property on which the Class III survey was conducted should be listed.
- On Figure 1.1, page 1-2: Put *TO* (the projected freeway corridors) in the key. Also, why is TO5 not displayed in the figure (both here and in the rest of the report)?
- Under Project Location and Area of Potential Effect (APE), page 2-1, initial paragraph, final sentence: Please explain why there is no TO5 corridor.
- On Figure 2.1, page 2-3: Please cite which publication this chronology was adapted from.
- Under Field Methodology, page 3-1, initial paragraph, initial line: Insert *A* at the beginning of the initial sentence.
- On Figures 4.2 through Figure 4.7, pages 4-3 through 4-12, respectively: Please provide the reasons certain areas were not surveyed or refer the reader to a page where this information can be found.
- Under View 5—Laveen and Lone Butte Quadrangles (Alignments T01-T06), page 4-9, initial paragraph, second-to-last sentence: You mention that the APE crosses several ridges of South Mountain. It is worth noting that most of these ridges are within the South Mountain Preserve.
- Under Site Significance, page 5-7, final paragraph, sentence 5: How is it known that only "one other site in the South Mountains" contains prehistoric and historic petroglyphs? There are more of these sites that are known to the City of Phoenix Archaeology Office.

Saving the past for the future...

- An important reference not cited in this report is:
  Bostwick, Todd
  2001 Gold-Gold-Gold: The Rise and Fall of Mining in Phoenix's South Mountain Park. In *The Journal of Arizona History*, Spring 2001.

Recommendations:
Please revise the report accordingly and send one final bound copy of this report to the City of Phoenix Archaeology Office.

Reviewed By: Robert A. Serocki Jr. and Todd W. Bostwick, Ph.D. TB **Date: 7/19/05**

Collection to be submitted: No
Remarks: No collections were made.

U.S.Department of Transportation
Federal Highway Administration

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

July 7, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Draft Programmatic Agreement

Mr. Ernest Jones, Sr., President
Yavapai-Prescott Indian Tribe
530 E. Merritt
Prescott, Arizona 86301-2038

Dear President Jones:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), Salt River Project (SRP), Roosevelt Irrigation District (RID), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP) conducted a Class III cultural resources survey of the proposed alternative alignments. The results of the GRIC-CRMP

BUCKLE UP AMERICA

survey are presented in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), which is enclosed for your review. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

Because of the presence of the South Mountain Range and because areas of traditional cultural significance are not always identified through archaeological surveys, FHWA would like to request your participation in discussions regarding the potential effects to such resources that could result from the South Mountain Freeway project.

At this time, FHWA is inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns.

Additionally, FHWA is in the process of finalizing the South Mountain Corridor Programmatic Agreement (PA) to address project effects as the environmental documentation continues. The original draft PA was circulated in August 2003. At that time few tribes opted to participate. FHWA is re-circulating the draft PA (enclosed) and would like to offer another opportunity for your tribe/community to participate in the PA. Please sign below if you would like to be included as a Concurring Party to the PA and return to FHWA within in 30 days.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your tribe/community through continued Section 106 consultation. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Serelle E. Laine at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

The Yavapai-Prescott Indian Tribe does not wish to be a party to the Programmatic agreement for this project as it occurs entirely outside aboriginal Yavapai Territory. We defer to the southern tribes.

Signature for Yavapai-Prescott Indian Tribe Concurrence — Date

Scott Kwiatkowski, Tribal Anthropologist

22 July 2005

Enclosures under separate cover: (President: map and Programmatic Agreement)
cc:
Nancy Hayden, Director, Cultural Research Program, Yavapai-Prescott Indian Tribe (Enclosures under separate cover: map, site table, Programmatic Agreement, and cultural resources survey report)
SThomas, WVachon, SLaine (619E), REllis (619E)
SDThomas:cdm

ADOT

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

John A. Bogert
Chief of Staff

July 1, 2005

Dr. Connie Stone, Archaeologist
Bureau of Land Management
Phoenix Field Office
21605 N. 7th Ave.
Phoenix, Arizona 85027-2099

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report
Second Draft Programmatic Agreement

Dear Dr. Stone:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan

Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

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- Addendum Class I overview and Addendum Class III survey to address the expansion (late 2004 and early 2005) of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments. These two additional reports will be forthcoming as part of the Section 106 consultations. The results of these two studies will be provided in the near future.

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Arizona Governor's Award for Quality
2001 Award Recipient

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- AZ T:10:83 (ASM) (Roosevelt Canal) and AZ T:12:154 (ASM) (Western Canal) are historic American irrigation canals. Both sites have previously been determined eligible for the NRHP under Criterion A for their important associations with the development of Arizona's agricultural industry and irrigation networks.

All sites are located on private land, except for AZ T:10:83 (ASM) – Roosevelt Irrigation District; AZ T:12:154 (ASM) – Bureau of Reclamation / Salt River Project; AZ T:12:207 (ASM) – City of Phoenix, Park and Recreation; and AZ T:12:211 (ASM) – Arizona State Land Department. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

Arizona Governor's Award for Quality
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Stone
July 1, 2005
Page 4 of 6

In addition, FHWA/ADOT is recirculating a second draft Programmatic Agreement (PA, enclosed) because few tribes opted to participate in the PA when it was originally circulated in August 2003. This recirculation will allow the tribes another opportunity to participate in the PA. This second draft PA has been edited to address any comments from the first draft as well as to also addresses TCP properties more specifically.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed survey report, PA, and information provided in this letter. If you find the survey report adequate and the second draft PA acceptable, please sign below to indicate your concurrence and return to ADOT within 30 days. If you have any comments or changes to request for the PA, please respond in writing. We look forward to continuing consultation with your office as we develop the final PA to address project effects as the environmental documentation continues. If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Connie L. Stone
Signature for BLM Concurrence
Archaeologist

July 26, 2005
Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

Cantley
July 1, 2005
Page 4 of 6

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Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

BIA declines participation via email 8/3/05 via letter 8/11/05

Enclosures

Signature for BIA Concurrence

Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

John A. Bogert
Chief of Staff

August 3, 2005

Mr. Ralph Velez, City Manager
City of Tolleson
9555 West Van Buren Street
Tolleson, Arizona 85353

RE: Project No: NH-202-D( )
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Cultural Resources "Programmatic Agreement"

Dear Mr. Velez:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length. Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

The cultural resources component of the EIS includes four technical studies:

- *A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona* (Burden 2002).
- *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005).
- *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona (Brodbeck and Touchin 2005).*
- *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005).

Twenty-two archaeological sites and Twenty-one historic sites were identified in the proposed alternative alignments. In addition, the South Mountain Range is identified as place of traditional cultural importance to Native American tribes.

FHWA/ADOT is circulating the draft Programmatic Agreement (PA) that addresses cultural resources for the project for your review. If you find the PA adequate and wish to participate in the final PA, please indicate your concurrence by signing below and return within in 20 days. If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

_____ _____
Signature for City of Tolleson Concurrence Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

The previous letter was also sent to:
Mr. Charlie McClendon, City Manager, City of Avondale
Mr. Mike Normand, Transportation Services and Planning Manager, City of Chandler
Mr. Ed Beasley, City Manager, City of Glendale

U.S.Department of Transportation
Federal Highway Administration

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

July 7, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Draft Programmatic Agreement

Mr. Raphael Bear, President
Fort McDowell Yavapai Nation
P.O. Box 17779
Fountain Hills, Arizona 85269

Dear President Bear:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), Salt River Project (SRP), Roosevelt Irrigation District (RID), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP) conducted a Class III cultural resources survey of the proposed alternative alignments. The results of the GRIC-CRMP survey are presented in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South*

BUCKLE UP AMERICA

Mountain Freeway Corridor Study Area, Maricopa County, Arizona (Darling 2005), which is enclosed for your review. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

Because of the presence of the South Mountain Range and because areas of traditional cultural significance are not always identified through archaeological surveys, FHWA would like to request your participation in discussions regarding the potential effects to such resources that could result from the South Mountain Freeway project.

At this time, FHWA is inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns.

Additionally, FHWA is in the process of finalizing the South Mountain Corridor Programmatic Agreement (PA) to address project effects as the environmental documentation continues. The original draft PA was circulated in August 2003. At that time few tribes opted to participate. FHWA is re-circulating the draft PA (enclosed) and would like to offer another opportunity for your tribe/community to participate in the PA. Please sign below if you would like to be included as a Concurring Party to the PA and return to FHWA within in 30 days.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your tribe/community through continued Section 106 consultation. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Serelle E. Laine at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Robert E. Hollis
Division Administrator

Signature for Fort McDowell Yavapai Nation Concurrence

8-5-05
Date

Enclosures under separate cover: map, site table, Programmatic Agreement, and cultural resources survey report

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

John A. Bogert
Chief of Staff

July 1, 2005

Mr. Rick Anduze, Archaeologist
Salt River Project
P.P. Box 52025, Mailstop PAB 352
Phoenix, Arizona 85072-2025

Environmental Compliance
Environmental Services

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report
Second Draft Programmatic Agreement

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan

Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Darling 2005), which is enclosed for consultation and discussed below.

- Addendum Class I overview and Addendum Class III survey to address the expansion (late 2004 and early 2005) of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments. These two additional reports will be forthcoming as part of the Section 106 consultations. The results of these two studies will be provided in the near future.

The initial alternative alignments, defined in March 2003, were surveyed by the Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP). The results are reported in a report titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), which is enclosed for your review and comment. Twenty-one archaeological sites were identified in the proposed alternative alignments (see attached table). Twenty sites are recommended as eligible to the National Register of Historic Places (NRHP) under Criterion D. One site is recommended as not eligible to the NRHP.

- AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) are prehistoric Hohokam villages with existing and/or historically documented public architecture. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the village structure and the development of irrigation communities south of the Salt River.

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- AZ T:11:164 (ASM), AZ T:12:91 (ASM), AZ T:12:127 (ASM) (Baseline Ruin), AZ T:12:202 (ASM), AZ T:12:203 (ASM), AZ T:12:204 (ASM), AZ T:12:205 (ASM), and AZ T:12:206 (ASM) are prehistoric Hohokam artifact scatters. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the development and structure of irrigation communities.

- AZ T:12:197 (ASM), AZ T:12:201 (ASM), and AZ T:12:211 (ASM) are trail sites with associated features (age and cultural affiliation unknown, but likely Native American in origin). AZ T:12:207 (ASM) is a prehistoric trail site with an associated Hohokam artifact scatter. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including social mobility and transportation networks.

- AZ T:12:210 (ASM) is a prehistoric quarry (age and cultural affiliation unknown, but likely Native American in origin). The site is recommended as eligible for the NRHP under Criterion D for its potential to provide important information prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including lithic resource procurement and ground stone technology.

- AZ T:12:199 (ASM) and AZ T:12:200 (ASM) are historic O'odham artifact scatters. AZ T:12:199 (ASM) is recommended as eligible for the NRHP under Criterion D for its potential to provide important information on historical-period O'odham settlement and land use near the confluence of the Gila and Salt Rivers, including the use of upland areas for subsistence and religious practices. AZ T:12:200 (ASM) is recommended as not eligible for the NRHP due to a lack of integrity and information potential.

- AZ T:12:198 (ASM) and AZ T:12:208 (ASM) are prehistoric petroglyph sites with historic components. The sites are considered eligible to the NRHP under Criterion D for their potential to provide important information of prehistoric Hohokam and historic O'odham settlement and land use at the confluence of the Gila and Salt Rivers, including the use of upland areas for religious practices.

- AZ T:10:83 (ASM) (Roosevelt Canal) and AZ T:12:154 (ASM) (Western Canal) are historic American irrigation canals. Both sites have previously been determined eligible for the NRHP under Criterion A for their important associations with the development of Arizona's agricultural industry and irrigation networks.

All sites are located on private land, except for AZ T:10:83 (ASM) – Roosevelt Irrigation District; AZ T:12:154 (ASM) – Bureau of Reclamation / Salt River Project; AZ T:12:207 (ASM) – City of Phoenix, Park and Recreation; and AZ T:12:211 (ASM) – Arizona State Land Department. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

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In addition, FHWA/ADOT is recirculating a second draft Programmatic Agreement (PA, enclosed) because few tribes opted to participate in the PA when it was originally circulated in August 2003. This recirculation will allow the tribes another opportunity to participate in the PA. This second draft PA has been edited to address any comments from the first draft as well as to also addresses TCP properties more specifically.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed survey report, PA, and information provided in this letter. If you find the survey report adequate, agree with the eligibility recommendation for site AZ T:12:154 (ASM), and find the second draft PA acceptable, please sign below to indicate your concurrence and return to ADOT within 30 days. If you have any comments or changes to request for the PA, please respond in writing. We look forward to continuing consultation with your office as we develop the final PA to address project effects as the environmental documentation continues. If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Richard A Anduze — 8 August 2005

Signature for SRP Concurrence — Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

ADOT

Janet Napolitano
Governor

Victor M. Mendez
Director

David P. Jankofsky
Deputy Director

August 17, 2005

Terry Enos, Chair
Ak-Chin Indian Community
42507 West Peters & Nall Rd.
Maricopa, Arizona 85239

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Draft Programmatic Agreement follow-up

Dear Chair Enos:

The Arizona Department of Transportation (ADOT) on behalf of the Federal Highway Administration (FHWA) is following up on our recent request for input on the draft Programmatic Agreement (PA) for the South Mountain Corridor freeway project (letter from Hollis, FHWA, July 7, 2005). ADOT/FHWA are in the process of finalizing the South Mountain Corridor PA to address project effects as the environmental documentation continues for the project. A draft PA was circulated in July 2005 along with an invitation to participate in discussions regarding the potential effects of the project on areas of traditional cultural significance, however, at this time, few tribes have opted to participate.

ADOT on behalf of FHWA would like to offer another opportunity for your tribe/community to participate in the PA and in discussions regarding potential effects to areas of traditional cultural significance. Please sign below if you would like to be included as a Concurring Party to the final PA and return to ADOT by September 2, 2005. If your office opts to participate in cultural resource consultation at a later date, ADOT/FHWA would make a good faith effort to address any concerns.

If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

_____ _____

Signature for Ak-Chin Community Concurrence — Date

cc: Nancy Nelson, Archaeologist
SThomas (FHWA)

The previous letter was also sent to:

Mr. Edward Smith, Chairman, Chemehuevi Indian Tribe

Ms. Sherry Cordova, Chairwoman, Cocopah Indian Tribe

Mr. Daniel Eddy, Jr., Chairman, Colorado River Indian Tribes

Mr. Ralph Bear, President, Fort McDowell Yavapai Nation

Ms. Nora McDowell, Chairwoman, Fort Mojave Tribe

Mr. Mike Jackson, Sr., President, Fort Yuma-Quechan Tribe

Mr. Richard Narcia, Governor, Gila River Indian Community

Mr. Don Watahonigie, Chairman, Havasupai Tribe

Mr. Leigh Kuwanisiwma, Cultural Preservation Officer, Hopi Tribe

Ms. Loretta Jackson, Tribal Historic Preservation Office, Hualapai Tribe

Ms. Carmen Bradley, Chair, Kaibab-Band of Paiute Indians

Mr. Alan Downer, Ph.D., Tribal Historic Preservation Officer, Navajo Nation Historic Preservation Department

Ms. Herminia Frias, Chairwoman, Pascua Yaqui Tribe

Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community

Ms. Kathleen Wesley-Kitcheyan, Chairwoman, San Carlos Apache Nation

Mr. John Lehi, Sr., President, San Juan Southern Paiute

Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation

Mr. Joe Joaquin, Cultural Resource Specialist, Tohono O'odham Nation

Mr. Ivan Smith, Chairman, Tonto Apache Tribe

Mr. Mark Altaha, Tribal Historic Preservation Officer, White Mountain Apache Tribe

Ms. Jamie Fullmer, Chairwoman, Yavapai-Apache Nation

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

August 31, 2005

Diana Stewart, Environmental Planner
Flood Control District Maricopa County
2801 West Durango Street
Phoenix, Arizona 85009

RE: Project No: NH-202-D( )
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Cultural Resources "Programmatic Agreement"

Dear Ms. Stewart:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length. Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

The cultural resources component of the EIS includes four technical studies:

- *A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona* (Burden 2002).
- *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005).
- *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona (Brodbeck and Touchin 2005).*
- *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005).

Stewart
August 31, 2005
Page 2 of 2

Twenty-two archaeological sites and 21 historic sites were identified in the proposed alternative alignments. In addition, the South Mountain Range is identified as place of traditional cultural importance to Native American tribes.

All sites are located on private land, except for the Sachs-Webster Farmhouse (7515West Baseline Road) – Flood Control District Maricopa County; SRP 99th Avenue Lateral – Bureau of Reclamation/Salt River Project; US 80/ AZ FF:9:17 (ASM) – City of Phoenix, and the 6100 Block West Dobbins Road Streetscape – City of Phoenix. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

The SRP 99th Avenue Lateral, located on the east side of South 99th Avenue and north of Lower Buckeye Road, is recommended as eligible to the NRHP under Criterion A as a rare irrigation feature that was once common in the agricultural landscape of the Salt River Valley. The lateral is being converted to an underground pipe in response to the Pecan Promenade and City of Phoenix development projects. SRP and Reclamation are currently in the process of preparing a report for the canal that documents its history and engineering, as a form of mitigation. Upon completion of these projects, the 99th Avenue Lateral will no longer be considered a contributing component of the overall SRP irrigation network.

FHWA/ADOT is circulating the draft Programmatic Agreement (PA) that addresses cultural resources for the project for your review. Please review the enclosed draft PA. If you find the PA adequate and wish to participate in the final PA, please indicate your concurrence by signing below and return within in 20 days. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

_____ _____
Signature for Flood Control District Maricopa County Concurrence — Date

cc: SThomas (FHWA); WVachon (FHWA)

This letter was also sent to:
Brian Kenny, Environmental Programs Manager, Maricopa County Dept. of Transportation
Stanley Ashby, Superintendent, Roosevelt Irrigation District

Arizona Governor's Award for Quality 2001 Award Recipient

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

August 31, 2005

Mr. Steven Ross, Cultural Resources Manager
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764 01E
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Addendum Class I and Class III Survey Reports

Dear Mr. Ross:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: *"A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Darling 2005). Consultation regarding adequacy of the report is on-going. To date, concurrence responses have been received from SHPO (Jacobs, July 11, 2005), Bureau of Reclamation (Ellis, July 12, 2005), Bureau of Land Management (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quewakia, July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report is titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*. The Class III report is titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona.* Both reports are enclosed for consultation and discussed below.

Addendum Class I Overview Results

The addendum Class I overview, titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck and Touchin 2005), identified 27 previously recorded prehistoric and historic archaeological sites, five historical-period linear sites, and 129 historic building properties (see attached Table A). In addition, historical maps indicate that several prehistoric canal alignments pass through the study area. For the archaeological sites, five are considered eligible to the National Register of Historic Places (NRHP) under Criterion D, five sites are not eligible, nine sites have not been evaluated for eligibility, and the eligibility status of eight sites is unknown due to a lack of available information. Historically-

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documented prehistoric canals in the area are viewed as potentially eligible resources that should be investigated if encountered.

The Class I study revealed five historical-period linear sites in the study area. The linear sites are considered eligible overall under Criterion A with contributing and non-contributing segments.

Of the 129 historic building properties, 25 have been previously recommended as eligible to the NRHP under Criteria A and/or C, 37 have been recommended as not eligible, and 67 have not been evaluated. Seventy-one historic building properties are in the Capital Redevelopment Area in Phoenix, an unnominated residential area with an abundance of historic building properties. Eighteen of the historic building properties are in the Villa Verde Historic District, which is listed on the Phoenix Register of Historic Places. Although the Villa Verde properties were previously recommended as not eligible to the NRHP, they should be re-evaluated within the context of an early Phoenix suburban neighborhood.

The vast majority of cultural resources identified in the addendum Class I study area will not be affected by any of the proposed alternative alignments. Cultural resources in the W55 and W71 alignments include AZ T:11:26 (ASM), AZ T:12:4 (MNA), AZ T:12:5 (MNA), AZ T:12:10 (ASM) (Los Colinas), AZ T:12:38 (ASM), and AZ T:12:178 (ASM) (Los Aumentos). Cultural resources in the W101 alignments include AZ T:7:167 (ASM) (Grand Canal), AZ T:10:83 (ASM) (Roosevelt Canal), AZ T:11:26 (ASM), AZ T:12:4 (MNA), and AZ T:12:178 (Los Aumentos).

Addendum Class III Survey Results

An addendum survey of shifted alternative alignments, defined in December 2004, and agricultural fields that had been plowed in early 2005 since the time of the initial Class III survey conducted by the GRIC (Darling 2004), was conducted by HDR Engineering, Inc. (HDR). In addition, the addendum Class III survey included documentation of 21 historic sites not included in the initial Class III survey (Darling 2004). The results are reported in a report titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005), which is enclosed for your review and comment. One archaeological site and 21 historic sites were identified in the proposed alternative alignments (see attached Table B). The archaeological site is recommended as eligible to the NRHP under Criterion D. Two historic sites are recommended as eligible under Criterion A. Three historic sites are recommended as eligible under Criterion C. One historic site is recommended as eligible under Criteria A and B. One historic site is recommended as eligible under Criteria A and C. One historic site is recommended as eligible under Criteria A and D. One historic site is recommended as eligible under Criterion A but non-contributing within the proposed alternative alignments. Twelve historic sites are recommended as not eligible.

Archaeological Sites

- AZ T:12:221 (ASM) is a prehistoric Hohokam artifact scatter. The site is recommended as eligible to the NRHP under Criterion D for its potential to provide important information on prehistoric settlement and land use in the lower Salt River Valley near the confluence of Gila and Salt rivers.

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Canals

- The SRP 99th Avenue Lateral, located on the east side of South 99th Avenue and north of Lower Buckeye Road, is recommended as eligible to the NRHP under Criterion A as a rare irrigation feature that was once common in the agricultural landscape of the Salt River Valley. The lateral is being converted to an underground pipe in response to the Pecan Promenade and City of Phoenix development projects. SRP and Reclamation are currently in the process of preparing a report for the canal that documents its history and engineering, as a form of mitigation. Upon completion of these projects, the 99th Avenue Lateral will no longer be considered a contributing component of the overall SRP irrigation network.

Commercial Properties

- Mother's Restaurant at 5760 West Buckeye Road is recommended as not eligible to the NRHP due to a lack historical significance and integrity. The original gas station is heavily modified as a result of its conversion to a restaurant in the 1970s. It no longer retains integrity of workmanship and design. Historically, the gas station was in a rural agricultural setting along a two-lane highway. Today, the property has lost its integrity of setting and feeling, as it is in a modern industrial zone with old US 80 (West Buckeye Road) widened to a five-lane urban thoroughfare.

- The Jarvis Marine Repair Shop at 5800 West Buckeye Road is recommended as not eligible to the NRHP due its age and lack of architectural significance.

Farms

- The Hudson Farm located at 9300 South 59th Avenue is recommended as eligible to the NRHP under Criterion A as an exceptional example of a historic farmstead in Laveen. It retains a complete suite of agricultural buildings and structures from the period of significance that are in good condition and well preserved. In addition, the farmstead does not have any intrusive modern buildings or structures that would detract from its historic setting and feeling (other than a large satellite dish which could be easily removed). The farmstead's combination and overall layout of older buildings and structures, along with other contributing elements such as the mature landscaping, palm tree-lined driveways and entrance gates, provides an inclusive picture of what a working farmstead was like in Laveen during the agricultural era period of significance. The property retains integrity of location, workmanship, materials, design, and association. Furthermore, the surrounding agricultural field provides the contextual framework within which the property conveys its historic character as a farmstead. Thus, the agricultural field is an important contributing component that defines and preserves the farmstead's integrity of setting and feeling. It is recommended that the entire 38-acre parcel is eligible for the NRHP under Criterion A as an exceptional example of a historic-period Laveen farmstead. Additionally, the pair of stave silos are recognized as individually eligible to the NRHP under Criterion C, as rare examples of a once common architectural form that was a fundamental component of Laveen's historic agricultural landscape.

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Farmsteads

- The Anderson Farm Tenant Residences at 9901 and 9903 West Van Buren Road are recommended as not eligible to the NRHP due to a lack of historical and architectural significance.

- The Carter Farmstead at 7201 and 7215 West Broadway Road is recommended as not eligible to the NRHP. The farmstead has lost too many of its primary elements to convey a good sense of its historic character. While it provides a picturesque rural setting, it does not provide an accurate portrayal of its historic composition.

- The Cecil and Mary Colvin Farmstead located at 5139 West Estrella Road is recommended as not eligible to the NRHP because it has lost too many of its period elements to convey its historic character. The farmhouse is the only primary element remaining from the historic period; however, it lacks integrity and architectural distinction.

- The Dad Farmstead at 6102 West Dobbins Road is recommended as not eligible for the NRHP due to a lack of historical significance, architectural merit, and integrity. Individually, the farmhouse and barn have been modified and lack architectural distinction. Overall, the property fails to convey its original historic character as a working farmstead.

- The Dean Farmstead at 9445 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials. The farmhouse is heavily modified through additions and is in a general state of disrepair.

- The Maddux House at 9115 West Broadway Road is recommended as not eligible for the NRHP due to a lack of historical and architectural significance.

- The Parker Farmstead at 3606 South 83rd Avenue is recommended as not eligible due to a lack of historical and architectural significance. None of the farmstead's historic period buildings and structures remain, except for the farmhouse built in 1950, which is heavily modified with additions and generally lacks integrity of design, workmanship, and materials.

- The Pitrat Farmstead at 5901 West Elliot Road is recommended as not eligible for the NRHP due to a lack of architectural integrity and historical significance. The historical layout of the farmstead has been lost as a result of property subdivisions and new construction. The house is heavily modified from its original form through multiple additions. Although the property is consistent with a rural agricultural landscape, in its current condition, it no longer conveys an accurate representation of its historical period character.

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- The Quinonez House at 9131 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials

- The Sachs-Webster Farmhouse at 7515 West Baseline Road was previously recommended as eligible for the NRHP under Criterion C as an outstanding example of the Pyramid Cottage or Neo-Classical bungalow style house. Not only is the house a rare example of a once common Territorial-period architectural style, it is also exceptional in that few homes built in Phoenix in the Pyramid Cottage style possess as many of the hallmark attributes as does the Sachs-Webster House.

Farmsteads with Dairy Components

- The Colvin-Tyson Farmstead/Barnes Dairy located at 6159 West Dobbins Road is recommended as not eligible to the NRHP as a whole because of a lack of integrity and historical significance. However, the dairy "head-to-toe" barn is recommended as individually eligible under Criterion C as a rare example of a once common architectural form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few standing family-operated dairy barns in Laveen. It is also recognized as important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy head-to-toe barn used during the height of its agricultural era.

- The Hackin Farmstead/Dairy at 10048 South 59th Avenue is recommended as not eligible to the NRHP because of a lack of integrity and historical significance. However, the dairy "flat" barn, is recommended as individually eligible under Criterion C as a rare example of a once common form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few remaining family-operated dairy barns in Laveen. It is also important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy flat barn used during the height of its agricultural era.

Feedlots

- The C.O. Pitrat & Sons Feedlot in the 6100 Block of West Elliot Road is recommended as not eligible for the NRHP because of a lack of historical and architecture significance. The feedlot is 50 years old; however, most of its operation occurred in modern times. The structures and buildings are poorly preserved and generally lack integrity.

Highways

- US 80 (AZ FF:9:17 [ASM]) is considered eligible to the NRHP under Criterion A at the national level as one of the first designated transcontinental routes and for its association with the development of the U.S. interstate transportation network. The segment within the study area has been widened and modernized and no longer retains integrity of design, workmanship, and materials. Furthermore, its integrity of setting and feeling are lost with most of the surrounding landscape

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transformed from rural agricultural to urban commercial/industrial. It is recommended that the segment in the study area is not eligible to the NRHP as a non-contributing component of US 80.

Historic Townsites

- The historic Santa Marie Townsite, located at the southwest corner of Lower Buckeye Road and 83rd Avenue, is recommended as eligible to the NRHP under Criteria A and B. The unincorporated townsite is a living example of an historic, rural Hispanic agricultural community in the Salt River Valley. Communities such as Santa Maria had an important role in the development and operation of the Valley's agricultural industry throughout the 20th century. In addition, the townsite has an association with Khattar Joseph Nackard, an Arizona businessman who had an influential role developing and shaping the State's economic and commercial future. As such, it is recommended that the Santa Marie Townsite is eligible for the NRHP under Criteria A and B.

Railroads

- The Southern Pacific Railroad Wellton-Phoenix-Eloy Main Line (AZ T:10:84 [ASM]) is recommended as eligible to the NRHP for its association with the development of Arizona's railroad network. The railroad has been maintained and upgraded over the years and remains an important component of Arizona's transportation network.

Streetscapes

- The 6100 Block West Dobbins Road Streetscape is recommended as eligible to the NRHP under Criteria A and D as an example and reflection of the lower Salt River Valley's agricultural past. In contrast to a more common, barren rural streetscape defined by a two-lane road passing between broad, open agricultural fields, the 6100 Block contains a suite of rural agricultural elements that convey a strong sense of what rural life was like in Arizona in the early to mid 1900s; (i.e., it captures more of the human element). Rural streetscapes are becoming increasingly rare in the lower Salt River Valley, as agricultural communities are replaced by urban development. It is recommended that the 6100 Block West Dobbins Road Streetscape is eligible to the NRHP under Criteria A and D, not only for its association with Arizona's early agricultural development, but more so for its information potential to provide future Arizonans with an idea of what rural agricultural life was like in the lower Salt River Valley during the early years of statehood.

All sites are located on private land, except for the Sachs-Webster Farmhouse (7515West Baseline Road) – Flood Control District Maricopa County; SRP 99th Avenue Lateral – Bureau of Reclamation/Salt River Project; US 80/ AZ FF:9:17 (ASM) – City of Phoenix, and the 6100 Block West Dobbins Road Streetscape – City of Phoenix. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

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Ross
August 31, 2005
Page 8 of 12

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed Class I overview and Class III survey report and information provided in this letter. If you find the reports adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. We also look forward to continuing consultation with your office. The final Programmatic Agreement is being completed and will be submitted for signature in September 2005. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Signature for ASLD Concurrence

Date

cc: SThomas (FHWA); WVachon (FHWA)

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Table A. Addendum Class I Overview Report Eligibility and Management Summary.

Alignments	Site	Type	Location	Jurisdiction	NRHP Eligibility (Criterion)	Management Recommendation
W55/W71	AZ T:11:26 (ASM)	Hohokam Artifact Scatter	T1N, R1E, S4	ADOT	Not Eligible	None
	AZ T:12:4 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S6	ADOT, Private	Not Eligible	None
	AZ T:12:5 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S5	ADOT, Private	Not Eligible	None
	AZ T:12:10 (ASM) Las Colinas	Hohokam Village	T2N, R2E, S36; T1N, R2E, S1, 2, 11	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
	AZ T:12:38 (ASM)	Hohokam Village	T1N, R2E, S3	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
	AZ T:12:178 (ASM) Los Aumentos	Hohokam Village	T1N, R1E, S2	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
W101 Alignments1	AZ T:7:167 (ASM) Grand Canal	Canal	T2N,R1E, S9, 16	Reclamation	Eligible (A, C)	Avoid, or else mitigate adverse effects
	AZ T:10:83 (ASM) Roosevelt Canal	Canal	T1N, R1E, S3, 4	Private	Eligible (A, C)	Avoid, or else mitigate adverse effects
	AZ T:11:26 (ASM)	Hohokam Artifact Scatter	T1N, R1E, S4	ADOT,	Not Eligible	None
	AZ T:12:4 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S6	ADOT, Private	Not Eligible	None
	AZ T:12:178 (ASM) Los Aumentos	Hohokam Village	T1N, R1E, S2	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects

1 = Includes alignments W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, W101EFR

Table B. Addendum Class III Survey Report Eligibility and Management Summary.

Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
AZ T:12:221 (ASM)	n/a	Prehistoric Scatter	N	W55	Fowler	T1N, R2E, S31	Private	Eligible (D)	Avoid, or else mitigate
6100 Block West Dobbins Road Streetscape	6100 Block W. Dobbins Rd.	Rural Streetscape	N	W55	Laveen	T1S, R2E, S6,7	Private, Phoenix	Eligible (A,D)	Avoid, or else mitigate
Anderson Farm Tenant Residences	9901 and 9903 W. Van Buren Rd.	Tenant Residents	N	W101 (all)	Tolleson	T1N, R1E, S8	Private	Not Eligible	None
C. O. Pitrat & Sons Feedlot	6100 Block W. Elliot Rd.	Feedlot	N	W71, W101 (all)	Laveen	T1S, R2E, S18	Private	Not Eligible	None
Carter Farmstead	7201 and 7215 W. Broadway Rd.	Farmstead	N	W71	Fowler	T1N, R1E, S25	Private	Not Eligible	None
Cecil and Mary Colvin Farmstead	5139 W. Estrella Rd.	Farmstead	N	None[1]	Laveen	T1S, R2E, S20	Private	Not Eligible	None
Colvin-Tyson Farmstead/Barnes Dairy	6159 W. Dobbins Rd.	Farmstead/Dairy	N	W55	Laveen	T1S, R2E, S7	Private	Farmstead: Not Eligible; Dairy Barn: Eligible (C); contributing elements to 6100 Block Streetscape	Avoid dairy barn, or else mitigate; avoid portion within 6100 Block Streetscape boundaries, or else mitigate

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Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
Dad Farmstead	6102 W. Dobbins Rd.	Farmstead	N	W55	Laveen	T1S, R2E, S6	Private	Farmstead: Not Eligible; contributing element to 6100 Block Streetscape	Avoid portion within 6100 Block Streetscape boundaries, or else mitigate impacts to streetscape
Dean Farmstead	9445 W. Broadway Rd.	Farmstead	N	W101 (all)	Tolleson	T1N, R1E, S28	Private	Not Eligible	Avoid
Hackin Farmstead/Dairy	100048 S. 59th Ave.	Farmstead/Dairy	N	None[2]	Laveen	T1N, R1E, S7	Private	Farmstead: Not Eligible; Dairy Barn: Eligible (C)	Avoid dairy barn, or else mitigate
Hudson Farm	9300 S. 59th Ave.	Farm	N	W55	Laveen	T1S, R1E, S7	Private	Farm: Eligible (A); Silos: Eligible (C)	Avoid, or else mitigate
Jarvis Marine Repair Shop	5800 W. Buckeye Rd.	Commercial Building	N	W55	Fowler	T1N, R2E, S8	Private	Not Eligible	None
Maddux House	9115 W. Broadway Rd.	Farmhouse	N	W101 (all)	Tolleson	T1N, R1E, 28	Private	Not Eligible	None
Mother's Restaurant	5760 W. Buckeye Road	Commercial Building	N	W55	Fowler	T1N, R2E, S8	Private	Not Eligible	None
Parker Farmstead	3606 S. 83rd Ave.	Farmstead	N	W101EPR, W101EFR	Fowler	T1N, R1E, S22	Private	Not Eligible	None
Pitrat Farmstead	5901 W. Elliot Rd.	Farmstead	N	None[3]	Fowler	T1S, R2E, S18	Private	Not Eligible	None

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Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
Quinonez House	9131 W. Broadway Rd.	Farmhouse	N	W101 (all)	Tolleson	T1N, R1E, S28	Private	Not Eligible	None
Sachs-Webster Farmhouse	7515 W. Baseline Rd.	Farmhouse	P	W101 (all)	Tolleson	T1S, R1E, Ss	FCDMC	Eligible (C)	Avoid, or else mitigate
Santa Marie Townsite	Lower Buckeye Rd. and S. 83rd Ave.	Townsite	N	W71	Fowler	T1N, R1E, S24	Private	Eligible (A,B)	Avoid, or else mitigate
SPRR Wellton-Phoenix-Eloy Main Line	UPRR R/W	Railroad	P	All	Fowler, Tolleson	T1N, R1E, S8,9,12; T1N, R2E, S8	UPRR	Eligible (A)	Avoid, or else mitigate
SRP 99th Avenue Lateral	99th Ave. and Lower Buckeye Rd.	Irrigation Canal	P	W101W99	Tolleson	T1N, R1E, S16	SRP/ Reclamation	Eligible (A)	Avoid, or else mitigate
US 80 (AZ FF:9:17 [ASM])	West Buckeye Road	Highway	P	All	Fowler, Toleson	T1N, R1E, S8,9,12,13,16,17; T1N, R2E, S8, 17	Phoenix	Eligible (A) (non-contributing)	None

Table Notes:
1) all the alignments cross the property parcel but do not intersect the farmstead.
2) W55 crosses the property parcel but misses the farmstead and dairy barn;
3) All the alternative alignment pass within about 100 m of the farmstead but do not directly impact it.

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The previous letter was also sent to:

Dr. Connie Stone, Archaeologist, Bureau of Land Management
Mr. Richard Boston, Archaeologist, Bureau of Reclamation
Ms. Barbara Stocklin, Historic Preservation Officer, City of Phoenix
Mr. Rick Anduze, Archaeologist, Compliance Specialist, Salt River Project
Dr. David Jacobs, State Historic Preservation Office
Dr. Todd Bostwick, Archaeologist, City of Phoenix

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19 September 2005

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue, Rm. 213E, Mail Drop 619E
Phoenix, AZ 85007-3213

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764 01E
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Addendum Class I and Class III Survey Reports

Dear Ms. Laine:

I have reviewed the documents and agree to their adequacy with the following recommended changes. The discussions of the historic features are presented in great detail supporting their eligibility recommendations.

Class I report, page 60, discussion of the Grand Canal-

The canal is eligible under Criterion A but I believe only certain features of the canal would be eligible under Criterion C, and I know of no individual features that have been determined eligible.

The Grand Canal presently heads at the SRP Crosscut facility on Washington Street. Water from a forebay at the southern end of the Arizona Crosscut Canal flows through two penstocks to the Crosscut Hydro Plant. After passing through the hydro plant, no longer operative, the water enters the Grand Canal.

The HAER document for the canal was not completed as part of the recent PA. It was the result of a 1989 MOA between the U.S. Bureau of Reclamation and the AZ SHPO, with concurrence from SRP and ADOT, which stated HAER documentation would be adequate mitigation for present and future modifications to the canal system.

Also-

Various places in the report site AZ T:12:10 (ASM) is referred to as "Los Colinas", it is "Las Colinas".

Class III report, page 144 – The 99th Avenue lateral is technically not a lateral. It is a pump ditch/drain that transports tail and well water to Lateral 2-23. Land jurisdiction is SRP.
-page 153 – Ownership of the ditch is SRP.

Both documents need a thorough technical edit for grammar, errors/omissions, and typographical errors.

Please contact me (602-236-2804; raanduze@srpnet.com) if you have any questions or want to discuss these comments.

Sincerely,

Richard A. Anduze
Environmental Scientist/Archaeologist
Siting and Studies
Environmental Services

File: ORG 2-2

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

August 31, 2005

Richard Boston, Archaeologist
P.O. Box 81169
2222 W Dunlap, Suite 100
Phoenix, AZ 85069-1169

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764 01E
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Addendum Class I and Class III Survey Reports

Dear Mr. Boston:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Darling 2005). Consultation regarding adequacy of the report is on going. To date, concurrence responses have been received from SHPO (Jacobs, July 11, 2005), Bureau of Reclamation (Ellis, July 12, 2005), Bureau of Land Management (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quewakia, July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report is titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*. The Class III report is titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona.* Both reports are enclosed for consultation and discussed below.

Addendum Class I Overview Results

The addendum Class I overview, titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck and Touchin 2005), identified 27 previously recorded prehistoric and historic archaeological sites, five historical-period linear sites, and 129 historic building properties (see attached Table A). In addition, historical maps indicate that several prehistoric canal alignments pass through the study area. For the archaeological sites, five are considered eligible to the National Register of Historic Places (NRHP) under Criterion D, five sites are not eligible, nine sites have not been evaluated for eligibility, and the eligibility status of eight sites is unknown due to a lack of available information. Historically

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documented prehistoric canals in the area are viewed as potentially eligible resources that should be investigated if encountered.

The Class I study revealed five historical-period linear sites in the study area. The linear sites are considered eligible overall under Criterion A with contributing and non-contributing segments.

Of the 129 historic building properties, 25 have been previously recommended as eligible to the NRHP under Criteria A and/or C, 37 have been recommended as not eligible, and 67 have not been evaluated. Seventy-one historic building properties are in the Capital Redevelopment Area in Phoenix, an unnominated residential area with an abundance of historic building properties. Eighteen of the historic building properties are in the Villa Verde Historic District, which is listed on the Phoenix Register of Historic Places. Although the Villa Verde properties were previously recommended as not eligible to the NRHP, they should be re-evaluated within the context of an early Phoenix suburban neighborhood.

The vast majority of cultural resources identified in the addendum Class I study area will not be affected by any of the proposed alternative alignments. Cultural resources in the W55 and W71 alignments include AZ T:11:26 (ASM), AZ T:12:4 (MNA), AZ T:12:5 (MNA), AZ T:12:10 (ASM) (Los Colinas), AZ T:12:38 (ASM), and AZ T:12:178 (ASM) (Los Aumentos). Cultural resources in the W101 alignments include AZ T:7:167 (ASM) (Grand Canal), AZ T:10:83 (ASM) (Roosevelt Canal), AZ T:11:26 (ASM), AZ T:12:4 (MNA), and AZ T:12:178 (Los Aumentos).

Addendum Class III Survey Results

An addendum survey of shifted alternative alignments, defined in December 2004, and agricultural fields that had been plowed in early 2005 since the time of the initial Class III survey conducted by the GRIC (Darling 2004), was conducted by HDR Engineering, Inc. (HDR). In addition, the addendum Class III survey included documentation of 21 historic sites not included in the initial Class III survey (Darling 2004). The results are reported in a report titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005), which is enclosed for your review and comment. One archaeological site and 21 historic sites were identified in the proposed alternative alignments (see attached Table B). The archaeological site is recommended as eligible to the NRHP under Criterion D. Two historic sites are recommended as eligible under Criterion A. Three historic sites are recommended as eligible under Criterion C. One historic site is recommended as eligible under Criteria A and B. One historic site is recommended as eligible under Criteria A and C. One historic site is recommended as eligible under Criteria A and D. One historic site is recommended as eligible under Criterion A but non-contributing within the proposed alternative alignments. Twelve historic sites are recommended as not eligible.

Archaeological Sites

- AZ T:12:221 (ASM) is a prehistoric Hohokam artifact scatter. The site is recommended as eligible to the NRHP under Criterion D for its potential to provide important information on prehistoric settlement and land use in the lower Salt River Valley near the confluence of Gila and Salt rivers.

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Canals

- The SRP 99th Avenue Lateral, located on the east side of South 99th Avenue and north of Lower Buckeye Road, is recommended as eligible to the NRHP under Criterion A as a rare irrigation feature that was once common in the agricultural landscape of the Salt River Valley. The lateral is being converted to an underground pipe in response to the Pecan Promenade and City of Phoenix development projects. SRP and Reclamation are currently in the process of preparing a report for the canal that documents its history and engineering, as a form of mitigation. Upon completion of these projects, the 99th Avenue Lateral will no longer be considered a contributing component of the overall SRP irrigation network.

Commercial Properties

- Mother's Restaurant at 5760 West Buckeye Road is recommended as not eligible to the NRHP due to a lack historical significance and integrity. The original gas station is heavily modified as a result of its conversion to a restaurant in the 1970s. It no longer retains integrity of workmanship and design. Historically, the gas station was in a rural agricultural setting along a two-lane highway. Today, the property has lost its integrity of setting and feeling, as it is in a modern industrial zone with old US 80 (West Buckeye Road) widened to a five-lane urban thoroughfare.

- The Jarvis Marine Repair Shop at 5800 West Buckeye Road is recommended as not eligible to the NRHP due its age and lack of architectural significance.

Farms

- The Hudson Farm located at 9300 South 59th Avenue is recommended as eligible to the NRHP under Criterion A as an exceptional example of a historic farmstead in Laveen. It retains a complete suite of agricultural buildings and structures from the period of significance that are in good condition and well preserved. In addition, the farmstead does not have any intrusive modern buildings or structures that would detract from its historic setting and feeling (other than a large satellite dish which could be easily removed). The farmstead's combination and overall layout of older buildings and structures, along with other contributing elements such as the mature landscaping, palm tree-lined driveways and entrance gates, provides an inclusive picture of what a working farmstead was like in Laveen during the agricultural era period of significance. The property retains integrity of location, workmanship, materials, design, and association. Furthermore, the surrounding agricultural field provides the contextual framework within which the property conveys its historic character as a farmstead. Thus, the agricultural field is an important contributing component that defines and preserves the farmstead's integrity of setting and feeling. It is recommended that the entire 38-acre parcel is eligible for the NRHP under Criterion A as an exceptional example of a historic-period Laveen farmstead. Additionally, the pair of stave silos are recognized as individually eligible to the NRHP under Criterion C, as rare examples of a once common architectural form that was a fundamental component of Laveen's historic agricultural landscape.

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Farmsteads

- The Anderson Farm Tenant Residences at 9901 and 9903 West Van Buren Road are recommended as not eligible to the NRHP due to a lack of historical and architectural significance.
- The Carter Farmstead at 7201 and 7215 West Broadway Road is recommended as not eligible to the NRHP. The farmstead has lost too many of its primary elements to convey a good sense of its historic character. While it provides a picturesque rural setting, it does not provide an accurate portrayal of its historic composition.
- The Cecil and Mary Colvin Farmstead located at 5139 West Estrella Road is recommended as not eligible to the NRHP because it has lost too many of its period elements to convey its historic character. The farmhouse is the only primary element remaining from the historic period; however, it lacks integrity and architectural distinction.
- The Dad Farmstead at 6102 West Dobbins Road is recommended as not eligible for the NRHP due to a lack of historical significance, architectural merit, and integrity. Individually, the farmhouse and barn have been modified and lack architectural distinction. Overall, the property fails to convey its original historic character as a working farmstead.
- The Dean Farmstead at 9445 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials. The farmhouse is heavily modified through additions and is in a general state of disrepair.
- The Maddux House at 9115 West Broadway Road is recommended as not eligible for the NRHP due to a lack of historical and architectural significance.
- The Parker Farmstead at 3606 South 83rd Avenue is recommended as not eligible due to a lack of historical and architectural significance. None of the farmstead's historic period buildings and structures remain, except for the farmhouse built in 1950, which is heavily modified with additions and generally lacks integrity of design, workmanship, and materials.
- The Pitrat Farmstead at 5901 West Elliot Road is recommended as not eligible for the NRHP due to a lack of architectural integrity and historical significance. The historical layout of the farmstead has been lost as a result of property subdivisions and new construction. The house is heavily modified from its original form through multiple additions. Although the property is consistent with a rural agricultural landscape, in its current condition, it no longer conveys an accurate representation of its historical period character.
- The Quinonez House at 9131 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials

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- The Sachs-Webster Farmhouse at 7515 West Baseline Road was previously recommended as eligible for the NRHP under Criterion C as an outstanding example of the Pyramid Cottage or Neo-Classical bungalow style house. Not only is the house a rare example of a once common Territorial-period architectural style, it is also exceptional in that few homes built in Phoenix in the Pyramid Cottage style possess as many of the hallmark attributes as does the Sachs-Webster House.

