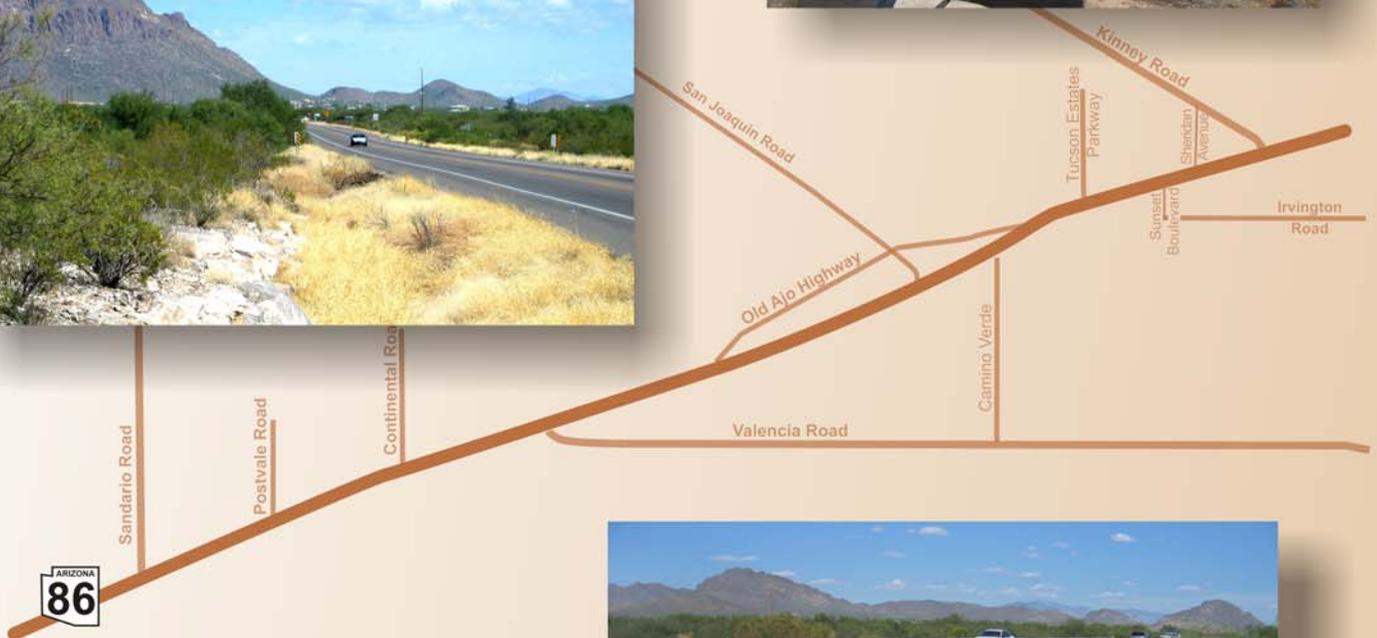




# ARIZONA DEPARTMENT OF TRANSPORTATION Environmental Planning Group

## Final Environmental Assessment

**SR 86: Sandario Road  
to Kinney Road**  
**STP-086-A(APA)**  
**086 PM 156 H6806 01C**



**April 2010**

Federal Highway Administration  
FINDING OF NO SIGNIFICANT IMPACT  
FOR

Project: STP-086-A(APA)  
086 PM 156 H6806 01C  
SR 86: Sandario Road to Kinney Road

The Federal Highway Administration has determined that this project will not have any significant impact on the human or natural environment. This Finding of No Significant Impact is based on the attached Environmental Assessment *Final Environmental Assessment* which has been independently evaluated by the Federal Highway Administration and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The Federal Highway Administration takes full responsibility for the accuracy, scope, and content of the attached Environmental Assessment

April 16, 2010

Date



Kenneth H. Dumas

for Division Administrator

**FINAL**  
**ENVIRONMENTAL ASSESSMENT**  
for  
**SR 86: Sandario Road to Kinney Road**

Pima County, Arizona  
STP-086-A(APA)  
086 PM 156 H6806 01C

April 2010

Approved by: Thor Anderson Date 4/5/10  
Thor Anderson, Manager  
Environmental Planning Group  
Arizona Department of Transportation

Approved by: Robert E. Hollis Date April 16, 2010  
for Robert E. Hollis, Division Administrator  
Federal Highway Administration

*This Final Environmental Assessment has been prepared in accordance with the provisions and requirements of Title 23, Code of Federal Regulations, Part 771, relating to the implementation of the National Environmental Policy Act of 1969 (42 US Code 4332(2)(c)).*

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

ADOT	Arizona Department of Transportation
CAP	Central Arizona Project
EA	Environmental Assessment
FHWA	Federal Highway Administration
HPT	Historic Preservation Team
MP	Milepost
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Office
SR	State Route
US	United States

## **I. PREFACE**

### **A. Project Description**

The Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) are proposing improvements to the State Route (SR) 86 roadway. Improvements include using the existing SR 86 roadway for one direction of travel and constructing a new, two-lane roadway for the opposite direction of travel; alternating the location of the new lanes to the north and south of the existing lanes as well as a 50-foot-wide graded median between the roadways; signalization of intersections as well as adding right- and left-turn lanes; and adjusting cross streets as needed at intersections with SR 86 to align with the improvements on SR 86. The project is located in Pima County, Arizona, southwest of downtown Tucson.

### **B. Summary of the Environmental Assessment Process**

A Draft Environmental Assessment (EA) for this project was signed by FHWA on January 8, 2010. A public hearing was held on February 2, 2010 at Ryan Airfield Conference Room at 9698 West Ajo Highway in Tucson, Arizona to receive public comments. Copies of the Draft EA were available for review at the Pima County Southwest Branch Library, Ryan Airfield, and Tucson Mountain Baptist Church.

The public comment period for the Draft EA began on Monday January 18, 2010 and ended on March 2, 2010. Comments on the Draft EA were received by letter and e-mail, on written comment sheets at the public hearing, and through comments taken and transcribed by the court reporter in attendance at the hearing.

The purpose of this Final EA is to respond to the comments received during the public and agency review period and to provide additions and changes to the Draft EA where necessary.

With the completion of this Final EA and the issuance of a Finding of No Significant Impact by FHWA, the National Environmental Policy Act requirements have been met.

### **C. Guide to this Document**

This Final EA is presented in addendum format and must be considered in conjunction with the Draft EA.

The following section of this Final EA includes a complete list of mitigation measures that will be implemented for this project. Mitigation measures are subdivided according to the responsible party: ADOT design, ADOT Tucson District, and the construction contractor.

The Final EA also includes text changes to the Draft EA that were made in response to public and agency comments as well as minor adjustments to the project description.

Some changes were made globally to the Draft EA text. References to “Preferred” Alternative have been changed to “Selected” Alternative, except in sections recounting the public involvement process. References to “would” in connection with the Selected Alternative have been changed to “will.” In addition, all references to “would” in connection with the Contractor’s responsibilities have been changed to “shall.”

To provide the relevant context for each edit or change other than the global edits, the entire original Draft EA paragraph that has been changed has been included in this Final EA. At the beginning of each of these paragraphs, the original Draft EA Section titles are given for the readers’ orientation. Only original Draft EA paragraphs with non-global edits or changes are reproduced here.

Appendix A provides a table that includes public and agency comments received during the Draft EA public comment period, along with ADOT responses.

Appendix B includes a copy of the public hearing transcript.

Appendix C includes a letter from ADOT to the Pima County Parks and Recreation Department that summarizes Parks and Recreation Department comments and questions and ADOT responses.

Appendix D includes the updated Cultural Resource Sites table, signed cultural consultation letters received since publication of the Draft EA, and the fully executed Memorandum of Agreement.

## II. MITIGATION MEASURES

Mitigation measures have been defined to avoid or minimize the environmental impacts of the proposed project. Mitigation measures that have been revised or added since the Draft EA are identified with strikethrough (~~strikethrough~~) for deleted text, and with *italics* for new or substituted text. These mitigation measures are not subject to change without prior written approval from the Federal Highway Administration.

### Arizona Department of Transportation Design Responsibilities

1. During final design, the Pima County Regional Flood Control District floodplain manager will be provided an opportunity to review and comment on the design plans.
2. During final design, the design plans will be reviewed to verify the extent of impacts to Waters of the United States. The Arizona Department of Transportation will prepare and submit an application to the United States Army Corps of Engineers for a Clean Water Act Section 404 permit and Section 401 Water Quality Certification for the project.
3. No work will occur within Waters of the United States until the appropriate Clean Water Act Section 404 permit and Section 401 Water Quality Certification are obtained.
4. During final design, the United States Fish and Wildlife Service list of threatened, endangered, proposed, and candidate species and the Arizona Game and Fish Department Heritage Data Management System will be reviewed by a qualified biologist to determine if new species or critical habitat has been identified or any changes in listing status have occurred. The Biological Evaluation and Biological Opinion will be updated to reflect any changes.
5. Prior to the start of construction, the Arizona Department of Transportation will acquire 60 acre-credits in a United States Fish and Wildlife Service-approved conservation bank for

Pima pineapple cactus. Any change in the scope of the project that may occur during final design will require a reevaluation of impacts to Pima pineapple cactus habitat.

6. Invasive species control will be conducted both prior to and during construction to minimize colonization of disturbed areas by non-native grasses that may degrade potential Pima pineapple cactus habitat. The Arizona Department of Transportation Natural Resources Management Section will begin invasive species control two years prior to the commencement of work on the roadway project.
7. During final design, the Arizona Department of Transportation will develop a project-specific Plan for Control of Noxious and Invasive Plant Species, which will address appropriate control of occurrences of invasive plant species within the right-of-way during construction. The plan will include such provisions as vehicle inspection to prevent movement of noxious and invasive species seeds to and from the work site; procedures for collection, removal, and disposal of noxious and invasive plants; and proposed methods of control, such as application of herbicides and mechanical or manual removal, to be used for each plant species at various stages of plant development.
8. During final design, the Arizona Department of Transportation will develop a plan for topsoil salvage in natural areas where construction disturbance will occur and invasive species are not present. In these areas, 4 to 8 inches of surface soil will be salvaged and stockpiled to be redistributed over the cut and fill slopes adjacent to the new roadway upon completion of construction. During final design, a survey by a qualified biologist will be conducted to determine the presence of invasive species in the project area. In areas where topsoil is determined to contain invasive species seed banks, topsoil will not be reused.

9. All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction will be seeded using species native to the project vicinity.
10. The Arizona Department of Transportation will develop a native plant salvage plan for the project during final design. Plant species protected under the Arizona Native Plant law will be avoided by construction to the extent practicable. If impacts to native plants cannot be avoided, the plants will be treated in accordance with state law. The plan will include salvaging all Pima pineapple cactus within the area of permanent disturbance and replanting them at a location approved by a qualified biologist. Any Pima pineapple cactus that are not within the area of permanent disturbance, but present within the right-of-way, will be flagged by a qualified biologist prior to the commencement of work in order to avoid accidental damage to the plants during construction.
11. Protected native plants within the project limits will be impacted by this project; therefore, the Arizona Department of Transportation Roadside Development Section will determine if Arizona Department of Agriculture notification is needed. If notification is needed, the Arizona Department of Transportation Roadside Development Section will send the notification at least 60 calendar days prior to the start of construction.
12. The Arizona Game and Fish Department will be invited by the Arizona Department of Transportation to participate in agency partnering during final design.
13. During final design, the Arizona Department of Transportation project manager will contact the Arizona Department of Transportation Environmental Planning Group noise coordinator to arrange for qualified personnel to review and update the noise analysis.
14. During final design, the Arizona Department of Transportation project manager will contact the Arizona Department of Transportation Environmental Planning Group hazardous

materials coordinator (602.712.7767) to arrange for the preparation of an updated Preliminary Initial Site Assessment, lead-based paint assessment, and asbestos assessment.

15. During final design, the Arizona Department of Transportation Historic Preservation Team will ~~arrange for a qualified cultural resources specialist to develop and implement a treatment plan for sites that will be affected by construction~~ *develop and implement a data recovery plan for site AZ AA:16:5 (ASM).*

16. *During final design, the Arizona Department of Transportation will consider extending the Option C proposed westbound outside lane into the Sandario Road/State Route 86 intersection to connect to the eastbound to northbound right-turn lane.*

#### Arizona Department of Transportation Tucson District Responsibilities

1. No work will occur within Waters of the United States until the appropriate Clean Water Act Section 404 permit and Section 401 Water Quality Certification are obtained.
2. Prior to construction, the Arizona Department of Transportation Engineer will have the contractor review the “Environmental Protection on Arizona Department of Transportation Projects Instructions to Contractors” and review and sign the “Checklist for Environmental Compliance.” The Arizona Department of Transportation Engineer will also sign the checklist and return it to the United States Army Corps of Engineers seven calendar days prior to construction.
3. The Arizona Department of Transportation Engineer will submit the contractors’ Arizona Pollutant Discharge Elimination System Notice of Intent and the Notice of Termination to the District environmental coordinator.
4. The Arizona Department of Transportation Engineer will contact the Arizona Department of Transportation Environmental Planning Group biologist to schedule the preconstruction

meeting on a mutually agreeable date to ensure a qualified biologist will be available to attend the meeting.

#### Contractor Responsibilities

1. No work shall occur within Waters of the United States until the appropriate Clean Water Act Section 404 permit and Section 401 Water Quality Certification are obtained.
2. Prior to construction, the contractor shall review the “Environmental Protection on Arizona Department of Transportation Projects Instructions to Contractors” and review and sign the “Checklist for Environmental Compliance.”
3. The contractor shall comply with all terms, general conditions, and special conditions of the project’s Clean Water Act Section 404 permit and Section 401 Water Quality Certification.
4. The contractor, in association with the Engineer, shall submit the Arizona Pollutant Discharge Elimination System Notice of Intent and the Notice of Termination to the Arizona Department of Environmental Quality only after the Engineer has reviewed and approved the Stormwater Pollution Prevention Plan.
5. The contractor shall adhere to the topsoil salvage plan developed by the Arizona Department of Transportation.
6. All disturbed soils that shall not be landscaped or otherwise permanently stabilized by construction shall be seeded using species native to the project vicinity.
7. The contractor shall adhere to the native plant salvage plan developed by the Arizona Department of Transportation.
8. The contractor shall avoid all flagged and/or otherwise designated sensitive resource areas within or adjacent to the project area.

9. If any Sonoran desert tortoises are encountered during construction, the contractor shall adhere to the Arizona Game and Fish Department's *Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects* (Revised October 23, 2007).
10. Prior to construction, the contractor shall employ a qualified biologist to present an environmental awareness program to all personnel who will be on-site, including, but not limited to, contractors, contractors' employees, supervisors, inspectors, and subcontractors working at project locations on SR 86 in Pima County. This program shall contain, at a minimum, information concerning the biology and distribution of the Sonoran desert tortoise, legal status and occurrence in the project area, measures to avoid impacts to tortoises, and procedures to be implemented in case of desert tortoise encounters.
11. The contractor shall adhere to the project-specific Plan for Control of Noxious and Invasive Plant Species developed by the Arizona Department of Transportation.
12. To prevent the introduction of invasive species seeds, all earth-moving and hauling equipment shall be washed at the contractor's storage facility prior to entering the construction site.
13. To prevent invasive species seeds from leaving the site, the contractor shall inspect all construction equipment and remove all attached plant/vegetation and soil/mud debris prior to leaving the construction site.
14. The contractor shall ensure that all exhaust systems on equipment will be in good working order and properly designed engine enclosures and intake silencers will be used where appropriate. To minimize noise impacts during construction, idling equipment shall be located as far away from sensitive receivers, such as residences, as possible.

15. With the exception of temporary, short-term closures (not exceeding 2 to 3 hours) of driveways, the contractor shall maintain driveway access to all businesses and residences throughout construction. If a given property has multiple driveways, at least one will remain open at all times.

Standard Specifications Included as Mitigation Measures

1. According to the Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 104 Scope of Work, Subsection 09 Prevention of Landscape Defacement; Protection of Streams, Lakes, and Reservoirs (2008 Edition), "The contractor shall take sufficient precautions, considering various conditions, to prevent pollution of streams, lakes, and reservoirs with fuels, oils, bitumens, calcium chloride, fresh Portland cement concrete, raw sewage, muddy water, chemicals or other harmful materials. None of these materials shall be discharged into any channels leading to such streams, lakes or reservoirs."
2. According to the Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 104 Scope of Work, Subsection 09 Prevention of Landscape Defacement; Protection of Streams, Lakes, and Reservoirs (2008 Edition), "The contractor shall give special attention to the effect of its operations upon the landscape and shall take special care to maintain natural surroundings undamaged."
3. According to the Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 104 Scope of Work, Subsection 08 Prevention of Air and Noise Pollution (2008 Edition), "The contractor shall control, reduce, remove or prevent air pollution in all its forms, including air contaminants, in the performance of the contractor's work." Fugitive dust generated from construction activities will be controlled in accordance

with the Arizona Department of Transportation's Erosion and Pollution Control Manual for Highway Design and Construction, special provisions, and local rules or ordinances. The contractor will comply with all applicable air pollution ordinances, regulations, and orders during construction. All dust-producing surfaces will be watered or otherwise stabilized to reduce short-term impacts associated with an increase in particulate matter attributable to construction activity.