Farmsteads with Dairy Components

- The Colvin-Tyson Farmstead/Barnes Dairy located at 6159 West Dobbins Road is recommended as not eligible to the NRHP as a whole because of a lack of integrity and historical significance. However, the dairy "head-to-toe" barn is recommended as individually eligible under Criterion C as a rare example of a once common architectural form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few standing family-operated dairy barns in Laveen. It is also recognized as important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy head-to-toe barn used during the height of its agricultural era.
- The Hackin Farmstead/Dairy at 10048 South 59th Avenue is recommended as not eligible to the NRHP because of a lack of integrity and historical significance. However, the dairy "flat" barn, is recommended as individually eligible under Criterion C as a rare example of a once common form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few remaining family-operated dairy barns in Laveen. It is also important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy flat barn used during the height of its agricultural era.

Feedlots

- The C.O. Pitrat & Sons Feedlot in the 6100 Block of West Elliot Road is recommended as not eligible for the NRHP because of a lack of historical and architecture significance. The feedlot is 50 years old; however, most of its operation occurred in modern times. The structures and buildings are poorly preserved and generally lack integrity.

Highways

- US 80 (AZ FF:9:17 [ASM]) is considered eligible to the NRHP under Criterion A at the national level as one of the first designated transcontinental routes and for its association with the development of the U.S. interstate transportation network. The segment within the study area has been widened and modernized and no longer retains integrity of design, workmanship, and materials. Furthermore, its integrity of setting and feeling are lost with most of the surrounding landscape transformed from rural agricultural to urban commercial/industrial. It is recommended that the segment in the study area is not eligible to the NRHP as a non-contributing component of US 80.

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Historic Townsites

- The historic Santa Marie Townsite, located at the southwest corner of Lower Buckeye Road and 83rd Avenue, is recommended as eligible to the NRHP under Criteria A and B. The unincorporated townsite is a living example of an historic, rural Hispanic agricultural community in the Salt River Valley. Communities such as Santa Maria had an important role in the development and operation of the Valley's agricultural industry throughout the 20th century. In addition, the townsite has an association with Khattar Joseph Nackard, an Arizona businessman who had an influential role developing and shaping the State's economic and commercial future. As such, it is recommended that the Santa Marie Townsite is eligible for the NRHP under Criteria A and B.

Railroads

- The Southern Pacific Railroad Wellton-Phoenix-Eloy Main Line (AZ T:10:84 [ASM]) is recommended as eligible to the NRHP for its association with the development of Arizona's railroad network. The railroad has been maintained and upgraded over the years and remains an important component of Arizona's transportation network.

Streetscapes

- The 6100 Block West Dobbins Road Streetscape is recommended as eligible to the NRHP under Criteria A and D as an example and reflection of the lower Salt River Valley's agricultural past. In contrast to a more common, barren rural streetscape defined by a two-lane road passing between broad, open agricultural fields, the 6100 Block contains a suite of rural agricultural elements that convey a strong sense of what rural life was like in Arizona in the early to mid 1900s; (i.e., it captures more of the human element). Rural streetscapes are becoming increasingly rare in the lower Salt River Valley, as agricultural communities are replaced by urban development. It is recommended that the 6100 Block West Dobbins Road Streetscape is eligible to the NRHP under Criteria A and D, not only for its association with Arizona's early agricultural development, but more so for its information potential to provide future Arizonans with an idea of what rural agricultural life was like in the lower Salt River Valley during the early years of statehood.

All sites are located on private land, except for the Sachs-Webster Farmhouse (7515West Baseline Road) – Flood Control District Maricopa County; SRP 99th Avenue Lateral – Bureau of Reclamation/Salt River Project; US 80/ AZ FF:9:17 (ASM) – City of Phoenix, and the 6100 Block West Dobbins Road Streetscape – City of Phoenix. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed Class I overview and Class III survey report and information provided in this letter. If you find the reports

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adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. We also look forward to continuing consultation with your office. The final Programmatic Agreement is being completed and will be submitted for signature in September 2005. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Bruce D. Ellis — Signature for Reclamation Concurrence

9/19/05 — Date

cc: SThomas (FHWA); WVachon (FHWA)

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Arizona® State Parks

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September 19, 2005

Dr. Ruth Greenspan
Historic Preservation Specialist
Environmental & Enhancement Group
Arizona Department of Transportation
205 South 17th Avenue Room 213E
Phoenix, AZ 85007-3212

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764 01E
South Mountain Transportation Corridor
Continuing Section 106 Consultation
SHPO-2003-1890 (25323)

Janet Napolitano
Governor

State Parks Board Members

Chair
Elizabeth Stewart
Tempe

William C. Porter
Kingman

William Cordasco
Flagstaff

Janice Chilton
Payson

William C. Scalzo
Phoenix

John U. Hays
Yarnell

Mark Winkleman
State Land Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
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800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

Dear Dr. Greenspan:

Thank you for consulting with the State Historic Preservation Office (SHPO) pursuant to Section 106 of the National Historic Preservation Act regarding plans for the South Mountain Freeway connecting Interstate 10 in west Chandler to I-10 in west Phoenix, Maricopa County, Arizona, and submitting cultural resources reports and recommendations for review and comment. Dr. Bill Collins, Deputy SHPO/Historian, and I have reviewed the submitted materials and offer the following comments.

The submitted cultural resources reports [*An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona and An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*] are adequate. Before responding to the eligibility recommendations, some clarification is needed:

1) Page two of the cover letter states that the Class 1 identified 27 previously recorded prehistoric and historic archaeological sites; the breakdown of the eligibility status of these sites (i.e., 5 eligible, 7 not eligible, 7 not evaluated and 8 unknown) in the report differs from the characterization in the cover letter (i.e., 5 eligible, 5 not eligible, 9 not evaluated, and 8 unknown).
2) The text of the cover letter neglects to mention that the eligible Barnes Dairy Barn and the ineligible Dad Farmstead are part of the eligible 6100 West Dobbins Road Streetscape (although this is part of the listing in Table B to the cover letter). Dr. Collins also commented that the reasoning behind the suggested D eligibility of the 6100 West Dobbins Road Streetscape is actually more appropriate to A eligibility, so he disagrees with the recommendation that it is "more" eligible for D than A (see page 7 of cover letter). He agrees that it is A eligible, and did not see D eligibility properly evaluated at all.

We appreciate your cooperation with this office in considering the potential impacts of development on cultural resources situated in Arizona. If you have any questions or comments, please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

August 31, 2005

Brian Kenny
Environmental Programs Manager
Maricopa County Department of Transportation
2901 West Durango Street
Phoenix, Arizona 85009

RE: Project No: NH-202-D( )
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Cultural Resources "Programmatic Agreement"

Dear Mr. Kenny:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors (T01, T02, T03, T04, and T06) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length. Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

The cultural resources component of the EIS includes four technical studies:

- *A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona* (Burden 2002).
- *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005).
- *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona (Brodbeck and Touchin 2005).*

- *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005).

Twenty-two archaeological sites and 21 historic sites were identified in the proposed alternative alignments. In addition, the South Mountain Range is identified as place of traditional cultural importance to Native American tribes. Please let me know if you would like to review any of the above reports and they will be sent to you.

FHWA/ADOT is circulating the draft Programmatic Agreement (PA) that addresses cultural resources for the project for your review. Please review the enclosed draft PA. If you find the PA adequate and wish to participate in the final PA, please indicate your concurrence by signing below and return within in 20 days. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Signature for Maricopa County Department of Transportation Concurrence

9-20-05
Date

cc: SThomas (FHWA), WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

U.S. Department of Transportation
Federal Highway Administration

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

September 27, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Programmatic Agreement

Ms. Carol Legard
Historic Preservation Specialist
Advisory Council on Historic Preservation
12136 W. Baywood Avenue, Suite 330
Lakewood, Colorado 80228

Dear Ms. Legard:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map). As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

FHWA originally consulted with your office regarding the draft Programmatic Agreement (PA) in August 2003. At that time, the Council declined to participate. Recently, FHWA has re-circulated a second draft Programmatic Agreement to all consulting parties. It was decided to do this because when it was originally circulated, few tribes opted to participate at that time. FHWA felt this re-circulation of the PA would allow the tribes another opportunity to participate in the PA. This second draft PA has been edited to address any comments from the first draft as well as to also address TCP properties more specifically.

The purpose of this letter is to notify the Advisory Council on Historic Preservation and to determine Council participation pursuant to 36 CFR § 800.6(1). Please review this information and if the Council plans to participate in consultation, inform us within 15 days of receipt of this

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notice. If there is any additional information you require for this project or if you have any questions or comments, please contact Ruth Greenspan at (602) 712-6266 or via email at rgreenspan@azdot.gov. Thank you.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure (Map and draft Programmatic Agreement)

_____ _____

Signature for Advisory Council on Historic Preservation Concurrence — Date

cc:
SThomas
RGreenspan (619E)
REllis (619E)
SDThomas :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

September 29, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places

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

Dear Governor Narcia:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. As part of this effort, FHWA has previously invited you to review and comment on several cultural resource reports and on a draft Programmatic Agreement (PA), and has requested your participation in discussions regarding the potential effects of the proposed undertaking on areas of traditional cultural significance, including the South Mountain Range.

Although no written response to previous consultations has been received, on September 20, 2005, a meeting was held at the Gila River Indian Community (GRIC) to discuss Traditional Cultural Places (TCPs) and any other concerns your community has regarding historic properties of religious or cultural importance that have the potential to be affected by this project. In attendance at the meeting were Barnaby Lewis, Cultural Resource Specialist, GRIC; Andrew Darling, Assistant Coordinator, Cultural Resource Management Program, GRIC; Katherine Neustadt and Ruth Greenspan, Historic Preservation Team, (ADOT); and Mark Brodbeck, Coordinator, Cultural Resources Section, HDR, Inc.

The following items were discussed at the meeting:

1. The GRIC's Cultural Resource Specialist confirmed that all of South Mountain is viewed by the Akimel O'odham and Pee Posh as an important and sacred place, and that cutting across, or tunneling under, any part of it would be viewed as a desecration. In the opinions of Mr. Lewis and Dr. Darling the only way to mitigate impacts to South Mountain would be to avoid it completely.

2. It was acknowledged by all in attendance that the only ways to completely avoid South Mountain are:
a) the no-build alternative, and
b) constructing a segment of the freeway on the GRIC reservation.
It was the opinion of Mr. Lewis that a freeway on the northern edge of the reservation would create an "unnatural" barrier that would serve to hinder access to South Mountain for Community members. In addition, Community members have voiced general objections to having a freeway on the reservation.

3. There are other TCPs and highly sensitive historic properties, such as the Villa Buena site, within some of the proposed alignments and in the general project area that have potential to be adversely affected by the proposed freeway.

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4. Mr. Lewis said he was not aware of any TCPs north of the Salt River within the study area, but added that other Native American tribes should be consulted to confirm that there are no TCP concerns in that area.

5. Mr. Lewis and Dr. Darling agreed that GRIC will provide FHWA and ADOT with a formal response to the consultation letter of July 7, 2005 regarding TCPs, and agreed that the response would include a map of the project area with areas that GRIC would like to see avoided in the event that an alternative other than the no-build alternative is selected. This response will be made by October 3, 2005.

6. Mr. Lewis and Dr. Darling confirmed that GRIC is interested in participating in continuing consultation on this project, and agreed that GRIC will review and provide comments on the draft Programmatic Agreement by October 3, 2005.

At this time, no decisions have been made regarding the various alternatives being studied for this project. If GRIC provides FHWA with a map and written information regarding locations and possible mitigation measures for those areas your community would like to see avoided by the proposed freeway, FHWA will be in a position to insure that GRIC's concerns are given full consideration in the decision-making process. Any information provided would be kept strictly confidential.

Additionally, if GRIC chooses to participate in future consultation as a Concurring Party to the Programmatic Agreement, any comments on the draft PA provided by October 3, 2005 will be considered in preparation of the final document. If GRIC opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns of the Community.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your tribe/community through continued Section 106 consultation. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Ruth L. Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure
cc:
Barnaby Lewis, Cultural Resource Specialist, Cultural Resource Management Program, Gila River Indian Community, P.O. Box E, Sacaton, AZ 85247
J. Andrew Darling, Assistant Coordinator, Cultural Resource Management Program, Gila River Indian Community, P.O. Box 2140, 192 S. Skill Center Road, Room 200, Sacaton, AZ 85247
Sandra Shade, Director, Department of Transportation, Gila River Indian Community, P.O. Box 97, Sacaton, AZ 85247
SThomas
RGreenspan (619E)
REllis (619E)
SDThomas:cdm

Richard P. Narcia
GOVERNOR

MARY V. THOMA
LIEUTENANT GOVERNOR

Gila River Indian Community

EXECUTIVE OFFICE OF THE GOVERNOR & LIEUTENANT GOVERNOR

September 30, 2005

Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

This letter is in response to your letter dated July 7, 2005 regarding the "South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L" The Environmental Impact Statement addresses nine variations of five alternative alignments for the proposed South Mountain Freeway. This project, which extends around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix, would be located in close proximity to the Gila River Indian Community and would negatively impact cultural resources; especially traditional cultural properties .

The Gila River Indian Community has concerns regarding 21 archaeological sites identified in the report "A Class III Cultural Resources Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County (Darling 2005)" as well as concerns for the protection of the traditional cultural properties in the South Mountain Range.

The cultural significance of South Mountain figures prominently in oral traditions of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) as well as the Pee Posh, formally known as the Maricopa Tribe of the Gila River Indian Community and of the Salt River Pima-Maricopa Indian Community.

The Gila River Indian Community identifies the South Mountain as a Traditional Cultural Property. Traditional cultural properties are defined as historic sites that are important because of "their association with cultural practices or beliefs of a living community that (a) are rooted in the community's history, and (b) are important in maintaining the

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Telephone: (520) 562-6000 • Fax: (520) 562-6010 • Email: executivemail@gric.nsn.us

continuing cultural identity of the community" (National Register Bulletin 38). Historic sites must exhibit four attributes: an age greater than 50 years; existence as a tangible property; integrity in relationship to the transmission and retention of cultural beliefs or the performance of ceremonial practices; and integrity of condition wherein their traditional cultural significance has not been reduced through alteration of location, setting, design or materials.

The Gila River Indian Community was established by an act of Congress in 1859 that comprises 372,000 acres that protected some of our ancestral lands and provided a land base for the Akimel O'Odham and Pee Posh. However Muhadagi Doag (Greasy Mountain) was not included as part of the present day community. This mistake restricted and prevented access by community members to this sacred mountain. South Mountain stands prominently within the landscape and is central to our traditional and spiritual understanding of respect for the natural resources and vast ecosystem. We believe this unique relationship enabled our ancestors to live harmoniously within this desert environment from time immemorial and this relationship is essential to the continued survival of our culture. Our elders reaffirm valuable cultural information regarding our people's use of the mountain area through oral tradition, which continuously reiterates and renews our ties with the land through stories and songs of the people of this community.

Muhadagi Doag (South Mountain's traditional name from the story of creation) has been well documented by several researchers in published literature as a traditional cultural property of central importance to the Akimel O'Odham of the Gila River Indian Community (Bahr 2001:13, 32,; Bostwick 2002:1; Densmore 1929:41; Lloyd 1911:77, 125; Saxton and Saxton 1973:328; Rea 1996:18; Russell 1908:216,224, 278; Spier 1933:351). The South Mountain has also been documented as traditional cultural property known as Avikwax'os, which is documented in published literature as well (Harrington 1908:33; Rea 1996; Spier 1933:252-253). Muhadagi Doag is one of the mountain homes of Se'ehe also known as I'itoi an ancient deity of the O'Odham. Due to the sacred nature of the area, private traditional religious activities are still conducted in various forms by individual community members today.

Although some modern impacts have occurred since the establishment of the City of Phoenix, the South Mountain range continues to hold its religious and cultural significance. The proposed transportation corridor will be intrusive to the spiritual connections associated with the people of the Gila River Indian Community and it will forever alter the landscape and view-shed of South Mountain as they are experienced by the people of this Community. Trails and shrines located within the proposed corridor will be destroyed and contribute to diminishing our traditional way of life. Numerous petroglyphs have been recorded within and around South Mountain that demonstrate its traditional religious uses since the prehistoric days of our Hohokam ancestors.

The National Historic Preservation Act of 1966 as amended provides a compliance process for eligibility for the National Register of Historic Places and those impacts to these sites must be considered in order to provide an opportunity to protect traditional

cultural properties. The Gila River Indian Community identifies archaeological sites, Villa Buena (AZ T:12:9 ASM) and Pueblo del Alamo (AZ T:12:52 ASM), as traditional cultural properties. Although modern development has impacted the Villa Buena site, in particular, and limited archaeological investigations have been conducted, this site still holds its physical and cultural integrity and its religious and cultural significance has not diminished.

FHWA must take appropriate mitigation measures in adversely affecting the physical integrity of these traditional cultural properties which are sacred sites. In our view cutting out part of the mountain or tunneling for the proposed road project will adversely impact South Mountain. Your full consideration of our compelling cultural connection to South Mountain must be acknowledged.

The Gila River Indian Community (GRIC) appreciates the efforts of the Federal Highway Administration in addressing our concerns and anticipates meaningful consultations in accordance with the National Historic Preservation Act on this undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-3570 should you have any questions or require further information.

Sincerely,

Mary V. Thomas, for
Richard P. Narcia, Governor 9-30-05
Gila River Indian Community

cc: John C. Ravesloot GRIC-CRMP Coordinator
Larry Stephenson, GRIC Land Use Planning & Zoning
Sandra Shade, GRIC Department of Transportation
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodbeck, HDR Engineering, Inc.
Four Southern Tribes of Arizona

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

David P. Jankofsky
Deputy Director

August 17, 2005

Joni Ramos, President
Salt River Pima-Maricopa Indian Community
Route 1, Box 216, 10005 E. Osborn
Scottsdale, Arizona 85256

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Draft Programmatic Agreement follow-up

Dear President Ramos:

The Arizona Department of Transportation (ADOT) on behalf of the Federal Highway Administration (FHWA) is following up on our recent request for input on the draft Programmatic Agreement (PA) for the South Mountain Corridor freeway project (letter from Hollis, FHWA, July 7, 2005). ADOT/FHWA are in the process of finalizing the South Mountain Corridor PA to address project effects as the environmental documentation continues for the project. A draft PA was circulated in July 2005 along with an invitation to participate in discussions regarding the potential effects of the project on areas of traditional cultural significance, however, at this time, few tribes have opted to participate.

ADOT on behalf of FHWA would like to offer another opportunity for your tribe/community to participate in the PA and in discussions regarding potential effects to areas of traditional cultural significance. Please sign below if you would like to be included as a Concurring Party to the final PA and return to ADOT by September 2, 2005. If your office opts to participate in cultural resource consultation at a later date, ADOT/FHWA would make a good faith effort to address any concerns.

If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Evelyn Andrews 10-2-05
Signature for Salt River Pima-Maricopa Concurrence Date

cc: Dezbah Hatathli, Acting Cultural Programs Supervisor, Cultural and Environmental Services
Kelly Washington, Acting Cultural Resources Department Director
Hans Klose, Community Development Director
SThomas (FHWA)

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

September 29, 2005

Dr. David Jacobs
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Addendum Class I and Class III Survey Reports
Eligibility Recommendations

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. As part of this effort, our office submitted two cultural resources reports on August 26, 2005. The reports were entitled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck and Touchin 2005) and *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005). In your response letter dated September 19, 2005, you found the report adequate and provided several comments requesting clarification on the following eligibility recommendations:

- The first comment noted inconsistencies between the eligibility summary in the consultation letter and the Class I report. We have confirmed that a total of 27 previously recorded historic and prehistoric archeological sites were identified in the Class I report. Five of the sites were previously determined eligible, 7 were considered not eligible, 7 had not been previously evaluated, and the eligibility status of 8 sites is unknown.

- The second comment noted that the consultation letter neglected to mention that the Barnes Dairy and the Dad Farmstead are part of the 6100 West Dobbins Road Streetscape. We would like to confirm that the Barnes Dairy is recommended as eligible both individually and as a contributing component of the Dobbins Streetscape. In contrast, while the Dad Farmstead is recommended as not eligible as an individual property, it is recommended eligible as a contributing component of the Dobbins Streetscape.

- Third, Dr. Collins commented that the 6100 West Dobbins Road Streetscape is more appropriately eligible under Criterion A than Criterion D. We concur that the Dobbins Streetscape is eligible under A, rather than D.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. If you find the reports adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact me at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely,

Ruth L. Greenspan
Historic Preservation Specialist
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Signature for SHPO Concurrence

30-05
Date

cc:
SThomas (FHWA)
WVachon (FHWA)

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Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

August 31, 2005

Dr. Todd Bostwick, Archaeologist
City of Phoenix
Pueblo Grande Museum
4619 E. Washington
Phoenix, Arizona 85034

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764 01E
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Addendum Class I and Class III Survey Reports

Dear Dr. Bostwick:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes four technical studies:

- A Class I overview of the overall study area: *"A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona"* (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: *"A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona"* (Darling 2005). Consultation regarding adequacy of the report is on going. To date, concurrence responses have been received from SHPO (Jacobs, July 11, 2005), Bureau of Reclamation (Ellis, July 12, 2005), Bureau of Land Management (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quewakia, July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report is titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*. The Class III report is titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*. Both reports are enclosed for consultation and discussed below.

Addendum Class I Overview Results

The addendum Class I overview, titled *An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck and Touchin 2005), identified 27 previously recorded prehistoric and historic archaeological sites, five historical-period linear sites, and 129 historic building properties (see attached Table A). In addition, historical maps indicate that several prehistoric canal alignments pass through the study area. For the archaeological sites, five are considered eligible to the National Register of Historic Places (NRHP) under Criterion D, five sites are not eligible, nine sites have not been evaluated for eligibility, and the eligibility status of eight sites is unknown due to a lack of available information. Historically

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documented prehistoric canals in the area are viewed as potentially eligible resources that should be investigated if encountered.

The Class I study revealed five historical-period linear sites in the study area. The linear sites are considered eligible overall under Criterion A with contributing and non-contributing segments.

Of the 129 historic building properties, 25 have been previously recommended as eligible to the NRHP under Criteria A and/or C, 37 have been recommended as not eligible, and 67 have not been evaluated. Seventy-one historic building properties are in the Capital Redevelopment Area in Phoenix, an unnominated residential area with an abundance of historic building properties. Eighteen of the historic building properties are in the Villa Verde Historic District, which is listed on the Phoenix Register of Historic Places. Although the Villa Verde properties were previously recommended as not eligible to the NRHP, they should be re-evaluated within the context of an early Phoenix suburban neighborhood.

The vast majority of cultural resources identified in the addendum Class I study area will not be affected by any of the proposed alternative alignments. Cultural resources in the W55 and W71 alignments include AZ T:11:26 (ASM), AZ T:12:4 (MNA), AZ T:12:5 (MNA), AZ T:12:10 (ASM) (Los Colinas), AZ T:12:38 (ASM), and AZ T:12:178 (ASM) (Los Aumentos). Cultural resources in the W101 alignments include AZ T:7:167 (ASM) (Grand Canal), AZ T:10:83 (ASM) (Roosevelt Canal), AZ T:11:26 (ASM), AZ T:12:4 (MNA), and AZ T:12:178 (Los Aumentos).

Addendum Class III Survey Results

An addendum survey of shifted alternative alignments, defined in December 2004, and agricultural fields that had been plowed in early 2005 since the time of the initial Class III survey conducted by the GRIC (Darling 2004), was conducted by HDR Engineering, Inc. (HDR). In addition, the addendum Class III survey included documentation of 21 historic sites not included in the initial Class III survey (Darling 2004). The results are reported in a report titled *An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2005), which is enclosed for your review and comment. One archaeological site and 21 historic sites were identified in the proposed alternative alignments (see attached Table B). The archaeological site is recommended as eligible to the NRHP under Criterion D. Two historic sites are recommended as eligible under Criterion A. Three historic sites are recommended as eligible under Criterion C. One historic site is recommended as eligible under Criteria A and B. One historic site is recommended as eligible under Criteria A and C. One historic site is recommended as eligible under Criteria A and D. One historic site is recommended as eligible under Criterion A but non-contributing within the proposed alternative alignments. Twelve historic sites are recommended as not eligible.

Archaeological Sites

- AZ T:12:221 (ASM) is a prehistoric Hohokam artifact scatter. The site is recommended as eligible to the NRHP under Criterion D for its potential to provide important information on prehistoric settlement and land use in the lower Salt River Valley near the confluence of Gila and Salt rivers.

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Canals

- The SRP 99th Avenue Lateral, located on the east side of South 99th Avenue and north of Lower Buckeye Road, is recommended as eligible to the NRHP under Criterion A as a rare irrigation feature that was once common in the agricultural landscape of the Salt River Valley. The lateral is being converted to an underground pipe in response to the Pecan Promenade and City of Phoenix development projects. SRP and Reclamation are currently in the process of preparing a report for the canal that documents its history and engineering, as a form of mitigation. Upon completion of these projects, the 99th Avenue Lateral will no longer be considered a contributing component of the overall SRP irrigation network.

Commercial Properties

- Mother's Restaurant at 5760 West Buckeye Road is recommended as not eligible to the NRHP due to a lack historical significance and integrity. The original gas station is heavily modified as a result of its conversion to a restaurant in the 1970s. It no longer retains integrity of workmanship and design. Historically, the gas station was in a rural agricultural setting along a two-lane highway. Today, the property has lost its integrity of setting and feeling, as it is in a modern industrial zone with old US 80 (West Buckeye Road) widened to a five-lane urban thoroughfare.

- The Jarvis Marine Repair Shop at 5800 West Buckeye Road is recommended as not eligible to the NRHP due its age and lack of architectural significance.

Farms

- The Hudson Farm located at 9300 South 59th Avenue is recommended as eligible to the NRHP under Criterion A as an exceptional example of a historic farmstead in Laveen. It retains a complete suite of agricultural buildings and structures from the period of significance that are in good condition and well preserved. In addition, the farmstead does not have any intrusive modern buildings or structures that would detract from its historic setting and feeling (other than a large satellite dish which could be easily removed). The farmstead's combination and overall layout of older buildings and structures, along with other contributing elements such as the mature landscaping, palm tree-lined driveways and entrance gates, provides an inclusive picture of what a working farmstead was like in Laveen during the agricultural era period of significance. The property retains integrity of location, workmanship, materials, design, and association. Furthermore, the surrounding agricultural field provides the contextual framework within which the property conveys its historic character as a farmstead. Thus, the agricultural field is an important contributing component that defines and preserves the farmstead's integrity of setting and feeling. It is recommended that the entire 38-acre parcel is eligible for the NRHP under Criterion A as an exceptional example of a historic-period Laveen farmstead. Additionally, the pair of stave silos are recognized as individually eligible to the NRHP under Criterion C, as rare examples of a once common architectural form that was a fundamental component of Laveen's historic agricultural landscape.

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Farmsteads

- The Anderson Farm Tenant Residences at 9901 and 9903 West Van Buren Road are recommended as not eligible to the NRHP due to a lack of historical and architectural significance.

- The Carter Farmstead at 7201 and 7215 West Broadway Road is recommended as not eligible to the NRHP. The farmstead has lost too many of its primary elements to convey a good sense of its historic character. While it provides a picturesque rural setting, it does not provide an accurate portrayal of its historic composition.

- The Cecil and Mary Colvin Farmstead located at 5139 West Estrella Road is recommended as not eligible to the NRHP because it has lost too many of its period elements to convey its historic character. The farmhouse is the only primary element remaining from the historic period; however, it lacks integrity and architectural distinction.

- The Dad Farmstead at 6102 West Dobbins Road is recommended as not eligible for the NRHP due to a lack of historical significance, architectural merit, and integrity. Individually, the farmhouse and barn have been modified and lack architectural distinction. Overall, the property fails to convey its original historic character as a working farmstead.

- The Dean Farmstead at 9445 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials. The farmhouse is heavily modified through additions and is in a general state of disrepair.

- The Maddux House at 9115 West Broadway Road is recommended as not eligible for the NRHP due to a lack of historical and architectural significance.

- The Parker Farmstead at 3606 South 83rd Avenue is recommended as not eligible due to a lack of historical and architectural significance. None of the farmstead's historic period buildings and structures remain, except for the farmhouse built in 1950, which is heavily modified with additions and generally lacks integrity of design, workmanship, and materials.

- The Pitrat Farmstead at 5901 West Elliot Road is recommended as not eligible for the NRHP due to a lack of architectural integrity and historical significance. The historical layout of the farmstead has been lost as a result of property subdivisions and new construction. The house is heavily modified from its original form through multiple additions. Although the property is consistent with a rural agricultural landscape, in its current condition, it no longer conveys an accurate representation of its historical period character.

- The Quinonez House at 9131 West Broadway Road is recommended as not eligible to the NRHP due to a lack of historical and architectural significance and diminished integrity of workmanship, design, and materials

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- The Sachs-Webster Farmhouse at 7515 West Baseline Road was previously recommended as eligible for the NRHP under Criterion C as an outstanding example of the Pyramid Cottage or Neo-Classical bungalow style house. Not only is the house a rare example of a once common Territorial-period architectural style, it is also exceptional in that few homes built in Phoenix in the Pyramid Cottage style possess as many of the hallmark attributes as does the Sachs-Webster House.

Farmsteads with Dairy Components

- The Colvin-Tyson Farmstead/Barnes Dairy located at 6159 West Dobbins Road is recommended as not eligible to the NRHP as a whole because of a lack of integrity and historical significance. However, the dairy "head-to-toe" barn is recommended as individually eligible under Criterion C as a rare example of a once common architectural form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few standing family-operated dairy barns in Laveen. It is also recognized as important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy head-to-toe barn used during the height of its agricultural era.

- The Hackin Farmstead/Dairy at 10048 South 59th Avenue is recommended as not eligible to the NRHP because of a lack of integrity and historical significance. However, the dairy "flat" barn, is recommended as individually eligible under Criterion C as a rare example of a once common form that was a characteristic feature in Laveen's historic landscape and an integral component of its local economy. It is one of the few remaining family-operated dairy barns in Laveen. It is also important within the broader context of the Salt River Valley's dairy industry as a surviving example of a dairy flat barn used during the height of its agricultural era.

Feedlots

- The C.O. Pitrat & Sons Feedlot in the 6100 Block of West Elliot Road is recommended as not eligible for the NRHP because of a lack of historical and architecture significance. The feedlot is 50 years old; however, most of its operation occurred in modern times. The structures and buildings are poorly preserved and generally lack integrity.

Highways

- US 80 (AZ FF:9:17 [ASM]) is considered eligible to the NRHP under Criterion A at the national level as one of the first designated transcontinental routes and for its association with the development of the U.S. interstate transportation network. The segment within the study area has been widened and modernized and no longer retains integrity of design, workmanship, and materials. Furthermore, its integrity of setting and feeling are lost with most of the surrounding landscape transformed from rural agricultural to urban commercial/industrial. It is recommended that the segment in the study area is not eligible to the NRHP as a non-contributing component of US 80.

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Historic Townsites

- The historic Santa Marie Townsite, located at the southwest corner of Lower Buckeye Road and 83rd Avenue, is recommended as eligible to the NRHP under Criteria A and B. The unincorporated townsite is a living example of an historic, rural Hispanic agricultural community in the Salt River Valley. Communities such as Santa Maria had an important role in the development and operation of the Valley's agricultural industry throughout the 20th century. In addition, the townsite has an association with Khattar Joseph Nackard, an Arizona businessman who had an influential role developing and shaping the State's economic and commercial future. As such, it is recommended that the Santa Marie Townsite is eligible for the NRHP under Criteria A and B.

Railroads

- The Southern Pacific Railroad Wellton-Phoenix-Eloy Main Line (AZ T:10:84 [ASM]) is recommended as eligible to the NRHP for its association with the development of Arizona's railroad network. The railroad has been maintained and upgraded over the years and remains an important component of Arizona's transportation network.

Streetscapes

- The 6100 Block West Dobbins Road Streetscape is recommended as eligible to the NRHP under Criteria A and D as an example and reflection of the lower Salt River Valley's agricultural past. In contrast to a more common, barren rural streetscape defined by a two-lane road passing between broad, open agricultural fields, the 6100 Block contains a suite of rural agricultural elements that convey a strong sense of what rural life was like in Arizona in the early to mid 1900s; (i.e., it captures more of the human element). Rural streetscapes are becoming increasingly rare in the lower Salt River Valley, as agricultural communities are replaced by urban development. It is recommended that the 6100 Block West Dobbins Road Streetscape is eligible to the NRHP under Criteria A and D, not only for its association with Arizona's early agricultural development, but more so for its information potential to provide future Arizonans with an idea of what rural agricultural life was like in the lower Salt River Valley during the early years of statehood.

All sites are located on private land, except for the Sachs-Webster Farmhouse (7515West Baseline Road) – Flood Control District Maricopa County; SRP 99th Avenue Lateral – Bureau of Reclamation/Salt River Project; US 80/ AZ FF:9:17 (ASM) – City of Phoenix, and the 6100 Block West Dobbins Road Streetscape – City of Phoenix. FHWA/ADOT is concurrently consulting with these agencies regarding the eligibility of these sites located on their land.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed Class I overview and Class III survey report and information provided in this letter. If you find the reports

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adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. We also look forward to continuing consultation with your office. The final Programmatic Agreement is being completed and will be submitted for signature in September 2005. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Enclosures

Todd Bostwick
Signature for City of Phoenix Concurrence with revisions

11-1-05
Date

cc: SThomas (FHWA); WVachon (FHWA)

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Table A. Addendum Class I Overview Report Eligibility and Management Summary.

Alignments	Site	Type	Location	Jurisdiction	NRHP Eligibility (Criterion)	Management Recommendation
W55/W71	AZ T:11:26 (ASM)	Hohokam Artifact Scatter	T1N, R1E, S4	ADOT	Not Eligible	None
	AZ T:12:4 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S6	ADOT, Private	Not Eligible	None
	AZ T:12:5 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S5	ADOT, Private	Not Eligible	None
	AZ T:12:10 (ASM) Las Colinas	Hohokam Village	T2N, R2E, S36; T1N, R2E, S1, 2, 11	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
	AZ T:12:38 (ASM)	Hohokam Village	T1N, R2E, S3	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
	AZ T:12:178 (ASM) Los Aumentos	Hohokam Village	T1N, R1E, S2	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects
W101 Alignments1	AZ T:7:167 (ASM) Grand Canal	Canal	T2N,R1E, S9, 16	Reclamation	Eligible (A, C)	Avoid, or else mitigate adverse effects
	AZ T:10:83 (ASM) Roosevelt Canal	Canal	T1N, R1E, S3, 4	Private	Eligible (A, C)	Avoid, or else mitigate adverse effects
	AZ T:11:26 (ASM)	Hohokam Artifact Scatter	T1N, R1E, S4	ADOT,	Not Eligible	None
	AZ T:12:4 (MNA)	Hohokam Artifact Scatter	T1N, R2E, S6	ADOT, Private	Not Eligible	None
	AZ T:12:178 (ASM) Los Aumentos	Hohokam Village	T1N, R1E, S2	ADOT, Private	Eligible (D)	Avoid, or else mitigate adverse effects

1 = Includes alignments W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, W101EFR

Table B. Addendum Class III Survey Report Eligibility and Management Summary.

Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
AZ T:12:221 (ASM)	n/a	Prehistoric Scatter	N	W55	Fowler	T1N, R2E, S31	Private	Eligible (D)	Avoid, or else mitigate
6100 Block West Dobbins Road Streetscape	6100 Block W. Dobbins Rd.	Rural Streetscape	N	W55	Laveen	T1S, R2E, S6,7	Private, Phoenix	Eligible (A,D)	Avoid, or else mitigate
Anderson Farm Tenant Residences	9901 and 9903 W. Van Buren Rd.	Tenant Residents	N	W101 (all)	Tolleson	T1N, R1E, S8	Private	Not Eligible	None
C. O. Pitrat & Sons Feedlot	6100 Block W. Elliot Rd.	Feedlot	N	W71, W101 (all)	Laveen	T1S, R2E, S18	Private	Not Eligible	None
Carter Farmstead	7201 and 7215 W. Broadway Rd.	Farmstead	N	W71	Fowler	T1N, R1E, S25	Private	Not Eligible	None
Cecil and Mary Colvin Farmstead	5139 W. Estrella Rd.	Farmstead	N	None[1]	Laveen	T1S, R2E, S20	Private	Not Eligible	None
Colvin-Tyson Farmstead/Barnes Dairy	6159 W. Dobbins Rd.	Farmstead/Dairy	N	W55	Laveen	T1S, R2E, S7	Private	Farmstead: Not Eligible; Dairy Barn: Eligible (C); contributing elements to 6100 Block Streetscape	Avoid dairy barn, or else mitigate; avoid portion within 6100 Block Streetscape boundaries, or else mitigate

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Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
Dad Farmstead	6102 W. Dobbins Rd.	Farmstead	N	W55	Laveen	T1S, R2E, S6	Private	Farmstead: Not Eligible; contributing element to 6100 Block Streetscape	Avoid portion within 6100 Block Streetscape boundaries, or else mitigate impacts to streetscape
Dean Farmstead	9445 W. Broadway Rd.	Farmstead	N	W101 (all)	Tolleson	T1N, R1E, S28	Private	Not Eligible	Avoid
Hackin Farmstead/Dairy	100048 S. 59th Ave.	Farmstead/Dairy	N	None[2]	Laveen	T1N, R1E, S7	Private	Farmstead: Not Eligible; Dairy Barn: Eligible (C)	Avoid dairy barn, or else mitigate
Hudson Farm	9300 S. 59th Ave.	Farm	N	W55	Laveen	T1S, R1E, S7	Private	Farm: Eligible (A); Silos: Eligible (C)	Avoid, or else mitigate
Jarvis Marine Repair Shop	5800 W. Buckeye Rd.	Commercial Building	N	W55	Fowler	T1N, R2E, S8	Private	Not Eligible	None
Maddux House	9115 W. Broadway Rd.	Farmhouse	N	W101 (all)	Tolleson	T1N, R1E, 28	Private	Not Eligible	None
Mother's Restaurant	5760 W. Buckeye Road	Commercial Building	N	W55	Fowler	T1N, R2E, S8	Private	Not Eligible	None
Parker Farmstead	3606 S. 83rd Ave.	Farmstead	N	W101EPR, W101EFR	Fowler	T1N, R1E, S22	Private	Not Eligible	None
Pitrat Farmstead	5901 W. Elliot Rd.	Farmstead	N	None[3]	Fowler	T1S, R2E, S18	Private	Not Eligible	None

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Name	Address	Type	Newly (N)/Previously (P) Recorded	Alignment	USGS 7.5' Map	Township, Range, Section	Ownership	NRHP Eligibility Recommendation	Management Recommendation
Quinonez House	9131 W. Broadway Rd.	Farmhouse	N	W101 (all)	Tolleson	T1N, R1E, S28	Private	Not Eligible	None
Sachs-Webster Farmhouse	7515 W. Baseline Rd.	Farmhouse	P	W101 (all)	Tolleson	T1S, R1E, Ss	FCDMC	Eligible (C)	Avoid, or else mitigate
Santa Marie Townsite	Lower Buckeye Rd. and S. 83rd Ave.	Townsite	N	W71	Fowler	T1N, R1E, S24	Private	Eligible (A,B)	Avoid, or else mitigate
SPRR Wellton-Phoenix-Eloy Main Line	UPRR R/W	Railroad	P	All	Fowler, Tolleson	T1N, R1E, S8,9,12; T1N, R2E, S8	UPRR	Eligible (A)	Avoid, or else mitigate
SRP 99th Avenue Lateral	99th Ave. and Lower Buckeye Rd.	Irrigation Canal	P	W101W99	Tolleson	T1N, R1E, S16	SRP/ Reclamation	Eligible (A)	Avoid, or else mitigate
US 80 (AZ FF:9:17 [ASM])	West Buckeye Road	Highway	P	All	Fowler, Toleson	T1N, R1E, S8,9,12,13,16,17; T1N, R2E, S8, 17	Phoenix	Eligible (A) (non-contributing)	None

Table Notes:
1) all the alignments cross the property parcel but do not intersect the farmstead.
2) W55 crosses the property parcel but misses the farmstead and dairy barn;
3) All the alternative alignment pass within about 100 m of the farmstead but do not directly impact it.

Arizona Governor's Award for Quality
2001 Award Recipient

City of Phoenix
PARKS AND RECREATION DEPARTMENT

Archaeology Section
Pueblo Grande Museum
4619 E. Washington St.
Phoenix, AZ 85034

Report Review Form

Project No.: ADOT **Date Report Submitted: 9/26/05**
Report Title: Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona
Draft: X **Final:**
Author: Brodbeck and Touchin **Firm:** HDR
Action: Revise & Resubmit

Comments:

- Under Agency on the Abstract page (iii): ASLD, BLM and the COP Parks and Recreation Department should also be in this section because they are listed as having jurisdiction for the alternative alignments on the first page of the cover letter of this report from Serelle E. Laine for ADOT. Please revise this.
- Under Location on the Abstract page (iii), partial paragraph at the bottom of the page, last line and partial paragraph at the top of page iv, first line: According to Figures 2-7, *Sections 3 to 5, 8, 9, 16, 17, 20, 21, 28, 29, and 31 to 36* should read *Sections 3 to 5, 8 to 10, 15 to 17, 20 to 22, 27 to 29, and 31 to 36*. Also, *Sections 31 to 36 of Township 2 North, Range 1 West* and *Sections 1 to 12 of Township 1 North, Range 1 West* should be added to this section. Please fix this here and under the Introduction, page 1, final paragraph.
- Under List of Sites on the W55 and W71 Alignments on the Abstract page (iv), final line: *AZ T:5: (ASM)* should read *AZ T:12:5(MNA)* here and everywhere it occurs in the report.
- Under Management Recommendations on the Abstract page (v), final paragraph and under Summary and Management Recommendations, page 63, partial paragraph at the bottom of the page, and partial paragraph at the top of page 64: Add the following sentence at the end of each paragraph: *If the resources are identified within the City of Phoenix, the City of Phoenix Archaeology Office should also be contacted and allowed time to properly assess the materials*.
- On the Table of Contents page (vi), List of Figures: *v* should read *viii*.
- On the Table of Contents page (vi), List of Tables: *vi* should read *ix*.
- Under List of Figures, page viii: *Figure 4* should read *Figure 3*. As a result, all of the remaining figure numbers are off by one both here and in the text of the report. Please revise this here and wherever it occurs in the report.
- Under the Introduction, page 1, initial paragraph, line 3: Omit *is a* between *This* and *federally-funded*.
- Under Chapter 2: Environmental Context, page 4, initial paragraph, line 4: *Aqua Fria* should read *Agua Fria*.

Saving the past for the future...

- In Table 1, page 6: Please state whose cultural chronology you are basing the table on (Dean [1991])?
- In Table 1, page 6: You place the Vahki phase before the Pioneer period, yet under Early Formative and Pioneer Periods, page 8, partial paragraph at the bottom of the page, initial sentence, you state that the Vahki phase is a part of the Pioneer period. Please revise this.
- Under Paleo-Indian Period, page 7, line 4: *kills sites* should read *kill sites*.
- Under Paleo-Indian Period, page 7, line 10: You state that a single specimen was recovered from the northern edge of the basin. Please clarify which basin you are referring to. Also, for more information on Paleoindian finds in the area, please see:

  North, Chris, Michael S. Foster, John M. Lindly and Douglas R. Mitchell
  2005 A Newly Discovered Clovis Point from the Phoenix Basin and an Update on Arizona Clovis Point Attributes. *Kiva* 70(3): 293-307.

- Under Archaic Period, page 7, initial paragraph, line 9: Please move the dash from after *assemblages* to after *sedentism*.
- Under Archaic Period, page 8, partial paragraph at the top of the page, first and second lines: Please add the following report to your list of work done on Archaic sites in the Phoenix Basin:

  Hackbarth, Mark R.
  1998 *Archaic and Hohokam Occupation of the Mayo Boulevard Project Area in Northeast Phoenix, Arizona*. Pueblo Grande Museum Anthropological Papers No. 8.

- Under Colonial Period, page 10, partial paragraph at the top of the page, line 6: Insert the word *a* after *become*.
- Under Colonial Period, page 10, final paragraph, lines 4-5: Doyel (1978), Elson et al. (1995), Haury (1932) and Mitchell (1986) are not in the Refernces Cited section. Please revise this.
- Under Classic Period, page 12, partial paragraph at the top of the page, line 3: Howard (1987) is not in the References Cited section. Please revise this.
- Under Classic Period, page 12, partial paragraph at the top of the page, second complete sentence: For information on the platform mound at Pueblo Grande, please see:

  Downum, Christian and Todd Bostwick
  2003 The Platform Mound. In *Centuries of Decline during the Hohokam Classic Period at Pueblo Grande*, edited by David Abbott, pp. 166-200. University of Arizona Press, Tucson.

- Under Historic Period, page 13, line 2: *id divided* should read *is divided*.
- Under The Hispanic Era (A.D. 1694-1853), page 14, partial paragraph at the bottom of the page, initial sentence: It is not clear what group of people are you referring to

when you mention the word *Western*. Do you mean the Western Apache? Please revise this.