4. According to the Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 104 Scope of Work, Subsection 08 Prevention of Air and Noise Pollution (2008 Edition), "The contractor shall comply with all local sound control and noise level rules, regulations and ordinances which apply to any work performed pursuant to the contract. Each internal combustion engine used for any purpose on the work or related to the work shall be equipped with a muffler of a type recommended by the manufacturer."
5. According to Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 107 Legal Relations and Responsibility to Public, Subsection 07 Sanitary, Health, and Safety Provisions (2008 Edition), "During construction operations, should material be encountered which the contractor believes to be hazardous or contaminated, the contractor shall immediately do the following: a) stop work and remove workers within the contaminated areas b) barricade the area and provide traffic control, and c) notify the Arizona Department of Transportation Engineer." The Arizona Department of Transportation Engineer will arrange for proper assessment, treatment, or disposal of those materials. Such locations will be investigated and proper action implemented prior to the continuation of work in that location.

6. According to the Arizona Department of Transportation's Standard Specifications for Road and Bridge Construction, Section 107 Legal Relations and Responsibility to Public, Subsection 05 Archaeological Features (2008 Edition), "When archaeological, historical, or paleontological features are encountered or discovered during any activity related to the construction of the project, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources and notify the Engineer." The Arizona Department of Transportation Engineer will, in turn, notify the Arizona Department of Transportation Historic Preservation Team to evaluate the significance of the resources. If human remains are encountered during any phase of the project on non-federal land, all work must stop and the Engineer will contact Arizona Department of Transportation Historic Preservation Team and the Arizona State Museum. If human remains are discovered on Bureau of Land Management property, the Bureau of Land Management Tucson Area archaeologist must be notified as well.

### **III. CHANGES TO THE DRAFT ENVIRONMENTAL ASSESSMENT**

In addition to the global document changes described in Section I, this section includes additions or alterations to the Draft EA to clarify, discuss further, or make text corrections. These changes are a result of public and agency comments and are provided below with reference to their pages from the Draft EA. Deleted text is identified with strikethrough (~~strikethrough~~), and new or substituted text appears in *italics*.

#### **I. E. General Project Schedule**

[Draft EA page 5 and subsequent pages. Global change: Reference to ADOT Five-Year Transportation Facilities Construction Program for Fiscal Year 2011 becomes (ADOT 2009a).]

#### **III. B. C. Option C**

[Draft EA page 21, end of first paragraph. Added the following text] *As a result of meeting with adjacent property owners following the public hearing, decisions were made to remove the originally proposed extension of Sunset Boulevard north of SR 86 to Michigan Street (Figure 10).*

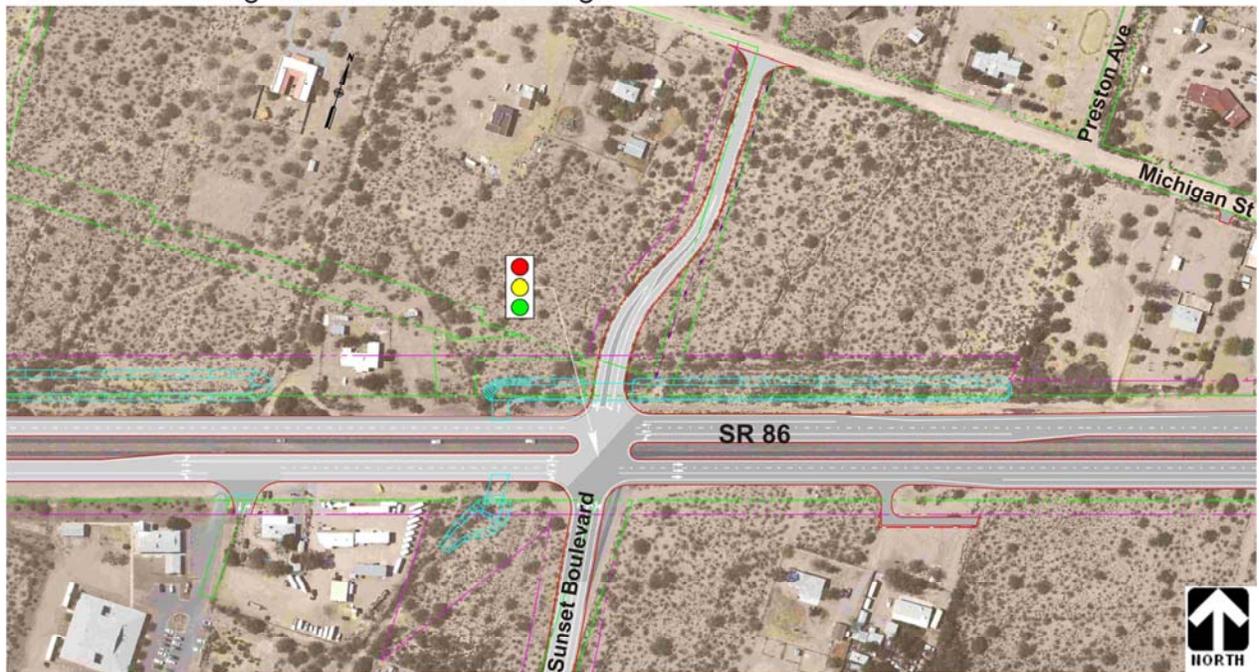
[Draft EA page 23. Added *Figure 10: Sunset Boulevard Design Change*]

[Draft EA page 26 and subsequent pages. Global change: subsequent figure numbers and their associated references are increased by one starting with Figure ~~10~~ 11: Land Ownership.]

#### **IV. I. Cultural Resources**

[Draft EA page 59, first paragraph. Revised as follows] Cultural resources located within the project area were identified from information on file at the State Historic Preservation Office (SHPO), ADOT Historic Preservation Team (HPT) Portal Library, and AZSITE Cultural

Pre-Public Hearing Sunset Boulevard Design



Post Public Hearing Sunset Boulevard Design (Removed)

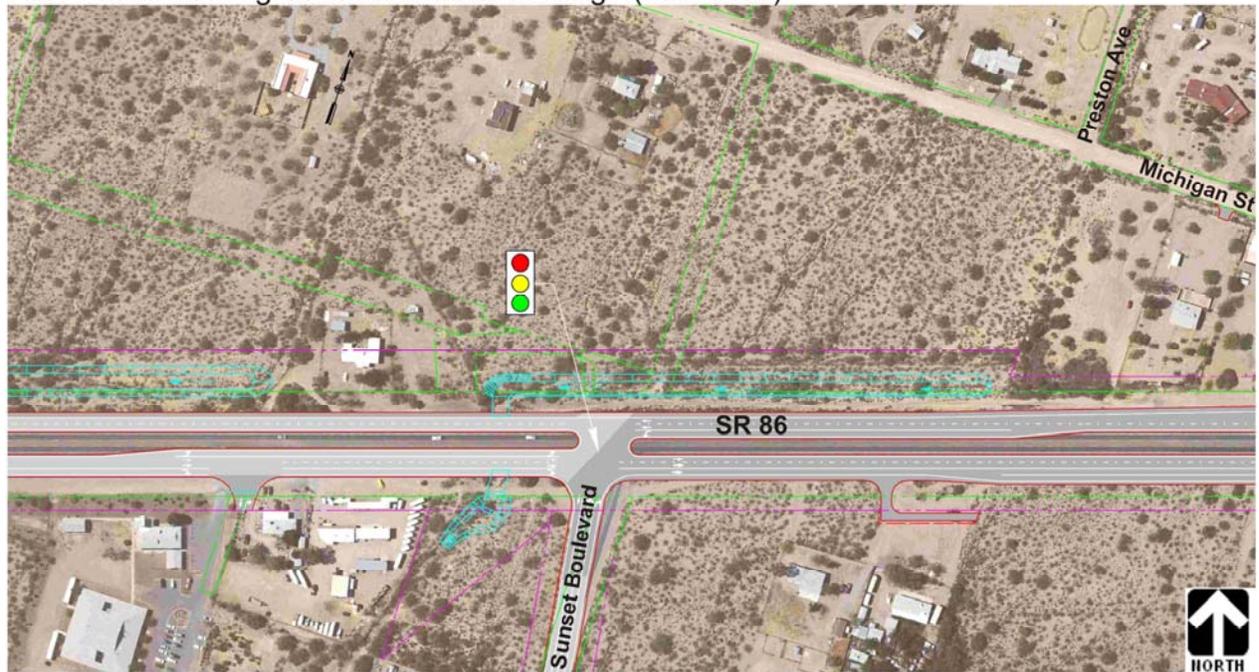


Figure 10: Sunset Boulevard Design Change

Resources Database. Detailed surveys for cultural resources were conducted within the proposed right-of-way for the Preferred Alternative, as documented in *Cultural Resources Survey of New Right-of-Way Along State Route 86 Between Sandario Road and Kinney Road (MP 156.90-166.52), Southwest of Tucson, Pima County, Arizona (ADOT 2007c)*, ~~and~~ Addendum Report: *Cultural Resources Survey of New Right-of-Way Parcels Along State Route 86 Between Sandario Road and Kinney Road (MP 156.90-166.52), Southwest of Tucson, Pima County, Arizona (ADOT 2008a)*, and *A Cultural Resources Survey of Proposed New Right-of-Way near the Intersection of State Route 86 and Kinney Road (Milepost 166.23), Southwest of Tucson, Pima County, Arizona (ADOT 2009b)*. The surveys were conducted to determine if any archaeological or historic resources eligible for inclusion on the National Register of Historic Places (NRHP) ~~would~~ will be affected by this project.

[Draft EA page 60, starting at the end of the first paragraph. Section revised as follows] ~~The eligibility status of two sites is unknown and further investigation would be required before their NRHP eligibility could be determined. Testing was conducted to evaluate the NRHP eligibility of the remaining two sites: AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). Both sites were found to lack information potential and are recommended to be not eligible for inclusion in the NRHP.~~

Based on the results of the cultural resource surveys and a review of the conceptual engineering drawings for the ~~Preferred~~ Selected Alternative, sites AZ AA:16:5 (ASM), AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) will be affected by construction. The R/W fence for the ~~Preferred~~ Selected Alternative will cross directly over these sites. Section 106 consultation is currently underway for a determination of “not eligible” for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). Every effort to minimize impacts to on ~~these sites~~ historic properties will be made during final design.

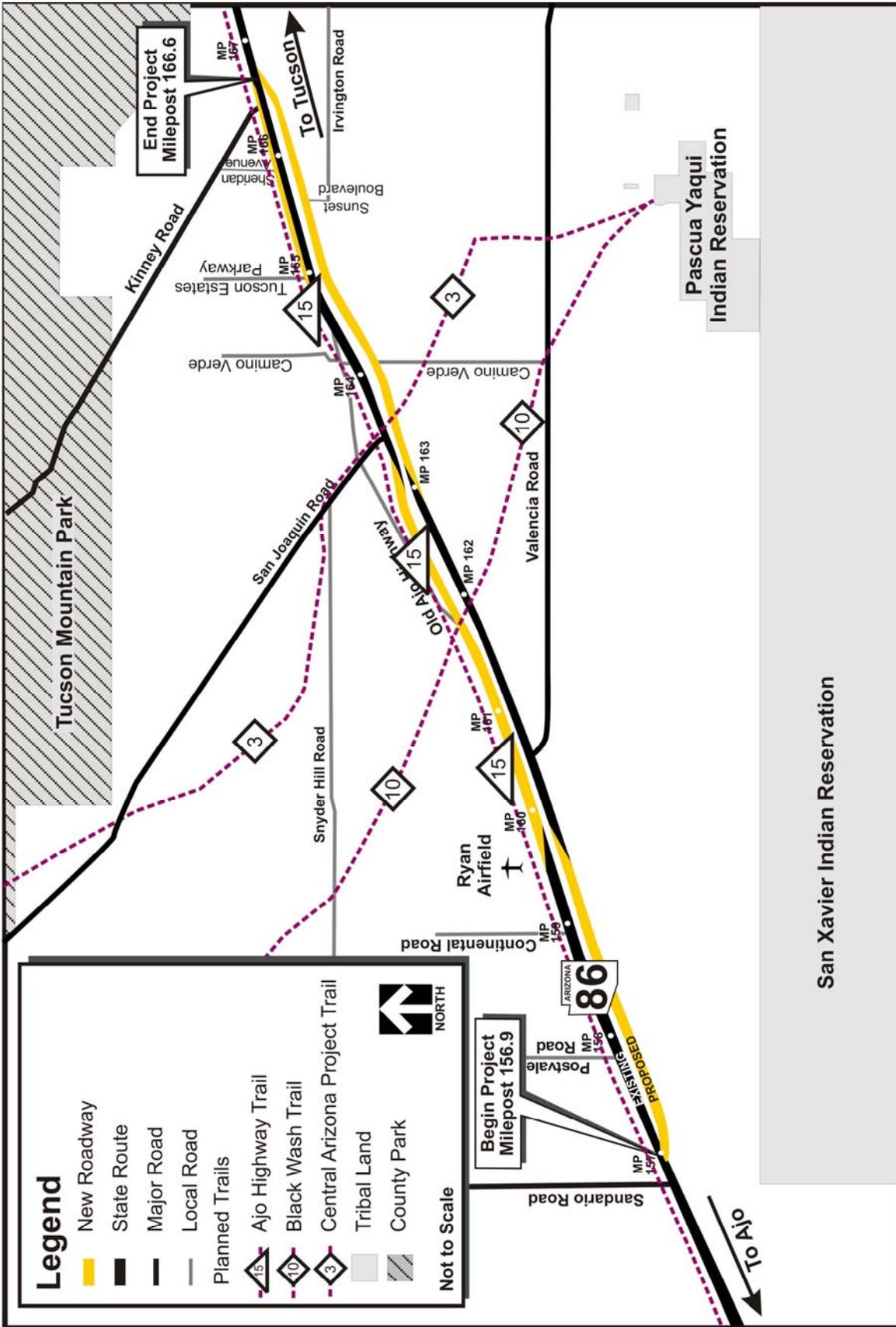
[Draft EA page 61, first paragraph, starting at end of second sentence. Revised as follows] *As stipulated in the Memorandum of Agreement, a final NRHP A testing plan was prepared and implemented for sites AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). Both sites were recommended not eligible for inclusion in the NRHP. ~~and a~~ A data recovery plan will be developed for site AZ AA:16:5 (ASM). The data recovery plan ~~would~~ will be developed and circulated to all consulting parties for concurrence approval as stipulated in the MOA. Once approved, cultural resources testing and data recovery ~~would~~ will proceed as outlined in the plans during final design. Construction activities ~~would not begin until the testing and data recovery have been completed, the preliminary reports accepted by consulting parties to the MOA, and a clearance memo has been issued by HPT.~~*

#### **IV. K. Section 4(f) Properties**

[Draft EA page 74, Figure ~~12~~ 13 (previously Figure 12). Added Ajo Highway Trail #15 on the north side of SR 86]

##### **IV. K. 1. Parks**

[Draft EA page 75, first paragraph] Existing planned and constructed publicly owned public parks are present in the project vicinity, such as Tucson Mountain Park and several small Pima County-administered neighborhood parks located within the residential areas in the project vicinity. All of the constructed parks are located over 0.5 mile from the SR 86 project area. ~~In addition, the Pima County Parks and Recreation Department has adopted plans for Ryan Park, a planned County park. The planned Ryan Park area is located over 0.25 mile from the area of impact for the Preferred Alternative, for both the improvements on the SR 86 mainline and the SR 86/Valencia Road intersection.~~ Therefore, Section 4(f) use of the parks ~~would~~ will not occur because:



Source: Roads - Arizona Department of Transportation; Initial Roadway Design: SR 86 Initial Design Concept Report, 2007; Planned Trails: Eastern Pima County Trail System Master Plan, 1997

Figure 13: Planned Park and Trails

#### **IV. K. 2. Recreation Areas**

[Draft EA Pages 75, 76, first paragraph] Two planned trails included in the Pima County Trail System Master Plan (Pima County 1997) cross SR 86 within the project limits, the Central Arizona Project (CAP) Trail #3 and Black Wash Trail #10 (Figure 42 13). The CAP Trail ~~would~~ *will* generally follow the CAP canal, which crosses under SR 86 just east of San Joaquin Road. Black Wash Trail ~~would~~ *will* generally follow the route of Black Wash, which crosses under SR 86 at MP 162.1. For both of these trails, the Trail System Master Plan does not specify the location where the trail ~~would~~ *will* cross SR 86 nor a method for trail users to cross the roadway. *Another trail included in the Pima County Trail System Master Plan, Ajo Highway Trail #15, is planned adjacent and parallel to the north side of SR 86 throughout the project limits. In addition, the Master Plan depicts a trail running parallel to SR 86 within the project limits; however, Pima County has not set an alignment for this trail or determined if it would be north or south of SR 86.*

#### **V. D. Public Hearing**

[Draft EA Page 92, is updated as follows.] ~~Following the issuance of the Draft EA, a A public hearing on the proposed project was conducted on February 2, 2010 from 6:30 p.m. to 8:00 p.m. at the Ryan Airfield Conference Room at 9698 West Ajo Highway in Tucson, Arizona. will be held during the 30-day public and agency review period. The purpose of the hearing is to receive comments from the public on the Preferred Alternative and the findings of the Draft EA. All comments received and responses to the comments will be included in the Final EA. The publication of the newspaper advertisement for the meeting in the Arizona Daily Star on February 18, 2010, began a formal public comment period that extended through March 2, 2010. Newspaper advertisements were also placed in the Arizona Daily Star on February 25,~~

2010, and the *La Estrella de Tucson* on February 22, 2010 and February 29, 2010. The Draft EA was uploaded to the project website and distributed to the Pima County Southwest Branch Library, Ryan Airfield Administrative Office, and the Tucson Mountain Baptist Church prior to the placement of the newspaper advertisement for public availability during the comment period. A summary of agency and public comments received during the comment period and ADOT responses to comments are provided in Appendix A of this Final EA. A transcript including the presentation made at the public hearing and the public comments and questions recorded by the court reporter is included in Appendix B.