- Under The Hispanic Era (A.D. 1694-1853), page 15, final paragraph, final sentence: Mention the Mexican-American War and the Treaty of Guadalupe-Hidalgo (1848) as well.
- Under Chapter 4: Regulatory Context, page 17, paragraph 2, line 5: Please omit the comma after *NHPA* and add a period.
- Under Chapter 4: Regulatory Context, page 17, partial paragraph at the bottom of the page, initial line: *State Historic Preservation of 1982* seems incomplete. Do you mean *State Historic Preservation Act of 1982*?
- Under Chapter 5: Results, page 19, paragraph 2, line 2: You state that 76 projects were surveys, yet more than 80 surveys are listed in Table 2. Please revise this.
- Under Chapter 5: Results, page 19, paragraph 4, line 2 and under Chapter 6: Summary and Management Recommendations, page 63, paragraphs 2 and 4: You state that there were 129 historic buildings, yet 130 are listed in Table 7.
- Under Chapter 5: Results, page 19, paragraph 4, sentence 3: You state that five archaeological sites are not eligible, yet seven sites are listed as eligible in Table 5. Also, you state that nine archaeological sites have not been evaluated for eligibility, yet seven sites are listed as not evaluated in Table 5. Please revise this.
- In Table 2, page 20: The Janus Assoc. (1987b) survey is not shown in Figure 5. Please revise this.
- In Table 2, page 21: The Schroeder (1995) survey is not shown in Figure 5. Please revise this. Also, *Stubbing and Mitchell* should read *Stubing and Mitchell*.
- In Table 2, page 22: The Hart (1999) survey is not shown in Figure 3. Please revise this.
- In Table 2, page 23: Please indicate which Touchin and Brodbeck (2003) you mean (a or b).
- In Table 3, page 24: The projects listed for the Excavations at Las Colinas, the Clark and Henderson (2001) project and the Boston and Ryan (2002) project are not shown in Figure 5. Also, the Shepard (1998) project is not shown in Figure 3. Please revise this.
- In Table 4, page 25: The Marshall (1996) project is not shown in Figure 5. Please revise this.
- In Table 4, page 25: The location of the Hart (2001a) project should read *T2N, R2E, S32*.
- On Figure 2, page 26: Four UTMs must be displayed. Please revise this both here and throughout the report.
- On Figure 4, page 28: *Hart 2001c* should read *Hart 2001b*.
- On Figure 5, page 29: *Hart 2001d* should read *Hart 2001c*.
- In the caption of Table 5, page 32: *Previous* should read *Previously*.
- In Table 5, page 32: You mention the site labeled "ASU" and cite our base map as a reference, but this site is not labeled "ASU" on any of our maps. On whose records is this site labeled ASU?
- In Table 5, page 32: According to our records, Midvale-6 and AZ T:12:28b(ASU) are two separate sites. Please revise this.
- In Table 5, page 32: Site AZ T:12:184(ASM) should be placed in the Site Number column for the Fangmeier (2002) project.
- In Table 5, page 33: Marshall (1997c) is not in the References Cited section. Please revise this.
- In Table 5, page 34, References for Las Colinas: Hammack (1981) is Hammack and Sullivan (1981) in the References Cited section. Heathington (1985) is Heathington et al. (1985) in the References Cited section. Finally, Gregory (1988b) is not in the References Cited section. Please revise this.
- In Table 5, page 34: Site AZ T:12:13(PG) is located far from this project area. It is located in T1S R2E S3. There was originally some confusion on the PGM site card (which has been resolved) as to whether this site is located in T1N or T1S, which may have caused it to be erroneously placed in T1N on SHPO inventory 1210.
- In Table 5, page 35, References for AZ T:12:38(ASM): Please include the other report references that were listed in the site file you obtained when you conducted your search at PGM, especially Layhe (1988), Excavations at AZ T:12:38 (ASM). In *The 1982-1984 Excavations at Las Colinas: The Site and Its Features*.
- In Table 5, page 35: *O'Brien et al. 1997* should read *O'Brien et al. 1987*.
- In Table 6, page 36: Please indicate which Touchin and Brodbeck (2003) you are referring to (a or b).
- On Figure 9, page 47: Many sites are labeled but not displayed. Please revise this both here and in other figures where this occurs.
- On Figure 9, page 47: The site boundary of Los Aumentos does not match that in our database. Please explain any discrepancies in the way that this site is plotted.
- Under Archaeological Sites (NRHP-Ineligible), page 58, paragraph 2, initial sentence: You state that sites AZ T:12:4(MNA) and AZ T:12:5(MNA) have not been formally evaluated for eligibility and are located within the proposed alignments. Since there is federal involvement, these sites will need to be formally evaluated for eligibility if they will be impacted by the project.
- Under References Cited: Please insert spaces between the following reports: ASM (1998) and Basso (1983); McDermott(2003) and McDonald (1974); Rosenberg (1983a) and Rosenberg (1983b);
- Under References Cited, page 69: The Burden (2002) report that was mentioned in the cover letter from ADOT is not in the References Cited Section (*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*).

Recommendations:
Please revise the report accordingly and send one final bound copy of this report to the City of Phoenix Archaeology Office. Please send the appropriate number of final bound copies of this report to the lead federal agency. They will then forward copies to all consulting parties.

Reviewed By: Robert A. Serocki Jr. and Todd W. Bostwick, Ph.D. TB **Date: 11/1/05**

Collection to be submitted: N/A
Remarks:

City of Phoenix
PARKS AND RECREATION DEPARTMENT

Archaeology Section
Pueblo Grande Museum
4619 E. Washington St.
Phoenix, AZ 85034

Report Review Form

Project No.: ADOT **Date Report Submitted: 9/26/05**

Report Title: An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona

Draft: X **Final:**

Author: Brodbeck **Firm:** HDR

Action: Revise & Resubmit

Comments:

- Under Land Jurisdiction on the Abstract page (iii): FCDMC should also be in this section because it is listed as a land owner in the second table in the Abstract on page iv. Please revise this.
- Under Eligibility and Management Recommendations on the Abstract page (v), paragraph 2, initial line: You mention an archaeological site. Please clarify if this site is historic or prehistoric.
- Under Eligibility and Management Recommendations on the Abstract page (v), final paragraph and under Management Summary, page 150, final paragraph: Add the following sentence at the end of each paragraph: *If the resources are identified within the City of Phoenix, the City of Phoenix Archaeology Office should also be contacted and allowed time to properly assess the materials.*
- Under Feedlots on the Abstract page (viii), line 2 and under Feedlots, page 156, line 2: *architecture* should read *architectural*.
- Under Historic Townsites on the Abstract page (ix) and under Historic Townsites, page 157: If you will use both Santa Maria and Santa Marie to describe the same township, please explain the difference as you do on page 110.
- Under Project Background, page 1, line 14: The publication date for MAG (2003) is shown as 2002 in the References Cited section. Please revise this.
- In Table 1.1, page 4: Survey Area 5 looks much larger than 10 acres in Figure 1.5. Please revise this.
- On Figure 1.4, page 6: Please include the line that identifies quad map boundaries in the legend both here and in any figures where it occurs.
- Under Chapter 3: Cultural Context, page 16, lines 4-5: Please enclose the time period of the Formative Period in parentheses, as with the other major stages.

Saving the past for the future...

- Under Paleo-Indian Period, page 16, second-to-last line: For more information on Paleoindian finds in the area, please see:

  North, Chris, Michael S. Foster, John M. Lindly and Douglas R. Mitchell
  2005 A Newly Discovered Clovis Point from the Phoenix Basin and an Update on Arizona Clovis Point Attributes. *Kiva* 70(3): 293-307.

- Under Archaic Period, page 16, initial paragraph, line 9: Please move the dash from after *assemblages* to after *sedentism*.
- Under Archaic Period, page 17, initial paragraph, lines 3-4: Please add the following report to your list of work done on Archaic sites in the Phoenix Basin:

  Hackbarth, Mark R.
  1998 *Archaic and Hohokam Occupation of the Mayo Boulevard Project Area in Northeast Phoenix, Arizona*. Pueblo Grande Museum Anthropological Papers No. 8.

- Under Colonial Period, page 19, partial paragraph at the top of the page, line 8: Insert the word *a* after *become*.
- Under Colonial Period, page 19, final paragraph, line 5: Mitchell (1986) is not in the References Cited section. Please revise this.
- Under Classic Period, page 21, partial paragraph at the top of the page, third complete sentence: For information on the platform mound at Pueblo Grande, please see:

  Downum, Christian and Todd Bostwick
  2003 The Platform Mound. In *Centuries of Decline during the Hohokam Classic Period at Pueblo Grande*, edited by David Abbott, pp. 166-200. University of Arizona Press, Tucson.

- Under Classic Period, page 21, final paragraph, line 12: Sires (1983) is not in the References Cited section. Please revise this.
- Under The Hispanic Era (A.D. 1694-1853), page 23, partial paragraph at the bottom of the page, initial sentence: It is not clear what group of people are you referring to when you mention the word *Western*. Do you mean the Western Apache? Please revise this.
- Under The Hispanic Era (A.D. 1694-1853), page 24, final paragraph, final sentence: Mention the Mexican-American War and the Treaty of Guadalupe-Hidalgo (1848) as well.
- Under Chapter 4: Regulatory Context, page 26, paragraph 2, line 5: Omit the comma after *NHPA* and add a period.
- Under Chapter 4: Regulatory Context, page 26, partial paragraph at the bottom of the page, initial line: *State Historic Preservation of 1982* seems incomplete. Do you mean *State Historic Preservation Act of 1982*?
- Under Chapter 5: Methodology, page 28, initial paragraph, line 3: In addition to referring readers to the Burden (2002) report, refer readers to the Addendum Class I report that was recently completed as well (Brodbeck and Touchin 2005).

- Under NRHP Eligibility and Management Recommendations for site AZ T:12:221(ASM), page 33, initial sentence: Please insert the word *potentially* before *eligible*. Also, this site needs to be formally evaluated for eligibility.
- On Figure 6.4, page 34: The legend gives an aerial photo date of Summer, 2003, yet there is no aerial photo in this figure. Please revise this.
- Under References Cited, page 159: The Burden (2002) report that was mentioned in the cover letter of this report from Serelle E. Laine for ADOT is not in the References Cited Section (*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*).
- Under References Cited, page 162, Elson et al. (1995): *995* should read *1995*.

Recommendations:
The City of Phoenix Archaeology Office concurs with the recommendation that archaeological and historic sites determined eligible for the NRHP should be avoided if possible. If avoidance is not possible, then any adverse effects should be mitigated. Please revise the report accordingly and send one final bound copy of this report to the City of Phoenix Archaeology Office. Please send the appropriate number of final bound copies of this report to the lead federal agency. They will then forward copies to all consulting parties.

Reviewed By: Robert A. Serocki Jr. and Todd W. Bostwick, Ph.D. TB **Date: 11/1/05**

Collection to be submitted: No
Remarks: No collections were made.

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

David P. Jankofsky
Deputy Director

August 17, 2005

Peter Steere, Program Manager
Joe Joaquin, Cultural Resource Specialist
Tohono O'odham Nation
Cultural Affairs Office
P.O. Box 837
Sells, Arizona 85634

RE: Project No: NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Draft Programmatic Agreement follow-up

Dear Sirs:

The Arizona Department of Transportation (ADOT) on behalf of the Federal Highway Administration (FHWA) is following up on our recent request for input on the draft Programmatic Agreement (PA) for the South Mountain Corridor freeway project (letter from Hollis, FHWA, July 7, 2005). ADOT/FHWA are in the process of finalizing the South Mountain Corridor PA to address project effects as the environmental documentation continues for the project. A draft PA was circulated in July 2005 along with an invitation to participate in discussions regarding the potential effects of the project on areas of traditional cultural significance, however, at this time, few tribes have opted to participate.

ADOT on behalf of FHWA would like to offer another opportunity for your tribe/community to participate in the PA and in discussions regarding potential effects to areas of traditional cultural significance. Please sign below if you would like to be included as a Concurring Party to the final PA and return to ADOT by September 2, 2005. If your office opts to participate in cultural resource consultation at a later date, ADOT/FHWA would make a good faith effort to address any concerns.

If you have any questions or concerns, please feel free to contact me at 602-712-8636 or e-mail slaine@azdot.gov.

Sincerely,
Serelle E. Laine

Serelle E. Laine, Coordinator
Historic Preservation Team
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

Signature for Tohono O'odham Concurrence

11-8-05
Date

cc: SThomas (FHWA)

U.S. Department of Transportation
Federal Highway Administration

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

November 22, 2005

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places

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

Dear Governor Narcia:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) appreciate your letter dated September 30, 2005 responding to our consultation regarding traditional cultural places. This consultation is part of the process of preparing an Environmental Impact Statement (EIS) for the South Mountain Freeway project. Your letter expressed concern for the protection of 21 archaeological sites and three areas of traditional cultural importance—South Mountain itself, the Villa Buena site, and the Pueblo del Alamo site. The letter also requested that FHWA take appropriate mitigation measures to address adverse effects to the physical integrity of these traditional cultural places, which are considered sacred sites. The purpose of this letter is to request more specific information regarding the boundaries and cultural importance of these properties so that mitigation strategies can be developed within the context of Section 106 consultations of the National Historic Preservation Act (36 CFR Part 800).

Under the National Historic Preservation Act (NHPA), Traditional Cultural Properties (TCP's) are defined as historic sites eligible for inclusion in the National Register because of their association with cultural practices or beliefs of a living community that (a) are rooted in the community's history, and (b) are important in maintaining the continuing cultural identity of the community (National Register Bulletin Number 38). Historic sites must exhibit four attributes: an age greater than 50 years; existence as a tangible property; integrity in relationship to the transmission and retention of cultural beliefs or the performance of ceremonial practices; and integrity of condition wherein their traditional cultural significance has not been reduced through alteration of location, setting, design or materials. A TCP may be eligible for the National Register under one or more of the following Criteria: (A) association with events that have made a significant contribution to the broad patterns of history; (B) association with the lives of persons significant in the past; (C) the embodiment of the distinctive characteristics of a type, period, or method of construction; and (D) history of yielding, potential to yield, information important in prehistory or history (National Register Bulletin Number 38).
Your letter dated September 30, 2005 identifies South Mountain as a TCP and explains how it is rooted in the community's history and is important in maintaining the continuing cultural identity of the Akimel O'odham and Pee Posh. In addition, it has been demonstrated that South Mountain has been used by Akimel O'odham and Pee Posh for religious and ceremonial activities for more than 50 years and it retains integrity in terms of condition and the transmission and retention of cultural beliefs. FHWA and

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ADOT recommend that South Mountain is eligible to the National Register as a TCP under Criterion A for its association with the broad patterns of Akimel O'odham and Pee Posh ceremonial and religious activity that is rooted in their history and integral to continuation of their cultural identity. To finalize this recommendation and fulfill FHWA's Section 106 obligations, we need to be able define the South Mountain TCP as "a tangible property," as defined by the NHPA. Therefore, FHWA requests that the Gila River Indian Community provide a map marked with the physical boundaries of the South Mountain TCP, in order to assist with our environmental issues assessment.

Your letter also identifies two archaeological sites as TCP's, Villa Buena (AZ T:12:9 ASM) and Pueblo del Alamo (AZ T:12:52 ASM); however, no information is provided about the association of these sites with cultural practices or beliefs of the community that are rooted in the community's history and are important in maintaining the continuing cultural identity of the community. FHWA recommends the two archaeological sites as eligible for the NRHP under Criterion D. Additional research would be required to evaluate their status as TCP's. FHWA recommends that a TCP evaluation be prepared to address the sites' TCP eligibility, so FHWA can proceed appropriately. Any information provided in a TCP study would be kept strictly confidential and not included in any documents released to the public.

FHWA and ADOT appreciate the efforts of the Gila River Indian Community in addressing these complex issues and are committed to continuing consultation with the Community on these and other issues relating to this project. We are grateful for your efforts in providing a tangible boundary for the South Mountain TCP so that we can move forward with our legal obligations.

Please review the information provided in this letter. If you agree that a TCP evaluation would be appropriate to evaluate the eligibility of Villa Buena (AZ T:12:9 ASM) and Pueblo del Alamo (AZ T:12:52 ASM) for the National Register as TCP's, please indicate your concurrence by signing below. We look forward to continuing consultation with your office. If you have any question or concerns, please do not hesitate to call Steve Thomas at 602-379-3645 ext. 117 or email steve.thomas@fhwa.dot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____
Signature for Gila River Indian Community Concurrence Date

cc:
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box E, Sacaton, AZ 85247
John C. Ravesloot, Coordinator, Cultural Resource Management Program, Gila River Indian Community, P.O. Box 2140, Sacaton, AZ 85247
Sandra Shade, Director, Department of Transportation, Gila River Indian Community, P.O. Box 97, Sacaton, AZ 85247
SThomas, BVachon, KDavis, REllis (619E), RGreenspan (619E)
SDThomas: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

November 30, 2005

In Reply Refer To: HA-AZ
NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Programmatic Agreement

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

Dear Governor Narcia:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are in the process of finalizing the South Mountain Corridor Programmatic Agreement (PA) to address project effects as the environmental documentation continues for the project. A draft PA was circulated in July 2005. At this time, FHWA is following up on our previous request for participation in the PA for the South Mountain Corridor freeway project (letter from Hollis, FHWA, July 7, 2005). FHWA

FHWA would like to offer another opportunity for your tribe/community to participate in the PA. Please sign below if you would like to be included as a Concurring Party to the PA and return to FHWA by December 23, 2005. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns you may have. We look forward to continuing consultation with your office. If you have any question or concerns, please do not hesitate to call Steve Thomas at 602-379-3645 x 117 or email: Steve.Thomas@fhwa.dot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____
Signature for GRIC Concurrence Date

cc:
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247
John C. Ravesloot, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247
Sandra Shade, Director, Department of Transportation, GRIC, P.O. Box 97, Sacaton, AZ 85247
SThomas, RGreenspan (619E), REllis (619E)
SDThomas:cdm

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ADVISORY COUNCIL ON HISTORIC PRESERVATION
ACHP
Preserving America's Heritage

December 27, 2005

2006 JAN -5 PM 2:39

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, AZ 85004-2264

REF: Proposed South Mountain Transportation Corridor Project
Maricopa County, Arizona

Dear Mr. Hollis:

The ACHP received your notification and supporting documentation regarding the adverse effects of the referenced project on properties listed on and eligible for listing on the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, please contact Carol Legard, FHWA Liaison, at 202-606-8503.

Sincerely,

Raymond V. Wallace

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
Deputy Director

January 12, 2006

Dr. David Jacobs
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA H5764
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report Eligibility Recommendations

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. As part of this effort, we submitted a Class III cultural resources survey report on July 1, 2005 prepared by the Gila River Indian Community's (GRIC) Cultural Resource Management Program (CRMP). The report was titled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005). In your response letter dated July 11, 2005, you provided several comments regarding the treatment of isolated occurrences (IO) and on the Programmatic Agreement being prepared for the project. The purpose of this letter is to address the IO comments and request concurrence on the eligibility recommendations for the archaeological sites that were provided in the report (Darling 2005).

Isolated Occurrences

In your letter you noted that the report grouped IOs into 12 clusters in "areas where numerous artifacts co-occur but in concentrations less than would merit an archaeological site designation (Darling 2005:4-13.)" None of the areas with IOs has high enough artifact densities to meet standard site definition criteria. In fact, the term "cluster" is somewhat misapplied in the report. For example, IO Cluster 4 consists of six artifacts in a roughly 20-acre area; IO 6 has 17 artifacts in a 40-acre area; and, IO Cluster 7 consists of six artifacts in an approximately 15-acre area. The other IO "clusters" have similarly low artifact densities.

In your letter you also pointed out that the report notes that some of the IO Clusters are associated with prehistoric trails and trail sites near South Mountain with the additional note that some of the trails continue to be used by GRIC today. It should be pointed out that not all IOs in the study area are associated with trails, and in fact, at this point the relationships of the IOs with the trails and other cultural uses of South Mountain have not been investigated beyond collecting basic inventory and location information. ADOT and FHWA recognize that while the IOs are not individually considered eligible to the National Register of Historic Places (NRHP), they are an important component to

understanding the region's overall cultural pattern of prehistoric and historic use. ADOT and FHWA agree that proper mitigation of impacts to the cultural resources in the South Mountain Freeway corridor should include considerations of "non-site" areas. With this in mind, the IO's that are in proximity to other IOs, or in proximity to defined sites or trails, were called out in the report so that further investigation of them could be considered in any treatment plans that might be developed in the future. However, based on survey data alone, these IOs do not meet the ASM criteria for sites, or the NRHP criteria for historic properties, and we recommend that the site boundaries in the GRIC CRMP report should not be revised to include outlying IOs.

Eligibility Recommendations

Nineteen archaeological sites and two historic canals were identified in GRIC CRMP's Class III report (Darling 2005). The eligibility of the historic canals—AZ T:10:83 (ASM) (Roosevelt Canal) and AZ T:12:154 (ASM) (Western Canal)— are currently being reassessed and will be addressed in an eligibility assessment report being prepared by HDR Engineering's Cultural Resources Section which will be submitted to your office at a later date. Of the archaeological sites, 18 are recommended as eligible to the NRHP and one is recommended as not eligible:

- AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) are prehistoric Hohokam villages with existing and/or historically documented public architecture. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the village structure and the development of irrigation communities south of the Salt River.

- AZ T:11:164 (ASM), AZ T:12:91 (ASM), AZ T:12:127 (ASM) (Baseline Ruin), AZ T:12:202 (ASM), AZ T:12:203 (ASM), AZ T:12:204 (ASM), AZ T:12:205 (ASM), and AZ T:12:206 (ASM) are prehistoric Hohokam artifact scatters. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric Hohokam social organization, settlement, and land use in the lower Salt River Valley, including the development and structure of irrigation communities.

- AZ T:12:197 (ASM), AZ T:12:201 (ASM), and AZ T:12:211 (ASM) are trail sites with associated features (age and cultural affiliation unknown, but likely Native American in origin). AZ T:12:207 (ASM) is a prehistoric trail site with an associated Hohokam artifact scatter. The sites are recommended as eligible for the NRHP under Criterion D for their potential to provide important information on prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including social mobility and transportation networks.

- AZ T:12:210 (ASM) is a prehistoric quarry (age and cultural affiliation unknown, but likely Native American in origin). The site is recommended as eligible for the NRHP under Criterion D for its potential to provide important information prehistoric settlement and land use near the confluence of the Gila and Salt Rivers, including lithic resource procurement and ground stone technology.

Arizona Governor's Award for Quality
2001 Award Recipient

- AZ T:12:199 (ASM) and AZ T:12:200 (ASM) are historic O'odham artifact scatters. AZ T:12:199 (ASM) is recommended as eligible for the NRHP under Criterion D for its potential to provide important information on historical-period O'odham settlement and land use near the confluence of the Gila and Salt Rivers, including the use of upland areas for subsistence and religious practices. AZ T:12:200 (ASM) is recommended as not eligible for the NRHP due to a lack of integrity and information potential.

- AZ T:12:198 (ASM) and AZ T:12:208 (ASM) are prehistoric petroglyph sites with historic components. The sites are considered eligible to the NRHP under Criterion D for their potential to provide important information of prehistoric Hohokam and historic O'odham settlement and land use at the confluence of the Gila and Salt Rivers, including the use of upland areas for religious practices.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. If you agree that (1) the IOs do not qualify as sites and that the boundaries of the existing sites, as defined by the GRIC CRMP (Darling 2005), should not be revised to include outlying IOs, (2) that the proper treatment of affected cultural resources in the APE should include considerations of non-site cultural resources, and (3) if you agree with the National Register eligibility recommendations for the 19 archaeological sites, please indicate your concurrence by signing below. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact me at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely,

Ruth L. Greenspan
Historic Preservation Specialist
Environmental & Enhancement Group
205 South 17th Avenue Rm. 213E Mail Drop 619E
Phoenix, Arizona 85007-3213

_____ _____

Signature for SHPO Concurrence Date

cc: SThomas (FHWA); WVachon (FHWA)

Arizona Governor's Award for Quality
2001 Award Recipient

Arizona® State Parks

"Manag and conserving natural, cultural, ar ecreational resources"

January 23, 2006

Dr. Ruth Greenspan
Historic Preservation Specialist
Environmental and Enhancement Group
Arizona Department of Transportation
206 South 17th Avenue
Phoenix, AZ 85007-3212

RE: Project No. NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Class III Survey Report; Eligibility Recommendations
SHPO-2003-1890 (26970)

Janet Napolitano
Governor

State Parks Board Members

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1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from (520 & 928) area codes

General Fax: 602.542.4180

Director's Office Fax: 602.542.4188

Dear Dr. Greenspan:

Thank you for consulting with this office regarding the cultural resources survey report and the eligibility recommendations associated with the South Mountain Transportation Corridor pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800. We have reviewed the submitted letter and eligibility recommendations, and offer the following comments.

The earlier submitted cultural resource report [*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*] by J. Andrew Darling identified 21 sites and 191 Isolated Occurrences (IOs). The current submitted letter [dated January 12, 2006] notes that the eligibility of the two historic canals [AZ T:10:83 (ASM), the Roosevelt Canal, and AZ T:12:154 (ASM), the Western Canal] are being reassessed, and will be addressed later. Of the remaining 19 sites, one [i.e., AZ T:12:200 (ASM)] is recommended as ineligible, and the 18 others [AZ T:11:164 (ASM) and AZ T:12:9, 52, 91, 127, 197, 198, 199, 201, 202, 203, 204, 205, 206, 207, 208, 210, and 211 (ASM)] are eligible to the National Register of Historic Places [NRHP] under Criterion D. We agree with these eligibility recommendations from a site-by-site consideration, however, consideration needs to be given to a broader context to properly understand the significance of the project area and the surrounding setting.

Our office noted in an earlier letter [dated July 11, 2005] that many of the IOs should be reconsidered as parts of larger entities, such as known prehistoric habitation sites, canals, and avenues of travel. Your letter acknowledges that "ADOT and FHWA recognize that while the IOs are not individually considered eligible to the NRHP, they are an important component to understanding the region's overall cultural pattern of prehistoric and historic use" and that "further investigation of them could be considered in any treatment plans that might be developed in the future." Our office agrees conceptually with this, but we are uncomfortable with your usage of the term "non-site" areas.

January 23, 2006
Page 2, Greenspan

Regarding the term "non-site" areas, the National Historic Preservation Act [NHPA] distinguishes five different property types [i.e., building, structure, site, district, and object] in contrast to the systematics to be found with the assignment of numbers by the Arizona State Museum [ASM]. In order for this project to meet federal standards, the National Register classification system should be used. In some cases, IOs may be considered to be contributing elements to structures (trails would be structures), districts, and landscapes. IOs may also be considered as objects, defined as constructions that are primarily artistic in nature or are relatively small in scale and simply constructed; although it may be, by nature or design, movable, an object is associated with a specific setting or environment. Examples of objects would include a boundary marker or milepost marker.

Regarding the project area, it is clear that a broader context [beyond the individual "site" and beyond the physical footprint of the project] needs to be considered to determine the significance of the many identified IOs, perhaps individually undistinguished, and even the purportedly ineligible and individually considered AZ T:12:200 (ASM), a historic O'odham artifact scatter. The property type of "district" and/or the notion of a cultural landscape should be seriously considered when addressing the significance of the "non-site" cultural resources within the South Mountain Transportation Corridor project area and the development of a treatment plan. Tribal input is crucial; the oral traditions of the O'odham identify the South Mountain area [Greasy Mountain?] as a place associated with Elder Brother [I'itoi].

We do appreciate your cooperation with this office in considering the impacts of federal undertakings on cultural resources situated in Arizona, and we look forward to reviewing the revised data recovery report. If you have any questions, please contact me at (602) 542-7140 or electronically via djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Barnaby Lewis, Gila River Indian Community

U.S.Department of Transportation
Federal Highway Administration

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

March 7, 2006

In Reply Refer To: HRW-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H576401L
South Mountain Transportation Corridor
Section 106 Consultation

Mr. Steve Dibble
Archaeologist
United States Army Corp of Engineers
P.O. Box 532711
Los Angeles, California 90053-2325

Dear Mr. Dibble:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix (see attached map).

As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review. Furthermore, because the South Mountain Freeway would cross jurisdictional waters of the US, there will be United States Army Corps of Engineers (Corps) involvement. Section 106 consultations were initiated for the project in August 2003. At that time, the Corps was inadvertently excluded from the list of participating agencies. It is therefore the purpose of this letter is to provide a summary of the consultations to date along with accompanying reports; to provide the Corps an opportunity to review and comment on the draft Programmatic Agreement (PA) developed for the project; and to inquire as to whether the Corps would prefer to participate in the PA as a Signatory or as a Concurring Party.

Land jurisdiction for the alternative alignments includes private land (5,160.7 acres) and lands administered by the Arizona State Land Department (101.4 acres), the Bureau of Land Management (35.1 acres), and the City of Phoenix Parks and Recreation Department (62.32 acres).

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the

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Bureau of Reclamation (Reclamation), the Corps, the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County, the Maricopa County Department of Transportation, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe. The Advisory Council on Historic Preservation has declined to participate in the PA at this time.

The Area of Potential Effect (APE) is comprised of five alternative (overlapping) freeway corridors that extend from I-10 west of Phoenix to I-10 in west Chandler, south of the greater Phoenix metropolitan area. Alternative corridors are generally 1000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

To date, there have been four cultural resources technical reports prepared for the EIS, which include two Class I overviews and two Class III survey reports:

In 2001, the first phase of the technical studies began with the Gila River Indian Community's Cultural Resource Management Program (GRIC-CRMP) preparing the initial Class I overview of the overall study area. The report is titled "A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona" (Burden 2002). Previous consultation regarding adequacy of the report resulted in responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix, Historic Preservation Office (Stocklin, September 8, 2003); City of Phoenix, Pueblo Grande Museum (Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

The second phase of the project entailed pedestrian surveys of the proposed alternative alignments. The GRIC-CRMP conducted the Class III survey between November 2003 and March 2004. The results of the survey are presented in a report titled "A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona" (Darling 2005). Previous consultation regarding adequacy of the report resulted in responses from SHPO (Jacobs, January 23, 2006); BLM (Stone, July 26, 2005); BIA (Cantley, August 11, 2005); Reclamation (Czaplicki, July 12, 2005); City of Phoenix, Pueblo Grande Museum (Bostwick, July 18, 2005); and SRP (Anduze, August 8, 2005).

In late 2004 and early 2005, the third phase of the cultural studies included an addendum Class I overview that covered expanded portions of the study area along I-10 and the State Route 101L freeway corridors on the west side of Phoenix. HDR Engineering, Inc. (HDR) prepared the addendum Class I overview. The results were provided in a technical report titled "*An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck and Touchin 2005). Previous consultation regarding adequacy of the report resulted in responses from SHPO (Jacobs, October 3, 2005), Reclamation (Czaplicki,

September 19, 2005); SRP (Anduze, September 19, 2005); City of Phoenix, Pueblo Grande Museum (Bostwick, November 1, 2005).

Finally, the fourth phase of the cultural resources studies entailed an addendum Class III survey. HDR conducted the survey in early 2005. The survey covered shifted proposed alignments, freshly plowed agricultural fields, and areas with historical resources that had been overlooked during the initial Class III survey (Darling 2005). The results are presented in a report titled "*An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2005). Previous consultation regarding adequacy of the report resulted in responses from SHPO (Jacobs, October 3, 2005), Reclamation (Czaplicki, September 19, 2005); SRP (Anduze, September 19, 2005); and City of Phoenix, Pueblo Grande Museum (Bostwick, November 1, 2005).

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed cultural resources technical reports and the draft Programmatic Agreement (PA). If you concur with the adequacy of the reports and their eligibility recommendations, please indicate your concurrence by signing below as indicated. If you agree with the adequacy of the draft PA, please indicate your concurrence by signing below as indicated. In addition, please indicate below whether the Corps would like to participate as a Signatory or Concurring Party to the PA. We look forward to continuing consultation with your office to address project effects as the environmental documentation continues.

If you have any questions concerning this submission, please call Ruth Greenspan at 602-712-6266 or e-mail RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____

Signature for Corps concurrence with adequacy of the reports and eligibility recommendations — Date

_____ _____

Signature for Corps Concurrence with adequacy of the draft PA — Date

The Corps prefers to participate in the PA as a Signatory or Consulting Party. (please circle)

Enclosures (draft PA and four technical reports)
cc:
SThomas
WVachon,
REllis (ADOT 619E)
RGreenspan (ADOT 619E)
Cindy Lester – AZ Area Office, 3636 N Central Ave, Suite 900, Phoenix AZ 85012 (with enclosures)
SDThomas:cdm

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Steve Ross, Archaeologist
Arizona State Land Department
1616 West Adams Street
Phoenix, Arizona, 85007

Dear Mr. Ross:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

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The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*" (Darling 2005). Consultation regarding adequacy of the report is on-going. To date, concurring responses have been received from SHPO (Jacobs, July 11, 2005), Reclamation (Ellis, July 12, 2005), BLM (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quetawki), July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report was titled "*An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck and Touchin 2005). The Class III report was titled "*An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2005). To date, concurring responses have been received from SHPO (Jacobs, October 3, 2005), Reclamation (Ellis, September 19, 2005), City of Phoenix (Bostwick, November 1, 2005), and SRP (Anduze, September 19, 2005).

Current Consultation:

A second addendum cultural resources assessment report has been prepared by HDR, Inc. in order to address the National Register of Historic Places (NRHP) eligibility of four properties and clarifies the location of a fifth property relative to the APE. In September 2005, the W55 and W71 were shifted north of the Salt River to avoid potential impact to historic properties. As a result of this shift, two historic residential properties were added to the APE: 6304 West Dobbins Road and 7316 West Lower Buckeye Road. Furthermore, two properties in the existing APE required additional evaluation: South Mountain Park/Preserve and specific segments of the Roosevelt Canal (AZ T:10:83 [ASM]) in the alternative alignments. Finally, the location of the Western Canal (AZ T:12:154 [ASM]) relative to the APE is addressed. The report, "*A Second Addendum Cultural Resources Report for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2006), assesses the NRHP eligibility of South Mountain Park/Preserve and the Roosevelt Canal

(Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing

4

below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Signature for ASLD Concurrence

Date

Enclosure
cc:
SThomas
RGreenspan (MD 619E)
SDThomas:cdm

The previous letter was also sent to:

Mr. Garry Cantley, Western Regional Archaeologist, Bureau of Indian Affairs

Ms. Cheryl Blanchard, Archaeologist, Bureau of Land Management

Mr. Bryan Lausten, Archaeologist, Bureau of Reclamation

Mr. Charlie McClendon, City Manager, City of Avondale

Mr. Mike Normand, Transportation Services & Planning Manager, City of Chandler

Mr. Ron Short, Deputy Director for Long Range Planning, City of Glendale

Dr. Todd Bostwick, Archaeologist, City of Phoenix

Ms. Barbara Stocklin, Historic Preservation Officer, City of Phoenix

Mr. Ralph Valez, City Manager, City of Tolleson

Mr. Larry Hendershot, Flood Control District of Maricopa County

Mr. Brian Kenny, Environment Programs Manager, Maricopa County Department of Transportation

Mr. Stanley Ashby, Superintendent, Roosevelt Irrigation District

Mr. Rick Anduze, Archaeologist, Salt River Project

Dr. David Jacobs, Compliance Specialist, State Historic Preservation Office

Mr. Steve Dibble, Archaeologist, United States Army Corps of Engineers

Ms. Delia M. Carlyle, Chairwoman, Ak-Chin Indian Community

Mr. Charles Wood, Chairman, Chemehuevi Indian Tribe

Ms. Sherry Cordova, Chairwoman, Cocopah Indian Tribe

Mr. Daniel Eddy, Jr., Chairman, Colorado River Indian Tribes

Mr. Ralph Bear, President, Fort McDowell Yavapai Nation

Ms. Nora McDowell, Chairman, Fort Mojave Indian Tribe

Mr. Mike Jackson, Sr., President, Fort Yuma-Quechan Tribe

Mr. William Rhodes, Governor, Gila River Indian Community

Mr. Thomas Siyuja, Chairman, Havasupai Tribe

Mr. Leigh Kuwanisiwma, Hopi Tribe

Mr. Gary Tom, Chairman, Kaibab-Band of Paiute Indian Tribes

Dr. Allen Downer, Tribal Historic Preservation Officer, Navajo Nation Historic Preservation Department

Ms. Herminia Frias, Chairwoman, Pascua Yaqui Tribe

Mr. Arden Quewakia, Governor, Pueblo of Zuni

Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community

Ms. Kathleen Wesley-Kitcheyan, Chairwoman, San Carlos Apache Nation

Ms. Evelyn James, President, San Juan Southern Paiute

Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation

Mr. Joe Joaquin, Cultural Resource Specialist, Tohono O'odham Nation

Mr. Ivan Smith, Chairman, Tonto Apache Tribe

Mr. Dallas Massey, Sr., Chairman, White Mountain Apache Tribe

Mr. Jamie Fullmer, Chairman, Yavapai-Apache Nation

Mr. Ernest Jones, Sr., President, Yavapai-Prescott Indian Tribe

U.S.Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 28, 2006

In Reply Refer To: HA-AZ
NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from the I-10/ 202L traffic interchange to I-10 is west Phoenix. This project is a federal action that requires compliance with Section 106 of the National Historic Preservation Act. The area of potential effect (APE) is comprised of the alternative alignment corridors.

The proposed alternative alignments being studied for the EIS have potential to affect archaeological sites and natural features on the landscape that may be deemed sacred by Native American tribes and that may qualify for the National Register of Historic Places as traditional cultural properties. The Gila River Indian Community's Cultural Resource Management Program (CRMP) conducted the initial survey of the alternative alignments. The results were presented in a report titled A *Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005). In the report, the CRMP identified ten properties as places of cultural importance that could potentially be eligible for the National Register of Historic Places as traditional cultural properties: the South Mountain Range (commonly referred to as "South Mountain"); two prehistoric villages, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two rock art sites, AZ T:12:198 (ASM) and AZ T:12:208 [ASM]), four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 [ASM]); and one shrine site, AZ T:12:112 (ASM) (Darling 2005). While the CRMP did not formally evaluate these sites as traditional cultural properties in their study, they recommended continued consultations to address the issue and the concerns of the community.

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In response, FWHA and ADOT requested additional information regarding any concerns regarding historic properties of religious or cultural importance to the community, in a letter dated July 7, 2005. FHWA and ADOT appreciate the letter sent in response by former Governor Richard P. Narcia, dated September 30, 2005, which reconfirmed the cultural importance of three of the properties: South Mountain, Villa Buena, and Pueblo del Alamo.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a project, FHWA and ADOT have prepared the enclosed traditional cultural property assessment report, which evaluates the eligibility of the above mentioned properties for the National Register of Historic Places. The report is titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2006).

Please review the enclosed traditional cultural property evaluation report, and the information provided in this letter. If you agree with the adequacy of the report and eligibility recommendations, please sign below to indicate your concurrence. We look forward to continuing consultation with your office. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____
Signature for Tribal Concurrence Date

Enclosure
cc:
SThomas
RGreenspan (619E)
J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosure)
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247 (with enclosure)
SDThomas:cdm

This letter was also sent to Dr. David Jacobs, Compliance Specialist, State Historic Preservation Office

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 28, 2006

In Reply Refer To: HA-AZ
NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from the I-10/ 202L traffic interchange to I-10 is west Phoenix. This project is a federal action that requires compliance with Section 106 of the National Historic Preservation Act. The area of potential effect (APE) is comprised of the alternative alignment corridors.

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Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____
Signature for Tribal Concurrence Date

Enclosure
cc:
J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247
SThomas
RGreenspan (619E)
SDThomas:cdm

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Mike Normand
Transportation Services & Planning Manager
City of Chandler
P.O. Box 4008, Mailstop 412
Chandler, Arizona, 85244-4008

Dear Mr. Normand:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater

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Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*" (Darling 2005). Consultation regarding adequacy of the report is on-going. To date, concurring responses have been received from SHPO (Jacobs, July 11, 2005), Reclamation (Ellis, July 12, 2005), BLM (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quetawki), July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

- An addendum Class I overview and addendum Class III survey to address the expansion of the overall study area to include portions of the I-10 and State Route 101L freeway corridors and shifts in the alternative alignments (late 2004 and early 2005). The addendum Class I report was titled "*An Addendum Cultural Resources Class I Overview Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck and Touchin 2005). The Class III report was titled "*An Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2005). To date, concurring responses have been received from SHPO (Jacobs, October 3, 2005), Reclamation (Ellis, September 19, 2005), City of Phoenix (Bostwick, November 1, 2005), and SRP (Anduze, September 19, 2005).

Current Consultation:

A second addendum cultural resources assessment report has been prepared by HDR, Inc. in order to address the National Register of Historic Places (NRHP) eligibility of four properties and clarifies the location of a fifth property relative to the APE. In September 2005, the W55 and W71 were shifted north of the Salt River to avoid potential impact to historic properties. As a result of this shift, two historic residential properties were added to the APE: 6304 West Dobbins Road and 7316 West Lower Buckeye Road. Furthermore, two properties in the existing APE required additional evaluation: South Mountain Park/Preserve and specific segments of the Roosevelt Canal (AZ T:10:83 [ASM]) in the alternative alignments. Finally, the location of the Western Canal (AZ T:12:154 [ASM]) relative to the APE is addressed. The report, "*A Second Addendum Cultural Resources Report for the 202L, South*

Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006), assesses the NRHP eligibility of South Mountain Park/Preserve and the Roosevelt Canal (Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Chandler Concurrence

7/3/06
Date

Enclosure

U.S.Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Brian Kenny
Environment Programs Manager
Maricopa County Department of Transportation
2901 West Durango Street
Phoenix, Arizona, 85009

Dear Mr. Kenny:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater

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Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

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In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for MCDOT Concurrence
Brian W. Kenny

Date July 5, 2006

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Dr. Todd Bostwick, Archaeologist
City of Phoenix
Pueblo Grande Museum
4619 East Washington Street
Phoenix, Arizona, 85034

Dear Dr. Bostwick:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006), assesses the NRHP eligibility of South Mountain Park/Preserve and the Roosevelt Canal (Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Phoenix Concurrence

7-5-06
Date

Enclosure

Brodbeck, Mark

From: Ruth Greenspan [RGreenspan@azdot.gov]
Sent: Thursday, July 06, 2006 4:49 PM
To: Steve Thomas
Cc: Brodbeck, Mark
Subject: S. Mt. consultation - response from CRIT

Hi, Steve--

I just got a phone call from Michael Tsosie, who is the director of the Colorado River Indian Tribes Museum, in response to the consultation letter sent for the 2nd Addendum report. He informed me that CRIT would be unable to concur with the consultation, because South Mountain is a TCP for them, and plays an important role in their creation myth. I asked him to please make a written response to the consultation letter outlining their concerns, and assured him that the written response would trigger another round of consultation.

Ruth

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7/6/06

Brodbeck, Mark

To: Allen, Jack; Edwards, Amy
Subject: FW: S. Mt. consultation - response from CRIT

FYI

From: Ruth Greenspan [mailto:RGreenspan@azdot.gov]
Sent: Thursday, July 06, 2006 4:49 PM
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White Mountain Apache Tribe Historic Preservation Office
PO Box 507, Fort Apache, AZ 85941
1(928) 338-3033 / fax: 338-6055

To: **Ruth L. Greenspan, ADOT Historic Preservation Specialist.**
Date: **July 07, 2006,**
Project: **South Mountain Transportation Corridor – HA-AZ NH-202-D(ADY)**

The White Mountain Apache Tribal Historic Preservation Office (THPO) appreciates receiving information on the proposed project, dated June 26, 06 . In regards to this, please attend to the checked items below.

► There is no need to send additional information – unless project planning or implementation results in the discovery of sites or items having known or suspected Apache cultural affiliations.

☐ The proposed Project is located within an area of probable cultural or historical importance to the White Mountain Apache Tribe (WMAT). As part of the effort to identify historical properties that maybe affected by the project we recommend an entnohistorical study and interviews with Apache elders. Ramon Riley, the Cultural Resource Director is the contact person at (928) 338-4625.

☐ The proposed project is located within or adjacent to a known historic property of cultural or historical importance to the WMAT and will most likely result in adverse affects to said property. Please refrain from further steps in project planning or implementation.

NOTES: We have finally received and reviewed the information in regards to the conducted technical studies in support of the Environmental Impact Statement for the 202L, South Mountain Freeway and we have determined that the project poses no threat to the White Mountain Apache Tribe's (WMAT) Traditional Cultural Properties and/or important religious places in the APE. Please feel free to address any further question(s) and/or concerns regarding the project with our office. We perceive no problems and the proposed projects may proceed as planned.

We look forward to continued collaboration in the protection and preservation of places of cultural and historical significance.

Sincerely,

Mark T. Altaha
Tribal Historic Preservation Officer
White Mountain Apache Tribe

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Rick Anduze, Archaeologist
Salt River Project
P.O. Box 52025, Mailstop PAB 352
Phoenix, Arizona, 85072-2025

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

Celebrating 50 Years 1956 50 2006 Eisenhower Interstate System

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The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

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In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for SRP Concurrence

7 July 2006
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Leigh Kuwanwisiwma
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona, 86039

Dear Mr. Kuwanwisiwma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing

below. At this time, FHWA is once again inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns. However, such consultation would not necessitate a reconsideration of this determination of project effect. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Hopi Concurrence

6/3/06
Date

Enclosure

2006 JUL 11 AM 7:12

U.S.Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Larry Hendershot
Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, Arizona, 85009

Dear Mr. Hendershot:

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Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

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(Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

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As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing

below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for FCD Concurrence
Environmental Program Manager

7-06-06
Date

Enclosure

2006 JUL 12 12:12

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Ms. Kathleen Wesley-Kitcheyan, Chair
San Carlos Apache Tribe
P.O. Box 0
San Carlos, Arizona, 85550

Dear Chairperson Wesley-Kitcheyan:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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In its entirety, the Roosevelt Canal AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

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below. At this time, FHWA is once again inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns. However, such consultation would not necessitate a reconsideration of this determination of project effect. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Kathy W. Kitchevan
Signature for SCAT Concurrence

July 17, 2006
Date

Enclosure
cc:
Vernelda Grant, Tribal Archaeologist, P.O. Box 0, San Carlos, Arizona 85550 (enclosure)
SThomas
RGreenspan (MD 619E)
SDThomas:cdm

"Manag and conserving natural, cultural, ar ecreational resources"

Arizona State Parks

July 19, 2006

Robert E. Hollis, Division Administrator
Federal Highway Administration, Arizona Division
U.S. Department of Transportation
One Arizona Center, Suite 410
400 E. Van Buren Street
Phoenix, AZ 85004-0674

Attention: Stephen Thomas

RE: HA-AZ; NH-202-D(ADY);
TRACS No. 202L MA 054 H5764 01L;
South Mountain Transportation Corridor
Continuing Section 106 Consultation
SHPO-2003-1890 (29666)

Dear Mr. Hollis:

Thank you for consulting with the State Historic Preservation Office (SHPO) regarding the alternative alignments for the proposed South Mountain Freeway and submitting materials for review and comment pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800. Dr. Bill Collins, Deputy SHPO/Historian, and I have reviewed the submitted materials and have the following comments.

The submitted report [*A Second Addendum Cultural Resources Report for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona*] addresses the eligibility for inclusion in the National Register of Historic Places (NRHP) of four properties in the area of potential effect (APE), and also discusses the location of the Western Canal, previously believed to fall with the APE. We concur with the FHWA/ADOT recommendations regarding the two rural residential properties [6304 West Dobbins Road and 7316 West Lower Buckeye Road], the Roosevelt Canal [AZ T:10:83 (ASM)], and the Western Canal [AZ T:12:154 (ASM)].

We also agree with the recommendation that the South Mountain Park/Preserve is eligible for inclusion to the NRHP under Criterion A, but suggest restating the eligibility in association with the development of parks and recreation in Phoenix [also in the West generally for the unique emphasis on mountain preserves] and not with the CCC. The CCC constitutes just a small portion of the park. Additionally, we agree with the FHWA/ADOT recommendations regarding eligibility of the South Mountain Park/Preserve for inclusion to the NRHP under Criteria B, C, and D.