A total of 32 people were recorded in attendance at the public hearing, including 19 members of the public and 13 agency representatives. The hearing began in an open house format, followed by a brief presentation and an opportunity for attendees to ask questions and/or make a statement. Following questions/comments from the audience, the meeting returned to the open house format where project representatives were available to explain the project and answer questions in a one-on-one setting. Three comment forms were returned and two people made verbal comments directly to the court reporter at the meeting. Following the hearing, one additional letter was received.

Comments from the public were generally supportive of the project, emphasizing the need to construct the improvements sooner than later to address already-congested traffic in the area. Residents voiced concern for impacts on their businesses or properties as well as impacts on the Pima pineapple cactus and flooding during 100-year storm events. Residents also voiced concern for unwanted additional vehicular traffic onto Sunset Boulevard as a result of the originally proposed realignment. With further discussion between ADOT, Pima County, and

*nearby property owners, an agreement was made to remove the proposed Sunset Boulevard extension from the design concept that will be carried forward into final design (Figure 10).*

*In addition to comments on the originally proposed extension of Sunset Boulevard to the north of SR 86, agency comments also included concerns regarding trail connectivity.*

## **V. Bibliography**

[Draft EA Page 93, added the following text to the bottom of the ADOT references section.]

*2009b. A Cultural Resources Survey of Proposed New Right-of-Way near the Intersection of State Route 86 and Kinney Road (Milepost 166.23), Southwest of Tucson, Pima County, Arizona. Prepared by Jacobs Engineering.*

**APPENDIX A**

**PUBLIC & AGENCY COMMENTS RECEIVED ON DRAFT  
ENVIRONMENTAL ASSESSMENT AND AGENCY RESPONSES**

Comment #	Comment	Response
Agency Comments		
A1	<p><b>Pima County Department of Transportation:</b> Is the proposed extension of Sunset Boulevard north of SR 86 to Michigan Street necessary? Some residents are concerned that traffic from residences north of Michigan Street that would otherwise use the Kinney Road to access SR 86, would use other local neighborhood roads and the Sunset Boulevard extension. This would result in increased traffic passing through those neighborhoods.</p>	<p>ADOT met with representatives of Pima County and local residents to discuss issues related to the proposed Sunset Boulevard extension north of SR 86 to Michigan Street. As a result of the meeting, ADOT has agreed to eliminate the Sunset Boulevard extension from the design concept that will be carried forward into final design.</p>
A2	<p><b>Pima County Department of Transportation:</b> Is ADOT terminating the existing connection of Sheridan in SR 86 just east of Sunset Boulevard?</p>	<p>Sheridan Avenue will be restricted as a right-in/right-out connection to SR 86.</p>
A3	<p><b>Pima County Parks and Recreation:</b> County Parks and Recreation submitted a list of questions and clarifications regarding planned parks and trails as they were discussed in the Draft EA.</p>	<p>Appendix C includes an ADOT letter that summarizes those statements and ADOT responses, some of which resulted in changes to the text and graphics in the Final EA.</p>
<p>Public Hearing Comments          Comment numbered with "T" were recorded in the Transcript (See transcript in Appendix B)          Comments numbered "C" were recorded on comment cards submitted at the public hearing</p>		
T1 (Transcript pages 26 - 29)	<p>Concerns expressed about the potential impacts on an existing business due to changes of access to the business property that would occur with implementation of the Preferred Alternative. Overall support for the project, but question of remaining viability of the business.</p>	<p>ADOT has assured the business owner that his comments have been recorded and will be taken into account during final design.</p>

Comment #	Comment	Response
<p>Public Hearing Comments            Comment numbered with "T" were recorded in the Transcript (See transcript in Appendix B)            Comments numbered "C" were recorded on comment cards submitted at the public hearing</p>		
T2 (Transcript page 29, lines 8-18)	Clarification requested regarding if the pima pineapple cactus will be salvaged and transplanted somewhere else or if there will there be a land trade?	ADOT has committed to mitigate cactus habitat impacts by purchasing 60 acre-credits of suitable land for preservation somewhere else.
T3 (Transcript pages 29, 30)	Concerns were expressed about a number of homes built in the floodplain near Valencia Road that get inundated during flood waters that pass under the highway.	Typically the pads in subdivisions are evaluated during the planning process with Pima County Flood Control District to ensure homes would be above the flood waters during a 100-year storm.
T4 (Transcript pages 30, 31)	Further concern was expressed about how a housing project could have been built in the flood area. Owners have been flooded and experienced great loss from flooding.	It could be that some of the storms were greater than the 100-year storm, resulting in excessive flooding. It is something that would need to be looked into by the County Flood Control District to make sure that designs were properly prepared and implemented.
T5 (Transcript pages 31 -33)	One commenter expressed concerns about the project ending at Postvale Road rather than extending the project past Sandario Road. An associated concern included that tapering of the roadway in the westbound direction from two lanes to one lane and resulting merging and slowing of vehicles could result in a lot of passing and unsafe conditions.	The preferred study concept connects to the east side of the existing improvements at Sandario Road. The SR 86/Sandario Road intersection currently has a left-turn pocket for the eastbound to northbound turning movement and a right-turn lane for the westbound to northbound turning movement. In response to public concerns expressed during the comment period, ADOT will consider extending the Option C proposed westbound outside lane into the intersection to connect to the right-turn lane. This would help separate through traffic from right-turn traffic and further facilitate the westbound to northbound movement. This additional work is within the project limits and will be evaluated during the final design.

Comment #	Comment	Response
Public Hearing Comments Comment numbered with "T" were recorded in the Transcript (See transcript in Appendix B) Comments numbered "C" were recorded on comment cards submitted at the public hearing		
C1	Why are you not going to Sandario Road where the road goes to Phoenix?	Refer to the response to comment T5 above.
C2	This project will impact me in at least two ways. Could you send me a copy of the proposed project (aerial) from east of Sheridan Road to west of the Feed Store on the west, and two streets north of SR 86 to 600 feet to 1,000 feet south of SR 86. Also, along Sunset Boulevard, will there be a drainage ditch or culvert to control the water?	The aerial was sent to the commenter as requested. ADOT met with the owner of the Feed Store regarding these concerns. The Sunset Boulevard extension has been removed from the design concept that will be carried forward into final design eliminating the need for a drainage ditch to control water flow during storm events.

**APPENDIX B**  
**PUBLIC HEARING TRANSCRIPT**

1 ARIZONA STATE DEPARTMENT OF TRANSPORTATION

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8 STATE ROUTE 86 PUBLIC HEARING  
9 ADOT Project No. 086 PM 156 H6806 01C

10 Ryan Airfield Conference Room  
11 9698 West Ajo Highway  
12 Tucson, Arizona  
13 February 2, 2010  
14 6:00 p.m.

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 ORIGINAL  
17  
18  
19  
20

21 PREPARED FOR:

DRIVER AND NIX  
COURT REPORTERS  
3131 East Clarendon  
Suite 108  
Phoenix, Arizona 85016  
(602) 266-6525

24 PREPARED BY:

25 MS. TANIS EASTRIDGE  
Court Reporter

I N D E X

PRESENTATIONS:	PAGE:
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Ms. Dee Phan.....	22
PUBLIC COMMENTS:	
Mr. Richard Couch.....	26
Ms. Lois Lockhart.....	29
Ms. Beverly Platt.....	32

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Tucson, Arizona  
February 2, 2010  
6:30 p.m.