Janet Napolitano
Governor

State Parks Board Members

Chair
William C. Porter
Kingman

William Cordasco
Flagstaff

Janice Chilton
Payson

William C. Scalzo
Phoenix

Reese Woodling
Tucson

Elizabeth Stewart
Tempe

Mark Winkleman
State Land Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

July 19, 2006
Page 2, Hollis

If you have any questions, please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Ruth Greenspan, ADOT

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Charlie McClendon
City Manager
Avondale City Hall
11465 West Civic Center Drive, Suite 200
Avondale, Arizona, 85323

Dear Mr. McClendon:

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Avondale Concurrence

Date 7-25-06

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Bryan Lausten, Archaeologist
Bureau of Reclamation
Phoenix Area Office
6150 West Thunderbird Road
Glendale, Arizona, 85306

Dear Mr. Lausten:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses ten variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 west of Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

Potential consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), the Bureau of Reclamation (Reclamation), the U.S. Army Corps of Engineers (COE), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the Roosevelt Irrigation District (RID), the Flood Control District of Maricopa County (FCDMC), the Maricopa County Department of Transportation (MCDOT), the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pasqua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

The Area of Potential Effect (APE) is comprised of ten alternative (overlapping) freeway corridors (E1, W55, W71, W101WPR, W101WFR, W101W99, W101CPR, W101CFR, W101EPR, and W101EFR) that extend from I-10 in west Chandler to I-10 west of Phoenix, south of the greater

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Phoenix metropolitan area. Alternative corridors are 1,000-ft (304.8-m) wide and range from 21.5 miles (34.6 km) to 23.6 miles (38.0 km) in length.

The cultural resources component of the EIS includes five technical studies:

Previous Consultation:

- A Class I overview of the overall study area: "*A Class I Overview of the South Mountain Corridor Study Area, Maricopa County, Arizona*" (Burden 2002). Previous consultation regarding adequacy of the report resulted in concurrences/responses from SHPO (Jacobs, September 19, 2003); BLM (Stone, September 22, 2003); City of Phoenix (Stocklin, September 8, 2003 and Bostwick, September 17, 2003); the Hopi Tribe (Kuwanwisiwma, September 10, 2003); Yavapai Prescott (Jones, September 10, 2003); Reclamation (Heathington, September 11, 2003); SRP (Anduze, November 10, 2003); and BIA (October 27, 2003).

- A Class III survey of the proposed alternative alignments: "*A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona*" (Darling 2005). Consultation regarding adequacy of the report is on-going. To date, concurring responses have been received from SHPO (Jacobs, July 11, 2005), Reclamation (Ellis, July 12, 2005), BLM (Stone, July 26, 2005), City of Phoenix (Bostwick, July 18, 2005), Pueblo of Zuni (Quetawki), July 12, 2005), Yavapai-Prescott Indian Tribe (Kwiatkowski, July 22, 2005).

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South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Reclamation Concurrence

8-1-06
Date

Enclosure

Ruth Greenspan

From: Amalia Reyes [Amalia.Reyes@pascuayaqui-nsn.gov]
Sent: Tuesday, August 01, 2006 2:15 PM
To: Ruth Greenspan
Subject: South Mountain Freeway

Ms.Greenspan,

The Pascua Yaqui Tribe has received the documents for:

HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H576401L
South Mountain Transportation Corridor

The tribe has no concerns with the freeway corridor project. If you have any questions, please contact me at he address below.

Thank you.

Amalia A.M. Reyes
Resource Coordinator
Education Administration Division
amalia.reyes@pascuayaqui-nsn.gov
(520) 879-5742
Fax: (520) 883-5049

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August 1, 2006

Robert E. Hollis, Division Administrator
Federal Highway Administration, Arizona Division
U.S. Department of Transportation
One Arizona Center, Suite 410
400 E. Van Buren Street
Phoenix, AZ 85004-0674

Attention: Stephen Thomas

RE: HA-AZ; NH-202-D(ADY);
TRACS No. 202L MA 054 H5764 01L;
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Traditional Cultural Places; Eligibility Evaluation Report
SHPO-2003-1890 (29666)

Dear Mr. Hollis:

Thank you for consulting with the State Historic Preservation Office (SHPO) regarding the alternative alignments for the proposed South Mountain Freeway and submitting materials for review and comment pursuant to Section 106 of the National Historic Preservation Act as implemented by 36 CFR Part 800. We have reviewed the submitted materials and have the following comments.

The submitted report [*An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona*] addresses the eligibility for inclusion in the National Register of Historic Places (NRHP) of ten properties in the area of potential effect (APE). Two obvious comments regarding eligibility are as follows:

First, the historic wagon road associated with AZ T:12:112 (ASM) in the report's text and figures should be assigned an ASM linear site number [although it actually is a structure in National Register terminology]. Figure 8 on page 52 labels it as the road to Phoenix, however, since additional petroglyphs are located along this transportation corridor about 100 meters to the northeast, it seems reasonable that it also served as a prehistoric route to what is now Phoenix. It is noted on page 53 that the petroglyph at the location of AZ T:12:112 (ASM) is problematic in terms of association, and states it is possible the petroglyph is a marker for a prehistoric trail, a precursor of the historic wagon road. As hinted at in the report, the petroglyph at AZ T:12:112 (ASM) appears to be associated with both the travel route and the shrine [both strategically placed on the landscape].

Secondly, there are some process issues with eligibility and integrity. There appears to be a conflation of the determination of eligibility and effect determination; Section 106 is a linear process with assessing eligibility occurring before assessing impacts. The determination of being eligible for inclusion in the NRHP includes the entire site; if there is agreement that any portion of the site is

eligible, then the site as a whole is eligible. The discussions regarding, for instance AZ T:12:9 (ASM) aka Villa Buena, should be revisited. Regarding that site, issues of integrity should consider the perspective of the associated native peoples; the Gila River Indian Community (GRIC) letter to FHWA dated September 30, 2005, clearly states that [they believe] the site retains integrity [cf. page 46 of report].

Our office is very interested in the tribal response to the traditional cultural property assessment report that evaluates the eligibility for the NRHP, and look forward to receiving copies of their response. We also look forward to reviewing an amended traditional cultural property assessment report.

If you have any questions, please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

CC: Ruth Greenspan, ADOT

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
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South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Mr. Ernest Jones, Sr., President
Yavapai-Prescott Indian Tribe
530 East Merritt
Prescott, Arizona, 86301-2038

Dear President Jones:

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In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

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As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. At this time, FHWA is once again inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns. However, such consultation would not necessitate a reconsideration of this determination of project effect. We also look forward to continuing consultation with your office. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Gregory T. Glassco
Signature for Yavapai-Prescott Concurrence

August 14, 2006
Date

Enclosure
cc.
Greg Glassco, Director, Cultural Research Program, 530 East Merritt, Prescott, Arizona 86301-2038 (enclosure)
SThomas
RGreenspan (MD 619E)
SDThomas:cdm

U.S.Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

June 26, 2006

In Reply Refer To: HA-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Second Addendum Class III Survey Report

Ms. Barbara Stocklin
City of Phoenix
Historic Preservation Officer
200 West Washington Street
Phoenix, Arizona, 85003

Dear Ms. Stocklin:

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Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006), assesses the NRHP eligibility of South Mountain Park/Preserve and the Roosevelt Canal (Brodbeck 2006). As subconsultants to HDR, architectural historians with EcoPlan Associates (EcoPlan) assessed the two residential properties (Brodbeck 2006, Appendix A). The report is enclosed for your review and comment.

South Mountain Park/Preserve is a municipal park owned by the City of Phoenix and managed by their Parks and Recreation Department. Approximately 32 acres of the 16,000+ acre-park is in the proposed E1 Alignment. FHWA and ADOT recommend that the South Mountain Park/Preserve is eligible for inclusion in the NRHP under Criterion A for its associations with the National Park Service (NPS) and Civilian Conservation Corps (CCC) New Deal programs in Phoenix during the Depression era. The park is also recommended as eligible under Criterion C for its overall sensitive design that set historical precedent in planning natural parks and implementing NPS design standards for improvements in wilderness area parks. While the current study focused on the 32 acres within the footprint of the E1 Alternative, further evaluation of the park's entire 16,000+ acres has the potential to establish eligibility under Criterion B for associations with influential NPS architects; under Criterion C for the architectural merit of its buildings and structures, both individually and collectively as a district; and under Criterion D for its collection of prehistoric archaeological sites and historical mining-related sites (components of the park's mining sites may also be eligible under Criterion A pending further study).

In its entirety, the Roosevelt Canal—AZ T:10:83 (ASM)—is considered eligible for the NRHP under Criterion A for its associations with the historical development of irrigation districts in lower Salt River Valley. While previous studies for the South Mountain EIS Study acknowledged that the Roosevelt Canal was NRHP eligible (Burden 2002; Darling 2005), the specific segments within the proposed alternative alignments had not been assessed in terms of whether they are contributing or non-contributing to that eligibility. The Roosevelt Canal intersects the proposed alternative alignment footprints in four locations. The canal segments that cross the W55 and W71 Alternatives south of Van Buren Road retain integrity and are recommended as eligible to the National Register under Criterion A as contributing components. The segments that cross the proposed alternative alignments in the I-10 and the 101L freeway corridors are modern realignments that lack historical integrity, and therefore are recommended to be non-contributing components.

The rural residences at 6304 West Dobbins Road and 7316 West Lower Buckeye Road were added to the project's APE as a result of alignment shifts referred to above. Both properties are on privately-owned land. Architectural historians with EcoPlan evaluated the properties' eligibility (Brodbeck 2006, Appendix A). Both properties lack important historical associations and architectural merit, therefore, FHWA and ADOT recommend that neither property is eligible for inclusion in the NRHP.

Finally, the initial Class III survey report for the South Mountain Freeway study (Darling 2005) had identified the Western Canal (AZ T:12:154 [ASM]) as an historic property in the APE, in the E1 Alternative at Elliot Road. The Western Canal is owned and managed by Reclamation and SRP. Further study has indicated that this irrigation feature is actually a tail-water drainage ditch and that the Western Canal terminates prior to reaching the APE. FHWA and ADOT recommend that the Western Canal will not be affected by the proposed undertaking.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the enclosed

cultural resource assessment report and information provided in this letter. If you find the report adequate and agree with the eligibility recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or e-mail rgreenspan@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Liz Wilson, COP HP Planner — 8/16/06
Signature for Historic Preservation Office Concurrence — Date

Enclosure

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor

Jennifer Allison-Ray
Lieutenant Governor

September 25, 2006

Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community (GRIC) has received HDR Engineering, Inc .Cultural Resource Report 06-01, titled "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona (Brodbeck 2006). The GRIC Cultural Resource Management Program is presently reviewing this report and wishes to present an evaluation of the document to the GRIC Cultural Resource Standing Committee prior to submission to the Federal Highway Administration.

We understand that in accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a proposed project. The aforementioned report was prepared for the Arizona Department of Transportation and evaluates the eligibility of historic properties identified in our letter of July 7, 2005.

The Gila River Indian Community wishes to maintain participation in discussions regarding the potential effects to such resources that could result from the South Mountain Freeway project. We anticipate forwarding a formal response to the submitted report in mid October 2006.

525 West Gu u Ki · P.O. Box 97 · Sacaton, Arizona 85247
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The GRIC appreciates the efforts of the Federal Highway Administration in addressing our concerns and anticipates meaningful consultations in accordance with the National Historic Preservation Act on this undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-3570 should you have any questions or require further information.

Sincerely,

Jennifer Allison Ray

William R. Rhodes, Governor
Gila River Indian Community

cc: Andrew Darling GRIC-CRMP Assistant Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Steve Thomas, Environmental Program Manager, FHWA Arizona Division
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodeck, HDR Engineering, Inc.

U.S.Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

December 11, 2006

In Reply Refer To: HOP-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Final Programmatic Agreement

Ms. Cheryl Blanchard, Archaeologist
Bureau of Land Management
Phoenix Field Office
21605 North 7th Ave.
Phoenix, Arizona 85027-2099

Dear Ms. Blanchard:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As this project is qualified for federal-aid funding, it is considered an undertaking subject to Section 106 review. Because an alternative has not been chosen for the highway, land jurisdiction is unknown at this time. Consulting parties for this project have included FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), Arizona State Land Department, the Bureau of Land Management, the Bureau of Reclamation (Reclamation), the Army Corps of Engineers, the Bureau of Indian Affairs (BIA), the Salt River Project, Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi (Hopi)Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni (Zuni), the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute Tribe, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe (Y-PIT).

Previous consultation with SHPO recommended a Programmatic Agreement (PA) be developed to address potential effects of the project on historic properties. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA] September 9, 2003). Drafts of the PA were submitted to consulting parties in December, 2003, June, 2004, and in July and August, 2005.

In 2004 the ACHP encouraged FHWA to develop a PA in consultation with SHPO and other consulting parties without ACHP participation, but requested to be informed if any criteria for ACHP involvement were met in the future. In September 2005 a revised draft PA was sent to ACHP, and they again responded that they did not feel their participation was necessary (Wallace [ACHP] to Hollis [FHWA]).

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The BIA declined to participate in the PA (telephone conversation between Serelle Laine [ADOT] and Garry Cantley [BIA], August 3, 2005). The Hopi Tribe deferred participation in the PA to the GRIC, but said they would like to continue to be consulted on any cultural resource reports relating to the project (Kuwanwisiwma [Hopi] to Neustadt [ADOT], December 11, 2003). The Y-PIT responded to consultation by saying that they do not wish to be a party to the PA, and that they defer to the Southern Tribes, as this project occurs entirely outside aboriginal Yavapai territory (Kwiatkowski [Y-PIT] to Hollis [FHWA], July 22, 2005).

Revisions to the draft PA were requested by SHPO (Jacobs [SHPO] to Laine [ADOT], July 11, 2005) and by Reclamation (Ellis [Reclamation] to Neustadt [ADOT], December 18, 2003). The changes requested by SHPO and Reclamation have been addressed in the final PA.

At this time, FHWA is submitting the final PA for signature. Please review the enclosed PA and the information provided in this letter. If you find the PA adequate, and wish to participate as a concurring party, please obtain the appropriate signature and return the document. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or email rgreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
RGreenspan (619E)
SDThomas:cdm

The previous letter was also sent to:
Mr. Steve Ross, Archaeologist, Arizona State Land Department
Mr. Bruce Ellis, Chief, Environmental Resource Management Division, Bureau of Reclamation
Mr. Robert B. Stevens, Environmental Programs Manager, Flood Control District of Maricopa County
Mr. Charlie McClendon, City Manager, City of Avondale
Mr. Mike Normand, Transportation Services and Planning Manager, City of Chandler
Mr. Ron Short, Deputy Director for Long Range Planning, City of Glendale
Mr. Todd Bostwick, Archaeologist, City of Phoenix
Ms. Barbara Stocklin, Historic Preservation Officer, City of Phoenix
Mr. Ralph Velez, City Manager, City of Tolleson
Mr. Brian Kenny, Environmental Programs Manager, Maricopa County Department of Transportation
Mr. Stanley Ashby, Superintendent, Roosevelt Irrigation District
Mr. Rick Anduze, Archaeologist, Salt River Project
Ms. Lydia Lopez-Cruz, Archaeologist, United States Army Corps of Engineers
Ms. Delia M. Carlyle, Chairwoman, Ak-Chin Indian Community
Mr. Charles Wood, Chairman, Chemehuevi Indian Tribe
Ms. Sherry Cordova, Chairwoman, Cocopah Tribe
Mr. Daniel Eddy, Jr., Chairman, Colorado River Indian Tribes
Mr. Raphael Bear, President, Fort McDowell Yavapai Nation
Ms. Nora McDowell, Chairwoman, Fort Mojave Indian Tribe
Mr. Mike Jackson, Sr., President, Fort Yuma-Quechan Tribe
Mr. William Rhodes, Governor, Gila River Indian Community
Mr. Thomas Siyuja, Chairman, Havasupai Tribe
Mr. Leigh Kuwanwisiwma, Cultural Preservation Office, Hopi Tribe
Ms. Loretta Jackson, Tribal Historic Preservation Officer, Hualapai Tribe
Mr. Gary Tom, Chairwoman, Kaibab-Paiute Tribe
Dr. Alan Downer, Tribal Historic Preservation Officer, Navajo Nation Historic Preservation Department
Ms. Herminia Frias, Chairwoman, Pascua Yaqui Tribe
Mr. Arlen Quetawki, Governor, Pueblo of Zuni
Ms. Joni Ramos, President, Salt River Pima-Maricopa Indian Community
Ms. Kathleen Wesley-Kitcheyan, Chairwoman, San Carlos Apache Nation
Ms. Evelyn James, President, San Juan Southern Paiute
Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation
Mr. Joe Joaquin, Cultural Resource Specialist, Tohono O'odham Nation
Mr. Ivan Smith, Chairwoman, Tonto Apache Tribe
Mr. Ronnie Lupe, Chairwoman, White Mountain Apache Tribe
Mr. Jamie Fullmer, Chairwoman, Yavapai-Apache Nation

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor

Jennifer Allison-Ray
Lieutenant Governor

December 19, 2006

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; HA-AZ NH-202-D (ADY); TRACS No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community has received HDR Engineering, Inc. Cultural Resource Report 06-01, titled "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2006). The purpose of this report was to assess eligibility of properties for listing on the National Register of Historic Places (NRHP) as Traditional Cultural Properties (TCPs). In review of this report we are providing the following comments;

Preliminary Statement

The Gila River Indian Community (GRIC) maintains that the cultural significance of South Mountain figures prominently in oral traditions of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) as well as the Pee Posh, formally known as the Maricopa Tribe of the GRIC and of the Salt River Pima-Maricopa Indian Community. Traditional religion has always been central to the O'Odham that defines their relationship to the natural world and the landscape they live in. Akimel O'Odham and Pee Posh religion, oral histories, creation stories, ritual activities, ceremonial practices, and concepts of power and sacred places on the land are all connected to every part of the natural environment and must be treated with reverence and respect. The National Historic Preservation Act of 1966 as amended provides a compliance process for eligibility for these Traditional Cultural Places (TCPs) to the National Register of Historic Places (NRHP). Impacts to these sites must be considered in order to provide some measure of protection. However, application of criteria of significance for the NRHP by non-Indians, especially those who are not well-acquainted with O'odham and Pee Posh culture, consistently misunderstands, misconstrues, and ignores Native American religious beliefs and priorities, and the needs of the Tribe(s) for the perpetuation and health of their vibrant, living, traditional community.

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Telephone: 520-562-9840 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

Traditional Cultural Property Evaluations

Based on Class III Survey and Section 106 consultations, the Gila River Indian Community identified 10 culturally important places as potential traditional cultural properties (TCPs) per NRHP criteria. Construction of the proposed alternative alignments being studied for the EIS for the proposed Loop 202 (202L), South Mountain Freeway will adversely affect these properties. Each property is described below with the eligibility recommendation provided by HDR Engineering, Inc.

South Mountain Range TCP Recommendation: Eligible GRIC: Concur

NOTE: GRIC ***does not concur*** with the designation of a "core homeland" by Brodbeck (2006:62-63, Figure 16) as partial justification for TCP status.

NOTE: GRIC ***does not concur*** with the boundary of the South Mountain Range TCP as designated by Brodbeck (2006: Figure 14).

We concur with the recommendation that the South mountain Range is eligible to the NRHP under Criterion A and B as a traditional cultural property for its association with the broad patterns of traditional cultural practices and beliefs for the Akimel O'Odham, Pee Posh, and other tribes and for its association with O'Odham creator deity Se'ehe (Elder Brother).

However, an Akimel O'odham "core homeland" depicted in the TCP evaluation report is inaccurate and downplays the significance of Muhadagi Doag (South Mountain) to all O'odham, Pee Posh, and Colorado River Tribes, and possibly others who maintain an association with the South Mountain Range (Brodbeck 2006:62-63, Figure 16) Brodbeck identifies the traditional homeland of the Akimel O'Odham as a core area comprised of the Middle Gila River valley, generally from the Casa Grande Ruins National Monument near the City of Coolidge and the Town of Florence to the confluence of the Gila and Salt Rivers. The south-east end of the traditional core is framed by the Santan Mountains and Sacaton Mountains and the north-west end by the Estrella Mountains and South mountain ranges. This designation is apparently based on the present day boundaries of the Gila River Indian Community. **This representation is not accurate and the GRIC is highly disturbed by this designation**, even though Brodbeck does concede that "While the social, economic, political and religious spheres of the Akimel O'Odham ranged far beyond this land, across southern Arizona

and as far as northern Mexico and southern California…the land of their ancestors (the Hohokam), the place of their origin, and the nexus of their spiritual landscape" (2006:62).

We firmly recommend that reference to a "core homeland" and Figure 16 be stricken from the report. If reference to traditional aboriginal lands is necessary to the discussion, we suggest this designation be represented by the 1970 Indian Claims Commission (ICC) Aboriginal Lands title that identifies lands that had been continuously and exclusively used by the Akimel O'Odham (Pima) and the Pee Posh (Maricopa). The ICC ruling placed under aboriginal title an area in excess of over three million acres, far exceeding the reservation lands currently occupied by the peoples of the GRIC today. As a territory, these lands describe the tangible world of the Akimel O'Odham (Pima) and Pee Posh (Maricopa) cultures living in the GRIC, in which religious beliefs, ideology, and life-ways make sense, have place and shape a vibrant heritage and worldview. It should be kept in mind, however, that the aboriginal lands identified by the ICC for Gila River do not include the interests of other Tribes (such as the Colorado River Tribes or the remaining members of the Four Southern Tribes of Arizona) who may be concerned about the status of South Mountain.

South Mountain Range TCP boundary

We **do not concur** with the TCP boundary based on the geology of the mountain. We also do not agree that the boundary as recommended for the purposes of the TCP study is sensitive to its cultural importance and is inclusive of its traditional uses.

GRIC representatives at an on-site consultation on February 9, 2006 related that creating a boundary around Muhadagi Doag is inconsistent with O'Odham worldviews and Muhadagi Doag is a continuum of life and not an individual entity that can be isolated and analyzed. We understand that potential traditional cultural properties must be evaluated with reference to the National Register Criteria for Evaluation [36 CFR Part 60] in order to determine whether South Mountain is eligible for inclusion in the NRHP. The potential entity evaluated must be a "tangible property' and have some form of definition. The GRIC for the purpose of Section 106 consultation recommends that the boundary be a minimum of one mile radius from the base of the geological bedrock formations that protrude from the surrounding alluvial fans or *bajadas,* above the valley floor.

Villa Buena (AZ T:12:9 ASM) TCP Recommendation: Not Eligible
GRIC: Do Not Concur

NOTE: GRIC does not concur and recommends that the Villa Buena site is a TCP under NRHP criteria. The portion of the site located within the proposed South Mountain corridor may be considered noncontributing to the status of the site as a TCP overall (under criterion A). However, this portion in the corridor is eligible under Criterion D for its information potential.

We do not concur with the recommendation for the Villa Buena archaeological site. The GRIC identifies the Villa Buena (AZ T:12:9 ASM) archaeological site, which has shrines, ballcourts, and platform mounds, as a traditional cultural property and feels that it is a TCP under NRHP criteria. The assessment clearly was applied only to the portion of the site in the current proposed South Mountain Corridor located outside the reservation boundary. We believe that the report should specify this and that the portion of the site evaluated for the proposed South Mountain alignment is not representative of the total site's eligibility. Although modern development has impacted the portion of the Villa Buena site outside the reservation, this site still holds its physical and cultural integrity and modern impact outside the GRIC does not diminish the site's religious and cultural significance.

Pueblo Del Alamo (AZ T:12:52 ASM) TCP Recommendation: Not Eligible
GRIC: Concur (in general)

GRIC concurs generally with the ineligible TCP determination of the Pueblo del Alamo archaeological site based on NRHP criteria. The GRIC, however, believes the Pueblo Del Alamo (AZ T:12:52 ASM) archaeological site to be a spiritual, religious, and cultural place of significance to the Tribe. The ineligible determination was based on a lack of integrity of surface features. Based on traditional religious beliefs, the site is sacred and holds its sacredness within the earth because the site penetrates the entire earth in its spiritual realm. We understand that modern development has impacted the site but, even if recent developments obscure surface manifestations, subsurface features may still be present and future archaeological investigations may contribute to a revision of site status as a TCP under NRHP criteria. We find the statement (on page 85), "…it is not eligible as a traditional cultural property because in its current condition it no longer conveys its relevant relationship" to be very offensive. In our view the determination of eligibility does not diminish the site's religious and cultural significance to the Community, even though surface preservation may suggest otherwise.

AZ T: 12:198 (ASM) – Petroglyph site TCP Recommendation: Eligible
GRIC: Concur

We concur that this site is eligible under Criterion A as a contributing component of the South Mountain TCP overall and that it is individually eligible to the NRHP under Criterion D as an archaeological site.

AZ T:12:197 (ASM) – Trail TCP Recommendation: Eligible GRIC: Concur

We concur that this site is eligible under Criterion A as a contributing component of the South Mountain TCP overall and that it is also considered individually eligible to the NRHP under Criterion D as an archaeological site with important information potential.

AZ T:12:208 (ASM) – Petroglyph site TCP Recommendation: Not Eligible
GRIC: Concur (in general)

We concur that the site is no longer an eligible TCP under NRHP criteria due to vandalism and looting. However, it continues to be a contributing feature to the overall TCP status of South Mountain and it should be recognized that this site retains cultural significance for Indian communities, despite the highly diminished integrity of the petroglyphs. Furthermore, the site remains eligible under Criterion D for its association with prehistoric lithic procurement and quarrying.

AZ T:12:201 (ASM); AZ T:12:207 (ASM) ; and AZ T:12:211 (ASM) – Trail Sites
TCP Recommendation: Not Eligible GRIC: Concur (in general)

We concur that these three trail sites are eligible under criterion D and may not be TCPs. It should be recognized that some trails may be eligible TCPs under Criterion A and B but this should be determined on a case by case basis.

Active Shrine AZ T:12:112 (ASM) TCP Recommendation: Eligible GRIC: Concur

We concur that the shrine is eligible to the NRHP under Criterion A as a TCP and under Criterion D as an archeological site.

Management Recommendation:

The GRIC notes that this report only provides eligibility recommendations for TCP status for the sites considered. However, this is only a first step towards effective management. It is clear, but never acknowledged, that construction of the proposed South Mountain Freeway alignment will adversely impact TCPs. No substantive management recommendations, such as avoidance, for example, or other strategies for mitigation, are provided in the TCP evaluation by Brodbeck/HDR Engineering, Inc. It is our understanding that management recommendations for TCPs are required in the Environmental Impact Statement (EIS), which apparently exists in draft but has not been received for review by the GRIC Cultural Resource Specialist Office. However, such issues need to be considered in close consultation with the GRIC and other concerned Native American communities.

Conclusion

We reiterate at that the landscape view of Muhadagi Doag (South Mountain) will be forever altered by a transportation corridor that will be intrusive to the spiritual connections associated with the people of the Gila River Indian Community. We are highly concerned that the proposed transportation project will cause the destruction of sacred places and spaces, archeological sites, trails, and shrines located within the proposed corridor. The presence of Muhadagi Doag, the home of ancient deity Se'ehe evokes solemn reverence among the people of the GRIC and any alteration of the Muhadagi Doag will contribute to diminishing our traditional way of life.

The GRIC appreciates the efforts of the Federal Highway Administration in addressing our concerns that must be resolved through the National Historic Preservation Act (NHPA) 106 Consultation process. We anticipate continued and meaningful consultations on this federal undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-3570 should you have any questions or require further information.

Sincerely,

W R. Rhodes 12-19-06

William R. Rhodes, Governor
Gila River Indian Community

cc J. Andrew Darling GRIC-CRMP Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodbeck, HDR Engineering, Inc.

U.S.Department
of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

December 20, 2006

In Reply Refer To: HOP-AZ
NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Final Programmatic Agreement

Mr. John Madsen
Curator of Archaeology, Repatriation Coordinator
Arizona State Museum
P. O. Box 210026
Tucson, Arizona 85721-0026

Dear Mr. Madsen:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix. As this project is qualified for federal-aid funding, it is considered an undertaking subject to Section 106 review. Because an alternative has not been chosen for the highway, land jurisdiction is unknown at this time. Consulting parties for this project have included FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Advisory Council on Historic Preservation (ACHP), Arizona State Land Department, the Bureau of Land Management, the Bureau of Reclamation (Reclamation), the Army Corps of Engineers, the Bureau of Indian Affairs (BIA), the Salt River Project, Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe (Hopi), the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni (Zuni), the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute Tribe, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe (Y-PIT).

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At this time, FHWA is submitting the final PA for signature. Please review the enclosed PA and the information provided in this letter. If you find the PA adequate, and wish to participate as a concurring party, please obtain the appropriate signature and return the document. If you have any questions or concerns, please feel free to contact Ruth Greenspan at 602-712-6266 or email rgreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
SThomas
RGreenspan (619E)
SDThomas:cdm

The previous letter was also sent to:
Dr. David Jacobs, Compliance Specialist, State HisotoricPreservation Office
Mr. Bruce Ellis, Chief, Environmental Resource Management Division, Bureau of Reclamation

Arizona State Parks

"Managing and conserving natural, cultural, and recreational resources"

Janet Napolitano
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Janice Chilton
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Reese Woodling
Tucson

Elizabeth Stewart
Tempe

Mark Winkleman
State Land Commissioner

Kenneth E. Travous
Executive Director

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December 28, 2006

Robert E. Hollis, Division Administrator
Federal Highway Administration
U.S. Department of Transportation
One Arizona Center, Suite 410
400 E. Van Buren Street
Phoenix, AZ 85004-0674

Attention: Stephen Thomas

RE: HOP-AZ, NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
SR 202L; South Mountain
Section 106 Consultation
Final Programmatic Agreement
SHPO-2003-1890 (31612)

Dear Mr. Hollis:

Enclosed is the Programmatic Agreement (PA) for the Federal Highway Administration project to construct a loop highway (State Route 202L) between Interstate 10 (I-10) west of Phoenix to I-10 south of Phoenix in Maricopa County. It was signed by James Garrison, the Arizona State Preservation Officer, on December 28, 2006. The document should be filed with the Advisory Council according to 36 CFR § 800.6(b)(1)(iv). We would appreciate receiving a copy of the complete signature page for our files.

We look forward to reviewing and commenting on the project's treatment plans according to stipulations of the PA. We appreciate your continuing cooperation with our office in complying with the requirements of historic preservation. Please contact me at (602) 542-7140 or electronically at djacobs@pr.state.az.us if you have any questions or concerns.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
State Historic Preservation Office

Cc: Ruth Greenspan, ADOT

Enclosure

City of Phoenix
HISTORIC PRESERVATION OFFICE

January 8, 2007

U.S. Department of Transportation – Federal Highway Administration
Arizona Division
400 E. Van Buren Street
One Arizona Center, Suite 410
Phoenix, Arizona 85004-0674

Re: HOP-AZ, NH-202(ADY), TRACS No. 202L MA 054 H5764 01L
SR 202 L – South Mountain Final Programmatic Agreement

Dear Mr. Robert Hollis:

I have signed the enclosed Programmatic Agreement on behalf of the City of Phoenix as a concurring party.

If you need additional information, please contact me by telephone at (602) 261-8699 or by fax at (602) 534-4571.

Sincerely,

Barbara Stocklin
Historic Preservation Officer

Attachment

cc: Todd Bostwick, City Archaeology Office

2007 JAN 12 AM 7:49

200 West Washington Street, 17th Floor • Phoenix, Arizona 85003 • 602-261-8699 FAX: 602-534-4571

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Email: raanduze@srpnet.com

16 January 2007

Robert E. Hollis
Division Administrator, Arizona Division
USDT Federal Highway Administration
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, AZ 85004-0674

RE: HOP-AZ; NH-202-D(ADY); TRACS No. 202L MA 054 H5764 01L; SR 202L; South Mountain Final Programmatic Agreement

Dear Mr. Hollis:

The Salt River Project (SRP) does want to be included as a Concurring Party to the South Mountain Final Programmatic Agreement. I have enclosed the document provided to SRP and signed by Ray Hedrick, Manager, Siting and Studies, Environmental Services.

Sincerely,

Richard A. Anduze
Environmental Scientist/Archaeologist

File: LEG 1-1-2

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
JAN 19 2007

EC 13152.017

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 18, 2007

In Reply Refer To: HOP-AZ
NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
JAN 19 2007

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

We are in receipt of your letter of December 19, 2006 in response to the Federal Highway Administration's (FHWA's) consultation regarding the report, "*An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona*" (Brodbeck 2006). The report is being revised in response to your comments, and the revised document will be sent to you for review and further comment.

In the interim, we want to ensure that the interests of the Community continue to be taken into account as design alternatives are developed and considered for this proposed project. As part of this process, we would like for the design consultants to be able to consider all options for minimizing impacts to those properties that are of cultural significance to your Community. In order for the design team to take into consideration alternatives that would avoid the active shrine site, AZ T:12:112(ASM), it would be necessary for them to be aware of the area to be avoided.

We are therefore requesting your permission to disclose the general location of the shrine to the project manager, the prime design consultant, and a small number of support personnel in order to request that they develop design alternatives that would avoid the shrine, allow continued access, and minimize indirect impacts to it. If permission to identify areas of avoidance were given, we would divulge only the general location of the property, and not provide any specific information regarding the nature of the property or its significance.

Thank you for your consideration of this request. If you agree to allow disclosure of the general location of the active shrine, AZ T:12:112 (ASM), to a limited number of people involved in the design process, please sign below to indicate your concurrence. We look forward to continuing

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consultation with your office. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS
Robert E. Hollis
Division Administrator

Signature for Tribal Concurrence _____ Date _____

cc:
SThomas
RGreenspan (M D619E)
J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247
SDThomas:cdm

Fort McDowell Yavapai Nation
Office of the General Counsel
P.O. Box 17779, Fountain Hills, AZ 85269-7779
Phone (480) 816-7180 Fax (480) 789-7249

January 16, 2007

Federal Highway Administration
Attn: Steve Thomas
Arizona Division
400 E. Van Buren Street
One Arizona Center Suite 410
Phoenix Arizona

RE: Programmatic Agreement –Loop 202 S. Mountain Ext.

Dear Steve Thomas:

President Bear has signed the attached Agreement on behalf of the Fort McDowell Yavapai Nation ("Nation"). Ruth Greenspan advised me to forward this to you.

Sincerely:

Thomas Moriarty

Thomas J. Moriarty
Office of the General Counsel
Fort McDowell Yavapai Nation

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
JAN 29 2007

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February 22, 2007

Mr. Robert E. Hollis
Division Administrator
Federal Highway Administration, Arizona Division
400 E. Van Buren Street, One Arizona Center #410
Phoenix AZ 85004-0674

Re: SR202 South Mountain Final Programmatic Agreement
TRACS # 202L MA 054 H5764 01L

Dear Mr. Hollis:

The City of Chandler is in receipt of your letter dated December 11, 2006 regarding the Final Programmatic Agreement for the referenced project. Since no construction is anticipated to occur within the City's jurisdiction as part of this project, the City does not wish to sign the Agreement. However, the City would like to be consulted throughout the environmental planning, design and construction process.

Thank you for your cooperation. Should you have any questions, please contact me at (480) 782-3431, or email me at Samuel.Hanna@chandleraz.gov.

Sincerely yours,

Samuel Hanna, Ph.D., P.E.
Senior Transportation Engineer

cc: Daniel W. Cook, Acting Public Works Director
Mike Normand, Acting Assistant Public Works Director/Transportation & Operations
Ruth Greenspan, ADOT Environmental Planning Group
205 S. 17th Ave., Room #213, MD 619E, Phoenix AZ 85007

Mailing Address
Mail Stop 402
PO Box 4008
Chandler, Arizona 85244-4008

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Public Works Department
Transportation
Telephone (480) 782-3425
Fax (480) 782-3415
www.chandleraz.gov

Location
215 East Buffalo Street
Chandler, Arizona 85225

ADOT

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 15, 2007

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RE: Project No NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
Jackson Farmstead Eligibility

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway EIS & Location/Design Concept Report project. The EIS addresses variations on three alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. One of the alignments, the W55 alignment, was recently shifted to avoid an industrial facility at the southwest corner of 51st Avenue and Van Buren Street. As a result of this shift, an historic farmstead located at 5727 West Van Buren Street, referred to herein as the Jackson farmstead, is now in the project's area of potential effects (APE) and requires evaluation.

As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review. The Jackson farmstead is on private property in the City of Phoenix. Consulting parties for this assessment include FHWA, ADOT, the State Historic Preservation Office (SHPO), and the City of Phoenix Historic Preservation Office. Due to the scope and nature of this component of the project, no tribal consultations will occur.

EcoPlan & Associates, Inc., as subconsultant to HDR Engineering, Inc., evaluated the eligibility of the Jackson farmstead for listing on the National Register of Historic Places (NRHP). The results of the assessment are reported in a technical memorandum, dated December 4, 2006 (Dorigo 2006), which is enclosed for your review.

Based on Dorigo's evaluation, FHWA/ADOT recommend the Jackson farmstead is not eligible for inclusion the NRHP due to a general lack of historical and architectural significance. Its

Jacobs
TRACS No. 202L MA 054 H5764 01L
Project No NH-202-D(ADY)
May 15, 2007
Page 2 of 2

setting has lost its rural character and the current property is only a fraction of the original farmstead. The property fails to convey the character of a historical farmstead in the context of the agricultural development of the Salt River valley. Furthermore, because of their lack of historical and architectural significance, the two remaining houses on the property, individually, are also recommended not eligible for the NRHP.

Please review the enclosed report and the information provided in this letter. If you find the report adequate and agree with FHWA/ADOT's eligibility recommendation, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact me at 602-712-6626 or e-mail rgreenspan@azdot.gov.

Sincerely,

Ruth L. Greenspan
Historic Preservation Specialist
Environmental Planning Group
205 S.17th Avenue, Room 213E / MD 619E
Phoenix, Arizona 85007

_____ _____
Signature for SHPO Concurrence Date

Enclosure

cc: SThomas (FHWA)

This letter was also sent to:
Ms. Liz Wilson, Historic Preservation Officer, City of Phoenix

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

400 East Van Buren Street,
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

May 24, 2007

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Draft Programmatic Agreement

Ms. Carol Legard
Historic Preservation Specialist
Advisory Council on Historic Preservation
1100 Pensylvania Avenue NW, Suite 809
Washington, D.C. 20004

Dear Ms. Legard:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses nine variations of five alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

FHWA originally consulted with your office regarding the draft Programmatic Agreement (PA) in August 2003, and again in September, 2005. In response to both consultations, the Advisory Council on Historic Preservation (Council) declined to participate in the PA. Pursuant to 36 CFR 800.6(b)(iv), at this time FHWA is submitting the final PA to the Council to complete the requirements of Section 106 of the National Historic Preservation Act. If there is any additional information that you require, or if you have any questions or comments, please Ruth Greenspan at 602-712-6266 or electronically at RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure (Programmatic Agreement)
cc:
SThomas ,RGreenspan (619E), MHollowell (619E)
SDThomas:cdm

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U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

400 East Van Buren Street,
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

June 13, 2007

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Eligibility Evaluation Report

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Draft Environmental Impact Statement (DEIS) and Location/Design Concept Report for the proposed Loop 202 (SR 202L), South Mountain Freeway. The DEIS addresses variations of alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from the Interstate 10 (I-10) and SR 202L traffic interchange to I-10 in western Phoenix. This project is a federal action that requires compliance with Section 106 of the National Historic Preservation Act. The area of potential effects (APE) consists of the alternative alignment corridors.

The proposed alternative alignments being studied for the DEIS have the potential to affect archaeological sites and natural features on the landscape that are deemed sacred by Native American tribes and that may qualify for the National Register of Historic Places as traditional cultural properties (TCPs). In accordance with the regulations of the National Historic Preservation Act (36 Code of Federal Regulations [C.F.R.] Part 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a proposed project, FHWA and ADOT conducted an eligibility evaluation of TCPs in the APE for alternative alignments of the proposed undertaking.

The results of the TCP evaluation were reported in *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2006). FHWA and ADOT appreciate the Gila River Indian Community's (Community) comments on the report, sent on December 19, 2006, and we

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are in the process of revising the TCP evaluation report accordingly. The purpose of this letter is to ask for additional input on the boundary for the South Mountain TCP.

FHWA and ADOT recognize that creating any type of boundary around *Muhadagi Doag* (South Mountain) is inconsistent with O'odham and Pee Posh worldviews and that *Muhadagi Doag* is part of a continuum of life interwoven with far-reaching social, cultural, spiritual, and physical landscapes. Furthermore, we appreciate the Community's understanding that potential traditional cultural properties must be evaluated with reference to the National Register of Historic Places Criteria for Evaluation (36 C.F.R. Part 60) to determine if *Muhadagi Doag* is eligible for the National Register, and that this requires delineating a boundary to define it as a tangible property.

In the draft TCP eligibility report (Brodbeck 2006), the boundary for the *Muhadagi Doag* TCP was initially based on geologic features, and defined the mountain range through a series of disjointed bedrock protrusions (see enclosed map). Per your response, we understand that this boundary was not fully sensitive to its cultural importance as viewed by the Community and not adequate for Section 106 purposes because it was not inclusive of all of its traditional uses. We appreciate your suggestion to use a one mile radius from the base of the geological bedrock formations to provide a boundary that is culturally sensitive to and inclusive of traditional uses. As shown in the enclosed figure, when this boundary is mapped out it includes a combination of natural desert, agricultural fields, and built-out urban areas, such as residential subdivisions and the I-10/US 60 traffic interchange.

To assess the National Register eligibility of the *Muhadagi Doag* TCP, FHWA and ADOT propose using a boundary that is inclusive of its traditional uses and balanced with the surrounding built urban environment. The revised proposed boundary minimizes the inclusion of surrounding urban areas, such as housing subdivisions and freeway corridors, where no traditional uses of the South Mountain TCP are known to exist. In keeping with the Community's suggestions, this proposed boundary includes surrounding natural and less-developed areas where traditional activities and access to the mountain are maintained.

In the Southern Foothills area, there are areas where modern urban development falls within the proposed TCP boundary. These instances are ones where the built environment is fully surrounded by natural, undeveloped areas. The boundary was drawn to include those areas in order to capture the fullest possible extent of culturally sensitive traditional use areas directly associated with the TCP.

Please review the information provided in this letter and the enclosed map showing our proposed revised boundary for the *Muhadagi Doag* TCP. If you agree with the use of this proposed boundary for the National Register eligibility assessment, please sign below to indicate your concurrence.

At this time we would also like to reiterate our request of January 18, 2007 regarding AZ T:12:112(ASM), the active shrine site. FHWA and ADOT are committed to investigating strategies to minimize potential impacts to historic properties and TCPs. In a letter dated January 18, 2007 we requested permission to disclose the general location of AZ T:12:112(ASM) to the project manager, the prime design consultant, and a small number of support personnel so that they might investigate design alternatives that would avoid the shrine, allow continued access,

and minimize indirect impacts to it. To date, we have not received a response. The draft Environmental Impact Statement (DEIS) will be made public soon, and as you pointed out in your December 19, 2006 letter, that document will include management recommendations to mitigate any potential adverse effects to TCPs, including the active shrine. We are requesting your input in investigating potential measures to minimize harm to the shrine, and requesting permission to involve the engineering design team in this effort.

Your December 19, 2006 letter also pointed out the need for mitigation strategies to be considered in close consultation with the Community and other concerned Native American communities. We, too, recognize the need for close consultation regarding potential mitigation strategies and other issues of mutual concern relating to the proposed South Mountain Freeway. As there are a number of issues that have thus far not been effectively resolved through our written consultations, we propose some meetings between the Community, FHWA, and ADOT. We recognize that formal decisions are unlikely to be made in such a forum, but feel that face-to-face meetings would allow for an exchange of ideas and concerns and identify issues that could be brought back to our respective Community/agencies for discussion and consideration.

We look forward to continued consultation with you. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____

Signature for GRIC Concurrence Date

Enclosure

cc:
Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
SThomas
WVachon
KDavis
MHollowell (EM02)
RGreenspan (EM02)
MBruder (614E)
SDThomas:cdm

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor

Jennifer Allison-Ray
Lieutenant Governor

July 2, 2007

Robert E. Hollis, Division Administrator
U. S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places, Eligibility Report; HOP-AZ NH-202-D (ADY); Project No. 202L MA 054 H5764 01L

Dear Mr. Hollis,

The Gila River Indian Community (GRIC) in response to your letter dated June 13, 2007 in which you requested additional input on the boundary for the Muhadagi Doag (South Mountain) TCP. We appreciate that you recognize the need for close consultation regarding potential mitigation strategies in close consultation with the GRIC and other concerned Native American communities.

We appreciate that the FHWA acknowledges that the draft TCP eligibility report (Brodbeck 2006), defined the boundary for the Muhadagi Doag TCP based on geological features is not fully sensitive to the cultural importance as viewed by the GRIC and is not adequate for Section 106 purposes because it was not inclusive of all of its traditional uses. In review of the information provided in your letter and the enclosed proposed revised boundary map for the Muhadagi Doag TCP. The GRIC wishes further consultation before its submission for the purposes of National Register eligibility assessment.

We understand that the draft Environmental Impact Statement (DEIS) will be made public soon, and pleased that DEIS will include management recommendations to mitigate any potential adverse effects to TCPs, including the active shrine.

We agree that some meetings between the GRIC, FHWA, and ADOT must be scheduled at the earliest possible time to discuss your request for permission to disclose the general location of AZ T:12:112 (ASM), active shrine area in order to investigate design alternatives that would avoid the shrine, allow continued access, and minimize indirect

impacts to the shrine. We request consideration in inviting the State Historic Preservation Office to the proposed meeting as we discuss issues that have not been resolved through written communications.

The GRIC appreciates the efforts of the Federal Highway Administration in addressing our grave concerns that must be resolved through the National Historic Preservation Act 106 Consultation process. We anticipate continued and meaningful consultations on this federal undertaking. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-6713 should you have any questions or require further information.

Sincerely,

William R. Rhodes, Governor
Gila River Indian Community

cc J. Andrew Darling GRIC-CRMP Coordinator
Errol Blackwater, GRIC Land Use Planning & Zoning
Doug Torres, GRIC Department of Transportation
Kae Neustadt, ADOT Historic Preservation Specialist
Ruth Greenspan, ADOT Historic Preservation Specialist
Mark Brodbeck, HDR Engineering, Inc.

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUL 27 2007

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

[illegible]
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

April 22, 2008

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Section 106 Consultation
Traditional Cultural Places
Mitigation Measures

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

In previous consultation regarding the potential effects of the proposed SR 202L (South Mountain Freeway) on historic properties and other places of concern to the Gila River Indian Community (GRIC), it was suggested that some informal meetings between representatives of GRIC, the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT), and the State Historic Preservation Office (SHPO) should take place in order to address possible mitigation strategies relating to a proposed freeway option. Following receipt of your letter of July 2, 2007, several informal meetings and conversations have held between various representatives of the GRIC Cultural Resource Specialist's Office (CRSO), GRIC Cultural Resource Management Program (CRMP), the FHWA, the ADOT Historic Preservation Team (HPT), the SHPO, and the City of Phoenix Archaeology Section (COP-AS). As a result of these various meetings, FHWA and ADOT have been pursuing two possible strategies to help mitigate potential adverse effects of the proposed freeway on the *Muhadagi Doag* (South Mountain) Traditional Cultural Property (TCP) and other places of traditional significance to your community.