P R O C E E D I N G S

MS. LINDA RITTER: Welcome everybody. Welcome to tonight's public hearing on the State Route 86 Sandario Road to Kinney Road Project. I am Linda Ritter. I am the public information officer for the Tucson District for ADOT, and I want to thank all of you for coming out here with your busy schedules and participating tonight. It's greatly appreciated. We really appreciate your feedback and your input.

First off, I would like to introduce our public hearing team. First of all, from ADOT, Todd Emery, in the back, in the blue shirt, Tucson District Engineer. We also have Billah Khan, Predesign Project Manager; Danny Granillo, Project Development Specialist; Peter Mayne, ADOT Right of Way, way in the back; and Jeff Stein, over here, he is the statewide project manager; and also, Steve Wilson, Statewide Engineer, way in the back.

And from Jay Cox Consulting Firm, we have Brad Olbert, our project manager; Coralie Cole, public involvement. And from the Federal Highway Administration we have Mary Frye, there way in the back. And, we have a

1 court reporter here, Tanis Eastridge.

2 I don't see Priscilla. I'm looking for county  
3 representatives. Did I miss anybody from the County or  
4 government representatives that I would just like to  
5 acknowledge tonight?

6 So we'd all like to welcome you to this public  
7 hearing. Your contribution is, again, very important.  
8 Tonight we are going to give you a background on this  
9 project and discuss the preferred option. We are going to  
10 explain how the study has and will progress, and the next  
11 steps in the process.

12 Your questions and comments, again, are very  
13 important. As you may have seen when you came in today,  
14 we have yellow speaker registration forms. And if you  
15 would like to speak tonight -- and we'll just have you  
16 stand over here and give your comments or your questions.  
17 Again, we encourage it. Just fill out your name, and we  
18 will come around and collect them. Just hold them up.

19 And the one thing that we would like you to know  
20 is that you have a three-minute maximum on speaking. And  
21 we have Jonathan up here with kind of a yellow yield sign  
22 that says you have 15 seconds remaining. And then, when  
23 you really hit, then the red stop sign. So this is the  
24 yellow card. And we encourage you to come up.

25 Additionally, you can fill out a comment form.

1 And you can give these to us tonight. We appreciate  
2 taking them tonight. Additionally, you can mail them in,  
3 you can fax them in, and the directions are on these  
4 comment forms.

5 Also, another option is that you can feel free to  
6 speak with the court reporter, and she will take it down.  
7 You can go over after the presentation, and you can speak  
8 with her, and she will take down everything that you say.

9 And one of the things that she wanted to make  
10 sure of tonight is that, when you speak, if you could  
11 speak very clearly so that she can be sure to accurately  
12 take down your discussion.

13 I guess I told you all the options. So what I  
14 wanted to let you know is that we are going to have a  
15 30-minute presentation, roughly. And it will start out  
16 with a project update by Brad Olbert, and it's going to be  
17 followed by an environmental overview by Dee Phan.

18 Dee, did I not call your name? How did I miss  
19 you? Oh, there you are, right in front of me. Dee Phan,  
20 our environmental planner. Sorry about that. Dee Phan  
21 will be doing a presentation, as well, after Brad.

22 So, again, thank you for coming and I'd like to  
23 invite Brad up to begin.

24 MR. BRAD OLBERT: Okay. We are going to talk  
25 about making improvements to short segments of State Route

1 86. And State Route 86 is located in the south central  
2 part of the state, and it runs from here over to Tucson.  
3 And our project is located pretty close to the City of  
4 Tucson. It's a nine-mile stretch.

5 And State Route 86 is an important highway for  
6 this state because it serves quite a few communities, as  
7 well as two border crossings. It also provides access to  
8 a couple of Indian nations, as well as several points of  
9 destinations, like Kitt Peak and the Saguaro National  
10 Monument.

11 Back in November of 2005, we were here and we met  
12 with a number of you, and at that time, we said that it  
13 looks like we need to have a roadway improvement project  
14 here. And the basis was, there is a lot of development  
15 going on around here. The traffic counts were up  
16 significantly on the highway, as well as the number of  
17 crashes.

18 So when we met with you, we presented it, and at  
19 that time, you totally agreed that, yes, we do need a  
20 project here, basically try and do it as soon as possible.  
21 So at that time, we then started meeting with the agencies  
22 to work with them as far as different concepts for  
23 widening the highway.

24 We also started into some technical reports, and  
25 also environmental studies in order to justify doing the

1 improvements.

2 But right now, we are at the public hearing  
3 portion, and this is where we present the Preferred  
4 Alternative to you so that you have the opportunity make  
5 comments on it. And your comments are extremely important  
6 to us because those comments are used by ADOT and the  
7 Federal Highway Administration to make a decision to move  
8 forward with this project.

9 For the alternative that we are moving forward  
10 with, the purpose of it is to provide basically a four- or  
11 six-lane divided highway. And we are designing the  
12 roadway so that it will handle the traffic loads all the  
13 way up to the year 2030.

14 We don't want to do it for a short term, because  
15 as soon as we get it done, we will be going back out here  
16 to do more construction. So we do it for a time period  
17 that's about 20 years out so that we have a time period  
18 that's relatively good as far as the roadway. It should  
19 function well.

20 Also, we wanted to realign several of the side  
21 streets so that we would have much better access to the  
22 state highway. And as part of that, we'd be looking at  
23 putting in signals, and also a lot of right-hand turn  
24 lanes so that you, again, have better access to the  
25 highway.

1           We are also looking at controlling left-turn  
2 locations. This is very important for a state highway,  
3 because we want to try to improve the safety on our  
4 highways. Above all else, we want to try and improve  
5 safety.

6           Also, it definitely will help to reduce  
7 accidents, and it also helps to move traffic along because  
8 you are not having interference with side streets or  
9 driveways.

10           Also, we are looking at improving our bridges and  
11 our box culverts. Right now, there are several locations  
12 along the highway, where, during a large storm event, we  
13 will have water flowing over the roadway. And we want to  
14 make this roadway an all-weather type roadway.

15           To get a little bit deeper in some of the issues  
16 here, back in 2005, we met with you and said, okay, if we  
17 need to improve the roadway, we are going to have to add  
18 additional lanes. And what that means is that the roadway  
19 is going to get wider. And when you have a wider roadway,  
20 that means you are going to -- in most places, you are  
21 going to need to acquire more right of way for that road.

22           Intersection improvements. A lot of the streets  
23 here are based on a north-south grid. And unfortunately,  
24 State Route 86 comes in at a diagonal. And because of  
25 that, there's some high skew angles that exist at the

1 intersections. So it is very difficult for a person when  
2 they come up to State Route 86 to crank their head around  
3 to look to the east and to the west. So we wanted to try  
4 and provide side streets and intersections that would give  
5 you almost perpendicular access so that you can adequately  
6 see the traffic to the east and to the west.

7 We have access control. I touched on that  
8 briefly. What that does is limit the left-turn locations,  
9 and also the number of driveways; and in addition to that,  
10 the number of side streets that we want to come in and  
11 have access to the highway.

12 Again, it is for safety reasons. And during your  
13 peak hour conditions, your rush hour conditions, not  
14 having so many access points along the way, you don't have  
15 cars coming in at different locations that will slow down  
16 the traffic. So it helps to improve the flow of traffic  
17 during those rush hour events.

18 Drainage improvements. When we got into the  
19 planning on this, we found out this section of highway is  
20 located -- from one end to the other, is located in a  
21 floodplain. That makes it very difficult to deal with  
22 water and traffic at the same time.

23 But our goal for this section of highway was to  
24 provide culvert capacity so that we can convey the  
25 100-year storm underneath the roadway. It's extremely

1 important for an area that's growing like that, because  
2 one of the key aspects with developments and growing  
3 population is to have good access for emergency  
4 situations.

5           Whether we like it or not, every one of us is  
6 going have to have the need for some kind of emergency  
7 response, whether it be for fire, ambulance, or whatever.  
8 And so we need to have a roadway that is going to provide  
9 the ability for a fire department or police to get to your  
10 property or location, not only in the good weather but  
11 also in the bad weather.

12           Utilities. We found out that all the utilities  
13 in this area are using the State Route 86 right of way to  
14 serve this area. That's fine, but it makes it a little  
15 bit difficult when we start widening the roadway, because  
16 all of a sudden, those utilities are underneath the  
17 pavement.

18           So what we did, since there are so many utilities  
19 involved here, we met with them and came up with an  
20 agreement to buy a little extra right of way so that they  
21 would have a place to put their utilities. That's really  
22 important, because beyond the time frame of 2030, there  
23 may be a need for adding additional lanes in the future.  
24 And so we don't want those utilities to have to relocate  
25 their facilities again. So we are going to be providing a

1 little strip of additional right of way just for them.