Previous consultation regarding the *Muhadagi Doag* TCP addressed attempts to define a boundary that could be used to satisfy FHWA's Section 106 (of the National Historic Preservation Act) responsibilities and afford protection to *Muhadagi Doag*. As a result of this consultation, FHWA recognizes that the traditional use areas of *Muhadagi Doag* extend on the south and southwest beyond the northern boundary of the Community, and that any of the build alternatives of the proposed freeway would have an adverse effect on the *Muhadagi Doag* TCP. During consultation

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it was also recognized that although some areas of *Muhadagi Doag*, such as the southwest ridges, clearly active traditional use areas, fully defining a meaningful boundary for the TCP as a whole will require a more detailed study of traditional uses and cultural significance of *Muhadagi Doag*. Rather than define an arbitrary boundary until such time as a more meaningful boundary can be identified, FHWA proposes to formally acknowledge that any of the build alternatives of the proposed freeway would impact the southern and southwestern portion of *Muhadagi Doag*, and would have an adverse effect on the TCP. At this time, FHWA would like to proceed with consultation addressing specific mitigation measures to address that adverse effect.

One such mitigation measure discussed at some of the above-referenced meetings is for FHWA and ADOT to provide funds for GRIC CRMP to conduct a detailed study of traditional uses and cultural significance of *Muhadagi Doag*. The City of Phoenix is currently working on a National Register of Historic Places (NRHP) eligibility study of the archaeological and historical sites within South Mountain Park/Preserve. The City of Phoenix Archaeologist, the GRIC CRMP Coordinator, and the GRIC CRSO have expressed interest in working together and expanding the on-going study to include an evaluation of the *Muhadagi Doag* TCP. FHWA and ADOT are willing to consider funding GRIC's participation in this proposed study. If this potential mitigation measure is something that you are interested in pursuing, we request that you provide a brief scope of work and budget for the proposed study, to ensure a common understanding about exactly what proposal is being considered.

Additionally, FHWA and ADOT are currently investigating design options to minimize impacts to the active shrine site, AZ T:12:112(ASM) and a rock art site, AZ T:12:198(ASM). We would like to meet with members of your Community to present and discuss some of these possible options.

If you are interested in pursuing these potential mitigation measures, we look forward to receiving a proposal for a study of the *Muhadagi Doag* TCP, and to meeting with you to discuss possible avoidance measures. We look forward to continued consultation with you. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

_____ _____

Signature for GRIC Concurrence Date

cc:
Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
SThomas
WVachon
KDavis
MHollowell (EM02)
RGreenspan (EM02)
MBruder (EM01)
MBurdick (118A)
SDThomas:cdm

GILA RIVER INDIAN COMMUNITY

SACATON, AZ 85247

RESOLUTION NO. GR-41-07

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

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

GILA RIVER INDIAN COMMUNITY

4/10/07

GOVERNOR

ATTEST:

COMMUNITY COUNCIL SECRETARY

GILA RIVER INDIAN COMMUNITY

POST OFFICE BOX 2140, SACATON, AZ 85247

CULTURAL RESOURCE MANAGEMENT PROGRAM

(520) 562-7150
(520) 562-7165
Fax: (520) 562-3268

November 18, 2008

Robert E. Hollis, Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Arizona Division
400 East Van Buren Street, Suite 410
Phoenix, Arizona 85004

Dear Mr. Hollis:

In reply to your previous request of April 22, 2008, please find attached a draft summary scope of work for proposed efforts offered as partial mitigation in connection with adverse effects to the Traditional Cultural Property (TCP) known as *Muhadagi Doag* (South Mountain), which will result with the proposed development of SR 202L (South Mountain Freeway) as currently designed.

This summary scope recommends a Phased Treatment Plan be developed, which is appropriate when eligible properties are adversely affected by a federal undertaking and avoidance is not possible, as follows:

Phase I – Treatment Plan Development
Phase II – Implementation of the Study
Phase III – Reporting and NRHP nomination of the South Mountain TCP.

Understanding that previous cultural resource assessments, consultation with ADOT-FHWA, and GRIC Council resolution (with support from other Tribes) all agree that South Mountain is a TCP, this proposal serves to address the need to provide a strategy for mitigation in the draft Environmental Impact Statement (EIS) for the South Mountain Freeway Project.

We look forward to further comment and discussion of this proposal. Upon receipt of your concurrence or following revision of the proposal, the final version may be cited in the EIS in connection with the *Muhadagi Doag* TCP. Please note, that all other impacts to cultural properties located within the proposed alignment, or that will be directly or indirectly impacted by proposed construction, will need to be addressed in accordance with federal regulations provided under NEPA and the NHPA.

If you have any questions or require further information, please contact me at (520) 562-7151 or jadarlin@gilariver.com.

Sincerely,

J. Andrew Darling
Coordinator

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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

January 13, 2009

In Reply Refer To:
HOP-AZ

NH-202-D(ADY)
202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) is in receipt of the November 18, 2008 draft summary scope of work that you provided in response to our consultation of April 22, 2008. The summary recommends development of a Phased Treatment Plan for a study of the traditional uses and cultural significance of the Traditional Cultural Property (TCP) known as *Muhadagi Doag* (South Mountain). This study would complement and expand upon ongoing studies that contribute to the overall knowledge base of *Muhadagi Doag* and would serve as the basis of an evaluation of *Muhadagi Doag*'s eligibility for inclusion in the National Register of Historic Places (NRHP) as a TCP. Financial support of this study by FHWA and the Arizona Department of Transportation (ADOT) would constitute partial mitigation to resolve potential adverse effects to *Muhadagi Doag* as a result of the development of the proposed South Mountain Freeway.

FHWA and ADOT find the proposal acceptable, with the following clarifications. If you agree with these bullets, please sign the concurrence line at the end of this letter. The next step after your concurrence, would be for ADOT and Gila River Indian Community (Community) to enter into a Joint Project Agreement.

- FHWA's role in consultation regarding the study and its deliverables will be limited to the potential effects of the proposed South Mountain Freeway on the *Muhadagi Doag* TCP as required by Section 106 (of the National Historic Preservation Act), Section 4(f) (of the Department of Transportation Act of 1966, as amended), and the National Environmental Policy Act of 1969 (NEPA).
- The process of nominating the Muhadagi Doag TCP to the NRHP will be undertaken by the Community.
- FHWA and ADOT will be invited to participate in the public component of the work sessions.
- FHWA and ADOT will be invited to participate in the development of the Management Plan.
- With the exception of culturally sensitive documents, or portions of documents, the deliverables resulting from this study will be available to FHWA and ADOT for use in fulfilling FHWA's responsibilities under NEPA, Section 106, and Section 4(f) with regards to the proposed South Mountain Freeway or any other current or future projects.
- The funding of the *Muhadagi Doag* TCP study is a mitigation measure to resolve adverse effects of the proposed South Mountain Freeway. Therefore, if the Environmental Impact Statement (EIS) for

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the proposed project were to be cancelled or put on hold prior to the implementation of the proposed TCP study, financial support of the study would also be cancelled or put on hold until such time as the EIS were to move forward again.

Additionally, FHWA and ADOT have responded to the request made at our meeting on November 18, 2008 to investigate an elevated split design to minimize impacts to the active shrine site, AZ T:12:112(ASM). A design has been developed and efforts are underway to coordinate a presentation of that design to your Community.

We look forward to your response to our comments regarding the proposed study of the *Muhadagi Doag* TCP, and to discussing the proposed avoidance measures. If you have any question or concerns, please do not hesitate to call Ruth Greenspan at 602-712-6266 or email RGreenspan@azdot.gov.

Sincerely,

STEPHEN D. THOM S

Robert E. Hollis
Division Administrator

_____ _____
Signature for GRIC Concurrence Date

cc:
Jennifer Allison-Ray, Lieutenant Governor, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
David.White, Community Manager, Gila River Indian Community, P.O. Box 97, Sacaton, Arizona 85247
Barnaby Lewis, Cultural Resource Specialist, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
J. Andrew Darling, CRMP Coordinator, Gila River Indian Community, P.O. Box 2140, Sacaton, Arizona 85247
SThomas
AHansen
AValle
KDavis
MHollowell (EM02)
RGreenspan (EM02)
MBruder (EM01)
MBurdick (118A)
SDThomas:cdm

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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http://www.fhwa.dot.gov/azdiv/index.htm

April 28, 2010

In Reply Refer To:
NH-202-D (ADY)
HOP-AZ

NH-202-D (ADY)
TRACS No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor
Continuing Section 106 Consultation
"no adverse effect"

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) initiated consultation regarding a proposed study of the *Muhadagi Doag* TCP (Hollis [FHWA] to Rhodes [Gila River Indian Community] January 13, 2009). FHWA found the proposal acceptable, pending clarification and elaboration of a few points before formal approval. The consultation letter also addressed the request made at the November 18, 2008 meeting to investigate an elevated split design to minimize impacts to the active shrine site, AZ T:12:112(ASM). A design has been developed and efforts are underway to coordinate a presentation of that design to your Community. A copy of the consultation is enclosed to assist you in your review.

FHWA would like to offer another opportunity for the Gila River Indian Community to respond to comments regarding the proposed study of the *Muhadagi Doag* TCP, and to discuss the proposed avoidance measures. We look forward to continuing consultation with your office. If

you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email Ldavis2@azdot.gov.

Sincerely yours,

STEPHEN D. THOMAS

Robert E. Hollis
Division Administrator

Enclosure

cc:
J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)
Barnaby V. Lewis, Cultural Resource Specialist, GRIC, P.O. Box E, Sacaton, AZ 85247 (with enclosures)
SThomas
TDeitering
AHansen
MFrye
KDavis
LDavis (EM02)
SDThomas:cdm

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

JUL 1 2010

William R. Rhodes
Governor

Joseph Manuel
Lieutenant Governor

June 23, 2010

Robert Hollis, Administrator, Arizona Division
U.S. Department of Transportation (FHWA)
4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500

Re: HOP-AZ, NH-202-D(ADY)
Project No. 202L MA 054 H5764 01L
South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places, Mitigation Measures.

Dear Mr. Hollis:

In reply to your letter dated April 28, 2010 regarding potential effects of the proposed SR 202L (South Mountain Freeway), the Gila River Indian Community Cultural Resource Management Program (GRIC CRMP) has prepared the attached proposal for the *Evaluation of Traditional Cultural Property and Adverse Effects of Transportation Corridor Development* posed by the proposed construction of the current Pecos Alignment of the South Mountain Freeway. This proposal has been reviewed and approved by the GRIC Community Council and the GRIC Transportation Technical Team. A digital (soft copy) was submitted to Matthew Burdick (Arizona Department of Transportation - ADOT) via electronic mail on January 19, 2010.

Please be advised that the current proposal only addresses partial measures for the mitigation of adverse effects posed by the Pecos alignment to Traditional Cultural Property (TCP) including individual sites and the mountain (*Muhadagi Doag* – South Mountain) and may be used in the preparation and finalization of the Environmental Impact Statement (EIS). All other requirements under such federal acts as the National Historic Preservation Act (NHPA) for the protection and preservation of cultural properties including data recovery of archaeological sites within the proposed corridor still pertain to the project and are not addressed by the attached document. The Community is aware that as the project developments, design changes and consideration of alternate corridors may require further adjustment or revision to the plan as presented.

The attached proposal also acknowledges the engineering solutions provided by ADOT in the form of overpasses for the avoidance and protection of sensitive cultural sites as acceptable concepts and that implementation of their design and construction will require further

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Telephone: 520-562-9840 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

consultation in the event these go forward. This includes especially the implementation of proposed massive cuts through the western ridges of *Muhadagi Doag* and earthworks required for construction of the Pecos alignment, which will significantly impact the mountain and the surrounding cultural landscape.

Finally this proposal identifies the important and significant overlap of wildlife and culture corridors and the significance of all plants and animals in the traditional culture of the Akimel O'odham and Pee Posh of this Community. In this respect, we value the strong connection between the environment, the land, traditional places, and all living things, not just people. To this end, the attached proposal recognizes the intimate connection of TCPs to the environment in general, which certainly will be affected permanently through the construction of this major transportation facility.

The Gila River Indian Community looks forward to continuing consultation through its newly established Tribal Historic Preservation Officer, Barnaby V. Lewis (THPO), especially on the draft EIS once it is assembled. If you have any questions or comments, please do not hesitate to call Dr. J. Andrew Darling, Coordinator, Cultural Resource Management Program at (520) 562-7151 or Barnaby V. Lewis (THPO) at (520) 562-7152.

Sincerely,

6-25-10

Lt. Governor Joseph Manuel, Chair
Transportation Technical Team

Attachment: South Mountain Freeway Survey Proposal

cc: Governor William R. Rhodes
Chief of Staff Greg Mendoza
Community Managers (5)
Transportation Technical Team
File

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

September 16, 2010

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http://www.fhwa.dot.gov/azdiv/index.htm

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200
TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. John Holt, Environmental Manager
Western Area Power Administration
615 South 43rd Avenue
Phoenix, Arizona 85009

Dear Mr. Holt:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration (Western), Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni,

Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In 2007, a Programmatic Agreement (PA) was executed for the project; however, Western had not been included. Western has transmission lines that intersect the proposed freeway alignments and asked FHWA to be included in the PA. Therefore, per Stipulation 14 of the PA, FHWA has revised the PA to include Western as a concurring party. Additionally, FHWA and ADOT are taking this opportunity to invite the Gila River Indian Community to participate as a concurring party at this time.

A copy of the revised PA is enclosed for your review and comment. If Western would like to participate, please sign the enclosed PA and return it to ADOT within 30 days. Upon receipt of Western's signature on the PA and of the Gila River Indian Community's signature, if they choose to participate at this time, FHWA will forward the updated PA through continued Section 106 consultations.

As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the information provided in this letter. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov

Sincerely yours,

Mary E. Fuge

for Robert E. Hollis
Division Administrator

Enclosure

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

OCT 28 2010

OCT 25 2010

Robert E. Hollis, District Administrator
Arizona Department of Transportation
4000 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE: Programmatic Agreement for the Federal Highway Administration and Arizona Department of Transportation South Mountain Freeway Project, Mohave County.

Dear Mr. Hollis:

The Western Area Power Administration (Western) has received the Programmatic Agreement (PA) regarding the Environmental Impact Statement (EIS) which was developed for the proposed South Mountain Freeway Project. The signed agreement is enclosed with the letter.

Western supports the Federal Highway Administration and the Arizona Department of Transportation in their section 106 responsibilities related to the project. Western's participation in the PA supports our requirements under the National Historic Preservation Act related to the requirement to move our transmission lines to accommodate the construction of this project.

Western looks forward to participating in future meetings and reviewing related documents for the PA. Thank you for inviting us to sign the PA.

If you have any questions or comments, please do not hesitate to contact Mary Barger at (602) 605-2524 or call me at (602) 605-2592.

Sincerely,

John R. Holt

John R. Holt
Environmental Manager

Enclosure

SHPO- 2003-1890(89271)

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

February 1, 2011

4000 North Central Avenue,
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Phoenix, Arizona 85012-3500
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In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 54.0 H5764 01L
202L, South Mountain Freeway
DCR and EIS
Continuing Section 106 Consultation
Revised Alignment Near Dobbins Road

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway (SMF), EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). This letter requests concurrence only on the approach of mitigating impacts to historic properties in the area of the proposed SMF's intersection with Dobbins Road (see attached map). Land ownership in this portion of the project area is mostly private. Alternative alignments of the proposed SMF are being considered. The 1985 Phoenix General Plan Map had a proposed transportation corridor near 59th Avenue. ADOT's 1988 SMF Design Concept Report and Environmental Assessment presented a preferred alignment corridor along 61st Avenue. That same year, the Phoenix Planning Commission recommended and City Council approved, an alignment shift in the General Plan to a 61st Avenue alignment. It remained on this alignment until comprehensive cultural resources investigations revealed several properties were eligible for listing on the

National Register of Historic Places (NRHP). As a result of these investigations, in 2005 an alternative alignment on 63rd Avenue was developed to avoid these resources.
In 2010, the City of Phoenix (COP) provided information to the SMF project team that the 63rd Avenue alignment conflicted with proposed land uses in the area. Three rezoning cases and one special permit were approved by the COP assuming the 61st Avenue alignment. One of these cases, approved in 2009, was for the location of a hospital and healthcare campus. This facility would be directly in the path of the 63rd Avenue alignment. As a result of these conflicts, the COP has asked FHWA to consider a proposed alignment of the SMF on 61st Avenue.

NRHP-eligible properties would be impacted by the alignment of the South Mountain Freeway along 61st Avenue. These include:

1. The Colvin-Tyson Farmstead/Barnes Dairy located at 6159 West Dobbins Road was determined not eligible to the NRHP as a whole because of a lack of integrity and historical significance. However, the dairy "head-to-toe" barn is recommended as eligible to the NRHP under Criterion C because it is one of the few standing family-operated dairy barns in Laveen.

2. The Hudson Farm located at 9300 South 59th Avenue was determined eligible to the NRHP under Criterion A as an exceptional example of a historic farmstead in Laveen, with the surrounding agricultural field an important contributing component that defines and preserves the farmstead's integrity of setting and feeling.

3. The 6100 Block West Dobbins Road Streetscape was determined eligible to the NRHP under Criteria A and D as an example and reflection of the lower Salt River Valley's agricultural past.

Potential impacts to NRHP-eligible properties by the alignment of the SMF along 61st Avenue include:

- The Barnes dairy barn would be destroyed by the proposed project.
- A sixteen-acre strip of the western side of the Hudson Farm would be taken by the proposed SMF. A portion of the agricultural field would be used to construct the proposed freeway.
- The 6100 Block West Dobbins Road Streetscape would be destroyed by the proposed project.

It is important to note that the City of Phoenix has designated this area as the core area of "downtown" Laveen. Landowners in the area have expressed a desire to develop their properties for commercial and/or residential uses. Therefore, it is highly likely that development actions by private land owners would also lead to the destruction of these resources. Although the property owners would have to comply with City of Phoenix historic preservation ordinances, it is still likely that destruction with limited documentation of these properties would occur.

To mitigate the potential impacts from the SMF and to offer a greater level of protection to these resources than would otherwise be provided, ADOT, FHWA, and the COP's Historic Preservation Office are considering the following approach. The final details of mitigation are

still being developed (including the level of documentation of the resources) and may be influenced by comments received from the public. However, the approach includes:

- The Colvin-Tyson Farmstead/Barnes Dairy and the West Dobbins Road Streetscape would be subjected to additional documentation and a possible interpretive exhibit/display.
- The Hudson Farm property:
  1. Documentation on the property and proposal for listing on the NRHP
  2. Protection of the farmstead complex through a conservation easement on the remaining parcel. The language of the conservation easement would be developed in consultation with the COP, ADOT, and the State Historic Preservation Office (SHPO).
  3. Convey the property to private or public ownership for reuse
  4. Conduct a public involvement meeting in the vicinity of these resources to solicit input from the public.

Please review the information provided in this letter. If you agree with the proposed approach to mitigating impacts to these three historic properties, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov.

Sincerely yours,

Mary E. Fye

for Karla S. Petty
Division Administrator

Signature for SHPO concurrence
NH-202-D(ADY)

4 FEB 11

Date

CC: Linda Davis, ADOT

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

February 7, 2011

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In Reply Refer To:
202-C-200
HOP-AZ

202-C-200
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. William Rhodes, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Rhodes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office (SHPO), Arizona State Land Department, Arizona State Museum, U.S. Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration, Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community (GRIC), Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to make a reasonable and good faith effort to identify historic properties that could be affected by a project, FHWA and ADOT prepared a traditional cultural property assessment titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2006), which was sent to your office for review June 2006

(Hollis [FHWA] to Rhodes [GRIC] June 28, 2006). GRIC responded in September 2006 notifying FHWA that their Cultural Resource Management Program (CRMP) was reviewing the traditional cultural properties (TCP) evaluation report and that a formal response would be forthcoming (Rhodes [GRIC] to Hollis [FHWA] September 25, 2006). In December 2006, GRIC provided their formal response which included National Register of Historic Places (NRHP) eligibility concurrences and comments on the proposed boundary for the South Mountain TCP (Rhodes [GRIC] to Hollis [FHWA] December 19, 2006). While the GRIC generally concurred with the NRHP eligibility recommendations provided in the TCP report, there were three points where they did not concur: (1) the designation of a O'odham core homeland, (2) the proposed boundary for the South Mountains TCP, and (3) the NRHP eligibility recommendation for Villa Buena site (AZ T:12:9 [ASM]).

Since then, FHWA and ADOT have continued an open dialog with GRIC's cultural resources staff regarding the identification and evaluation of traditional cultural properties as they pertain to the South Mountain freeway project. During this time, the TCP report has been revised per GRIC comments: (1) the report no longer uses the concept of a core O'odham homeland; (2) FHWA, ADOT, and GRIC have agreed to defer delineation of TCP boundary for the South Mountains until a more detailed and comprehensive study of its traditional uses and cultural significance can be conducted, therefore the boundary proposed in the earlier version of the report has been removed; and, (3) the NRHP eligibility recommendation for the Villa Buena site has been changed to be inclusive of the entire site. With regards to the later, the Villa Buena site (AZ T:12:9 [ASM]) is now recommended eligible for the NRHP under Criteria A and D. The site is recommended eligible under Criterion A as a traditional cultural property for its associations with traditional cultural practices of the GRIC. The site is also recommended eligible under Criterion D for its information potential as an archaeological site. The portions of the site off the reservation in agricultural fields, including the portions within the proposed action alternative alignments, do not retain qualities that contribute to its eligibility as a traditional cultural property. A copy of the revised report is enclosed for your review and comment.

Please review the information provided in this letter and the revised TCP report. If you find the revised TCP report adequate and agree with FHWA's eligibility recommendations, please indicate your concurrence by signing below. As more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for GRIC Concurrence
202-C-200
Enclosures

Date

cc:
J. Andrew Darling, Coordinator, Cultural Resource Management Program, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)
Barnaby V. Lewis, Tribal Historic Preservation Officer, GRIC, P.O. Box 2140, Sacaton, AZ 85247 (with enclosures)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

The scope of this project would involve excavating ten 8-inch diameter borings approximately 100 feet deep near the intersection of 59th Avenue and the UPRR tracks, which run east-west about halfway between Van Buren Street and Buckeye Road. Access to the boring locations would be from 59th Avenue along the UPRR access roads and adjacent parking lots. No new right of way (ROW) or temporary construction easements are anticipated for this project. The area of potential effects (APE) is defined as 50 feet around the borings and access routes. A copy of the geotechnical boring plan is enclosed to assist you in your review.

The UPRR right-of-way portion of the APE has been previously surveyed by SWCA, Environmental Consultants, Inc. (SWCA) in conjunction with a separate undertaking. The results are reported in *"Archaeological Survey for a Proposed Fiber Optic Cable Line from Yuma to Phoenix"* (Doak 1999). The historic Wellton-Phoenix-Eloy Main Line of the South Pacific Railroad (AZ T:10:84 [ASM]) was identified in the project area. The railroad's eligibility for listing in the National Register of Historic Places (NRHP) was evaluated as part of the South Mountain Freeway project by HDR Engineering, Inc (HDR). The results are reported in "*An*

Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRHP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

The remainder of the APE has recently been surveyed by HDR. The survey results are reported in "*A Class III Cultural Resources Survey for Geotechnical Investigations for the South Mountain Freeway W59 Alternative UPRR OP, City of Phoenix, Maricopa County, Arizona*" (Brodbeck 2011), and are enclosed here for your review and comment. No new sites were identified in the project area.

AZ T:10:84 (ASM), the historic Wellton-Phoenix-Eloy Main Line, is located within the APE but will not be affected by the project. Therefore, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking.

Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA's determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Mr. Dino Orbiso
Manager Environmental Field Operations
Union Pacific Railroad
2401 East Sepulveda Boulevard
Long Beach, California 90810

Dear Mr. Orbiso:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

The scope of this project would involve excavating ten 8-inch diameter borings approximately 100 feet deep near the intersection of 59th Avenue and the UPRR tracks, which run east-west about halfway between Van Buren Street and Buckeye Road. Access to the boring locations would be from 59th Avenue along the UPRR access roads and adjacent parking lots. No new right of way (ROW) or temporary construction easements are anticipated for this project. The area of potential effects (APE) is defined as 50 feet around the borings and access routes. A copy of the geotechnical boring plan is enclosed to assist you in your review.

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Project, Maricopa County, Arizona" (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRIIP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

The remainder of the APE has recently been surveyed by HDR. The survey results are reported in "*A Class III Cultural Resources Survey for Geotechnical Investigations for the South Mountain Freeway W59 Alternative UPRR OP, City of Phoenix, Maricopa County, Arizona*" (Brodbeck 2011), and are enclosed here for your review and comment. No new sites were identified in the project area.

AZ T:10:84 (ASM), the historic Wellton-Phoenix-Eloy Main Line, is located within the APE but will not be affected by the project. Therefore, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking.

Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA's determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,

Meera J. Kothari

Karla S. Petty
Division Administrator

_____ _____

Signature for UPRR Concurrence
NH-202-D(ADY)

Date

Enclosures

SHPO-2003-1890(93752)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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August 8, 2011

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
South Mountain Freeway UPRR OP - TROE
Continuing Section 106 Consultation
Geotechnical Investigations

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RECEIVED
AUG 09 2011
ARIZONA STATE PARKS/S.H.P.O.

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning geotechnical borings at the W59 Alternative crossing of the Union Pacific Railroad (UPRR) for the proposed South Mountain Freeway in west Phoenix, Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. This geotech work occurs on private land. Consulting parties for this undertaking include FHWA, ADOT, the State Historic Preservation Office (SHPO) and UPRR. Due to the limited scope and nature of work, tribal consultation is not warranted.

The scope of this project would involve excavating ten 8-inch diameter borings approximately 100 feet deep near the intersection of 59th Avenue and the UPRR tracks, which run east-west about halfway between Van Buren Street and Buckeye Road. Access to the boring locations would be from 59th Avenue along the UPRR access roads and adjacent parking lots. No new right of way (ROW) or temporary construction easements are anticipated for this project. The area of potential effects (APE) is defined as 50 feet around the borings and access routes. A copy of the geotechnical boring plan is enclosed to assist you in your review.

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Addendum Cultural Resources Report for the 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck and Pratt 2005). FHWA recommended that the railroad was eligible for NRHP listing under Criterion A. SHPO previously concurred with the adequacy of the report and eligibility determination (Jacobs [SHPO] to Greenspan [ADOT] SHPO concurrence October 3, 2005).

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Please review the enclosed report, geotechnical plans, and the information provided in this letter. If you find the report adequate and agree with FHWA's determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or email LDavis2@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

AUG 12 2011

Signature for SHPO Concurrence
NH-202-D(ADY)

Date 8/11/11

Enclosures

CC: Linda Davis, ADOT

GILA RIVER INDIAN COMMUNITY

POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162
Fax: (520) 562-5083

August 17, 2011

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

RE: South Mountain Transportation Corridor, Section 106 Consultation, Traditional Cultural Places; 202-C-200 HOP-AZ TRACS No. 202L MA 054 H5764 01C

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received HDR Engineering, Inc. Cultural Resource Report 06-01, Submittal Number 5, titled "An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona" (Brodbeck 2011). The report *reevaluates* the National Register eligibility status of Traditional Cultural Properties that have been recorded and identified within the proposed 202L corridor. Comments by Gila River Indian Community (GRIC) Governor Rhodes have been incorporated into the reevaluation. Governor Rhodes submitted his review to the Arizona Department of Transportation (ADOT) on December 19, 2009.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) together with the Pee Posh (Maricopa). O'Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O'Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect. South Mountain is an O'Odham TCP. The National Historic Preservation Act of 1966 as amended provides the guidelines to nominate and place TCPs on the National Register of Historic Places. Impacts to Register eligible properties must be considered for all federal undertakings. Application of criteria of significance has often been applied in an inconsistent, incorrect manner. Archaeologists tend to apply the criteria without supporting oral history data (neglect of gathering oral histories) and without understanding of the people, their religion, and their culture.

Review and Comments

Page 5, second paragraph, Brodbeck makes reference to "contemporary local ***lore***." The use of term lore is objectionable. O'Odham oral history is not lore, it is a history as valid and precise as mainstream history which is taught in elementary, high school, and college classes. References to O'Odham history as lore should be removed from the text.

Page 38 and 77, third paragraph, Brodbeck states that because the platform mound has been obliterated at Pueblo del Alamo, "***the direct link with the ancestral past has been lost***." This is an untrue statement. The direct link with the ancestral past, the link between Pueblo del Alamo and the O'Odham people is still intact through oral histories. The link has not been lost because a platform mound on the site has been obliterated by non-O'Odham farmers. The direct link to the O'Odham ancestral past remains and it should be stated as such. The GRIC-THPO concurs with the evaluation with that Pueblo del Alamo is a Register eligible property. The GRIC-THPO disagrees with ADOT and Brodbeck who believe that Pueblo del Alamo is not a Register eligible TCP based upon a perceived lost of an ancestral link to the site. The GRIC-THPO maintains that "the ancestral link" to the site still exists and that Pueblo del Alamo is a Register eligible TCP.

Pages 44-45 and page 77, the GRIC-THPO concurs with the re-evaluation of Villa Buena as being a Register eligible property as a site and as a TCP. However on page 45 Brodbeck still considers portions of Villa Buena, located off GRIC lands, as not contributing to the Register eligibility status of the site and TCP. Again the GRIC-THPO would like to indicate that all portions of a site contribute to Register eligibility. If a cultural property is considered a Register eligible property as an archaeological site or as a TCP, then the entire cultural resource is a Register eligible property. ADOT acknowledges correcting this issue but Brodbeck still continues to evaluate Villa Buena in bits and pieces and not as a whole.

Page 75, fifth paragraph, Brodbeck states "that South Mountain is an important element in a far-reaching spiritual landscape of the Akimel O'Odham and Pee Posh." We would like to point out that it is our cultural landscape as well and the statement should be modified to state "cultural and spiritual" in the sentence.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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October 31, 2011

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200
TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. Brian Bowker, Director
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue, 4th Floor Mailroom
Phoenix, Arizona 85004-3050

Dear Mr. Bowker:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

Consulting parties for this project include FHWA, ADOT, Arizona State Historic Preservation Office, Arizona State Land Department, Arizona State Museum, Army Corps of Engineers, Bureau of Indian Affairs (BIA), Bureau of Land Management, Bureau of Reclamation, Western Area Power Administration, Salt River Project, Maricopa County Department of Transportation, Flood Control District of Maricopa County, Roosevelt Irrigation District, City of Avondale, City of Chandler, City of Glendale, City of Phoenix, City of Tolleson, Ak-Chin Indian Community, Chemehuevi Tribe, Cocopah Tribe, Colorado River Indian Tribe, Fort McDowell Yavapai Nation, Fort Mojave Tribe, Fort Yuma-Quechan Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, Pascua Yaqui Tribe, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, San Carlos Apache Nation, San Juan Southern Paiute, Tohono O'odham Nation, Tonto Apache Tribe, White Mountain Apache Nation, and the Yavapai-Apache Nation.

In 2005, FHWA circulated a revised draft Programmatic Agreement (PA) to agencies and tribes for review (Hollis [FHWA] to Cantley [BIA] July 1, 2005). At that time, the BIA declined participation in the PA (Cantley [BIA] to Laine [ADOT] personal communication via phone call August 3, 2005). Since then, the BIA has asked FHWA to be included in the PA. Therefore, per Stipulation 14 of the PA, FHWA has revised the PA to include BIA as a concurring party.

A revised PA is enclosed for your review and comment. If the BIA would like to participate, please sign the enclosed PA and return it to ADOT within 30 days. Upon receipt of BIA's signature on the PA FHWA will forward the updated PA through continued Section 106 consultations.

Furthermore, as more information becomes available regarding the South Mountain Freeway project, it will be provided to your agency through continued Section 106 consultation. Please review the information provided in this letter. If you have any questions or concerns, please feel free to contact Linda Davis at (602) 712-8636 or by e-mail at LDavis2@azdot.gov

Sincerely yours,

for
Karla S. Petty
Division Administrator

Enclosure

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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January 23, 2012

In Reply Refer To:
202-C- 200
HOP-AZ

202-C- 200
TRACS No. 202L MA 54.0 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Revised Programmatic Agreement

Mr. Brian Bowker, Director
Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue, 4th Floor Mailroom
Phoenix, Arizona 85004-3050

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Sincerely yours,

for Karla S. Petty
Division Administrator

Enclosure

cc:
Garry Cantley, Archaeologist, Bureau of Indian Affairs-Western Region Office, 2600 N. Central Avenue, 4th Floor Mailroom, Phoenix, Arizona 85004-3050

U.S. Department of Transportation
Federal Highway Administration

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April 24, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties
Section 4(f) Determination

Mr. Gregory Mendoza, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85247

Dear Governor Mendoza:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies and engaging in an ongoing open dialog with GRIC's Tribal Historic Preservation Office (THPO) and Cultural Resource Management Program (CRMP) regarding the identification and evaluation of places of religious and cultural significance to the tribe, often referred to as traditional cultural properties (TCPs) as they may be affected by the South Mountain Freeway project. As a result of these discussions, the GRIC has identified five TCPs that are eligible for the National Register of Historic Places (NRHP), and could be affected by the construction of the South Mountain Freeway. These include the South Mountains (*Muhadagi Doag*), the prehistoric Hohokam villages of Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]), a shrine site (AZ T:12:112 [ASM], and a petroglyph site (AZ T:12:198 [ASM]) that is also a contributing resource to the South Mountains TCP. In addition, GRIC has identified five other archaeological sites that contribute to the South Mountains TCP (AZ T:12:197 [ASM], AZ T:12:201 [ASM], AZ T:12:207 [ASM], AZ T:12:208 [ASM], and AZ T:12:211 [ASM]).

SHPO previously concurred with FHWA's determination that Villa Buena, Pueblo del Alamo, AZ T:12:197, AZ T:12:198, AZ T:12:201, AZ T:12:207, AZ T:12:208, and AZ T:12:211 are eligible for listing in the NRHP under Criterion D as archaeological sites (Jacobs [SHPO] to Greenspan [ADOT], January 23, 2006). This letter summarizes consultation between FHWA, ADOT, and GRIC relating to the eligibility of Villa Buena and Pueblo del Alamo, as well as proposed mitigation to address any potential adverse effects to all TCPs identified within the project area.

Through on-going Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC have been developing options for mitigating adverse effects to the TCPs. As a result of these discussions, avoidance alternatives have been developed for two of the TCPs, the petroglyph site and shrine site. They will now be avoided by project alternatives; therefore, there will be no direct impacts to these sites. The South Mountains, Villa Buena, and Pueblo del Alamo TCPs cannot be avoided by project alternatives; therefore mitigation plans have been developed. The mitigation strategies are presented in Treatment Plans titled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development Summary Scope of Work (Draft)* (Darling 2008), which the GRIC THPO previously approved (Manuel [GRIC] to Hollis [FHWA], June 23, 2010) and *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects, Addendum Planning for TCP Mitigation Villa Buena (AZ T:12:9 [ASM] and Pueblo del Alamo (AZ T:12:52 [ASM]) (Draft)* (Darling 2012), which is enclosed for your review. In addition, we are enclosing the revised *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS and L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012) for your review.

The South Mountains

The South Mountain range as a whole is considered a TCP. The range is an important element in the spiritual landscape of the Akimel O'odham and Pee Posh, as well as for some of the Colorado River Tribes. For the Akimel O'odham, South Mountains was one of the homes of the deity and creator, Elder Brother (Se'ehe) and several shrines in the range associated with his presence continue to be recognized and honored by the GRIC. Further, South Mountain served as a resource procurement area for upland plants and animals and was a focal point of prehistoric and historic rock art production.

FHWA has recommended that the South Mountains is eligible for inclusion in the NRHP under Criteria A and B as a TCP for its significant associations with the broad patterns of traditional cultural practices and beliefs of the Akimel O'odham, Pee Posh, and other tribes, and for the close association the mountain range has with the O'odham creator deity. The GRIC previously concurred with FHWA's eligibility recommendation (Rhodes [GRIC] to Hollis [FHWA], December 19, 2006). Furthermore, FHWA has determined that archaeological sites AZ T:12:197 (ASM), AZ T:12:198 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) are contributors to the South Mountains TCP under Criterion A. At the request of FHWA and ADOT, GRIC CRMP prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects of the South Mountain Freeway project on the South Mountains TCP, which GRIC THPO previously approved (Manuel [GRIC] to Hollis [FHWA], June 23, 2010).

Villa Buena and Pueblo del Alamo

Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]) are prehistoric villages for which Tribal consciousness and veneration exist to the present day in the form of active association and identification of these places with religious, historical, and ideological perpetuation of GRIC's community culture. As TCPs, therefore, it is the position of GRIC that in regard to eligibility, these sites cannot be subdivided or otherwise segregated into areas considered contributing or non-contributing to the overall significance of the historic property under NRHP criteria. Instead, these are historic properties in their entirety that are considered sacred.

Villa Buena and Pueblo del Alamo are specifically referred to in the Akimel O'odham creation story, which plays an important role in the on-going cultural traditions of the members of the GRIC. While many aspects of the creation story detail elements of traditional history, such histories also identify places and physical associations in the landscape of the GRIC and its sister tribes (the Four Southern Tribes), as well as other Native communities in southern Arizona, Mexico, and California. By virtue of their associations with regular cycles of universal renewal, places such as Villa Buena and Pueblo del Alamo are critical to O'odham and Pee Posh beliefs about cultural perpetuation and GRIC survival.

In consultation with the GRIC THPO, FHWA has determined that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion A as TCPs for their significant associations with the preservation and perpetuation of broad patterns of Akimel O'odham and Pee Posh history and culture. FHWA has also determined, through consultation with the GRIC

THPO, SHPO, and other consulting parties, that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion D as archaeological sites.

Both Pueblo del Alamo and Villa Buena have been subjected to considerable disturbance from agricultural activities, road construction, and modern construction, as well as bioturbation and erosion. In discussions with ADOT and FHWA, GRIC has expressed the belief that regardless of the current condition of the sites, and regardless of whether the portion of the site within the project area of potential effects (APE) retains physical integrity, these places are known to be sacred and still convey their significance under Criterion A through the perpetuation of the traditional O'odham song culture and traditional religious beliefs and practices. Accordingly, the integrity of those elements that contribute to the significance of these sites under Criterion A would remain, despite any potential impacts from project-related construction, and would not be adversely affected by the proposed undertaking.

At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects to the Villa Buena and Pueblo del Alamo TCPs, which is enclosed for your review.

AZ T:12:112 (ASM)

AZ T:12:112 (ASM) includes an active O'odham *jiawul himdag* shrine that is part of an archaeological site with prehistoric and historic features. The site is a traditional O'odham shrine with historic precedence used by contemporary Community members actively exercising their traditional religious and ceremonial practices and beliefs. The site and its use are part of a broad pattern of traditional religious and ceremonial practices and beliefs that define the cultural identity, continuity, and tradition of the Akimel O'odham. The site's placement on the landscape also has the potential to provide information on prehistoric networks and regional connectivity. FHWA has determined AZ T:12:112 (ASM) is eligible for inclusion on the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it would not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

AZ T:12:198 (ASM)

AZ T:12:198 (ASM) is a petroglyph site that, in addition to being a contributor to the South Mountain TCP, is individually eligible as a TCP. The site includes seven panels of prehistoric and historic rock art. Rock art sites such as this continue to function for the GRIC as shrines or spiritual places and they are important in the perpetuation of GRIC's identity and culture. In consultation with the GRIC THPO, FHWA has determined AZ T:12:198 (ASM) is eligible for inclusion in the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it will not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

Please review the information provided in this letter and enclosed materials. If you agree with FHWA's determination of NRHP eligibility for the TCPs, and the adequacy of the draft mitigation Treatment Plan, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for THPO Concurrence
NH-202-D(ADY)

Date

Enclosures

The previous letter was also sent to"

Dr. David Jacobs, Compliance Officer, State Historic Preservation Office

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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April 24, 2012

SHPO-2003-1890(100976)
(101343)

RECEIVED
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ARIZONA STATE PARKS, H.P.

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties
Section 4(f) Determination

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies and engaging in an ongoing open dialog with GRIC's Tribal Historic Preservation Office (THPO) and Cultural Resource Management Program (CRMP) regarding the identification and evaluation of places of religious and cultural significance to the tribe, often referred to as traditional cultural properties (TCPs) as they may be affected by the South Mountain Freeway project. As a result of these discussions, the GRIC has identified five TCPs that are eligible for the National Register of Historic Places (NRHP), and could be affected by the construction of the South Mountain Freeway. These include the South Mountains (*Muhadagi Doag*), the prehistoric Hohokam villages of Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]), a shrine site (AZ T:12:112 [ASM], and a petroglyph site (AZ T:12:198 [ASM]) that is also a contributing resource to the South Mountains TCP. In addition, GRIC has identified five other archaeological sites that contribute to the South Mountains TCP (AZ T:12:197 [ASM], AZ T:12:201 [ASM], AZ T:12:207 [ASM], AZ T:12:208 [ASM], and AZ T:12:211 [ASM]).

SHPO previously concurred with FHWA's determination that Villa Buena, Pueblo del Alamo, AZ T:12:197, AZ T:12:198, AZ T:12:201, AZ T:12:207, AZ T:12:208, and AZ T:12:211 are eligible for listing in the NRHP under Criterion D as archaeological sites (Jacobs [SHPO] to Greenspan [ADOT], January 23, 2006). This letter summarizes consultation between FHWA, ADOT, and GRIC relating to the eligibility of Villa Buena and Pueblo del Alamo, as well as proposed mitigation to address any potential adverse effects to all TCPs identified within the project area.

Through on-going Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC have been developing options for mitigating adverse effects to the TCPs. As a result of these discussions, avoidance alternatives have been developed for two of the TCPs, the petroglyph site and shrine site. They will now be avoided by project alternatives; therefore, there will be no direct impacts to these sites. The South Mountains, Villa Buena, and Pueblo del Alamo TCPs cannot be avoided by project alternatives; therefore mitigation plans have been developed. The mitigation strategies are presented in Treatment Plans titled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development Summary Scope of Work (Draft)* (Darling 2008), and *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects, Addendum Planning for TCP Mitigation Villa Buena (AZ T:12:9 [ASM] and Pueblo del Alamo (AZ T:12:52 [ASM]) (Draft)* (Darling 2012), which are enclosed for your review. In addition, we are enclosing the revised *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS and L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012) for your review.

why is this present? See your statement page 4?

The South Mountains

The South Mountain range as a whole is considered a TCP. The range is an important element in the spiritual landscape of the Akimel O'odham and Pee Posh, as well as for some of the Colorado River Tribes. For the Akimel O'odham, South Mountains was one of the homes of the deity and creator, Elder Brother (Se'ehe) and several shrines in the range associated with his presence continue to be recognized and honored by the GRIC. Further, South Mountain served as a resource procurement area for upland plants and animals and was a focal point of prehistoric and historic rock art production.

FHWA has determined that the South Mountains is eligible for inclusion in the NRHP under Criteria A and B as a TCP for its significant associations with the broad patterns of traditional cultural practices and beliefs of the Akimel O'odham, Pee Posh, and other tribes, and for the close association the mountain range has with the O'odham creator deity. The GRIC previously concurred with FHWA's eligibility determination (Rhodes [GRIC] to Hollis [FHWA], December 19, 2006). Furthermore, FHWA has determined that archaeological sites AZ T:12:197 (ASM), AZ T:12:198 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) are contributors to the South Mountains TCP under Criterion A. At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects of the South Mountain Freeway project on the South Mountains TCP, which is enclosed for your review.

Villa Buena and Pueblo del Alamo

Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]) are prehistoric villages for which Tribal consciousness and veneration exist to the present day in the form of active association and identification of these places with religious, historical, and ideological perpetuation of GRIC's community culture. As TCPs, therefore, it is the position of GRIC that in regard to eligibility, these sites cannot be subdivided or otherwise segregated into areas considered contributing or non-contributing to the overall significance of the historic property under NRHP criteria. Instead, these are historic properties in their entirety that are considered sacred.

Villa Buena and Pueblo del Alamo are specifically referred to in the Akimel O'odham creation story, which plays an important role in the on-going cultural traditions of the members of the GRIC. While many aspects of the creation story detail elements of traditional history, such histories also identify places and physical associations in the landscape of the GRIC and its sister tribes (the Four Southern Tribes), as well as other Native communities in southern Arizona, Mexico, and California. By virtue of their associations with regular cycles of universal renewal, places such as Villa Buena and Pueblo del Alamo are critical to O'odham and Pee Posh beliefs about cultural perpetuation and GRIC survival.

In consultation with the GRIC THPO, FHWA has determined that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion A as TCPs for their significant associations with the preservation and perpetuation of broad patterns of Akimel O'odham and Pee Posh history and culture. FHWA has also determined, through consultation with the GRIC

THPO, SHPO, and other consulting parties, that Villa Buena and Pueblo del Alamo are eligible for inclusion in the NRHP under Criterion D as archaeological sites.

Both Pueblo del Alamo and Villa Buena have been subjected to considerable disturbance from agricultural activities, road construction, and modern construction, as well as bioturbation and erosion. In discussions with ADOT and FHWA, GRIC has expressed the belief that regardless of the current condition of the sites, and regardless of whether the portion of the site within the project area of potential effects (APE) retains physical integrity, these places are known to be sacred and still convey their significance under Criterion A through the perpetuation of the traditional O'odham song culture and traditional religious beliefs and practices. Accordingly, the integrity of those elements that contribute to the significance of these sites under Criterion A would remain, despite any potential impacts from project-related construction, and would not be adversely affected by the proposed undertaking.

At the request of FHWA and ADOT, GRIC CRMP has prepared a draft Treatment Plan that presents measures to mitigate potential adverse affects to the Villa Buena and Pueblo del Alamo TCPs, which is enclosed for your review.

The TCPs that are the topic of this letter are also subject to regulations set forth in Section 4(f) of the Department of Transportation (DOT) Act of 1966, 49 U.S.C. 303, as amended. Section 4(f) stipulates that FHWA and other DOT agencies cannot approve more than a *de minimis* use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historic sites unless there is no feasible and prudent alternative to the use of that land, and that the proposed action includes all possible planning to minimize harm to the property resulting from such use.

Section 4(f) generally applies to the use of TCPs that are determined to be eligible for listing in the NRHP, with some exceptions. FHWA has determined that Section 4(f) applies to the proposed use of a portion of the South Mountain TCP and will address the requirements of Section 4(f) for the South Mountain TCP in a separate Section 4(f) evaluation to be published as part of the Draft Environmental Impact Statement under preparation for this project. The shrine site (AZ T:12:112) and the petroglyph site (AZ T:12:198) TCPs will not be addressed in the Section 4(f) evaluation because these sites would not be used by any project alternative under consideration.