2 Regional planning. When we started our process  
3 of looking at the roadway, Pima County then came along and  
4 said, hey, we are starting our planning process for this  
5 area. And also Tucson Airport Authority, they were  
6 beginning their five-year master plan for Ryan Airfield.  
7 And so we all got together to make sure we coordinated our  
8 work so we weren't overlapping or conflicting with one  
9 another.

10 We get into the traffic levels a little bit. We  
11 pulled up the latest information that was available, which  
12 is 2008, for State Route 86, through here. And it shows  
13 that we have about 7,000 cars a day using the west end of  
14 the highway, and that increases a little up to over 1,000  
15 near Kinney Road.

16 Our projections for the year 2030 is for the west  
17 end to go up to roughly 29,000 cars a day, and the east  
18 end around 38,000. And that's when all these developments  
19 that are starting to show their heads up right now start  
20 to be built out.

21 But one of the ways that Federal Highways and the  
22 State uses to grade a roadway is: How does it operate  
23 during your rush hour event? So they have a grading  
24 system of A to F; A being the best and F being the worst.  
25 And we call that a level of service.

1           And so you can see here, for the existing roadway  
2 conditions, that two thirds of the roadway, from Sandario  
3 Road out to San Joaquin, is operating around a Level of  
4 Service C, which isn't too bad. But when you get to the  
5 east end, between San Joaquin and Kinney, we are looking  
6 at Level of Service E, which is not very good at all.

7           When we get to the design life of this project,  
8 2030, we are looking at the entire roadway section here  
9 being Level of Service F. Essentially that is a parking  
10 lot that moves very slowly.

11           We have some pictures that kind of depict that.  
12 Level of Service A, you can see it's not too many cars and  
13 it's free flowing. By the time you get down to Level of  
14 Service F, you can see it is just jammed up with traffic.

15           Right now, we are Level of Service C, which isn't  
16 too bad, and Level of Service E. But in any case, we are  
17 quickly moving to F for the entire roadway.

18           So what we do when we start looking at options,  
19 as far as, okay, how do we put in additional lanes and all  
20 that, we establish a baseline; and that's called the  
21 no-build option. That's where there's no improvements to  
22 the roadway other than just your regular maintenance  
23 that's going to take place.

24           And in that situation, again, as I mentioned,  
25 where we are moving towards Level of Service F in the year

1 2030. So then we thought, well, how are we going to add  
2 in these additional lanes to improve this roadway? So the  
3 first option we came up with, Option A, was to add those  
4 additional lanes on the north side of the existing lanes.  
5 You can see that here in this little blow-up here, the  
6 proposed lanes will be north of the existing.

7 Well, then we can evaluate basically the pros and  
8 cons of what is going on with this alignment here. And at  
9 the very east end, between Tucson Estates and Kinney Road,  
10 we found that we were dramatically affecting several  
11 residences, as well as the Tucson water facility.

12 When we came to Snyder Hill, we were taking a  
13 very, very large chunk of that hill out. So that wouldn't  
14 look very attractive later on. To the west of  
15 San Joaquin, however, we are getting into almost ideal  
16 roadway conditions for constructing new lanes.

17 Come to Ryan Airfield, and they said, time out,  
18 no. We don't want any lanes closer to our runways.  
19 Besides, we were going to affect the driveways and the  
20 parking lot right out here, would be filled in with, you  
21 know, dirt and lanes. So it wasn't too attractive for  
22 Ryan Airfield.

23 Once we get to the west of Ryan Airfield, we get  
24 into almost ideal construction conditions again, until we  
25 get to Sandario Road. Then we say, well, okay, we know

1 what is going on with putting the lanes to the north side,  
2 how about putting them to the south side? So that became  
3 our Option B, and then we went through the same evaluation  
4 again. Between Tucson Estates and Kinney Road, it would  
5 be affecting several residences. The church would be  
6 affected; the West Ajo Baptist. I know they have changed  
7 their name here recently.

8 We are also looking at affecting the Shell  
9 station. We would be basically taking that out.

10 We get past Snyder Hill, and there's no affect on  
11 Snyder Hill, but past San Joaquin, we get into a bit of  
12 the floodplain, as we were talking about earlier. There  
13 is a lot of drainage dikes, and all that would be  
14 affected.

15 We wouldn't affect Ryan Airfield.

16 Coming over here to Ajo Highway, there's a little  
17 bit different situation. Back in 1990, the State went in  
18 there and improved that section of roadway. They built  
19 the new section to the north of the old highway. So  
20 there's a lot of right of way visible in there for us to  
21 build the new lanes.

22 So we have almost an ideal situation in here to  
23 put the roadway in here, at fairly low cost to the State.  
24 We don't have to purchase much right of way. And the old  
25 roadway bed was still there, so there was a lot of fill

1 material there. So low cost for the State.

2 After this, we said, well, we need to look at a  
3 third option, which is Option C. And in this case, what  
4 we did was, we wanted to take the best situations from  
5 Option A and Option B and combine it and come up with what  
6 we call our best fit for the area.

7 So in this situation, looking at the east end  
8 again, between Kinney and Tucson Estates, we knew we were  
9 affecting properties on both sides if we went way out  
10 there. But if we just took a little bit on both sides of  
11 the existing roadway, the effect was not as great.

12 But what that did mean was that we would have to  
13 reconstruct the entire roadway in through that section.  
14 But we felt that was the best situation for all of the  
15 properties that were affected.

16 So that would take place all the way past Tucson  
17 Estates, past the Shell station. At that point, then, the  
18 roadway alignment would curve to the south, so that we  
19 would miss Snyder Hill and not do that great big  
20 excavation there.

21 Once we got past San Joaquin, we switched the  
22 lanes over to the north side so we are in the ideal  
23 construction area. Coming to Ryan Airfield, we again  
24 shift the new lanes to the south side to avoid Ryan  
25 Airfield. But we stayed over here because of, again, we

1 have all the right of way we need to put the new lanes in.

2 To give you an idea of the typical section that  
3 we will be using, most of the project would be using a  
4 four-lane divided section, just like this. This is a  
5 nearly identical section that is used to the east of  
6 Kinney Road right now. And that would go from Sandario  
7 Road to Sunset. At Sunset, we need to go to three lanes  
8 in each direction. So it's a six-lane facility.

9 The reason for that, if you remember the traffic  
10 numbers, the traffic numbers jumped up quite a bit. In  
11 order to get all the traffic flow through the Kinney Road  
12 intersection, we need extra lanes so that the cycle time  
13 on the signal will allow the traffic to move through so we  
14 have a good performance at the intersection.

15 This is a photo kind of rendering before, and  
16 with the proposed, just to give you an idea. This was  
17 taken from Snyder Hill. And this is the existing roadway.  
18 And what we had to do was take a tree out of there to give  
19 you a little bit better perspective of what it will look  
20 like.

21 Again, we are widening the roadway. We are  
22 adding a couple extra lanes. But this gives you at least  
23 an idea of what it would look like.

24 Now, I know I didn't have a chance to talk to  
25 everybody here tonight, so I am just going to quickly run

1 through the slides. And this is pretty much what was up  
2 on the wall and on the tables in the back. But we will  
3 start from the west end and proceed quickly through the  
4 project just to bring out some highlights. And hopefully  
5 this may bring up some comments that you'll have later on.

6 At the very west end, we will tie into the  
7 intersection, Sandario Road. Again, the lanes, the new  
8 lanes on the south side. Then you see here in kind of an  
9 aqua color. Those are some dikes that have to be  
10 reconstructed.

11 And the purpose of the dikes is to focus the  
12 drainage that comes sheeting off of the mountains and  
13 focus them into box culverts. And those box culverts are  
14 going to be doubled and tripled in size in order to get  
15 all of the drainage through them. So you can see there is  
16 a lot of dike work going on through here.

17 Now, one other feature in here is, every so often  
18 we'll have a u-turn opportunity. So if you missed your  
19 roadway, you don't have to go all the way down to the next  
20 intersection to make a u-turn.

21 Going on to the slide, again, it's the same  
22 situation here with the dikes and the culverts. But you  
23 will notice, at Valencia Road, we are planning a signal  
24 there. The exact alignment of Valencia Road will be  
25 determined by Pima County later on. They are going

1 through a planning process right now. But that will be  
2 reconstructed by them.

3           Once we get past Ryan Airfield, the lanes then  
4 shift to the north side. You see, again, the aqua color  
5 coming up. The reason for that is, those were existing  
6 dikes that were built back in the '30s. Well, it's been  
7 70-plus years since then, and a lot of them are poorly  
8 maintained and they are not functioning very well. So we  
9 are going to go in through there and reconstruct those so  
10 that they will be good for the next 70 years.