FHWA believes that Section 4(f) does not apply to the proposed use of portions of the Villa Buena and Pueblo del Alamo TCPs for the South Mountain Freeway project alternatives because the impacted area is primarily archeological in nature and preservation in place is not warranted. The exception is detailed in 23 CFR 774.13 as follows: "The Administration has identified various exceptions to the requirement for Section 4(f) approval. These exceptions include, but are not limited to: (b) Archeological sites that are on or eligible for the National Register when: (1) The Administration concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and (2) The official(s) with jurisdiction over the Section 4(f) resource have been

consulted and have not objected to the Administration finding in paragraph (b)(1) of this section."

A number of meetings have taken place between FHWA, ADOT, GRIC CRMP, and GRIC THPO in which the nature of and the impacts to the Villa Buena and Pueblo del Alamo TCPs was discussed. Through these discussions the parties have come to the conclusion that modern development has already significantly altered the portions of these sites that would be impacted by the highway project. While the modern surface development does not diminish the association with traditional cultural practices of the GRIC for purposes of the consultation required by NHPA, for purposes of Section 4(f), the FHWA believes that the impacted area is important chiefly for what could be learned by data recovery of any subsurface features that may still be present. In addition, future archaeological investigations may contribute to their TCP status.

If you have no objection to FHWA's determination under Section 4(f) that the portions of the Villa Buena and Pueblo del Alamo TCPs that would be used by the project alternatives under consideration are chiefly important because of what can be learned by data recovery and have minimal value for preservation in place, then FHWA will apply the Section 4(f) exception described above to the use of these properties. This determination is for purposes of Section 4(f) only and would not have any impact on the Section 106 consultation that is underway and will continue.

AZ T:12:112 (ASM)

AZ T:12:112 (ASM) includes an active O'odham *jiawul himdag* shrine that is part of an archaeological site with prehistoric and historic features. The site is a traditional O'odham shrine with historic precedence used by contemporary Community members actively exercising their traditional religious and ceremonial practices and beliefs. The site and its use are part of a broad pattern of traditional religious and ceremonial practices and beliefs that define the cultural identity, continuity, and tradition of the Akimel O'odham. The site's placement on the landscape also has the potential to provide information on prehistoric networks and regional connectivity. FHWA has determined AZ T:12:112 (ASM) is eligible for inclusion on the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed proposed freeway alternatives that would avoid the site; therefore, it would not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

AZ T:12:198 (ASM)

AZ T:12:198 (ASM) is a petroglyph site that, in addition to being a contributor to the South Mountain TCP, is individually eligible as a TCP. The site includes seven panels of prehistoric and historic rock art. Rock art sites such as this continue to function for the GRIC as shrines or spiritual places and they are important in the perpetuation of GRIC's identity and culture. In consultation with the GRIC THPO, FHWA has determined AZ T:12:198 (ASM) is eligible for inclusion in the NRHP under Criterion A as a TCP and under Criterion D as an archaeological site. In consultation with the GRIC THPO and CRMP, ADOT and FHWA have developed

proposed freeway alternatives that would avoid the site; therefore, it will not be directly impacted by the project. Mitigation measures for any potential indirect impacts would be developed through continuing consultations with GRIC.

Please review the information provided in this letter and enclosed materials. If you agree with FHWA's determination of NRHP eligibility for the TCPs, the adequacy of the draft mitigation Treatment Plans, and do not object to the Section 4(f) determinations described above, please indicate your agreement by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
602-382-8979
Division Administrator

MAY 18 2012

Signature for SHPO Concurrence
NH-202-D(ADY)

15 MAY 12
Date

Enclosures

CC: Linda Davis, ADOT

One of the documents sent over (i.e., Darling 2012) appears to not be relevant to Section 106—that addendum plan does not address potential adverse effects under Criterion D (see page 3 of addendum itself); and page 4 of this cover letter claims the integrity under Criterion A would remain?

see page 2 of letter

GILA RIVER INDIAN COMMUNITY

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TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162
Fax: (520) 562-5083

July 3, 2012

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

RE: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L, South Mountain Freeway, DCR and EIS Continuing 106 Consultation Traditional Cultural Properties Section 4(f) Determination

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received two documents for review from the Federal Highway Administration (FHWA): 1) An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona Submittal Number 6; and 2) *Draft* South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects Addendum Planning for TCP Mitigation Villa Buena (AZT:12:9[ASM]), Pueblo Del Alamo (AZ T:12:53[ASM]). The report *reevaluates* the National Register eligibility status cultural resources recorded within the 202L during numerous and previous archaeological surveys of the 202 Loop Project Corridor. At issue was the unacceptable, piecemeal evaluation procedures HDR Engineering, Inc. used to evaluate Akimel O'Odham and Pee Posh Traditional Cultural Properties (TCP). The GRIC-THPO maintained that Akimel O'Odham and Pee Posh TCP's were Register eligible properties under **Criterion A and Criterion D** (as archaeological sites). It now appears that the GRIC-THPO, the FHWA, and the Arizona Department of Transportation (ADOT) have come to a reasonable, sensible agreement concerning the proper Register eligibility evaluations for the cultural resources considered TCP's in the 202 Loop Project Corridor.

Muhadagi Doag (South Mountain) as a whole is now considered by the FHWA to be a TCP, eligible for inclusion on the National Register under Criteria A and B. The South Mountain has significant associations with broad patterns of traditional cultural practices and beliefs of the Akimel O'Odham and Pee Posh.

Villa Buena (AZ T:12:9[ASM]) is a large prehistoric village named and identified in the Akimel O'Odham creation story. The FHWA acknowledges that O'Odham consciousness and veneration exist today for this site in the form of active association and identification of this place as a religious, historical, and ideological perpetuation of the GRIC's community culture. The FHWA has determined that Villa Buena is a Register eligible TCP under Criterion A and as a Register eligible archaeological site under Criterion D.

Pueblo del Alamo (AZ T:12:52[ASM]) is a large prehistoric village named and identified in the Akimel O'Odham creation story. The FHWA acknowledges that O'Odham consciousness and veneration exist today for this site through the form of active association and identification of this place as a religious, historical, and ideological perpetuation of the GRIC's community culture. The FHWA has determined that Pueblo del Alamo is a Register eligible TCP under Criterion A and as a Register eligible archaeological site under Criterion D.

Jiavul Himdag (AZ T:12:112[ASM]) is an O'Odham shrine which is also part of an archaeological site with prehistoric and historic components. The shrine has historic precedence and is still visited by Community members participating in the traditional O'Odham religion. *Jiavul Himdag* is considered a TCP which is Register eligible under Criterion A and a significant archaeological site under Criterion D.

Site AZ T:12:198(ASM) is a petroglyph panel considered to be a contributing TCP element of *Muhadagi Doag* (South Mountain). In its own right, AZ T:12:198(ASM) represents a petroglyph site which continues to function as a GRIC shrine and spiritual place important to the perpetuation of GRIC's identity and culture. AZ T:12:198(ASM) is considered a Register eligible TCP under Criterion A and a significant archaeological site under Criterion D.

Review the TCP mitigation plan prepared by the GRIC-Cultural Resource Management Plan indicates the Adverse Effects of the FHWA undertaking would be: 1) The loss of physical and spiritual connections through the alteration of the cultural landscape; 2) Loss of Social Memory expressed by GRIC culture, creation stories traditional religious activities at sites, native language, song traditions and shared traditional knowledge; and 3) Direct physical impacts to TCPS which could affect the GRIC through the loss of knowledge vested in these properties. Mitigative efforts would: 1) Allow Traditional religious activities at Villa Buena and Pueblo del Alamo prior to the initiation of construction activities which would address the spiritual needs of the ancestors and living community members preparing them for the impacts to the cultural landscape resulting from the undertaking; 2) Presentations, exhibits and outreach to the GRIC before, during, and after freeway development explaining efforts being made to recognize and alleviate adverse effects to GRIC tradition; 3) Tribal consultation will be on-going and not cease once the environmental and clearance processes are completed. A consultation plan will identify all Tribes with a vested interest in Villa Buena and Pueblo del Alamo and the consultation will be conducted before, during, and after freeway development; and 4) The protection of equivalent site and sacred landscapes will be a priority. The development

of Management Plan(s) to protect sites from adverse effects in the future with the mitigative goal being site preservation and cultural perpetuation all integrating Tribal/Community involvement. Furthermore the mitigation plan offers Programmatic Solutions which include: 1) Support of sustainable program in Education and Language Preservation including O'Odham and Pee Posh Song Culture; 2) Coordination of sustainable programs through existing GRIC tribal centers of heritage preservation specially the GRIC Huhugum Heritage Center (HHC); 3) Use of the GRIC repository at the HHC for housing all collections, data and information recovered from the mitigation efforts associated with the TCPs; and 4) Organization of exhibits and educational initiatives that result from freeway development.

The GRIC-THPO concurs with all the determinations of Register eligibility for the TCP's and archaeological sites. The GRIC-THPO also accepts the mitigation Treatment Plan and all recommendations put forth in the document. The rewriting of the TCP report has greatly improved the document and we thank you for considering our suggestions for change. The mitigation Treatment Plan has put forth a thoughtful, unique way to mitigate the adverse effects of this undertaking. It too is well written. The GRIC-THPO appreciates the FHWA and ADOT for acknowledging and accepting the GRIC worldview.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) together with the Pee Posh (Maricopa). O'Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O'Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Dobbins Road Historic Properties

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Recently four historic rural properties along Dobbins Road and 59th Avenue in Laveen were reevaluated by AZTEC Engineering Group, Inc. The results of the reevaluation are presented in *South Mountain Transportation Corridor Study: Evaluation of Four Historic Buildings and Districts, Maricopa County, Arizona* (Solliday 2012), a copy of which is enclosed for your review and comment.

Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The four historic properties near the Dobbins Road/59th Avenue intersection that were reevaluated include:

1) Hudson Farm, 9300 South 59th Avenue

2) Hackin Farmstead/Dairy, 10048 South 59th Avenue

3) Tyson Farmstead/Barnes Dairy, 6159 West Dobbins Road

4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Tyson Farmstead/Barnes Dairy

As a district, the Tyson Farmstead/Barnes Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Dobbins Road Streetscape

The Dobbins Road Streetscape District was previously determined eligible for listing on the NRHP under criteria A and D. The reevaluation has found that the district is ineligible. There are several characteristics of the Dobbins Road Streetscape that impact the integrity of the resource as a rural agricultural streetscape. Historic rural landscapes often include miles of roadway and surrounding agricultural properties. The 325 feet of roadway along Dobbins Road is of inadequate length to truly convey the rural agricultural character that once dominated this area. In addition, there are modern intrusions easily visible from the streetscape. At the west end there is a prominent 1977 house on the north side of the road and a mobile home on the south side of the road that was moved onto the site about 1970. A recently constructed subdivision of two-story houses is located just over a quarter-mile east of the streetscape, and is clearly visible from within the streetscape boundaries. Additionally, many components of the historic streetscape have lost their historic character, as detailed in the enclosed report. Therefore, FHWA recommends that this district is ineligible for listing on the NRHP.

Following is a summary of the reevaluation:

Inventory No.	Tax Parcel No.	Property Name and Address	Date	Primary Criterion
Eligible Historic Districts				
1	300 02 038 300 02 037A	Hudson Farm 9300 S. 59th Avenue	ca. 1926	A
Individually Eligible Historic Buildings				
1.03	300 02 038	Hudson Farm - Cement Stave Silos 9300 S. 59th Avenue	1949	C
2.03	300 02 033	Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59th Avenue	1952	C
3.02	300 02 041	Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	1951	C
Ineligible Historic Districts				
2	300 02 033	Hackin Farmstead/Dairy 10048 S. 59th Avenue	1930	N/A
3	300 02 041	Tyson Farmstead/Barnes Dairy 6159 W. Dobbins Road	1930	N/A
4	300 02 041, 300 02 021J	Dobbins Streetscape 6100 Block W. Dobbins Road	1930	N/A

Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for

Karla S. Petty
Division Administrator

_____ _____

Signature for SHPO Concurrence Date
NH-202-D(ADY)

Enclosures

This letter was also sent to:

Mr. Steve Ross, Achaeologist, Arizona State Land Department

Mr. Dave Gifford, Archaeologist, Bureau of Reclamation

Ms. Cheryl Blanchard, Archaeologist, Bureau of Land Management

Ms. Laurene Montero, Archaeologist, City of Phoenix

Ms. Michelle Dodds, Historic Preservation Office, City of Phoenix

Mr. Richard Anduze, Archaeologist, Salt River Project

U.S.Department
of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

July 11, 2012

RECEIVED
JUL 12 2012
Environmental Services
Environmental Compliance

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L, South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Mr. Richard Anduze
Salt River Project
PO Box 52025, Mail Sta PAB355
Phoenix, Arizona 85072-2025

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Recently four historic rural properties along Dobbins Road and 59th Avenue in Laveen were reevaluated by AZTEC Engineering Group, Inc. The results of the reevaluation are presented in *South Mountain Transportation Corridor Study: Evaluation of Four Historic Buildings and Districts, Maricopa County, Arizona* (Solliday 2012), a copy of which is enclosed for your review and comment.

Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The four historic properties near the Dobbins Road/59th Avenue intersection that were reevaluated include:

1) Hudson Farm, 9300 South 59th Avenue

2) Hackin Farmstead/Dairy, 10048 South 59th Avenue

3) Tyson Farmstead/Barnes Dairy, 6159 West Dobbins Road

4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

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Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SRP Concurrence
NH-202-D(ADY)

13 July 2012
Date

Enclosures

SHPO-2003-1890 (106135)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Dobbins Road Historic Properties' eligibility

JUL 13 2012

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

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Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

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As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

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Ineligible Historic Districts				
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4	300 02 041, 300 02 021J	Dobbins Streetscape 6100 Block W. Dobbins Road	1930	N/A

Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

16 JULY 12
Date

Enclosures

cc: Linda Davis, MPD

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Ms. Laurene Montero
Pueblo Grande Museum
4619 East Washington
Phoenix, Arizona 85034

Dear Ms. Montero:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

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Consulting parties for this reevaluation include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

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4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

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Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for COP-PGM Concurrence
NH-202-D(ADY)

7/17/2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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Fax: (602) 382-8998
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July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Ms. Michelle Dodds
CLG Contact, Historic Preservation Office
200 West Washington, 3rd Floor
Phoenix, Arizona 85003

Dear Ms. Dodds:

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Sincerely yours,

for Karla S. Petty
Division Administrator

JUL 20 2012

Signature for City of Phoenix, Historic Preservation Office Concurrence
NH-202-D(ADY) Kevin Weight, Planner III

7/18/12
Date

Enclosures

cc:
Jodey Elsner, Historian, COP Historic Preservation Office 200 W. Washington Street, 3rd floor Phoenix, Ariz 85003 (with enclosures)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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Phoenix, Arizona 85012-3500
(602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

PHOENIX AREA OFFICE
ACTION BY:
RECEIVED: JUL 12 '12
DATE | SURNAME | ROUTE TO
CLASSIFICATION
CONTROL NO.
OBJECT

July 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Reassessment of Historic Properties

Mr. Dave Gifford
Bureau of Reclamation
6150 West Thunderbird Road
Glendale, Arizona 85306-4001

Dear Mr. Gifford:

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4) Dobbins Road Streetscape, 6100 block of West Dobbins Road

Hudson Farm

The Hudson Farm, a historic district, was previously determined to be eligible for listing on the National Register of Historic Places (NRHP) under criterion A. The boundaries of the district encompassed nearly 40 acres. Reassessment of the farm and historic farming in the Laveen area determined that the boundaries should encompass nearly 80 acres rather than 40. From the earliest times, the family farms in this area included two quarter-quarter sections, both before the Western Canal irrigated Laveen, and after construction of the canal and the establishment of 40-acre farm units. The original 80-acre farm remains intact, minus rights-of-way for roads and irrigation features.

The cement stave silos at the farm were previously determined to be individually eligible for listing under criterion C. The reassessment agrees with this earlier determination.

Hackin Farmstead/Dairy

As a district, the Hackin Farmstead/Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Tyson Farmstead/Barnes Dairy

As a district, the Tyson Farmstead/Barnes Dairy was previously determined ineligible for listing on the NRHP. However, the dairy barn on the property was found eligible under criterion C. No changes are recommended for these previous determinations.

Dobbins Road Streetscape

The Dobbins Road Streetscape District was previously determined eligible for listing on the NRHP under criteria A and D. The reevaluation has found that the district is ineligible. There are several characteristics of the Dobbins Road Streetscape that impact the integrity of the resource as a rural agricultural streetscape. Historic rural landscapes often include miles of roadway and surrounding agricultural properties. The 325 feet of roadway along Dobbins Road is of inadequate length to truly convey the rural agricultural character that once dominated this area. In addition, there are modern intrusions easily visible from the streetscape. At the west end there is a prominent 1977 house on the north side of the road and a mobile home on the south side of the road that was moved onto the site about 1970. A recently constructed subdivision of two-story houses is located just over a quarter-mile east of the streetscape, and is clearly visible from within the streetscape boundaries. Additionally, many components of the historic streetscape have lost their historic character, as detailed in the enclosed report. Therefore, FHWA recommends that this district is ineligible for listing on the NRHP.

Following is a summary of the reevaluation:

Inventory No.	Tax Parcel No.	Property Name and Address	Date	Primary Criterion
Eligible Historic Districts				
1	300 02 038 300 02 037A	Hudson Farm 9300 S. 59th Avenue	ca. 1926	A

Individually Eligible Historic Buildings				
1.03	300 02 038	Hudson Farm - Cement Stave Silos 9300 S. 59th Avenue	1949	C
2.03	300 02 033	Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59th Avenue	1952	C
3.02	300 02 041	Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	1951	C
Ineligible Historic Districts				
2	300 02 033	Hackin Farmstead/Dairy 10048 S. 59th Avenue	1930	N/A
3	300 02 041	Tyson Farmstead/Barnes Dairy 6159 W. Dobbins Road	1930	N/A
4	300 02 041, 300 02 021J	Dobbins Streetscape 6100 Block W. Dobbins Road	1930	N/A

Please review the information provided in this letter, the attached project location map, and enclosed report. If you find the report adequate and agree with FHWA's revised recommendation of eligibility, please indicate your concurrence by signing below. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for Reclamation Concurrence
NH-202-D(ADY) Alexander Smith

2/15/12
Date

Enclosures

This letter was also sent to:

Mr. Steve Ross , Archaeologist, Arizona State Land Department
Dr. Beth Grindell, Director, Arizona State Museum
Ms. Sallie D. McGuire, Chief Arizona Section, U.S. Army Corps of Engineers
Ms. Cheryl Blanchard, Archaeologist, Bureau of Land Management
Mr. Garry Cantley, Western Regional Archaeologist, Bureau of Indian Affairs
Mr. Bryan M. Lausten, Archaeologist, Bureau of Reclamation
Mr. John Holt, Environmental Manager, Western Area Power Administration
Mr. Richard A. Anduze, Archaeologist, Salt River Project
Mr. Hugh Davidson, Environmental Program Manager, Maricopa County Department of Transportation
Mr. Larry Hendershot, Property Manager, Flood Control District of Maricopa County
Mr. Charlie McClendon, City Manager, City of Avondale
Mr. Rich Dlugas, City Manager, City of Chandler
Mr. Jon M. Froke, Historic Preservation Officer, City of Glendale
Ms. Laurene Montero, Archaeologist, City of Phoenix
Ms. Michelle Dodds, Historic Preservation Office, City of Phoenix
Mr. Reyes Medrano, Jr., City Manager, City of Tolleson

Mr. Louis Manuel, Jr., Chairman, Ak-Chin Indian Community
Mr. Charles Wood, Chairman, Chemehuevi Indian Tribe
Ms. Sherry Cordova, Chairwoman, Cocopah Indian Tribe
Mr. Eldred Enas, Chairman, Colorado River Indian Tribes
Dr. Clinton Pattea, President, Fort McDowell Yavapai Nation
Mr. Timothy Williams, Chairman, Fort Mojave Indian Tribe
Mr. Keeny Escalanti, President, Fort Yuma-Quechan Tribe
Mr. Gregory Mendoza, Governor, Gila River Indian Community
Mr. Don E. Watahomigie, Chairman, Havasupai Tribe
Mr. Leigh Kuwanwisiwma, Director, Cultural Preservation Office, Hopi Tribe
Ms. Louise Benson, Chairwoman, Hualapai Tribe
Mr. Manual Savala, Chairman, Kaibab Band of Paiute Indians
Dr. Alan Downer, Tribal Historic Preservation Officer, Navajo Nation
Mr. Peter Yucupicio, Chairman, Pascua Yaqui Tribe
Mr. Arlen Quetawki Sr., Governor, Pueblo of Zuni
Ms. Diane Enos, President, Salt River Pima-Maricopa Indian Community
Mr. Terry Rambler, Chairman, San Carlos Apache Nation
Ms. May Preston, President , San Juan Southern Paiute
Mr. Peter Steere, Tribal Historic Preservation Officer, Tohono O'odham Nation
Mr. Joe Joaquin, Cultural Affairs Office, Tohono O'odham Nation
Ms. Louise Lopez, Chairwomen, Tonto Apache Tribe
Mr. Ronnie Lupe, Chairman, White Mountain Apache Tribe
Mr. David Kwail, President, Yavapai-Apache Nation

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Jon M. Froke, AICP, Historic Preservation Officer
City of Glendale
5850 West Glendale Avenue #212
Glendale, Arizona 85301

Dear Mr. Froke:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

The proposed Chandler Boulevard Extension is located in Section 36 of Township 1 South and Range 2 East. The land in Section 36 north of the existing City of Phoenix water line is owned by the City of Phoenix. The land in Section 36 south of the water line is administered by ASLD.

The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

In 1989, Archaeological Consulting Service, Ltd. (ACS), surveyed the APE in its entirety (Adams 1989). The results were reported in *An Archaeological Assessment of the Proposed South Mountain State Planning Permit Project for Burns International, Inc.* (Adams 1989). No sites were identified.

In 2000, Logan Simpson Design (LSD) performed an archaeological survey for a City of Phoenix water line which covered a 20-m-wide corridor along the centerline of the Chandler Boulevard Extension. The results are reported in *A Class I Inventory and A Class III Cultural Resources Survey for the City of Phoenix Waterline Route Around the Western and Southern Edges of South Mountain Park, Maricopa County, Arizona* (Shaw 2000). LSD recorded one site in the APE. Site AZ T:12:111 (ASM) is a historic mining site that include four features: a collapsed rock ring, a prospecting pit, a tailings pile, and a cleared area. The site was recommended as not eligible for inclusion in the National Register of Historic Places (NRHP).

In 2008, Desert Archaeology, Inc. (Desert) performed a Class III survey that covered the portion of the APE north of the centerline. The results are reported in *Cultural Resources Survey of 237 Acres Within the 620 Property, South of South Mountain Park, Phoenix, Arizona* (Darby and Bagwell 2008). Desert identified two sites near the proposed construction footprint for the Chandler Extension, AZ T:12:286 (ASM) and AZ T:12:287 (ASM). Because of their proximity to the construction footprint, the sites were included in the APE for the consideration of indirect effects, such as alterations to visual setting and the potential for vandalism as a result of increased access provided by the new roadway.

Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

Site AZ T:12:287 (ASM) consists of two rock features, one with a petroglyph on a portable stone at the center. The petroglyph is etched on to the stone, not pecked. The site lacks diagnostic artifacts and the age of the features is uncertain; the possibility exists that they are of modern origin. Given that the temporal context of AZ T:12:287 (ASM) was unknown, and that additional investigations of the features was unlikely to uncover this information, Desert could not establish a relevant historic context for the site, and therefore recommended that it was not eligible for inclusion in the NRHP. Desert also recommended that this type of site could represent a contemporary O'odham shrine. As discussed in the report, a meeting took place on August 28, 2008 between representatives from GRIC's Cultural Resources Management Program (CRMP) and the City of Phoenix archaeologist to discuss the site. The CRMP representatives agreed it was probably a historic O'odham shrine.

Because the initial survey of the Chandler Boulevard Extension had been performed in 1989, and previously undocumented sites had been recorded in the area by more recent surveys, ADOT requested that HDR Engineering, Inc. (HDR) perform a new Class III survey of the APE. The results are reported in *A Class III Cultural Resources Survey for the Chandler Boulevard Extension, 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). No new sites were identified. The survey confirmed that AZ T:12:111 (ASM) had been obliterated by the City of Phoenix water line project. The survey also documented the condition of sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM).

Site AZ T:12:286 (ASM) was found as described by Desert in 2008, in good condition, and with no new disturbances. FHWA recommends that the site is eligible for inclusion in the NRHP under Criterion D for its potential to contribute information on prehistoric agricultural practices.

The condition of site AZ T:12:287 (ASM) has changed since its 2008 recording. The petroglyph rock has been turned upside down so that the glyph is face down and the top is painted with graffiti. Also, some of the rocks in the outer circle had been shifted. The surrounding area has also been disturbed by off-road vehicles. Because the site could not be placed within a definable temporal context, FHWA recommends that AZ T:12:287 (ASM) is not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommends continuing consultation with the GRIC's Tribal Historic Preservation Office to confirm its status as a potential traditional cultural property and regarding its management. Because sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM) are not located within the construction footprint of the Chandler Boulevard Extension and therefore can be avoided, neither site would be directly impacted. Furthermore, the construction of the Chandler Boulevard Extension would not increase the potential for significant indirect effects because they are already easily accessible given their location near existing roads, hiking trails, and residential development.

Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility

and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

AUG 16 2012

Signature for City of Glendale Concurrence
NH-202-D(ADY)

8/13/12
Date

Enclosures

From: Gifford, David J
To: Linda Davis
Subject: 202L S Mountain DCR and EIS, Chandler BLVD Extension
Date: Monday, August 13, 2012 10:18:06 AM
Attachments: 202L, South Mountain, DCR and EIS.pdf

Linda,

Reclamation does not appear to have any agency lands or interests in this part of the project area. Per our internal direction, we do not sign concurrence letters when we have no project lands affected. However, feel free to use this email as documentation that we have received and responded to your letter.

Have a good one.

Dave

Dave Gifford
Archaeologist
Bureau of Reclamation
6150 W. Thunderbird Road
Glendale AZ 85306
623 773-6262

OFFICIAL FILE COPY
PHOENIX AREA OFFICE
ACTION BY:
RECEIVED:
AUG 10 '12
DATE | SURNAME | ROUTE TO
1500 TC
CLASSIFICATION
CONTROL NO.
PROJECT

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Bryan M. Lausten, Archaeologist
Phoenix Area Office
Bureau of Reclamation
6150 West Thunderbird Road
Glendale, Arizona 85306-4001

Dear Mr. Lausten:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation (Reclamation), the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache

Janice K. Brewer
Governor

Bryan Martyn
Executive Director

Arizona State Parks
AZStateParks.com

Board Members

Walter D. Armer, Jr., Vail, *Chair*
Maria Baier, State Land Commissioner, *Vice Chair*
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William C. Scalzo, Phoenix
Tracey Westerhausen, Phoenix

August 13, 2012

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

Attention: Rebecca Swiecki

RE: NH-202-D(ADY), TRACS #202L MA H5764 01C
SR 202L, South Mountain Freeway
AZ T:12:287 Site Eligibility
Continuing Section 106 Consultation
SHPO-2003-1890 (106850)

Ms. Petty:

Thank you for consulting with the Arizona State Historic Preservation Office [SHPO] pursuant to the National Historic Preservation Act as implemented by 36 CFR Part 800 regarding the proposed construction of an extension of Chandler Boulevard between 19th Avenue and 27th Avenue in the City of Phoenix, Maricopa County, Arizona. A cultural resources survey was submitted with several archaeological sites identified within or next to the proposed project area, and recommendations of the eligibility status of the sites and a finding of effect were offered. We have reviewed the submitted materials and offer the following comments.

The submitted cultural resource assessment [A Class III Cultural Resources Survey for the Chandler Boulevard Extension, 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona] and several assessments of the project area conducted earlier have identified site AZ T:12:287 (ASM), located just outside the proposed project area. The eligibility of site AZ T:12:287 (ASM) has been recommended to be not eligible for inclusion in the National Register of Historic Places [NRHP] under Criterion D. Although not recommended as register-eligible, there have been earlier consultations in 2008 with the Gila River Indian Community [GRIC] by the Arizona State Land Department and the City of Phoenix that indicate the site in question may have significance as an O'odham shrine. Indeed, your cover letter recommends continuing consultation with GRIC's Tribal Historic Office to confirm its status. When that tribal consultation process is completed, and the status of the eligibility of site AZ T:12:287 (ASM) is determined, our office will then be prepared to comment upon the eligibility of the sites and an appropriate finding of effect.

Arizona State Parks • 1300 W. Washington Street • Phoenix, AZ 85007
Phone/TTY: (602) 542-4174 • Fax: (602) 542-4188

Our office appreciates your continued cooperation in complying with federal historic preservation requirements. If you have any questions or concerns, please feel free to contact me at 602/542-7140 or e-mail me at djacobs@azstateparks.gov.

Sincerely,

David Jacobs
Compliance Specialist/Archaeologist
Arizona State Historic Preservation Office

CC: Barnaby Lewis, GRIC
[redacted], ADOT
Laurene Montero, City of Phoenix

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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'12 AUG10 9:20 AZ Land Dept.

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Steve Ross, Archaeologist
Arizona State Land Department
1616 West Adams
Phoenix, Arizona 85007

Dear Mr. Ross:

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Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

Site AZ T:12:287 (ASM) consists of two rock features, one with a petroglyph on a portable stone at the center. The petroglyph is etched on to the stone, not pecked. The site lacks diagnostic artifacts and the age of the features is uncertain; the possibility exists that they are of modern origin. Given that the temporal context of AZ T:12:287 (ASM) was unknown, and that additional investigations of the features was unlikely to uncover this information, Desert could not establish a relevant historic context for the site, and therefore recommended that it was not eligible for inclusion in the NRHP. Desert also recommended that this type of site could represent a contemporary O'odham shrine. As discussed in the report, a meeting took place on August 28, 2008 between representatives from GRIC's Cultural Resources Management Program (CRMP) and the City of Phoenix archaeologist to discuss the site. The CRMP representatives agreed it was probably a historic O'odham shrine.

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Site AZ T:12:286 (ASM) was found as described by Desert in 2008, in good condition, and with no new disturbances. FHWA recommends that the site is eligible for inclusion in the NRHP under Criterion D for its potential to contribute information on prehistoric agricultural practices.

The condition of site AZ T:12:287 (ASM) has changed since its 2008 recording. The petroglyph rock has been turned upside down so that the glyph is face down and the top is painted with graffiti. Also, some of the rocks in the outer circle had been shifted. The surrounding area has also been disturbed by off-road vehicles. Because the site could not be placed within a definable temporal context, FHWA recommends that AZ T:12:287 (ASM) is not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommends continuing consultation with the GRIC's Tribal Historic Preservation Office to confirm its status as a potential traditional cultural property and regarding its management. Because sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM) are not located within the construction footprint of the Chandler Boulevard Extension and therefore can be avoided, neither site would be directly impacted. Furthermore, the construction of the Chandler Boulevard Extension would not increase the potential for significant indirect effects because they are already easily accessible given their location near existing roads, hiking trails, and residential development.

Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If

you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for ASLD Concurrence
NH-202-D(ADY)

8/14/2012
Date

Enclosures

cc:
Rueben Ojeda, Arizona State Land Department, Manager, Right-of-way Section, 1616 W. Adams, Phoenix, AZ 85007

- Although ASLD concurs with FHWA's determination of effect at this time, ASLD will review and comment on HDR's Report in Consultation with SHPO once ADOT has filed ~~a~~ a Right-of-Way Application.
- Furthermore, ADOT should have filed a Right-of-entry to allow a Cultural Resources inspection on State Trust land. ~~ASLD~~ Technically, HDR was in trespass as they surveyed the Proposed alignment. Shaw

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

RECEIVED
AUG 13 2012
BY: CPO

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Leigh Kuwanwisiwma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwisiwma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab Band of Paiute Indians, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

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The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

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Sincerely yours,

AUG 17 20

for Karla S. Petty
Division Administrator

Signature for Hopi Tribe Concurrence
NH-202-D(ADY)

8-19-12
Date

Enclosure

Salt River
PIMA-MARICOPA INDIAN COMMUNITY
10,005 EAST OSBORN ROAD/SCOTTSDALE, ARIZONA 85256/ PHONE (480) 362-6337

Cultural Preservation Program

August 14, 2012

Karla S. Petty, Division Administer
U.S. Department of Transportation
Federal Highway Administration
4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500

RE: 202L, South Mountain Freeway, DCR and EIS Continuing Section 106 Consultation Chandler Boulevard Extension NH-202-D(ADY) HOP-AZ, the project would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix.

Dear Karla S. Petty:

This correspondence is in reference to 202L, South Mountain Freeway, DCR and EIS Continuing Section 106 Consultation Chandler Boulevard Extension NH-202-D(ADY) HOP-AZ. This site, the location would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix, is subject to Section 106 of the National Historic Preservation Act (Section 106). The Salt River Pima-Maricopa Indian Community (SRP-MIC) is in receipt of your consultation request and appreciates the opportunity to comment on this project. The location of this project area is within the adjudicated ancestral claims area of the Four Southern Tribes of Arizona (SRP-MIC, Gila River Indian Community, Ak-Chin Indian Community and the Tohono O'Odham Nation).

The Four Southern Tribes of Arizona (Four Tribes) have an existing consultation management agreement to address consultation within the adjudicated ancestral claims area that divides the area into four geographic regions where one of the Four Tribes takes the lead and provides all Section 106 consultation (and all other federal, state, or local statutes as necessary) for specific areas on behalf of all of the Four Southern Tribes of Arizona. The Four Tribes in consensus agreed that the Gila River Indian Community will take the lead in providing comments in for this project.

Thank you for your time and consideration in this matter. Please contact me at (480-362-6337) or email jacob.butler@srpmic-nsn.gov with additional questions or comments in regard to this or any other cultural resource issue in behalf of the Salt River Pima-Maricopa Indian Community.

Sincerely,

Jacob Butler
Cultural Resource Specialist
SRP-MIC

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

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HOP-AZ

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TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Ms. Louise Lopez, Chairperson
Tonto Apache Tribe
Tonto Apache Reservation #30
Payson, Arizona 85541

Dear Chairperson Lopez:

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for Karla S. Petty
Division Administrator

AUG 16 2012

James P Zwiebel
Signature for Tonto Apache Tribe Concurrence
NH-202-D(ADY)

August 14, 2012
Date

ROADS/TRANSPORTATION COORDINATOR

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
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Chandler Boulevard Extension

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

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Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____
Signature for White Mountain Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926 (with enclosures)
Ramon Riley, Cultural Resource Director, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926

White Mountain Apache Tribe
Office of Historic Preservation
PO Box 507
Fort Apache, AZ 85926
Ph: (928) 338-3033 Fax: (928) 338-6055

To: Linda Davis, ADOT Historic Preservation Specialist

Date: August 17, 2012

Prj: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L South Mountain Freeway

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, August 8, 2012 . In regards to this, please attend to the following checked items below.

► ***There is no need to send additional information unless project planning or implementation results in the discovery of sites and/or items having known or suspected Apache Cultural affiliation.***

N/A - The proposed project is located within an area of probable cultural or historical importance to the White Mountain Apache tribe (WMAT). As part of the effort to identify historical properties that maybe affected by the project we recommend an ethno-historic study and interviews with Apache Elders. The tribe's ***Cultural Heritage Resource Director Mr. Ramon Riley*** may be contacted at (928) 338-3033 for further information should this become necessary.

► Please refer to the attached additional notes in regards to the proposed project:

We have received and reviewed the information regarding FHWA/ADOT proposed continued studies in support of the Environmental Impact Statement for 202L, South Mountain Freeway, EIS/Design Concept Report project which would extend around the southern side of South Mountain from Interstate 10 in west Chandler to I-10 west Phoenix, and we have determined the proposed action/plans ***will not have an adverse effect*** on the White Mountain Apache tribe's (WMAT) historic properties and/or traditional cultural resources. We propose any/all ground disturbing activities be monitored ***if*** there are reasons to believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered all project activities should cease and the proper authorities and/or ***affiliated*** *tribe(s)* be notified to evaluate the situation.

Thank you. We look forward to continued collaborations in the protection and preservation of place of cultural and historical significance.

Sincerely,

Mark T. Altaha

White Mountain Apache Tribe

Historic Preservation Office

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Larry Hendershot, Property Manager
Flood Control District of Maricopa County
2801 West Durango Street
Phoenix, Arizona 85009

Dear Mr. Hendershot:

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Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County (FCDMC), the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern

Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

The proposed Chandler Boulevard Extension is located in Section 36 of Township 1 South and Range 2 East. The land in Section 36 north of the existing City of Phoenix water line is owned by the City of Phoenix. The land in Section 36 south of the water line is administered by ASLD.

The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

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Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

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The condition of site AZ T:12:287 (ASM) has changed since its 2008 recording. The petroglyph rock has been turned upside down so that the glyph is face down and the top is painted with graffiti. Also, some of the rocks in the outer circle had been shifted. The surrounding area has also been disturbed by off-road vehicles. Because the site could not be placed within a definable temporal context, FHWA recommends that AZ T:12:287 (ASM) is not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommends continuing consultation with the GRIC's Tribal Historic Preservation Office to confirm its status as a potential traditional cultural property and regarding its management. Because sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM) are not located within the construction footprint of the Chandler Boulevard Extension and therefore can be avoided, neither site would be directly impacted. Furthermore, the construction of the Chandler Boulevard Extension would not increase the potential for significant indirect effects because they are already easily accessible given their location near existing roads, hiking trails, and residential development.

Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If

you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Robert B Stevens
Signature for FCDMC Concurrence
NH-202-D(ADY)

8-20-2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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August 8, 2012

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In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Dr. Clinton Pattea, President
Fort McDowell Yavapai Nation
P.O. Box 17779
Fountain Hills, Arizona 85269

Dear President Pattea:

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Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab Band of Paiute Indians, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

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The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

FHWA is inquiring whether you have any concerns regarding historic properties of traditional, religious, cultural, or historical importance to your community within the project area. Any information you provide within 30 days of receipt of this letter will be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA will make a good faith effort to address your concerns.

In 1989, Archaeological Consulting Service, Ltd. (ACS), surveyed the APE in its entirety (Adams 1989). The results were reported in *An Archaeological Assessment of the Proposed South Mountain State Planning Permit Project for Burns International, Inc.* (Adams 1989). No sites were identified.

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to the construction footprint, the sites were included in the APE for the consideration of indirect effects, such as alterations to visual setting and the potential for vandalism as a result of increased access provided by the new roadway.

Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

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Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

AUG 23 2012

Signature for Fort McDowell Yavapai Nation Concurrence Date
NH-202-D(ADY)

Enclosures

cc:
Erica McCalvin, Planning & Project Manager (with enclosures)
Karen Ray, Culture Coordinator (with enclosures)

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
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August 8, 2012

In Reply Refer To:
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NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Richard A. Anduze, Archaeologist
Salt River Project
M.S. PAB 352
P.O. Box 52025
Phoenix, Arizona 85072-2025

Dear Mr. Anduze:

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Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SRP Concurrence
NH-202-D(ADY)

24 August 2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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Phoenix, Arizona 85012-3500
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August 8, 2012

In Reply Refer To:
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HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Ms. Sherry Cordova, Chairwoman
Cocopah Tribe
County 15th & Avenue G
Somerton, Arizona 85350

Dear Chairwoman Cordova:

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Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab Band of Paiute Indians, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

FHWA is inquiring whether you have any concerns regarding historic properties of traditional, religious, cultural, or historical importance to your community within the project area. Any information you provide within 30 days of receipt of this letter will be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA will make a good faith effort to address your concerns.

In 1989, Archaeological Consulting Service, Ltd. (ACS), surveyed the APE in its entirety (Adams 1989). The results were reported in *An Archaeological Assessment of the Proposed South Mountain State Planning Permit Project for Burns International, Inc.* (Adams 1989). No sites were identified.

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Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

Rebecca Swiecki

Karla S. Petty
Division Administrator

H. Jill McCormick

Signature for Cocopah Tribe Concurrence
NH-202-D(ADY)

8/27/12

Date

Enclosure

cc:
H. Jill McCormick, Cultural Resources Manager (with enclosures)
RSwiecki
LDavis (EM02)
RSwiecki:cdm

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
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http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Ms. Michelle Dodds
CLG Contact, Historic Preservation Office
City of Phoenix
200 West Washington, 3rd Floor
Phoenix, Arizona 85003

Dear Ms. Dodds:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

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Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you

have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

SEP 4 - 2012

Michelle Dodds

Signature for City of Phoenix Concurrence
Historic Preservation Office
NH-202-D(ADY)

8-29-12

Date

Enclosures

cc:
Jodey Elsner, M.A. Historian, COP Historic Preservation Office, 200 W. Washington Street, 3rd floor, Phoenix, AZ 85003 (with enclosures)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Rich Dlugas, Chandler City Manager
City Manager's Office
P.O. Box 4008, Mail Stop 605
Chandler, Arizona 85244-4008

Dear Mr. Dlugas:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

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and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for SEP 11 2012
Karla S. Petty
Division Administrator

Signature for City of Chandler Concurrence
NH-202-D(ADY)

9-10-12
Date

Enclosures

GILA RIVER INDIAN COMMUNITY
POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162
Fax: (520) 562-5083

September 10, 2012

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

RE: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L, South Mountain Freeway, DCR and EIS, National Historic Preservation Act Continuing 106 Chandler Boulevard Extension

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received your consultation documents dated August 8, 2012. The documents describe a Federal Highway Administration (FHWA) and Arizona Department of Transportation (AZDOT) undertaking to extend Chandler Boulevard between 19th Avenue and 27th Avenue. This report is one in a series of technical reports supporting the 202 Loop, South Mountain Freeway, Environmental Impact Statement (EIS)/Design Concept Report (DCR). The project location is on the northern edge of District 6 of the Gila River Indian Community (Community), but entirely off Community lands. The extension of Chandler Boulevard is intended to provide access to residential subdivisions in the area. The construction zone area of potential effect (APE) will vary between 200 to 400 feet wide by 6,230 feet between 19th and 27th Avenues. The APE and surrounding areas have been archaeologically surveyed in 1989, 2000, 2008, and 2012. The 2012 survey covered a total area of 36.8 acres in size.

Three archaeological sites have been recorded near and within the APE: AZ:T:12:111(ASM) is described as a historic mine site with a rock ring, prospecting pit, tailings pile and a cleared area. The site was not considered a Register eligible property; AZ:T:12:286(ASM) a prehistoric agricultural site consisting of clusters/piles of rock. The site was considered an Register eligible property under Criterion D of the National Historic Preservation Act (NHPA); and AZ:T:12:287(ASM) an undated site consisting of two rock features and an etched deer(?) petroglyph on a small, potentially portable boulder. The site was not considered a Register eligible property. During the 2012 survey, these sites were relocated and reassessed. AZT:12:111(ASM) could not be relocated and was likely destroyed by the construction of a City of Phoenix waterline through the area. Site AZ:T:12:286(ASM) is still an intact cultural resource, outside of the APE and is still considered Register eligible. AZ:T:12:287(ASM) has been impacted by off-road vehicles. The petroglyph boulder was turned over and the top covered with graffiti and some of the circular rock features have been disturbed through realignments of the stone. In 2008 Barnaby V. Lewis and J. Andrew Darling were consulted in regards to the site, and both confirmed that the site is an historic O'odham shrine. The site is still not considered a Register eligible property. Based upon this evidence, the FHWA has made a determination of no adverse effect for this part of the South Mountain 202 Loop Freeway project.

The GRIC-THPO concurs with a finding of no adverse effect for the undertaking. A site visit to AZ:12:287(ASM) is recommended in order to assess damage to the site. Perhaps collection of the petroglyph boulder should be considered before the petroglyph boulder is lost through accumulated disturbance to the site and/or theft.

The GRIC reiterates the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation). O'Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O'Odham and Pee Posh oral histories, religion, creation stories, ceremonial practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
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August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Dr. Beth Grindell, Director
P.O. Box 210026
Arizona State Museum
University of Arizona
Tucson, Arizona 85721-0026

Dear Dr. Grindell:

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Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum (ASM), the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

The proposed Chandler Boulevard Extension is located in Section 36 of Township 1 South and Range 2 East. The land in Section 36 north of the existing City of Phoenix water line is owned by the City of Phoenix. The land in Section 36 south of the water line is administered by ASLD.

The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

In 1989, Archaeological Consulting Service, Ltd. (ACS), surveyed the APE in its entirety (Adams 1989). The results were reported in *An Archaeological Assessment of the Proposed South Mountain State Planning Permit Project for Burns International, Inc.* (Adams 1989). No sites were identified.

In 2000, Logan Simpson Design (LSD) performed an archaeological survey for a City of Phoenix water line which covered a 20-m-wide corridor along the centerline of the Chandler Boulevard Extension. The results are reported in *A Class I Inventory and A Class III Cultural Resources Survey for the City of Phoenix Waterline Route Around the Western and Southern Edges of South Mountain Park, Maricopa County, Arizona* (Shaw 2000). LSD recorded one site in the APE. Site AZ T:12:111 (ASM) is a historic mining site that include four features: a collapsed rock ring, a prospecting pit, a tailings pile, and a cleared area. The site was recommended as not eligible for inclusion in the National Register of Historic Places (NRHP).

In 2008, Desert Archaeology, Inc. (Desert) performed a Class III survey that covered the portion of the APE north of the centerline. The results are reported in *Cultural Resources Survey of 237 Acres Within the 620 Property, South of South Mountain Park, Phoenix, Arizona* (Darby and Bagwell 2008). Desert identified two sites near the proposed construction footprint for the Chandler Extension, AZ T:12:286 (ASM) and AZ T:12:287 (ASM). Because of their proximity to the construction footprint, the sites were included in the APE for the consideration of indirect effects, such as alterations to visual setting and the potential for vandalism as a result of increased access provided by the new roadway.

Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

Site AZ T:12:287 (ASM) consists of two rock features, one with a petroglyph on a portable stone at the center. The petroglyph is etched on to the stone, not pecked. The site lacks diagnostic artifacts and the age of the features is uncertain; the possibility exists that they are of modern origin. Given that the temporal context of AZ T:12:287 (ASM) was unknown, and that additional investigations of the features was unlikely to uncover this information, Desert could not establish a relevant historic context for the site, and therefore recommended that it was not eligible for inclusion in the NRHP. Desert also recommended that this type of site could represent a contemporary O'odham shrine. As discussed in the report, a meeting took place on August 28, 2008 between representatives from GRIC's Cultural Resources Management Program (CRMP) and the City of Phoenix archaeologist to discuss the site. The CRMP representatives agreed it was probably a historic O'odham shrine.

Because the initial survey of the Chandler Boulevard Extension had been performed in 1989, and previously undocumented sites had been recorded in the area by more recent surveys, ADOT requested that HDR Engineering, Inc. (HDR) perform a new Class III survey of the APE. The results are reported in *A Class III Cultural Resources Survey for the Chandler Boulevard Extension, 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). No new sites were identified. The survey confirmed that AZ T:12:111 (ASM) had been obliterated by the City of Phoenix water line project. The survey also documented the condition of sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM).

Site AZ T:12:286 (ASM) was found as described by Desert in 2008, in good condition, and with no new disturbances. FHWA recommends that the site is eligible for inclusion in the NRHP under Criterion D for its potential to contribute information on prehistoric agricultural practices.

The condition of site AZ T:12:287 (ASM) has changed since its 2008 recording. The petroglyph rock has been turned upside down so that the glyph is face down and the top is painted with graffiti. Also, some of the rocks in the outer circle had been shifted. The surrounding area has also been disturbed by off-road vehicles. Because the site could not be placed within a definable temporal context, FHWA recommends that AZ T:12:287 (ASM) is not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommends continuing consultation with the GRIC's Tribal Historic Preservation Office to confirm its status as a potential traditional cultural property and regarding its management. Because sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM) are not located within the construction footprint of the Chandler Boulevard Extension and therefore can be avoided, neither site would be directly impacted. Furthermore, the construction of the Chandler Boulevard Extension would not increase the potential for significant indirect effects because they are already easily accessible given their location near existing roads, hiking trails, and residential development.

Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility

and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Todd Pitzel, Ph.D.
Signature for ASM Concurrence
NH-202-D(ADY)

11 Sept 2012
Date

Enclosures

U.S.Department
of Transportation
Federal Highway Administration

ARIZONA DIVISION

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September 6, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Project Effect on the Dobbins Road Historic Properties

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Re: SHPO 2003-1890 (106135)

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Most recently FHWA consulted on a reassessment of historic rural properties along Dobbins Road and 59th Avenue in Laveen. SHPO concurred to the reassessment (Jacobs [SHPO] to Petty [FHWA], July 16, 2012).

Consulting parties for this reevaluation of project effect on the Dobbins Road historic properties include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The purpose of this consultation is to address the project effects of four alternative alignments near these historic properties. AZTEC Engineering Group, Inc. recently prepared a report that assesses the direct and indirect effects from the four alignments on the historic rural properties along Dobbins Road and 59th Avenue entitled *South Mountain Transportation Corridor Study: Assessment of Project Effects on Three Historic Buildings and a District, Maricopa County, Arizona* (Solliday 2012). A copy of the report is enclosed for your review and comments.

Historic Properties

Four historic properties have been identified near the Dobbins Road/59th Avenue intersection. These include:

1) Hudson Farm Historic District, ca. 1926, Criterion A
2) Hudson Farm - Cement Stave Silos, 1949, Criterion C
3) Hackin Farmstead/Dairy – Dairy Flat Barn , 1952, Criterion C
4) Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn, 1951, Criterion C

Alternatives

The four alternatives near these historic properties are:

1) 62nd Avenue Alignment Collapsed Diamond – Elevated Freeway
2) 62nd Avenue Alignment Collapsed Diamond – Semi-Depressed Freeway
3) 62nd Avenue Alignment Half Diamond – Elevated Freeway
4) 62nd Avenue Alignment Half Diamond – Semi-Depressed Freeway

Project Effect

Direct Impact

All four of the alignment alternatives currently under consideration adequately avoid the Hudson Farm, the Dairy Flat Barn on the Hackin Farmstead/Dairy, and the Dairy Head-to-Toe Barn on the Tyson Farmstead/Barnes Dairy; none of the properties is located within the proposed ADOT right-of-way (ROW). However, the two semi-depressed freeway alternatives would require a realignment of access to the Tyson/Barnes barn. There would be a no adverse effect on the Tyson/Barnes barn as a result of the access modification.

Indirect Impact

Each of the four alignment alternatives would have a similar impact on the **Hudson Farm Historic District**. The freeway would be at least 200 feet west of the Hudson Farm property and 1,500 feet west of 59th Avenue, and the setting of the farmstead (farmhouse and associated structures) from the primary public view (from 59th Avenue) or from within the farmstead would be buffered by the dense windbreak of trees located on the north and west sides of the farmstead. The freeway would be more visibly intrusive from the secondary public view (from Dobbins Road) and from some places in the fields associated with the property, but these vantage points do not provide a view of the district's significant features, i.e., the farmstead buildings and structures seen within the context of the whole farm. A drainage basin adjacent to the southern boundary of the Hudson Farm would not be visible from the primary public view or from within the farmstead. Thus, any visual intrusion created by the project would be negligible and would not impact the National Register eligibility of the Hudson Farm or any of its contributing elements.

- There would be no adverse effect on the Hudson Farm due to general visual intrusion.
- There would be no adverse effect on the Hudson Farm due to increased traffic noise.
- There would be no adverse effect on the Hudson Farm due to nighttime lighting.

The freeway would pass approximately 1,500 feet west of the **Hackin barn**, 1,000 feet west of the **Hudson Farm silos**, and 10 feet east of the **Tyson/Barnes Dairy barn**. Since integrity of design, materials, workmanship, and association are most important for these property types, their National Register eligibility would not be impacted by a change in setting. Likewise, the placement of a drainage basin to the south and west of the **Hackin barn** would not impact its integrity of design, materials, workmanship, and association.

- There would be no adverse effect on the individually eligible properties due to general visual intrusion.
- There would be no adverse effect on the individually eligible properties due to increased traffic noise.
- There would be no adverse effect on the individually eligible properties due to nighttime lighting.

Summary of Indirect Impacts to the Dobbins Road Historic Properties

Property Name and Address	Primary Criterion	Collapsed Diamond – Elevated Freeway	Collapsed Diamond – Semi-Depressed Freeway	Half Diamond – Elevated Freeway	Half Diamond – Semi-Depressed Freeway
Eligible Historic Districts					
Hudson Farm 9300 S. 59th Avenue	A	No adverse	No adverse	No adverse	No adverse
Individually Eligible Historic Buildings					
Hudson Farm - Cement Stave Silos 9300 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	C	No adverse	No adverse	No adverse	No adverse

Cumulative Impacts

The City of Phoenix has designated this area as the core area of "downtown" Laveen. Local landowners have expressed a desire to develop their properties for commercial and/or residential uses. Housing developments and some associated commercial centers have been constructed nearby; the advancement of this urbanization was slowed only by the economic collapse. Some adjacent landowners have recently had their property reclassified for either commercial or residential property use. Therefore, it is highly likely that future development by the private landowners would also lead to the destruction of the agricultural properties and the historical setting of rural Laveen.

The construction of a freeway through the South Mountain Corridor would accelerate urbanization and likely encourage more commercial and industrial development rather than the predominantly residential construction that has occurred to date. However, since ADOT, the City of Phoenix, landowners, and developers are all planning for future development in the area, it is difficult to determine what the specific agent of change is. Cumulatively, the future development and construction of the freeway has the potential to contribute to an adverse cumulative affect the **Hudson Farm and silos**, **Hackin barn**, and **Tyson/Barnes barn**.

Continuing Cultural Resource Management

In order to proactively address the potential indirect and cumulative adverse effects described above, FHWA and ADOT would document the Hudson Farm Historic District and silos, the Hackin barn, and the Tyson/Barnes barn in a Historic Landscape report. The report would be consistent with the SHPO Standards for Documentation of Historic Properties. For each of the properties this documentation would at a minimum include a descriptive narrative of the property, maps showing geographic location and contextual relationships with other structures and the surrounding landscape, reproductions of original plans/engineering drawings or prepared drawings (or creation of plans/drawings if the originals cannot be found), and photo documentation.

Please review the information provided in this letter, the attached project location maps, and enclosed report. If you agree with the adequacy of the report and agree with FHWA's revised determination of project effect for each alignment and proposed documentation of the historic properties please indicate your concurrence by signing below and return to FHWA. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

SHPO-2003-1890(107733)
ARIZONA DIVISION

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September 6, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Project Effect on the Dobbins Road Historic Properties

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RECEIVED
SEP 10 2012
ARIZONA STATE PARKS/S.H.P.O.

Re: SHPO 2003-1890 (106135)

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This project has been the subject of extensive prior consultation (SHPO-2003-1890). Most recently FHWA consulted on a reassessment of historic rural properties along Dobbins Road and 59th Avenue in Laveen. SHPO concurred to the reassessment (Jacobs [SHPO] to Petty [FHWA], July 16, 2012).

Consulting parties for this reevaluation of project effect on the Dobbins Road historic properties include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The purpose of this consultation is to address the project effects of four alternative alignments near these historic properties. AZTEC Engineering Group, Inc. recently prepared a report that assesses the direct and indirect effects from the four alignments on the historic rural properties along Dobbins Road and 59th Avenue entitled *South Mountain Transportation Corridor Study: Assessment of Project Effects on Three Historic Buildings and a District, Maricopa County, Arizona* (Solliday 2012). A copy of the report is enclosed for your review and comments.

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Continuing Cultural Resource Management

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Sincerely yours,

for Karla S. Petty
Division Administrator

SEP 18 2012

Signature for SHPO Concurrence
NH-202-D(ADY)

14 SEPT 12
Date

Enclosures

CC: Linda Davis, ADOT

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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September 6, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Project Effect on the Dobbins Road Historic Properties

Mr. Steve Ross, Cultural Resources Manager
Arizona State Land Department
1616 West Adams
Phoenix, Arizona 85007

Dear Mr. Ross:

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Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for ASLD Concurrence
NH-202-D(ADY)

9/20/2012
Date

Enclosures

cc:
Rueben Ojeda, Manager, Right-of-way Section

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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http://www.fhwa.dot.gov/azdiv/index.htm

August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Mr. Garry Cantley, Western Regional Archaeologist
Bureau of Indian Affairs
2600 North Central Avenue, Suite 400
MS-620EQS
Phoenix, Arizona 85004-3008

Dear Mr. Cantley:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs (BIA), the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern

Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue. The alignment for the proposed Chandler Boulevard Extension follows an existing City of Phoenix water line. The surrounding area is undeveloped.

The proposed Chandler Boulevard Extension is located in Section 36 of Township 1 South and Range 2 East. The land in Section 36 north of the existing City of Phoenix water line is owned by the City of Phoenix. The land in Section 36 south of the water line is administered by ASLD.

The area of potential effects (APE) for the Chandler Boulevard Extension is defined primarily by the proposed construction footprint which includes a 200-foot-wide east-west corridor that extends for 6,230 feet between 19th Avenue and 27th Avenue and short segments at the east and west end where the corridor is 400 feet wide. The footprint also includes a 120-foot-wide north-south corridor that extends for 1,180 feet from the western end of the Chandler Boulevard alignment to the current alignment of Pecos Road. A map of the APE is enclosed to assist you in your review.

In 1989, Archaeological Consulting Service, Ltd. (ACS), surveyed the APE in its entirety (Adams 1989). The results were reported in *An Archaeological Assessment of the Proposed South Mountain State Planning Permit Project for Burns International, Inc.* (Adams 1989). No sites were identified.

In 2000, Logan Simpson Design (LSD) performed an archaeological survey for a City of Phoenix water line which covered a 20-m-wide corridor along the centerline of the Chandler Boulevard Extension. The results are reported in *A Class I Inventory and A Class III Cultural Resources Survey for the City of Phoenix Waterline Route Around the Western and Southern Edges of South Mountain Park, Maricopa County, Arizona* (Shaw 2000). LSD recorded one site in the APE. Site AZ T:12:111 (ASM) is a historic mining site that include four features: a collapsed rock ring, a prospecting pit, a tailings pile, and a cleared area. The site was recommended as not eligible for inclusion in the National Register of Historic Places (NRHP).

In 2008, Desert Archaeology, Inc. (Desert) performed a Class III survey that covered the portion of the APE north of the centerline. The results are reported in *Cultural Resources Survey of 237 Acres Within the 620 Property, South of South Mountain Park, Phoenix, Arizona* (Darby and Bagwell 2008). Desert identified two sites near the proposed construction footprint for the Chandler Extension, AZ T:12:286 (ASM) and AZ T:12:287 (ASM). Because of their proximity to the construction footprint, the sites were included in the APE for the consideration of indirect effects, such as alterations to visual setting and the potential for vandalism as a result of increased access provided by the new roadway.

Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles. Desert recommended that the site was eligible for inclusion in the NRHP under Criterion D for its potential to yield information about prehistoric land use practices at the margins of the middle Gila River Valley.

Site AZ T:12:287 (ASM) consists of two rock features, one with a petroglyph on a portable stone at the center. The petroglyph is etched on to the stone, not pecked. The site lacks diagnostic artifacts and the age of the features is uncertain; the possibility exists that they are of modern origin. Given that the temporal context of AZ T:12:287 (ASM) was unknown, and that additional investigations of the features was unlikely to uncover this information, Desert could not establish a relevant historic context for the site, and therefore recommended that it was not eligible for inclusion in the NRHP. Desert also recommended that this type of site could represent a contemporary O'odham shrine. As discussed in the report, a meeting took place on August 28, 2008 between representatives from GRIC's Cultural Resources Management Program (CRMP) and the City of Phoenix archaeologist to discuss the site. The CRMP representatives agreed it was probably a historic O'odham shrine.

Because the initial survey of the Chandler Boulevard Extension had been performed in 1989, and previously undocumented sites had been recorded in the area by more recent surveys, ADOT requested that HDR Engineering, Inc. (HDR) perform a new Class III survey of the APE. The results are reported in *A Class III Cultural Resources Survey for the Chandler Boulevard Extension, 202L, South Mountain Freeway EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). No new sites were identified. The survey confirmed that AZ T:12:111 (ASM) had been obliterated by the City of Phoenix water line project. The survey also documented the condition of sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM).

Site AZ T:12:286 (ASM) was found as described by Desert in 2008, in good condition, and with no new disturbances. FHWA recommends that the site is eligible for inclusion in the NRHP under Criterion D for its potential to contribute information on prehistoric agricultural practices.

The condition of site AZ T:12:287 (ASM) has changed since its 2008 recording. The petroglyph rock has been turned upside down so that the glyph is face down and the top is painted with graffiti. Also, some of the rocks in the outer circle had been shifted. The surrounding area has also been disturbed by off-road vehicles. Because the site could not be placed within a definable temporal context, FHWA recommends that AZ T:12:287 (ASM) is not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommends continuing consultation with the GRIC's Tribal Historic Preservation Office to confirm its status as a potential traditional cultural property and regarding its management. Because sites AZ T:12:286 (ASM) and AZ T:12:287 (ASM) are not located within the construction footprint of the Chandler Boulevard Extension and therefore can be avoided, neither site would be directly impacted. Furthermore, the construction of the Chandler Boulevard Extension would not increase the potential for significant indirect effects because they are already easily accessible given their location near existing roads, hiking trails, and residential development.

Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If

you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

SEP 27 2012
AUG 28 2012

for Signature for BIA Concurrence
NH-202-D(ADY)

9/21/12
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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September 6, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Project Effect on the Dobbins Road Historic Properties

Mr. Richard Anduze, Archaeologist
Salt River Project
P.O. Box 52025, Mail Sta PAB352
Phoenix, Arizona 85072-2025

Dear Mr. Anduze:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Most recently FHWA consulted on a reassessment of historic rural properties along Dobbins Road and 59th Avenue in Laveen. SHPO concurred to the reassessment (Jacobs [SHPO] to Petty [FHWA], July 16, 2012).

Consulting parties for this reevaluation of project effect on the Dobbins Road historic properties include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The purpose of this consultation is to address the project effects of four alternative alignments near these historic properties. AZTEC Engineering Group, Inc. recently prepared a report that assesses the direct and indirect effects from the four alignments on the historic rural properties along Dobbins Road and 59th Avenue entitled *South Mountain Transportation Corridor Study: Assessment of Project Effects on Three Historic Buildings and a District, Maricopa County, Arizona* (Solliday 2012). A copy of the report is enclosed for your review and comments.

Historic Properties

Four historic properties have been identified near the Dobbins Road/59th Avenue intersection. These include:

1) Hudson Farm Historic District, ca. 1926, Criterion A
2) Hudson Farm - Cement Stave Silos, 1949, Criterion C
3) Hackin Farmstead/Dairy – Dairy Flat Barn , 1952, Criterion C
4) Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn, 1951, Criterion C

Alternatives

The four alternatives near these historic properties are:

1) 62nd Avenue Alignment Collapsed Diamond – Elevated Freeway
2) 62nd Avenue Alignment Collapsed Diamond – Semi-Depressed Freeway
3) 62nd Avenue Alignment Half Diamond – Elevated Freeway
4) 62nd Avenue Alignment Half Diamond – Semi-Depressed Freeway

Project Effect

Direct Impact

All four of the alignment alternatives currently under consideration adequately avoid the Hudson Farm, the Dairy Flat Barn on the Hackin Farmstead/Dairy, and the Dairy Head-to-Toe Barn on the Tyson Farmstead/Barnes Dairy; none of the properties is located within the proposed ADOT right-of-way (ROW). However, the two semi-depressed freeway alternatives would require a realignment of access to the Tyson/Barnes barn. There would be a no adverse effect on the Tyson/Barnes barn as a result of the access modification.

Indirect Impact

Each of the four alignment alternatives would have a similar impact on the **Hudson Farm Historic District**. The freeway would be at least 200 feet west of the Hudson Farm property and 1,500 feet west of 59th Avenue, and the setting of the farmstead (farmhouse and associated structures) from the primary public view (from 59th Avenue) or from within the farmstead would be buffered by the dense windbreak of trees located on the north and west sides of the farmstead. The freeway would be more visibly intrusive from the secondary public view (from Dobbins Road) and from some places in the fields associated with the property, but these vantage points do not provide a view of the district's significant features, i.e., the farmstead buildings and structures seen within the context of the whole farm. A drainage basin adjacent to the southern boundary of the Hudson Farm would not be visible from the primary public view or from within the farmstead. Thus, any visual intrusion created by the project would be negligible and would not impact the National Register eligibility of the Hudson Farm or any of its contributing elements.

- There would be no adverse effect on the Hudson Farm due to general visual intrusion.
- There would be no adverse effect on the Hudson Farm due to increased traffic noise.
- There would be no adverse effect on the Hudson Farm due to nighttime lighting.

The freeway would pass approximately 1,500 feet west of the **Hackin barn**, 1,000 feet west of the **Hudson Farm silos**, and 10 feet east of the **Tyson/Barnes Dairy barn**. Since integrity of design, materials, workmanship, and association are most important for these property types, their National Register eligibility would not be impacted by a change in setting. Likewise, the placement of a drainage basin to the south and west of the **Hackin barn** would not impact its integrity of design, materials, workmanship, and association.

- There would be no adverse effect on the individually eligible properties due to general visual intrusion.
- There would be no adverse effect on the individually eligible properties due to increased traffic noise.
- There would be no adverse effect on the individually eligible properties due to nighttime lighting.

Summary of Indirect Impacts to the Dobbins Road Historic Properties

Property Name and Address	Primary Criterion	Collapsed Diamond – Elevated Freeway	Collapsed Diamond – Semi-Depressed Freeway	Half Diamond – Elevated Freeway	Half Diamond – Semi-Depressed Freeway
Eligible Historic Districts					
Hudson Farm 9300 S. 59th Avenue	A	No adverse	No adverse	No adverse	No adverse
Individually Eligible Historic Buildings					
Hudson Farm - Cement Stave Silos 9300 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	C	No adverse	No adverse	No adverse	No adverse

Cumulative Impacts

The City of Phoenix has designated this area as the core area of "downtown" Laveen. Local landowners have expressed a desire to develop their properties for commercial and/or residential uses. Housing developments and some associated commercial centers have been constructed nearby; the advancement of this urbanization was slowed only by the economic collapse. Some adjacent landowners have recently had their property reclassified for either commercial or residential property use. Therefore, it is highly likely that future development by the private landowners would also lead to the destruction of the agricultural properties and the historical setting of rural Laveen.

The construction of a freeway through the South Mountain Corridor would accelerate urbanization and likely encourage more commercial and industrial development rather than the predominantly residential construction that has occurred to date. However, since ADOT, the City of Phoenix, landowners, and developers are all planning for future development in the area, it is difficult to determine what the specific agent of change is. Cumulatively, the future development and construction of the freeway has the potential to contribute to an adverse cumulative affect the **Hudson Farm and silos**, **Hackin barn**, and **Tyson/Barnes barn**.

Continuing Cultural Resource Management

In order to proactively address the potential indirect and cumulative adverse effects described above, FHWA and ADOT would document the Hudson Farm Historic District and silos, the Hackin barn, and the Tyson/Barnes barn in a Historic Landscape report. The report would be consistent with the SHPO Standards for Documentation of Historic Properties. For each of the properties this documentation would at a minimum include a descriptive narrative of the property, maps showing geographic location and contextual relationships with other structures and the surrounding landscape, reproductions of original plans/engineering drawings or prepared drawings (or creation of plans/drawings if the originals cannot be found), and photo documentation.

Please review the information provided in this letter, the attached project location maps, and enclosed report. If you agree with the adequacy of the report and agree with FHWA's revised determination of project effect for each alignment and proposed documentation of the historic properties please indicate your concurrence by signing below and return to FHWA. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

SEP 26 2012

Richard A. Ady
Signature for SRP Concurrence
NH-202-D(ADY)

24 September 2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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August 8, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Ms. Laurene Montero, City Archaeologist
City of Phoenix
4619 East Washington
Phoenix, Arizona 85034

Dear Ms. Montero:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department (ASLD), the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the

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Site AZ T:12:287 (ASM) consists of two rock features, one with a petroglyph on a portable stone at the center. The petroglyph is etched on to the stone, not pecked. The site lacks diagnostic artifacts and the age of the features is uncertain; the possibility exists that they are of modern origin. Given that the temporal context of AZ T:12:287 (ASM) was unknown, and that additional investigations of the features was unlikely to uncover this information, Desert could not establish a relevant historic context for the site, and therefore recommended that it was not eligible for inclusion in the NRHP. Desert also recommended that this type of site could represent a contemporary O'odham shrine. As discussed in the report, a meeting took place on August 28, 2008 between representatives from GRIC's Cultural Resources Management Program (CRMP) and the City of Phoenix archaeologist to discuss the site. The CRMP representatives agreed it was probably a historic O'odham shrine.

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Based on the above, FHWA has determined that a finding of "no adverse effect" is appropriate for this undertaking. Please review the enclosed report and information provided in this letter. If

you agree with the adequacy of the report and FHWA's recommendations of NRHP eligibility and determination of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for City of Phoenix Concurrence
City Archaeologist
NH-202-D(ADY)

9/26/2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

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September 6, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Project Effect on the Dobbins Road Historic Properties

Ms. Laurene Montero
City of Phoenix Archaeologist
Pueblo Grande Museum
4619 East Washington
Phoenix, Arizona 85034

Dear Ms. Montero:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are conducting technical studies in support of the environmental impact statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler and to I-10 in west Phoenix. As this project would employ federal funds, it is considered a federal undertaking subject to Section 106 review.

This project has been the subject of extensive prior consultation (SHPO-2003-1890). Most recently FHWA consulted on a reassessment of historic rural properties along Dobbins Road and 59th Avenue in Laveen. SHPO concurred to the reassessment (Jacobs [SHPO] to Petty [FHWA], July 16, 2012).

Consulting parties for this reevaluation of project effect on the Dobbins Road historic properties include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Bureau of Reclamation (Reclamation), the Bureau of Land Management (BLM), the Arizona State Land Department (ASLD), the City of Phoenix-Historic Preservation Office (COP-HPO), the City of Phoenix-Pueblo Grande Museum (COP-PGM), and Salt River Project (SRP).

The purpose of this consultation is to address the project effects of four alternative alignments near these historic properties. AZTEC Engineering Group, Inc. recently prepared a report that assesses the direct and indirect effects from the four alignments on the historic rural properties along Dobbins Road and 59th Avenue entitled *South Mountain Transportation Corridor Study: Assessment of Project Effects on Three Historic Buildings and a District, Maricopa County, Arizona* (Solliday 2012). A copy of the report is enclosed for your review and comments.

Historic Properties

Four historic properties have been identified near the Dobbins Road/59th Avenue intersection. These include:

1) Hudson Farm Historic District, ca. 1926, Criterion A
2) Hudson Farm - Cement Stave Silos, 1949, Criterion C
3) Hackin Farmstead/Dairy – Dairy Flat Barn , 1952, Criterion C
4) Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn, 1951, Criterion C

Alternatives

The four alternatives near these historic properties are:

1) 62nd Avenue Alignment Collapsed Diamond – Elevated Freeway
2) 62nd Avenue Alignment Collapsed Diamond – Semi-Depressed Freeway
3) 62nd Avenue Alignment Half Diamond – Elevated Freeway
4) 62nd Avenue Alignment Half Diamond – Semi-Depressed Freeway

Project Effect

Direct Impact

All four of the alignment alternatives currently under consideration adequately avoid the Hudson Farm, the Dairy Flat Barn on the Hackin Farmstead/Dairy, and the Dairy Head-to-Toe Barn on the Tyson Farmstead/Barnes Dairy; none of the properties is located within the proposed ADOT right-of-way (ROW). However, the two semi-depressed freeway alternatives would require a realignment of access to the Tyson/Barnes barn. There would be a no adverse effect on the Tyson/Barnes barn as a result of the access modification.

Indirect Impact

Each of the four alignment alternatives would have a similar impact on the **Hudson Farm Historic District**. The freeway would be at least 200 feet west of the Hudson Farm property and 1,500 feet west of 59th Avenue, and the setting of the farmstead (farmhouse and associated structures) from the primary public view (from 59th Avenue) or from within the farmstead would be buffered by the dense windbreak of trees located on the north and west sides of the farmstead. The freeway would be more visibly intrusive from the secondary public view (from Dobbins Road) and from some places in the fields associated with the property, but these vantage points do not provide a view of the district's significant features, i.e., the farmstead buildings and structures seen within the context of the whole farm. A drainage basin adjacent to the southern boundary of the Hudson Farm would not be visible from the primary public view or from within the farmstead. Thus, any visual intrusion created by the project would be negligible and would not impact the National Register eligibility of the Hudson Farm or any of its contributing elements.

- There would be no adverse effect on the Hudson Farm due to general visual intrusion.
- There would be no adverse effect on the Hudson Farm due to increased traffic noise.
- There would be no adverse effect on the Hudson Farm due to nighttime lighting.

The freeway would pass approximately 1,500 feet west of the **Hackin barn**, 1,000 feet west of the **Hudson Farm silos**, and 10 feet east of the **Tyson/Barnes Dairy barn**. Since integrity of design,

materials, workmanship, and association are most important for these property types, their National Register eligibility would not be impacted by a change in setting. Likewise, the placement of a drainage basin to the south and west of the **Hackin barn** would not impact its integrity of design, materials, workmanship, and association.

- There would be no adverse effect on the individually eligible properties due to general visual intrusion.
- There would be no adverse effect on the individually eligible properties due to increased traffic noise.
- There would be no adverse effect on the individually eligible properties due to nighttime lighting.

Summary of Indirect Impacts to the Dobbins Road Historic Properties

Property Name and Address	Primary Criterion	Collapsed Diamond – Elevated Freeway	Collapsed Diamond – Semi-Depressed Freeway	Half Diamond – Elevated Freeway	Half Diamond – Semi-Depressed Freeway
Eligible Historic Districts					
Hudson Farm 9300 S. 59th Avenue	A	No adverse	No adverse	No adverse	No adverse
Individually Eligible Historic Buildings					
Hudson Farm - Cement Stave Silos 9300 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Hackin Farmstead/Dairy – Dairy Flat Barn 10048 S. 59th Avenue	C	No adverse	No adverse	No adverse	No adverse
Tyson Farmstead/Barnes Dairy – Dairy Head-to-Toe Barn 6159 W. Dobbins Road	C	No adverse	No adverse	No adverse	No adverse

Cumulative Impacts

The City of Phoenix has designated this area as the core area of "downtown" Laveen. Local landowners have expressed a desire to develop their properties for commercial and/or residential uses. Housing developments and some associated commercial centers have been constructed nearby; the advancement of this urbanization was slowed only by the economic collapse. Some adjacent landowners have recently had their property reclassified for either commercial or residential property use. Therefore, it is highly likely that future development by the private landowners would also lead to the destruction of the agricultural properties and the historical setting of rural Laveen.

The construction of a freeway through the South Mountain Corridor would accelerate urbanization and likely encourage more commercial and industrial development rather than the predominantly residential construction that has occurred to date. However, since ADOT, the City of Phoenix, landowners, and developers are all planning for future development in the area, it is difficult to determine what the specific agent of change is. Cumulatively, the future development and construction of the freeway has the potential to contribute to an adverse cumulative affect the **Hudson Farm and silos**, **Hackin barn**, and **Tyson/Barnes barn**.

Continuing Cultural Resource Management

In order to proactively address the potential indirect and cumulative adverse effects described above, FHWA and ADOT would document the Hudson Farm Historic District and silos, the Hackin barn, and the Tyson/Barnes barn in a Historic Landscape report. The report would be consistent with the SHPO Standards for Documentation of Historic Properties. For each of the properties this documentation would at a minimum include a descriptive narrative of the property, maps showing geographic location and contextual relationships with other structures and the surrounding landscape, reproductions of original plans/engineering drawings or prepared drawings (or creation of plans/drawings if the originals cannot be found), and photo documentation.

Please review the information provided in this letter, the attached project location maps, and enclosed report. If you agree with the adequacy of the report and agree with FHWA's revised determination of project effect for each alignment and proposed documentation of the historic properties please indicate your concurrence by signing below and return to FHWA. If you have any questions or comments, please feel free to contact Linda Davis at (602) 712-8636 or e-mail LDavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for COP-PGM Concurrence
NH-202-D(ADY)

9/27/2012
Date

Enclosures

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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Phoenix, Arizona 85012-3500
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October 11, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Re: SHPO-2003-1890 (106850)

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have undertaken cultural resource studies. The E1 Alternative for the proposed freeway would be built along and replace Pecos Road, effectively cutting off access to residential subdivisions west of 27th Avenue. The proposed Chandler Boulevard Extension would provide a new access route by extending Chandler Boulevard between 19th Avenue and 27th Avenue.

FHWA and ADOT initiated consultation regarding the Chandler Boulevard Extension identifying the consulting parties, scope, area of potential effects (APE), and a finding of "no adverse effect" (Petty [FHWA] to Jacobs [SHPO] August 8, 2012). Concurrence was received from ASLD (Ross [ASLD] to Petty [FHWA] August 14, 2012), ASM (Pitezel [ASM] to Petty [FHWA] September 11, 2012), BIA (Crain [BIA] to Petty [FHWA] September 21, 2012),

FCDMC (Stevens [FCDMC] to Petty [FHWA] August 20, 2012), the City of Chandler (Dlugas [City of Chandler] to Petty [FHWA] September 10, 2012), the City of Glendale (Ritz [City of Glendale] to Petty [FHWA] August 13, 2012), the City of Phoenix Historic Preservation Office (Dodds [City of Phoenix] to Petty [FHWA] August 29, 2012), the City of Phoenix Pueblo Grande Museum (Montero [City of Phoenix] to Petty [FHWA] September 26, 2012), SRP (Anduze [SRP] to Petty [FHWA] August 24, 2012), the Cocopah Tribe (McCormick [Cocopah Tribe] to Petty [FHWA] August 27, 2012), the Fort McDowell Yavapai Nation (Pattea [Fort McDowell Yavapai Nation] to Petty [FHWA] August 21, 2012), the Gila River Indian Community (Lewis [THPO] to Petty [FHWA] September 10, 2012),the Hopi Tribe (Morgart [Hopi Tribe] to Petty [FHWA] August 14, 2012), the Tonto Apache Tribe [Leubner [Tonto Apache Tribe] to Petty [FHWA] August 14, 2012), the White Mountain Apache Tribe (Altaha [White Mountain Apache Tribe] to Petty [FHWA] August 17, 2012). The Salt River Pima-Maricopa Indian Community (SRP-MIC) responded stating that the Four Southern Tribes in consensus agreed that the Gila River Indian Community will take the lead in providing comments for this project (Butler [SRP-MIC] to Petty [FHWA] August 14, 2012).

Consultation for the Chandler Boulevard Extension identified three sites near and within the proposed APE, Site AZ T:12:287 (ASM), Site AZ T:12:286 (ASM), and Site AZ T:12:111 (ASM). Site AZ T:12:286 (ASM) is a possible prehistoric agricultural site consisting of a set of rock clusters/piles located near the APE. The site is in good condition with no new disturbances. FHWA recommended that the site is eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion D for its potential to contribute information on prehistoric agricultural practices. Site AZ T:12:111 (ASM) is a historic mining site that has been obliterated by a City of Phoenix water line project and FHWA recommended the site as not eligible for inclusion in the NRHP.

Site AZ T:12:287 (ASM) is identified as a possible O'odham shrine located near the APE. The site consists of two rock features, one with an etched petroglyph on a portable stone at the center. Because the site could not be placed within a definable temporal context, FHWA recommended that it was not eligible for inclusion in the NRHP as an archaeological site. Furthermore, FHWA recommended continuing consultation with Gila River Indian Community's Tribal Historic Preservation Office (THPO) to confirm the site's status as a potential traditional cultural property and regarding its management. The Arizona State Historic Preservation Office (SHPO) responded stating that "when that tribal consultation process is completed, and the status of the eligibility of site AZ T:12:287 (ASM) is determined, our office will then be prepared to comment upon the eligibility of the sites and an appropriate finding of effect" (Jacobs [SHPO] to Petty [FHWA] August 13, 2012).

In response to the Chandler Boulevard Extension consultation, the Gila River Indian Community's THPO concurred with FHWA's eligibility recommendations and a finding of "no adverse effect". Additionally, the THPO noted that in 2008 Barnaby V. Lewis and Andrew Darling were consulted in regards to Site AZ T:12:287 (ASM); at this time they both confirmed that the site is a historic O'odham Shrine and that it is still not considered a NRHP eligible property (Lewis [THPO] to Petty [FHWA] September 10, 2012). The THPO also recommended that a site visit to AZ T:12:287 (ASM) be conducted to assess damage to the site, and ascertain if the petroglyph boulder should be collected before it is lost through accumulated disturbance.

Coordination of the site visit is currently underway. A copy of Gila River Indian Community's THPO response is enclosed for your reference.

Based on Gila River Indian Community's THPO concurrence, FHWA recommends Site AZ T:12:286 (ASM) as eligible for the NRHP, Site AZ T:12:287 (ASM) and Site AZ T:12:111 (ASM) as not eligible for the NRHP, and has determined that a finding of "no adverse effect" is still appropriate for this undertaking. Please review the enclosed THPO response and the information provided in this letter. If you agree with the NRHP eligibility recommendation and finding of project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosure

SHPO-2003-1890(108411)

U.S. Department of Transportation
Federal Highway Administration

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October 11, 2012

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OCT 12 2012
ARIZONA STATE PARKS

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Chandler Boulevard Extension

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Re: SHPO-2003-1890 (106850)

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In response to the Chandler Boulevard Extension consultation, the Gila River Indian Community's THPO concurred with FHWA's eligibility recommendations and a finding of "no adverse effect". Additionally, the THPO noted that in 2008 Barnaby V. Lewis and Andrew Darling were consulted in regards to Site AZ T:12:287 (ASM); at this time they both confirmed that the site is a historic O'odham Shrine and that it is still not considered a NRHP eligible property (Lewis [THPO] to Petty [FHWA] September 10, 2012). The THPO also recommended that a site visit to AZ T:12:287 (ASM) be conducted to assess damage to the site, and ascertain if the petroglyph boulder should be collected before it is lost through accumulated disturbance.

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Sincerely yours,

for Karla S. Petty
Division Administrator

OCT 22 2012

Signature for SHPO Concurrence
NH-202-D(ADY)

17 OCT 12
Date

Enclosure

CC: Linda Davis, ADOT

This letter was also sent to:

Mr. Steve Ross, Cultural Resources Manager, Arizona State Land Department

Ms. Chery Blanchard, Archaeologist, Bureau of Land Management

Mr. Dave Gifford, Archaeologist, Bureau of Reclamation

Ms. Michelle Dodds, Historic Preservation Office, City of Phoenix

Ms. Laurene Montero, Archaeologist, City of Phoenix

Mr. Richad A. Anduze, Archaeologist, Salt River Project

GILA RIVER INDIAN COMMUNITY
POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE
(520) 562-7162
Fax: (520) 562-5083

October 22, 2012

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

RE: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L, South Mountain Freeway, DCR and EIS Continuing 106 Traditional Cultural Properties (TCP) Enhancement Plan, No Adverse Effect

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received report *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects Addendum Planning for TCP Mitigation Villa Buena (AZT:12:9[ASM]), Pueblo Del Alamo (AZ T:12:53[ASM]) (Darling and Loendorf 2012)* dated September 26, 2012. The report evaluates the National Register eligibility status of sites Villa Buena (AZ T:12:9[ASM]) and Pueblo del Alamo (AZ T:12:52[ASM]) and plans for mitigation of adverse effects to the sites.

For the extent of the consultation process, the GRIC-THPO has maintained that Villa Buena and Pueblo del Alamo are Akimel O'Odham and Pee Posh Traditional Cultural Properties (TCPs) and Register eligible properties under Criterion A and Criterion D as stipulated in 36 CFR 60: National Register of Historic Places. The FHWA and the Arizona Department of Transportation (ADOT) have both agreed that the sites are Register eligible properties under Criterion A and that there would be adverse effects to the sites if construction of the Loop 202 South Mountain Freeway were to proceed. The finding of site significance under Criterion A presented a situation where mitigative actions would require an alternative strategy to prevent potential adverse effects to the sites. The Darling and Loendorf document proposes that a TCP Enhancement Plan be developed and implemented upon completion of the Environmental Impact Statement (EIS) process. The TCP Enhancement Plan would insure that: 1) The sites and the people are physically and spiritually prepared for anticipated ground disturbance through conducting traditional religious activities, developing and sponsoring exhibits and outreach, through continued tribal consultation, sponsoring of cultural sensitivity training sessions, and through the protection of equivalent sites and sacred landscapes; and 2) The development of

programmatic solutions focused on preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in GRIC culture and history. Through the implementation of the TCP Enhancement Plan, adverse effects to the two sites under Criterion A will be eliminated. Implementation of the TCP Enhancement Plan would allow the FHWA to make a determination of no adverse effect for Villa Buena and Pueblo del Alamo under Criterion A. The FHWA acknowledges that if the plan is not implemented, that the GRIC and the GRIC-THPO would be able to revise their position and not concur with FHWA and ADOT recommendations. In addition, the GRIC-THPO and the FHWA want to make it clearly understood that mitigation of adverse effects for Criterion D is still required. Data recovery efforts must still be undertaken at the two sites.

The GRIC-THPO concurs with a determinations of no adverse effect to Villa Buena and Pueblo del Alamo as it pertains to Section 106 of the National Historic Preservation Act and to Criterion A which is defined under 36 CFR 60: National Register of Historic Places. The GRIC-THPO also accepts the TCP Enhancement Plan and all recommendations put forth in the document. The TCP Enhancement Plan is a thoughtful, unique way to avoid potential adverse effects of this undertaking. It is well written. The GRIC-THPO would like to reiterate our appreciation to the FHWA and ADOT for acknowledging and accepting the GRIC worldview.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) together with the Pee Posh (Maricopa). O'Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O'Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community

U.S. Department of Transportation
Federal Highway Administration

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October 23, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No.: 202L MA 54 H5764 01L
202L. South Mountain Freeway DCR and EIS
Continuing Section 106 Consultation
Section 4(f)
No Adverse Effect

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
130 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the south side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration, the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima- Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800, NHPA), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies and engaging in an ongoing open dialog with GRIC's Tribal Historic Preservation Office (THPO) and

Cultural Resource Management Program (CRMP) regarding the identification and evaluation of places of religious and cultural significance to the tribe, often referred to as traditional cultural properties (TCPs) as they may be affected by the proposed South Mountain Freeway project. As a result of these discussions, the GRIC has identified TCPs that are eligible for the National Register of Historic Places (NRHP), and could be affected by the construction of the South Mountain Freeway. These include, among others, the prehistoric Hohokam villages of Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM]) (Petty [FHWA] to Jacobs [SHPO], April 24 2012).

Previous correspondence has summarized the specific qualities of Villa Buena and Pueblo del Alamo as TCPs under Criteria A and D of the NRHP, as well as proposed mitigation to address any potential adverse effects to all TCPs identified within the South Mountain freeway project area (Petty [FHWA] to Mendoza [GRIC], April 24, 2012). The mitigation strategies presented thus far include Treatment Plans entitled *South Mountain Freeway (SR 102L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development Summary Scope of Work (Draft)* (Darling 2008), and an addendum to the aforementioned document entitled *Addendum Planning for TCP Mitigation Villa Buena (AZ T:12:9 [ASM] and Pueblo del Alamo (AZ T:12:52 [ASM]) (Draft)* (Darling 2012), both of which the SHPO previously approved (Petty [FHWA] to Jacobs [SHPO], April 24 2012 [SHPO concurrence 18 May 2012]).

However, based on comments received from SHPO as part of previous consultation dated April 24, 2012 (Petty [FHWA] to Jacobs [SHPO]), and in further consideration of the GRIC's specific concerns for the spiritual welfare and cultural loss to their members and those of other affiliated Tribes due to potential impacts to Villa Buena and Pueblo del Alamo, this letter proposes that in the event of freeway construction an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. The *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])*, replaces the previously identified "Addendum Plan" for Villa Buena and Pueblo del Alamo. This document proposes that upon completion of the EIS review process, a *TCP Enhancement Plan* will be developed and implemented, which would insure the following:

1) Preparation of the site(s) and Tribal members for anticipated ground disturbance including Traditional Religious Activities, Exhibits and Outreach, Tribal Consultation, Cultural Sensitivity Training, and the Protection of Equivalent Sites and Sacred Landscapes; and
2) Development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in GRIC culture and history.

As noted in previous correspondence with the SHPO (Petty [FHWA] to Jacobs [SHPO], April 24, 2012), the present surface condition of both sites within the area of potential effects (APE) of the proposed western alignments of the 202L freeway is highly disturbed by recent activities such as farming and other development. However, FHWA also recognizes and respects the GRIC's position that these disturbances in no way diminish the qualities of these sites as TCPs. This includes those aspects of site presence, both physical and spiritual; that the GRIC believes will be negatively impacted by freeway construction. These impacts could arguably be considered potential adverse effects under Criterion A of the NRHP. The FHWA also recognizes the GRIC's concerns in regard to site desecration due to intrusion and ground disturbance, which may affect the spiritual welfare of its members and other affiliated Tribes.

In order to address these concerns and in consultation with the GRIC, the FHWA position is that the proposal to develop and implement a *TCP Enhancement Plan* for Villa Buena and Pueblo del Alamo will serve to prevent or eliminate the potential for these adverse effects to Villa Buena and Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP. This plan will not address

other TCPs in the APE or adverse effects under Criterion D of the NRHP as they pertain to these two sites. However, FHWA believes that this revised strategy addresses the SHPOs concerns over the presence or absence of adverse effect under Criterion A and allows the GRIC to take the lead in developing a plan for eliminating the potential for adverse effects, which they feel remain in spite of the present surface condition of these two sites. The attached consultation dated October 22, 2012 indicates the GRIC's concurrence that the development and implementation of a *TCP Enhancement Plan* will prevent potential adverse effects under Criterion A to Villa Buena and Pueblo del Alamo in the event of freeway construction. Furthermore, the GRIC concurred that the *TCP Enhancement Plan* is an adequate precondition for their concurrence with FHWA's recommendation for a finding of "no adverse effect" under Criterion A.

In conclusion, since the proposed strategy for TCP enhancement is to prevent the potential for adverse effects, it is the position of the FHWA that the adoption of the attached proposal is a sufficient and reasonable condition for recommending a finding of "no adverse effect" for Villa Buena and Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP. SHPO concurrence with this finding is requested with the full understanding that FHWA and ADOT are committed to the development and implementation of the *TCP Enhancement Plan* as presented in the attached proposal. Furthermore, FHWA acknowledges that failure to develop and implement such a plan could result in adverse effects under Criterion A, if freeway construction proceeds, and in that event, the SHPO may find it necessary to revise its position.

The TCPs that are the topic of this letter are also subject to regulations set forth in Section 4(f) of the Department of Transportation (DOT) Act of 1966, 49 U.S.C. 303, as amended. Section 4(f) stipulates that FHWA and other DOT agencies cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historic sites unless there is no feasible and prudent alternative to the use of that land, and that the proposed action includes all possible planning to minimize harm to the property resulting from such use.

Section 4(f) generally applies to the use of TCPs that are determined to be eligible for listing in the NRHP. FHWA believes that Section 4(f) does not apply to the proposed use of portions of the Villa Buena and Pueblo del Alamo TCPs for the proposed South Mountain Freeway project alternatives because the impacted area is primarily archeological in nature and preservation in place is not warranted. The exception is detailed in 23 CFR 774.13 as follows: "The Administration has identified various exceptions to the requirement for Section 4(f) approval. These exceptions include, but are not limited to: (b) Archeological sites that are on or eligible for the National Register when: (1) The Administration concludes that the archeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and (2) The official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding in paragraph (b)(1) of this section."

As mentioned above, a number of meetings have taken place between FHWA, ADOT, GRIC CRMP, and GRIC THPO in which the nature of and the impacts to the Villa Buena and Pueblo del Alamo TCPs were discussed. Through these discussions the parties have come to the conclusion that modern development has already significantly altered the portions of these sites that would be impacted by the highway project. While the modern surface development does not diminish the association with traditional cultural practices of the GRIC for purposes of the consultation required by NHPA, for purposes of Section 4(f), the FHWA believes that the impacted area is important chiefly for what could be learned by data recovery of any subsurface features that may still be present. In addition, future archaeological investigations may contribute to their TCP status.

If you have no objection to FHWA's determination under Section 4(f) that the portions of the Villa Buena and Pueblo de Los Alamos TCPs that would be used by the proposed project alternatives under consideration are chiefly important because of what can be learned by data recovery and have minimal value for preservation in place, then FHWA will apply the Section 4(f) exception described above to the use of these properties. This determination is for purposes of Section 4(f) only and would not have any impact on the Section 106 consultation that is underway and will continue.

Please review the information provided in this letter and the enclosed consultation.If you agree with FHWA's finding of "no adverse effect" and do not object to the Section 4(f) determinations described above, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for R Lea Stitt

Karla S. Petty
Division Administrator

_____ _____
Signature for SHPO Concurrence Date
NH-202-D(ADY)

Enclosure

GILA RIVER INDIAN COMMUNITY
POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE
(520) 562-7162
Fax: (520) 562-5083

October 22, 2012

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

RE: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L, South Mountain Freeway, DCR and EIS Continuing 106 Traditional Cultural Properties (TCP) Enhancement Plan, No Adverse Effect

Dear Ms. Petty,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received report *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Traditional Cultural Properties and Mitigation of Transportation Corridor Development Adverse Effects Addendum Planning for TCP Mitigation Villa Buena (AZT:12.9[ASM]), Pueblo Del Alamo (AZ T:12.53[ASM]) (Darling and Loendorf 2012)* dated September 26, 2012. The report evaluates the National Register eligibility status of sites Villa Buena (AZ T:12:9[ASM]) and Pueblo del Alamo (AZ T:12:52[ASM]) and plans for mitigation of adverse effects to the sites.

For the extent of the consultation process, the GRIC-THPO has maintained that Villa Buena and Pueblo del Alamo are Akimel O'Odham and Pee Posh Traditional Cultural Properties (TCPs) and Register eligible properties under Criterion A and Criterion D as stipulated in 36 CFR 60: National Register of Historic Places. The FHWA and the Arizona Department of Transportation (ADOT) have both agreed that the sites are Register eligible properties under Criterion A and that there would be adverse effects to the sites if construction of the Loop 202 South Mountain Freeway were to proceed. The finding of site significance under Criterion A presented a situation where mitigative actions would require an alternative strategy to prevent potential adverse effects to the sites. The Darling and Loendorf document proposes that a TCP Enhancement Plan be developed and implemented upon completion of the Environmental Impact Statement (EIS) process. The TCP Enhancement Plan would insure that: 1) The sites and the people are physically and spiritually prepared for anticipated ground disturbance through conducting traditional religious activities, developing and sponsoring exhibits and outreach, through continued tribal consultation, sponsoring of cultural sensitivity training sessions, and through the protection of equivalent sites and sacred landscapes; and 2) The development of

programmatic solutions focused on preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in GRIC culture and history. Through the implementation of the TCP Enhancement Plan, adverse effects to the two sites under Criterion A will be eliminated. Implementation of the TCP Enhancement Plan would allow the FHWA to make a determination of no adverse effect for Villa Buena and Pueblo del Alamo under Criterion A. The FHWA acknowledges that if the plan is not implemented, that the GRIC and the GRIC-THPO would be able to revise their position and not concur with FHWA and ADOT recommendations. In addition, the GRIC-THPO and the FHWA want to make it clearly understood that mitigation of adverse effects for Criterion D is still required. Data recovery efforts must still be undertaken at the two sites.

The GRIC-THPO concurs with a determinations of no adverse effect to Villa Buena and Pueblo del Alamo as it pertains to Section 106 of the National Historic Preservation Act and to Criterion A which is defined under 36 CFR 60: National Register of Historic Places. The GRIC-THPO also accepts the TCP Enhancement Plan and all recommendations put forth in the document. The TCP Enhancement Plan is a thoughtful, unique way to avoid potential adverse effects of this undertaking. It is well written. The GRIC-THPO would like to reiterate our appreciation to the FHWA and ADOT for acknowledging and accepting the GRIC worldview.

The GRIC maintains and reinforces the cultural significance of South Mountain to the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation) together with the Pee Posh (Maricopa). O'Odham oral history and religion defines our life and relationship to the natural world and the cultural landscape. Akimel O'Odham and Pee Posh oral histories, religion, creation stories, ceremonial activities and practices, and the concepts of power and sacred places are inseparably tied to every part of the natural environment. Sacred places and Traditional Cultural Places (TCPs) must be treated with reverence and respect.

The GRIC-THPO looks forward to continuing consultation regarding the proposed 202 Loop. If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community

U.S. Department of Transportation
Federal Highway Administration

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October 31, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Western Transmission Line Realignment

Mr. Gregory Mendoza, Governor
Gila River Indian Community
P.O. Box 97
Sacaton, Arizona 85147

Dear Governor Mendoza:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration (Western), the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies. The proposed South Mountain Freeway would require realignment of the Liberty-Coolidge 230-kV Transmission Line, which is administered by Western. At the request of ADOT, GRIC's Cultural Resource Management

Program (CRMP) performed a Class III survey of three potential transmission line realignment corridors that would be required for the proposed South Mountain Freeway. At the time the survey was conducted, two separate eastern alignments for the freeway, the Pecos Road alignment (E1) and an alignment located on the GRIC (E2), were being studied by FHWA and ADOT. Thus, the survey addressed potential transmission line realignment corridors required for both the E1 and the E2 alignments. CRMP documented seven archaeological sites within the Western realignment corridors.

Site Number	Site Type	South Mountain Freeway alignment alternative site is located within
AZ T:12:52 (ASM) / Pueblo del Alamo	Village with platform mounds and canal	E1
AZ T:12:112 (ASM)	Shrine site containing mound, trail, and cleared area	E2
GR-1002	Dry farming agricultural site	E2
GR-1003	Dry farming agricultural site	E2
GR-1081	Petroglyph site with an associated artifact scatter of sherds and lithics	E2
GR-1569	Dry farming agricultural site	E2
GR-1571	Historic artifact scatter	E2

The E2 South Mountain Freeway alignment will not be carried forward in the Draft Environmental Impact Statement. Therefore, this letter does not include a discussion of the realignment corridors required for the proposed E2 alignment or the sites affected only by the E2 alignment.

The realignment corridor alternatives required for the proposed E1 corridor are 200 feet wide. The corridor between transmission line structures 18/1 and 18/6, is located on private land; the corridor between transmission line structures 26/2 and 26/5 is located on the GRIC and private land.

The results of CRMP's Class III survey of the transmission line realignment corridors are reported in *"A Class I and Class III Cultural Resource Survey for the Proposed Liberty-Coolidge 230-Kv Transmission Line Realignment, in Support of the South Mountain Loop 2002 Alignment, in the Gila River Indian Community, the Unincorporated Community of Laveen, and the City of Phoenix, Maricopa County, Arizona"* (McCool and Loendorf 2012). A copy of the report is enclosed for your review and comment. Because of the confidential nature of the Traditional Cultural Properties (TCP) information contained within the report, FHWA has limited its distribution to Western, the GRIC, and the SHPO.

AZ T:12:52 (ASM), also known as Pueblo del Alamo, is a prehistoric Hohokam village site that was previously determined eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A as a TCP and under Criterion D as an archaeological site (Lewis [Tribal Historic Preservation Office (THPO)] to Petty [FHWA], July 3, 2012; Jacobs [SHPO] to Petty [FHWA], May 15, 2012). A portion of the site was documented within the Western realignment corridors. The line realignment for the E1 Alternative would require relocating one transmission line tower (structure 18/3) within the site's boundaries.

The construction of the new tower would require ground disturbing activities; therefore, FHWA has determined the transmission line realignment would result in an "adverse effect" to AZ T:12:52 (ASM) / Pueblo del Alamo under Criterion D as an archaeological site. Mitigation of any adverse effects to the archaeological site resulting from the realignment would be developed in accordance with the Programmatic Agreement (PA) that has been developed and executed for the project as a whole.

The present surface condition of AZ T:12:52 (ASM) / Pueblo del Alamo within the area of potential effect (APE) is highly disturbed by recent activities such as farming and other development; however, FHWA recognizes and respects the GRIC's position that these disturbances in no way diminish the qualities of the site as a TCP. This includes the physical and spiritual aspects of the site that the GRIC believes could be negatively impacted by the proposed line relocation. Additionally, FHWA recognizes the GRIC's concerns in regard to site desecration due to intrusion and ground disturbance, which may affect the spiritual welfare of its members and other affiliated Tribes. A TCP Enhancement Plan was developed and will be implemented to address these concerns and to prevent adverse effects to the site under Criterion A. The GRIC THPO concurred that the development and implementation of a TCP Enhancement Plan will prevent potential adverse effects under Criterion A to Pueblo del Alamo (Lewis [THPO] to Petty [FHWA] October 22, 2012). Therefore it is the position of the FHWA that the TCP Enhancement Plan is a sufficient and reasonable condition for recommending a finding of "no adverse effect" for Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP.

Based on the above, FHWA has determined that a finding of "adverse effect" is appropriate for AZ T:12:52 (ASM) / Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion D of the NRHP and that a finding of "no adverse effect" is appropriate under Section 106 of the NHPA as it pertains to Criterion A of the NRHP for the proposed Western transmission line realignment. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for GRIC Concurrence
NH-202-D(ADY)

Date

Enclosure

cc:
Barnaby Lewis, Tribal Historic Preservation Officer, Gila River Indian Community, P.O. Box 2140, Sacaton, AZ 85147 (with enclosure)
Kyle Woodson, Acting Coordinator, Cultural Resource Management Program, Gila River Indian Community, P.O. Box 2140, Sacaton, AZ, 85147 (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

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October 31, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Western Transmission Line Realignment

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration (Western), the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.
In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies. The proposed South Mountain Freeway would require realignment of the Liberty-Coolidge 230-kV Transmission Line, which is administered by Western. At the request of ADOT, GRIC's Cultural Resource Management

Program (CRMP) performed a Class III survey of three potential transmission line realignment corridors that would be required for the proposed South Mountain Freeway. At the time the survey was conducted, two separate eastern alignments for the freeway, the Pecos Road alignment (E1) and an alignment located on the GRIC (E2), were being studied by FHWA and ADOT. Thus, the survey addressed potential transmission line realignment corridors required for both the E1 and the E2 alignments. CRMP documented seven archaeological sites within the Western realignment corridors.

Site Number	Site Type	South Mountain Freeway alignment alternative site is located within
AZ T:12:52 (ASM) / Pueblo del Alamo	Village with platform mounds and canal	E1
AZ T:12:112 (ASM)	Shrine site containing mound, trail, and cleared area	E2
GR-1002	Dry farming agricultural site	E2
GR-1003	Dry farming agricultural site	E2
GR-1081	Petroglyph site with an associated artifact scatter of sherds and lithics	E2
GR-1569	Dry farming agricultural site	E2
GR-1571	Historic artifact scatter	E2

The E2 South Mountain Freeway alignment will not be carried forward in the Draft Environmental Impact Statement. Therefore, this letter does not include a discussion of the realignment corridors required for the proposed E2 alignment or the sites affected only by the E2 alignment.

The realignment corridor alternatives required for the proposed E1 corridor are 200 feet wide. The corridor between transmission line structures 18/1 and 18/6, is located on private land; the corridor between transmission line structures 26/2 and 26/5 is located on the GRIC and private land.

The results of CRMP's Class III survey of the transmission line realignment corridors are reported in *"A Class I and Class III Cultural Resource Survey for the Proposed Liberty-Coolidge 230-Kv Transmission Line Realignment, In Support of the South Mountain Loop 2002 Alignment, in the Gila River Indian Community, the Unincorporated Community of Laveen, and the City of Phoenix, Maricopa County, Arizona"* (McCool and Loendorf 2012). A copy of the report is enclosed for your review and comment. Because of the confidential nature of the Traditional Cultural Properties (TCP) information contained within the report, FHWA has limited its distribution to Western, the GRIC, and the SHPO.

AZ T:12:52 (ASM), also known as Pueblo del Alamo, is a prehistoric Hohokam village site that was previously determined eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A as a TCP and under Criterion D as an archaeological site (Lewis [Tribal Historic Preservation Office (THPO)] to Petty [FHWA], July 3, 2012; Jacobs [SHPO] to Petty [FHWA], May 15, 2012). A portion of the site was documented within the Western realignment corridors. The line realignment for the E1 Alternative would require relocating one transmission line tower (structure 18/3) within the site's boundaries.

The construction of the new tower would require ground disturbing activities; therefore, FHWA has determined the transmission line realignment would result in an "adverse effect" to AZ T:12:52 (ASM) / Pueblo del Alamo under Criterion D as an archaeological site. Mitigation of any adverse effects to the archaeological site resulting from the realignment would be developed in accordance with the Programmatic Agreement (PA) that has been developed and executed for the project as a whole.

The present surface condition of AZ T:12:52 (ASM) / Pueblo del Alamo within the area of potential effects (APE) is highly disturbed by recent activities such as farming and other development; however, FHWA recognizes and respects the GRIC's position that these disturbances in no way diminish the qualities of the site as a TCP. This includes the physical and spiritual aspects of the site that the GRIC believes could be negatively impacted by the proposed line relocation. Additionally, FHWA recognizes the GRIC's concerns in regard to site desecration due to intrusion and ground disturbance, which may affect the spiritual welfare of its members and other affiliated Tribes. A TCP Enhancement Plan was developed and will be implemented to address these concerns and to prevent adverse effects to the site under Criterion A. The GRIC THPO concurred that the development and implementation of a TCP Enhancement Plan will prevent potential adverse effects under Criterion A to Pueblo del Alamo (Lewis [THPO] to Petty [FHWA] October 22, 2012). Therefore it is the position of the FHWA that the TCP Enhancement Plan is a sufficient and reasonable condition for recommending a finding of "no adverse effect" for Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP.

Based on the above, FHWA has determined that a finding of "adverse effect" is appropriate for AZ T:12:52 (ASM) / Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion D of the NRHP and that a finding of "no adverse effect" is appropriate under Section 106 of the NHPA as it pertains to Criterion A of the NRHP for the proposed Western transmission line realignment. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for

Karla S. Petty
Division Administrator

_____ _____

Signature for SHPO Concurrence
NH-202-D(ADY)

Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

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October 31, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Western Transmission Line Realignment

Ms. Linda Hughes, Environmental Manager
Western Area Power Administration
615 South 43rd Avenue
Phoenix, AZ 85009

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration (Western), the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies. The proposed South Mountain Freeway would require realignment of the Liberty-Coolidge 230-kV Transmission Line, which is administered by Western. At the request of ADOT, GRIC's Cultural Resource Management

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GR-1081	Petroglyph site with an associated artifact scatter of sherds and lithics	E2
GR-1569	Dry farming agricultural site	E2
GR-1571	Historic artifact scatter	E2

The E2 South Mountain Freeway alignment will not be carried forward in the Draft Environmental Impact Statement. Therefore, this letter does not include a discussion of the realignment corridors required for the proposed E2 alignment or the sites affected only by the E2 alignment.

The realignment corridor alternatives required for the proposed E1 corridor are 200 feet wide. The corridor between transmission line structures 18/1 and 18/6, is located on private land; the corridor between transmission line structures 26/2 and 26/5 is located on the GRIC and private land.

The results of CRMP's Class III survey of the transmission line realignment corridors are reported in *"A Class I and Class III Cultural Resource Survey for the Proposed Liberty-Coolidge 230-Kv Transmission Line Realignment, in Support of the South Mountain Loop 2002 Alignment, in the Gila River Indian Community, the Unincorporated Community of Laveen, and the City of Phoenix, Maricopa County, Arizona"* (McCool and Loendorf 2012). A copy of the report is enclosed for your review and comment. Because of the confidential nature of the Traditional Cultural Properties (TCP) information contained within the report, FHWA has limited its distribution to Western, the GRIC, and the SHPO.

AZ T:12:52 (ASM), also known as Pueblo del Alamo, is a prehistoric Hohokam village site that was previously determined eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A as a TCP and under Criterion D as an archaeological site (Lewis [Tribal Historic Preservation Office (THPO)] to Petty [FHWA], July 3, 2012; Jacobs [SHPO] to Petty [FHWA], May 15, 2012). A portion of the site was documented within the Western realignment corridors. The line realignment for the E1 Alternative would require relocating one transmission line tower (structure 18/3) within the site's boundaries.

The construction of the new tower would require ground disturbing activities; therefore, FHWA has determined the transmission line realignment would result in an "adverse effect" to AZ T:12:52 (ASM) / Pueblo del Alamo under Criterion D as an archaeological site. Mitigation of any adverse effects to the archaeological site resulting from the realignment would be developed in accordance with the Programmatic Agreement (PA) that has been developed and executed for the project as a whole.

The present surface condition of AZ T:12:52 (ASM) / Pueblo del Alamo within the area of potential effects (APE) is highly disturbed by recent activities such as farming and other development; however, FHWA recognizes and respects the GRIC's position that these disturbances in no way diminish the qualities of the site as a TCP. This includes the physical and spiritual aspects of the site that the GRIC believes could be negatively impacted by the proposed line relocation. Additionally, FHWA recognizes the GRIC's concerns in regard to site desecration due to intrusion and ground disturbance, which may affect the spiritual welfare of its members and other affiliated Tribes. A TCP Enhancement Plan was developed and will be implemented to address these concerns and to prevent adverse effects to the site under Criterion A. The GRIC THPO concurred that the development and implementation of a TCP Enhancement Plan will prevent potential adverse effects under Criterion A to Pueblo del Alamo (Lewis [THPO] to Petty [FHWA] October 22, 2012). Therefore it is the position of the FHWA that the TCP Enhancement Plan is a sufficient and reasonable condition for recommending a finding of "no adverse effect" for Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP.

Based on the above, FHWA has determined that a finding of "adverse effect" is appropriate for AZ T:12:52 (ASM) / Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion D of the NRHP and that a finding of "no adverse effect" is appropriate under Section 106 of the NHPA as it pertains to Criterion A of the NRHP for the proposed Western transmission line realignment. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for

Karla S. Petty
Division Administrator

_____ _____

Signature for Western Concurrence
NH-202-D(ADY)

Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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October 31, 2012

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Western Transmission Line Realignment

Ms. Linda Hughes, Environmental Manager
Western Area Power Administration
615 South 43rd Avenue
Phoenix, AZ 85009

Dear Ms. Hughes:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS & Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountain from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project is scheduled to employ federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is varied.

Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), the Arizona State Land Department, the Arizona State Museum, the U.S. Army Corps of Engineers, the Bureau of Land Management, the Bureau of Indian Affairs, the Bureau of Reclamation, the Western Area Power Administration (Western), the Salt River Project, the Maricopa County Department of Transportation, the Flood Control District of Maricopa County, the Roosevelt Irrigation District, the City of Avondale, the City of Chandler, the City of Glendale, the City of Phoenix, the City of Tolleson, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Gila River Indian Community (GRIC), the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Prescott Indian Tribe.

In accordance with the regulations implementing Section 106 of the National Historic Preservation Act (36 CFR 800), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been carrying out cultural resource studies. The proposed South Mountain Freeway would require realignment of the Liberty-Coolidge 230-kV Transmission Line, which is administered by Western. At the request of ADOT, GRIC's Cultural Resource Management

Program (CRMP) performed a Class III survey of three potential transmission line realignment corridors that would be required for the proposed South Mountain Freeway. At the time the survey was conducted, two separate eastern alignments for the freeway, the Pecos Road alignment (E1) and an alignment located on the GRIC (E2), were being studied by FHWA and ADOT. Thus, the survey addressed potential transmission line realignment corridors required for both the E1 and the E2 alignments. CRMP documented seven archaeological sites within the Western realignment corridors.

Site Number	Site Type	South Mountain Freeway alignment alternative site is located within
AZ T:12:52 (ASM) / Pueblo del Alamo	Village with platform mounds and canal	E1
AZ T:12:112 (ASM)	Shrine site containing mound, trail, and cleared area	E2
GR-1002	Dry farming agricultural site	E2
GR-1003	Dry farming agricultural site	E2
GR-1081	Petroglyph site with an associated artifact scatter of sherds and lithics	E2
GR-1569	Dry farming agricultural site	E2
GR-1571	Historic artifact scatter	E2

The E2 South Mountain Freeway alignment will not be carried forward in the Draft Environmental Impact Statement. Therefore, this letter does not include a discussion of the realignment corridors required for the proposed E2 alignment or the sites affected only by the E2 alignment.

The realignment corridor alternatives required for the proposed E1 corridor are 200 feet wide. The corridor between transmission line structures 18/1 and 18/6, is located on private land; the corridor between transmission line structures 26/2 and 26/5 is located on the GRIC and private land.

The results of CRMP's Class III survey of the transmission line realignment corridors are reported in *"A Class I and Class III Cultural Resource Survey for the Proposed Liberty-Coolidge 230-Kv Transmission Line Realignment, in Support of the South Mountain Loop 2002 Alignment, in the Gila River Indian Community, the Unincorporated Community of Laveen, and the City of Phoenix, Maricopa County, Arizona"* (McCool and Loendorf 2012). A copy of the report is enclosed for your review and comment. Because of the confidential nature of the Traditional Cultural Properties (TCP) information contained within the report, FHWA has limited its distribution to Western, the GRIC, and the SHPO.

AZ T:12:52 (ASM), also known as Pueblo del Alamo, is a prehistoric Hohokam village site that was previously determined eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion A as a TCP and under Criterion D as an archaeological site (Lewis [Tribal Historic Preservation Office (THPO)] to Petty [FHWA], July 3, 2012; Jacobs [SHPO] to Petty [FHWA], May 15, 2012). A portion of the site was documented within the Western realignment corridors. The line realignment for the E1 Alternative would require relocating one transmission line tower (structure 18/3) within the site's boundaries.

The construction of the new tower would require ground disturbing activities; therefore, FHWA has determined the transmission line realignment would result in an "adverse effect" to AZ T:12:52 (ASM) / Pueblo del Alamo under Criterion D as an archaeological site. Mitigation of any adverse effects to the archaeological site resulting from the realignment would be developed in accordance with the Programmatic Agreement (PA) that has been developed and executed for the project as a whole.

The present surface condition of AZ T:12:52 (ASM) / Pueblo del Alamo within the area of potential effects (APE) is highly disturbed by recent activities such as farming and other development; however, FHWA recognizes and respects the GRIC's position that these disturbances in no way diminish the qualities of the site as a TCP. This includes the physical and spiritual aspects of the site that the GRIC believes could be negatively impacted by the proposed line relocation. Additionally, FHWA recognizes the GRIC's concerns in regard to site desecration due to intrusion and ground disturbance, which may affect the spiritual welfare of its members and other affiliated Tribes. A TCP Enhancement Plan was developed and will be implemented to address these concerns and to prevent adverse effects to the site under Criterion A. The GRIC THPO concurred that the development and implementation of a TCP Enhancement Plan will prevent potential adverse effects under Criterion A to Pueblo del Alamo (Lewis [THPO] to Petty [FHWA] October 22, 2012). Therefore it is the position of the FHWA that the TCP Enhancement Plan is a sufficient and reasonable condition for recommending a finding of "no adverse effect" for Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion A of the NRHP.

Based on the above, FHWA has determined that a finding of "adverse effect" is appropriate for AZ T:12:52 (ASM) / Pueblo del Alamo under Section 106 of the NHPA as it pertains to Criterion D of the NRHP and that a finding of "no adverse effect" is appropriate under Section 106 of the NHPA as it pertains to Criterion A of the NRHP for the proposed Western transmission line realignment. Please review the enclosed report and information provided in this letter. If you agree with the adequacy of the report and project effect, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

NOV 27 2012

Signature for Western Concurrence
NH-202-D(ADY)

11-20-12
Date

Enclosure

U.S.Department of Transportation
Federal Highway Administration

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Louis Manuel, Jr., Chairman
Ak-Chin Indian Community
42507 West Peters & Nall Road
Maricopa, Arizona 85138

Dear Chairman Manuel:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for Ak-Chin Indian Community Concurrence NH-202-D(ADY) Date

Enclosure

cc:
Caroline Antone, Cultural Resource Manager, Ak-Chin Indian Community, 42507 W. Peters and Nall Road, Maricopa, AZ 85138 (with enclosure)

2012-138

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

MAR 06 2013

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Garry Cantley, Western Regional Archaeologist
Bureau of Indian Affairs
2600 North Central Avenue, Suite 400
MS-620EQS
Phoenix, Arizona 85004-3008

FEB 2013
WESTERN REGIONAL OFC
ENVIRONMENTAL
SERVICES

Dear Mr. Cantley:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo

with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

MAR 06 2013

Signature for BIA Concurrence — Date: 2-19-13
NH-202-D(ADY)

Enclosure

U.S. Department of Transportation
Federal Highway Administration

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Charles Wood, Chairman
Chemehuevi Tribe
P.O. Box 1976
Havasu Lake, California 92363

Dear Chairman Wood:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Chemehuevi Tribe Concurrence NH-202-D(ADY) — Date

Enclosure

cc:
June Leivas, Cultural Center Director (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Laurene Montero, City Archaeologist
City of Phoenix
4619 East Washington
Phoenix, Arizona 85034

Dear Ms. Montero:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project. Maricopa County. Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.

Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for City of Phoenix Concurrence
NH-202-D(ADY)

2/20/2013
Date

Enclosure

U.S.Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
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http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:

HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Sherry Cordova, Chairwoman
Cocopah Tribe
County 15th & Avenue G
Somerton, Arizona 85350

Dear Chairwoman Cordova:

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Sincerely yours,

For Karla S. Petty
Division Administrator

Signature for Cocopah Tribe Concurrence — Date
NH-202-D(ADY)

Enclosures

cc:
H. Jill McCormick, Cultural Resources Manager (with enclosure)

THE COCOPAH INDIAN TRIBE
Cultural Resource Department
14515 S. Veterans Drive
Somerton, Arizona 85350-2689
Telephone (928) 627-4849
Cell (928)503-2291
Fax (928) 627-3173

CCR-037-12-009

February 11, 2013

Ms. Karla S. Petty
Division Administrator
U.S. Department of Transportation
Arizona Division
4000 North Central Avenue – Suite 1500
Phoenix, AZ 85012-3500

RE: Comments for the Proposed South Mountain Freeway, EIS and Location/Design Concept Report

Dear: Ms. Petty

The Cultural Resources Department of the Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted our department on this issue for the purpose of solicitation of our input and to address our concerns on this matter. At this time we wish to make no comments on the development of the project. We defer the decision making process regarding the sensitive cultural resources of the area to the most local tribe(s) and support their determinations on this issue. However, we would like to continue to be kept informed on the progress of this project and the effects on cultural resources

If you have any questions or need additional information please feel free to contact the cultural resource department. We will be happy to assist you with any future concerns or questions.

Sincerely,

H. Jill McCormick, M.A.
Cultural Resource Manager

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Eldred Enas, Chairman
Colorado River Indian Tribes
26600 Mohave Road
Parker, Arizona 85344

Dear Chairman Enas:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Colorado River Indian Tribes Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Wilene Fisher-Holt, Director, CRIT Museum (with enclosure)

R

COLORADO RIVER INDIAN TRIBES
Museum
1007 Arizona Avenue • Parker, Arizona 85344
Mailing: 26600 Mohave Rd. • Parker, Arizona, 85344
Phone: (928) 669-8970 • Fax: (928) 669-1925

February 25, 2013

FEB 27 2013

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

RE: NH-202-D(ADY)

Dear Ms. Petty:

Thank you for your letters dated August 8, 2012 and January 31, 2013 requesting comment on the following project:

Project Name: 202L, South Mountain Freeway, DCR and EIS
TRACS Number: 202L MA 054 H5764 01C

In order to fully assess Colorado River Indian Tribes (CRIT) concerns regarding a given project area, Tribal members would generally have to visit the site. For this particular project, however, CRIT would like to join the Ak-Chin Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community in deferring to the Gila River Indian Community to take the lead in Section 106 consultation regarding the TCPS. At this time the Colorado River Indian Tribes is in concurrence with the Federal Highway Administration finding of "adverse effect" for the overall project, and CRIT does reserve the right to intervene if new or omitted information related to the proposed project becomes available.

Thank you. If you have any concerns please feel free to contact me at (928) 669-8970.

Sincerely,

Jennifer L. Barangan
Archaeological Compliance Technician

cc: Wayne Patch, Sr., Chairman
Rebecca Loudbear, Acting Attorney General
File: CPRL_10029

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

RECEIVED
FEB 04 2013
BY: Presidents Office

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Dr. Clinton Pattea, President
Fort McDowell Yavapai Nation
P.O. Box 17779
Fountain Hills, Arizona 85269

Dear President Pattea:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

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Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
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Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

FEB 8 - 2013

Karla S. Petty
Division Administrator

2-4-13

Signature for Fort McDowell Yavapai Nation Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Erica McCalvin, Planning & Project Manager (with enclosure)
Karen Ray, Culture Coordinator (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Timothy Williams, Chairman
Fort Mojave Indian Tribe
500 Merriman Avenue
Needles, California 92363

Dear Chairman Williams:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Fort Mojave Indian Tribe Concurrence NH-202-D(ADY) Date

Enclosure

cc:
Linda Otero, Director, Cultural Resource Management, P.O. Box 5990, 10225 S. Harbor Avenue, Mojave Valley, AZ 86440 (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Keeny Escalanti, President
Fort Yuma-Quechan Tribe
P.O. Box 1899
Yuma, Arizona 85366

Dear President Escalanti:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Fort Yuma-Quechan Tribe Concurrence NH-202-D(ADY) Date

Enclosure

cc:
John P. Bathke, Historic Preservation Officer (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Don E. Watahomigie, Chairman
Havasupai Tribe
P.O. Box 10
Supai, Arizona 86435

Dear Chairman Watahomigie:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Havasupai Tribe Concurrence NH-202-D(ADY) Date

Enclosures

cc:
Travis Hamidreek, Director of Natural Resources (with enclosure)

2005

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Leigh Kuwanwisiwma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwisiwma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Sincerely yours,

for Karla S. Petty
Division Administrator

FEB 8 - 2013

for Kuwanwisiwma
Signature for Hopi Tribe Concurrence
NH-202-D(ADY)

2-6-13
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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Traditional Cultural Properties

Ms. Louise Benson, Chairwoman
Hualapai Tribe
P.O. Box 179
Peach Springs, Arizona 86434

Dear Chairwoman Benson:

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In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for Hualapai Tribe Concurrence
NH-202-D(ADY)

Date

Enclosures

cc:
Loretta Jackson-Kelly, Tribal Historic Preservation Officer, Office of Cultural Resources, P.O Box 310, Peach Springs, AZ 86434 (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Manual Savala, Chairman
Kaibab Band of Paiute Indians
HC 65, Box 2, Tribal Affairs Bld.
Fredonia, Arizona 86022

Dear Chairman Savala:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

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SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

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Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Kaibab Band of Paiute Indians Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Charley Bulletts, Cultural Resources Director (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
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http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Dr. Alan Downer, Tribal Historic Preservation Officer
Historic Preservation Department
Navajo Nation
P.O. Box 4950
Window Rock, Arizona 86515

Dear Dr. Downer:

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Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for Navajo Nation Concurrence
NH-202-D(ADY)

Date

Enclosure

THE
NAVAJO
NATION

APR 1 - 2013

Historic Preservation Department, POB 4950, Window Rock, AZ 86515 • PH: 928.871-7198 • FAX: 928.871.7886

BEN SHELLY
PRESIDENT

REX LEE JIM
VICE-PRESIDENT

March 20, 2013

Karla S Petty, Division Administrator
U.S. Department of Transportation
Arizona Division
4000 N Central Ave.
Suite 1500
Phoenix, AZ 85012-3500

Dear Ms. Petty:

The Navajo Nation Historic Preservation Department-Traditional Culture Program (NNHPD-TCP) is in receipt of the proposed project regarding technical studies in support of the Environmental Impact Statement for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project, Phoenix, Arizona.

After reviewing your consultation documents, NNHPD-TCP has concluded the proposed undertaking/project area **will not impact** Navajo traditional cultural resources. The NNHPD-TCP, on behalf of the Navajo Nation has no concerns at this time.

However, the determination made by the NNHPD-TCP does not necessarily mean that the Navajo Nation has no interest or concerns with the proposed project. If the proposed project inadvertently discovers habitation sites, plant gathering areas, human remains and objects of cultural patrimony, the NNHPD-TCP request that we be notified respectively in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA). *The Navajo Nation claims cultural affiliation to all Anaasazi people (periods from Archaic to Pueblo IV) of the southwest. The Navajo Nation makes this claim through Navajo oral history and ceremonial history, which has been documented as early as 1880 and taught from generation to generations.*

The NNHPD-TCP appreciates the U.S. Department of Transportation's consultation efforts, pursuant to 36 CFR Pt. 800.1 (c)(2)(iii). Should you have any additional concerns and/or questions do not hesitate to contact me electronically at tony@navajohistoricpreservation.org or telephone at 928-871-7750.

Sincerely,

Tony H. Joe, Jr., Supervisory Anthropologist (Section 106 Consultation) Navajo Nation Historic Preservation Department-Traditional Culture Program

TCP 13-141
cc: Office File/Chrono

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
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http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85757

Dear Chairman Yucupicio:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for Pascua Yaqui Tribe Concurrence
NH-202-D(ADY)

Date

Enclosure

cc:
Rolando Flores, Assistant Tribal Attorney General, 4725 West Calle Tetakusim, Building B Tucson, AZ 85757 (with enclosure)
Veronica La Motte Darnell, 4725 West Calle Tetakusim, Building B, Tucson, AZ 85757 (with enclosure)

U.S.Department
of Transportation
Federal Highway Administration

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202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. May Preston, President
San Juan Southern Paiute
P.O. Box 1989
Tuba City, Arizona 86045

Dear President Preston:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Fort San Juan Southern Paiute Concurrence NH-202-D(ADY) Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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Mr. Terry Rambler, Chairman
San Carlos Apache Tribe
P.O. Box 0
San Carlos, Arizona 85550

Dear Chairman Rambler:

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Sincerely yours,

Rebecca Swiecki

Karla S. Petty
Division Administrator

Signature for Fort San Carlos Apache Tribe Concurrence NH-202-D(ADY)

2/5/13
Date

Enclosures

cc:
Vernelda Grant, Tribal Historic Preservation Officer (with enclosure)
RSwiecki
LDavis (EM02)
RSwiecki:cdm

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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Traditional Cultural Properties

Ms. Diane Enos, President
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

Dear President Enos:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

Signature for SRP-MIC Concurrence
NH-202-D(ADY)

Date

Enclosures

cc:
Shane Anton, Salt River Pima-Maricopa Indian Community, Cultural Preservation Program Manager, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Angela Garcia-Lewis, Salt River Pima-Maricopa Indian Community, NAGPRA Coordinator, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Jacob Butler, Salt River Pima-Maricopa Indian Community, Archaeologist, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Louise Lopez, Chairwoman
Tonto Apache Tribe
Tonto Apache Reservation #30
Payson, Arizona 85541

Dear Chairwoman Lopez:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours, FEB 8 - 2013

for

Karla S. Petty
Division Administrator

Signature for Tonto Apache Tribe Concurrence 2-6-13
Date

NH-202-D(ADY)

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O'odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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Sincerely yours,

for Karla S. Petty
Division Administrator

APR 18 2013

Signature for Tohono O'odham Nation Concurrence
NH-202-D(ADY)

3-13-13
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

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- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for White Mountain Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosure

cc:
Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926 (with enclosure)
Ramon Riley, Cultural Resource Director, Historic Preservation Office, P.O Box 507, Fort Apache, AZ 85926

White Mountain Apache Tribe

Office of Historic Preservation
PO Box 507
Fort Apache, AZ 85926
Ph: (928) 338-3033 Fax: (928) 338-6055

To: Linda Davis, ADOT Historic Preservation Specialist

Date: February 21, 2013

Project: NH-202-D(ADY) TRACS No. 202L MA 054 H5764 01C 202L South Mtn Freeway DRC/EIS

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, January 31, 2013 . In regards to this, please attend to the following checked items below.

► ***There is no need to send additional information unless project planning or implementation results in the discovery of sites and/or items having known or suspected Apache Cultural affiliation.***

N/A - The proposed project is located within an area of probable cultural or historical importance to the White Mountain Apache tribe (WMAT). As part of the effort to identify historical properties that maybe affected by the project we recommend an ethno-historic study and interviews with Apache Elders. The tribe's ***Cultural Heritage Resource Director Mr. Ramon Riley*** may be contacted at (928) 338-3033 for further information should this become necessary.

► Please refer to the attached additional notes in regards to the proposed project:

We have received and reviewed the information regarding ADOT's continuing technical studies in support of the EIS for 202L, South Mountain Freeway, EIS and Location/Design Concept Report proejct, Arizona, and we have determined the proposed project ***will not have an adverse impact*** on the White Mountain Apache tribe's (WMAT) historic properties and/or traditional cultural resources. Regardless, we recommend any/all ground disturbing activities be monitored ***if*** there are reasons to believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered all project activities should cease and the proper authorities and/or ***affiliated*** tribe(s) be notified to evaluate the situation.

Thank you. We look forward to continued collaborations in the protection and preservation of place of cultural and historical significance.

Sincerely,

Mark T. Altaha

White Mountain Apache Tribe

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Chris Coder, Tribal Archaeologist
Yavapai-Apache Nation
2400 West Datsi Street
Camp Verde, Arizona 86322

Dear Mr. Coder:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

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Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

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for Karla S. Petty
Division Administrator

_____ _____

Signature for Yavapai-Apache Nation Concurrence NH-202-D(ADY) — Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
Suite 1500
Phoenix, Arizona 85012-3500
Phone: (602) 379-3646
Fax: (602) 382-8998
http://www.fhwa.dot.gov/azdiv/index.htm

January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Arlen Quetawki Sr., Governor
Pueblo of Zuni
P. O. Box 339
Zuni, New Mexico 87327

Dear Governor Quetawki:

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for Karla S. Petty
Division Administrator

_____ _____

Signature for Pueblo of Zuni Concurrence NH-202-D(ADY) Date

Enclosure

cc:
Kurt Dongoske, Director, Tribal Historic Preservation Officer, Heritage and Historic Preservation Office, P.O. Box 1149, Zuni, NM 87327 (with enclosure)

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Fort San Juan Southern Paiute Concurrence Date
NH-202-D(ADY)

Enclosure

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

4000 North Central Avenue
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Phoenix, Arizona 85012-3500
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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Terry Rambler, Chairman
San Carlos Apache Tribe
P.O. Box 0
San Carlos, Arizona 85550

Dear Chairman Rambler:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes

- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for

Karla S. Petty
Division Administrator

_____ _____

Signature for Fort San Carlos Apache Tribe Concurrence Date
NH-202-D(ADY)

Enclosures

cc:
Vernelda Grant, Tribal Historic Preservation Officer (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

ARIZONA DIVISION

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Diane Enos, President
Salt River Pima-Maricopa Indian Community
10005 East Osborn Road
Scottsdale, Arizona 85256

Dear President Enos:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
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Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for SRP-MIC Concurrence
NH-202-D(ADY)

Date

Enclosures

cc:
Shane Anton, Salt River Pima-Maricopa Indian Community, Cultural Preservation Program Manager, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Angela Garcia-Lewis, Salt River Pima-Maricopa Indian Community, NAGPRA Coordinator, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)
Jacob Butler, Salt River Pima-Maricopa Indian Community, Archaeologist, Cultural Preservation Program, 10005 E. Osborn Road, Scottsdale, AZ 85256 (with enclosure)

U.S. Department of Transportation
Federal Highway Administration

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January 31, 2013

In Reply Refer To:
NH-202-D(ADY)
HOP-AZ

NH-202-D(ADY)
TRACS No. 202L MA 054 H5764 01C
202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Ms. Louise Lopez, Chairwoman
Tonto Apache Tribe
Tonto Apache Reservation #30
Payson, Arizona 85541

Dear Chairwoman Lopez:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

In accordance with the National Historic Preservation Act (36 CFR 800.4), which requires federal agencies to take into account the effects of their undertakings on historic properties, FHWA and ADOT have been performing cultural resources studies and consultations with Native American tribes to identify concerns regarding historic properties of traditional, religious, cultural, or historic importance. In prior consultation, the Gila River Indian Community (GRIC) expressed concern regarding the effects of the project on several traditional cultural properties (TCPs). The other southern tribes, Ak-Chin Indian Community, the Tohono O'odham Nation, and the Salt River Pima-Maricopa Indian Community, have deferred to GRIC to take the lead in Section 106 consultation regarding the TCPs. In response, FHWA and ADOT have facilitated a continuing open dialogue with GRIC's Cultural Resources Management Program (GRIC-CRMP) and Tribal Historic Preservation Office (GRIC-THPO) regarding the identification and evaluation of TCPs as they pertain to the South Mountain Freeway project. As a result of these discussions, GRIC has identified five TCPs that could be affected by construction of the South

Mountain Freeway and has developed treatment plans to mitigate and/or eliminate potential adverse effects that could result from the undertaking.

To protect confidential information associated with the TCPs, the evaluation reports and treatment plans have been provided to only SHPO and GRIC-THPO. Information regarding the identification, evaluation, and treatment of the TCPs is being provided to other consulting parties in a technical summary report entitled *Traditional Cultural Property Evaluations for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (HDR 2012), which is enclosed for your review and comment. This letter provides a summary of the TCP consultation for the project.
Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

During the initial Class III survey for the project, GRIC-CRMP identified ten properties as places of cultural importance that could potentially qualify as eligible for listing on the National Register of Historic Places (NRHP) as TCPs: the South Mountains; two prehistoric Hohokam village sites, AZ T:12:9 (ASM) (Villa Buena) and AZ T:12:52 (ASM) (Pueblo del Alamo); two petroglyph sites, AZ T:12:198 (ASM) and AZ T:12:208 (ASM); four trail sites, AZ T:12:197 (ASM), AZ T:12:201 (ASM), AZ T:12:207 (ASM), and AZ T:12:211 (ASM); and one archaeological site with a shrine, AZ T:12:112 (ASM). The report, entitled *A Class III Cultural Resource Survey of Five Alternative Alignments in the South Mountain Freeway Corridor Study Area, Maricopa County, Arizona* (Darling 2005), was provided in prior consultation.

At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

- the South Mountains were eligible for listing in the NRHP under Criteria A and B as a TCP
- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

Through ongoing Section 106 consultations, primarily through a series of discussions and meetings, FHWA, ADOT, and GRIC developed options for mitigating adverse effects on the TCPs. As a result of those discussions, avoidance alternatives were developed for two of the TCPs, a petroglyph site [AZ T:12:198 (ASM)] and a shrine site [AZ T:12:112 (ASM)]. They will now be avoided by project alternatives; therefore, there will be no direct impacts on these sites.

The South Mountains TCP cannot be avoided by project alternatives; therefore, a treatment plan that presents measures to mitigate potential adverse effects of the South Mountain Freeway project on the South Mountains TCP was developed by GRIC-CRMP entitled *South Mountain Freeway (SR 202L) Traditional Uses and Cultural Significance of Muhadagi Doag (South Mountain) Evaluation of Traditional Property and Adverse Effects of Transportation Corridor Development* (Darling 2009). SHPO and GRIC-THPO concurred with the adequacy of the South Mountain TCP mitigation plan (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THO] to Petty [FHWA] July 3, 2012).

Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

- preparation of the site(s) and people for anticipated ground disturbance include traditional religious activities, exhibits and outreach, tribal consultation, cultural sensitivity training, and the projection of equivalent sites and sacred landscapes
- development of Programmatic Solutions for preservation, restoration, and perpetuation of the roles of Villa Buena and Pueblo del Alamo in O'odham culture and history

Cultural (TCP) enhancement purposes to elevate O'odham knowledge and awareness of these two sites so that any negative impact on their "presence" in O'odham cultural and history—the loss of connections, or of place, in traditional culture—are addressed prior to, during, and after freeway construction, and as part of project planning. Enhancement does not address or replace requirements for data recovery pertaining to adverse effects on Villa Buena or Pueblo del Alamo with regard to their eligibility under Criterion D of the NRHP. However, through implementation

of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

Based on the above discussion, FHWA and GRIC have agreed that the proposed South Mountain Freeway would adversely affect those characteristics that contribute to the NRHP eligibility of the South Mountains TCP under Criteria A and B, and that the project would not adversely affect the characteristics that contribute to the NRHP eligibility of the Villa Buena, Pueblo del Alamo, AZ T:12:112 (ASM), and AZ T:12:198 (ASM) TCPs under Criterion A. Furthermore, FHWA has determined that a finding of "adverse effect" for the overall project remains appropriate.

Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for Tonto Apache Tribe Concurrence NH-202-D(ADY) — Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

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202L, South Mountain Freeway, DCR and EIS
Continuing Section 106 Consultation
Traditional Cultural Properties

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O'odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are continuing technical studies in support of the Environmental Impact Statement (EIS) for the 202L, South Mountain Freeway, EIS and Location/Design Concept Report project. The EIS addresses alternative alignments for the proposed South Mountain Freeway, which would extend around the southern side of South Mountains from Interstate 10 (I-10) in west Chandler to I-10 in west Phoenix. The project would be built entirely on new right-of-way (ROW). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Because alternatives are still under development, land ownership of the project area is not yet known.

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Consulting parties receiving the TCP technical summary include the Bureau of Indian Affairs and City of Phoenix, who have jurisdiction over the resources, the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribes, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma-Quechan Tribe, the Havasupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab-Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Nation, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, and the Yavapai-Apache Nation.

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At the request of FHWA and ADOT, HDR Engineering, Inc. (HDR), performed an NRHP evaluation of the ten potential TCPs. The results were provided in a report titled *An Evaluation of Traditional Cultural Properties for the 202L, South Mountain Transportation Corridor EIS & L/DCR Project, Maricopa County, Arizona* (Brodbeck 2012). To protect confidential information associated with TCPs, the report was sent to only SHPO and GRIC-THPO for review. Based on the results, and continuing discussion with GRIC-THPO and SHPO, FHWA determined that:

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- AZ T:12:9 (ASM) (Villa Buena), AZ T:12:52 (ASM) (Pueblo del Alamo), AZ T:12:112 (ASM), and AZ T:12:198 (ASM) were eligible for listing in the NRHP under Criterion A as TCPs and under Criterion D as archaeological sites
- AZ T:12:197 (ASM) and AZ T:12:198 (ASM) were also NRHP-eligible under Criterion A as contributors to the South Mountains TCP

- AZ T:12:201 (ASM), AZ T:12:207 (ASM), AZ T:12:208 (ASM), and AZ T:12:211 (ASM) were eligible for listing in the NRHP under Criterion D as archaeological sites and not as TCPs

SHPO and GRIC-THPO concurred with FHWA's eligibility determinations (Jacobs [SHPO] to Petty [FHWA] May 15, 2012; Lewis [GRIC-THPO] to Petty [FHWA] July 3, 2012).

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Because it may not be possible to avoid Villa Buena and/or Pueblo del Alamo during freeway construction, FHWA proposed that an alternative strategy be adopted to prevent potential adverse effects to these two sites as they pertain to Criterion A of the NRHP. At the request of FHWA, GRIC-CRMP prepared a TCP enhancement plan proposal for the two sites, entitled *South Mountain Freeway (SR 202L) Traditional Cultural Property Enhancement and Management Planning for Villa Buena (AZ T:12:9 [ASM]) and Pueblo del Alamo (AZ T:12:52 [ASM])* (Darling and Loendorf 2012), which was provided to SHPO and GRIC-THPO for review and comment. This document proposes that upon completion of the EIS review process, the TCP enhancement plan be developed and implemented, which would ensure the following:

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with regard to their eligibility under Criterion D of the NRHP. However, through implementation of the enhancement plan proposal developed by GRIC-CRMP, it is believed that the potential for adverse effects on these two sites under Criterion A will be eliminated. SHPO and GRIC-THPO concurred with the adequacy of the TCP enhancement plan proposal and that its implementation would eliminate adverse effects on Villa Buena and Pueblo del Alamo under Criterion A (Lewis [GRIC-THPO] to Petty [FHWA] October 22, 2012; Jacobs [SHPO] to Petty [FHWA] October 25, 2012).

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Please review the information provided in this letter and the enclosed technical summary report. If you agree with the adequacy of the report and FHWA's determinations of project effect, NRHP eligibility, and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Linda Davis at 602-712-8636 or at ldavis2@azdot.gov.

Sincerely yours,

for Karla S. Petty
Division Administrator

_____ _____

Signature for BIA Concurrence Date
NH-202-D(ADY)

Enclosure

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