11           The next slide shows two bridges. These bridges  
12 will be widened so, again, more flow can go through. We  
13 have, again, a lot of dike work in here to make the  
14 bridges work much better as far as passing that water  
15 through.

16           At the right side of the slide, you will see San  
17 Joaquin. We are going to provide a signal there, too.  
18 There's a lot of left turns that take place at that  
19 location. So we will have a signal there to allow those  
20 turning movements to take place safely.

21           Again, we are on the south side here, past Snyder  
22 Hill, and we come to Camino Verde. This is where the  
23 realignment of the roadway is very important. Again, we  
24 are trying to come up with a perpendicular intersection so  
25 that you can see to the east and west along State Route 86

1 much better than you do now.

2 We know there's a signal there and it's  
3 functioning much better, but it can be improved, and we  
4 are going to improve it with this project.

5 Tucson Estates, same thing. We are going to  
6 realign that roadway to give you a perpendicular access to  
7 State Route 86, and it will be signalized.

8 And you see the aqua color here to the north of  
9 86, that's going to be for a drainage way, a channel.  
10 Much of it exists today, especially in front of the Tucson  
11 water facility. What we are going to do in there is go in  
12 and clean the vegetation out so that it functions properly  
13 when you do have a storm event.

14 There is also a channel that exists in through  
15 here, but it's going to shift a little bit to the north.  
16 And this is going to be the new channel area in through  
17 here that will be constructed.

18 And the last slide, with Sunset, there's a bit of  
19 realignment there. Something new here is that we are  
20 going to extend a north leg onto the intersection so it's  
21 no longer just a T, but a four-leg intersection. The  
22 reason being, we want to try and provide better access for  
23 this subdivision here. Right now, everybody goes up to  
24 Bopp Road and over to Kinney. This way, they will come on  
25 to State Route 86 better.

1 We also have a situation with the church and  
2 school here. With the median in place, there will no  
3 longer be left turns being allowed into the property. So  
4 under this scenario, they would have to go all the way  
5 down to Tucson Estates to make that u-turn to come back.

6 But we felt that wasn't the safest way to handle  
7 it, so what we've done here is extend Sunset further to  
8 the south to the Oklahoma Street alignment. At that  
9 location, build a two-lane roadway over to Spencer Avenue,  
10 then north on Spencer back up to 86 so a person can then  
11 make a left turn at the signal and go around the block and  
12 come into the property.

13 Now, the school and church property goes all the  
14 way down to Oklahoma. So they have the opportunity put in  
15 a driveway access to Oklahoma and shorten the path up a  
16 little bit. But at least this is much safer turning  
17 movements than what they currently have, and also having a  
18 signal there provide that break.

19 Kinney Road, some major improvements here.  
20 There's a lot of right-hand and left-hand turn movements  
21 up onto northbound Kinney. What we are going to provide  
22 there is a dual right-hand turn lane to make that turning  
23 movement so we can allow a lot more cars to go through  
24 there.

25 Likewise, coming south on Kinney and State Route

1 86 will be a dual left-hand turn so that they can safely  
2 get back onto the highway.

3 But we didn't stop there. Kinney Road has some  
4 major drainage problems. Right now, every time it rains,  
5 basically it's going over the roadway. And I am sure you  
6 all experienced that.

7 We are putting in an interceptor channel to  
8 collect that water. And we will put in a three-barrel box  
9 culvert underneath Kinney Road, and it will discharge into  
10 a new channel located along the north side of the highway.  
11 And there's an existing box here that will carry the water  
12 under the roadway. A lot of that goes there.

13 Right now, it's just that we are going to  
14 formalize it into a defined channel and get it under the  
15 roadway instead of having it go over.

16 So the big thing about this whole improvement is  
17 safety. We are not just adding lanes, we are trying to  
18 make this roadway as safe as possible for everybody. And  
19 that especially means left turns. We have a lot of  
20 left-turn accidents. So there's big-time focus on that.  
21 So we want to control access to the highway and make it  
22 much more safer in the future.

23 And with that, I am going to allow Dee Phan to  
24 take about the environmental portion.

25 MS. DEE PHAN: Thank you.

1 My name is Dee Phan. I am with ADOT  
2 Environmental Planning Group. I am here to present the  
3 environmental study process and environmental impacts  
4 associated with the results.

5 As you already know, Federal Highways, the lead  
6 agency, has prepared a Draft Environmental Assessment, in  
7 accordance with the National Environmental Policy Act,  
8 which is also known as NEPA.

9 Currently, the Draft EA is available for review  
10 at three locations, and also on the ADOT web site; and the  
11 comments are due March 2nd.

12 The objective of the NEPA process is to evaluate  
13 the level of potential environmental impact associated  
14 with the proposed projects; compare the impacts and the  
15 benefits of the proposed projects, and the No-Build  
16 Alternative, to provide the public and the agency an  
17 opportunity to comment; and to assist Federal Highways in  
18 the decision making process.

19 These are all the environmental resources that  
20 were studied and discussed in the Draft EA. I will focus  
21 on the resource with the potential impact.

22 The first resource is land ownership and land  
23 use. The project would require ADOT to acquire new right  
24 of way from both private and State land, and public land.  
25 Public land here includes State land, BLM and City of

1 Tucson. The private land owner would be compensated a  
2 fair market value.

3 The Preferred Alternative would require uptake of  
4 a single family home. But the homeowner, again, would be  
5 compensated at the market value, in accordance with the  
6 Uniform Relocation Act.

7 The Preferred Alternative would result in a  
8 timely traffic delay, and review travel speeds during the  
9 construction. But ADOT would go ahead with emergency  
10 service providers to minimize any potential delay due to  
11 construction. And access would be maintained during the  
12 construction, also. Overall, the alternative would result  
13 in an improved traffic operation.

14 The project area was surveyed for ten endangered  
15 species; the Pima Pineapple Cactus, elicited for any  
16 endangered species who are found in the project limits.  
17 The Preferred Alternative would result in the loss of one  
18 to two Pima Pineapple Cactus; permanent loss of  
19 approximately 60 acres of their potential habitat.  
20 Approximately 80 acres of their potential habit would be  
21 heavily disturbed due to construction activity. So to  
22 mitigate for this loss, ADOT and Federal Highways have  
23 consulted with U.S. Fish & Wildlife Service. The  
24 Preferred Alternative would require ADOT to purchase about  
25 60 acres of land somewhere else to replace for the loss of

1 the habitat.

2           Once species of Arizona of concern is the Sonoran  
3 Desert Tortoise that fell within project limits. During  
4 the construction, mitigation measures would be required to  
5 avoid impacting the tortoise.

6           The project area also occurred within important  
7 wildlife connectivity, or linkage zones. And ADOT has  
8 coordinated with Arizona Game & Fish Department, and would  
9 continue to do so during the final design. Arizona Game &  
10 Fish Department would have the opportunity to make  
11 specific design recommendations regarding the wildlife  
12 connectivity in the project area.

13           Several dry washes are found in the project  
14 limits. So during the final design, the impact of the  
15 washes would be determined, and Section 44 Clean Water Act  
16 would be obtained from the Corps of Engineers.

17           As you already know, the proposed improvement  
18 would be built on a 100-year floodplain; however,  
19 following the construction, the drainage condition would  
20 be improved, which ultimately reduces flooding in the  
21 roadway.

22           Three prehistoric sites would be impacted by the  
23 Preferred Alternative. And the impact would be mitigated  
24 by daily inquiry during construction.

25           The proposed project would include adding the

1 roadway features that are similar to the existent  
2 features. So there are very minimal changes to visual  
3 resources. So the visual resources of the area will be  
4 consistent or similar to the visual character of the  
5 project area.

6 There would be short-term impact to air quality  
7 due to construction activity. But in the long run,  
8 following the construction of the project, the air quality  
9 would be improved due to free flowing traffic.

10 And a noise study was conducted for the Preferred  
11 Alternative. Two locations, a single family home and a  
12 church, were identified to exceed the ADOT Noise Abatement  
13 Criteria. No mitigation measure is recommended at this  
14 time. But during the final design, ADOT would review the  
15 noise study report, as well as the design plan, to verify  
16 that no measure change have been made to the proposed  
17 improvement.

18 So those are all the resources that would be  
19 impacted by the Preferred Alternative.

20 The next step in the NEPA process would be to  
21 incorporate all the public and agency comment in the Final  
22 EA. And the Federal Highway will make a decision on a  
23 selected alternative and the environmental impact  
24 associated with the selected alternative.

25 Just a quick reminder, in order for your comment

1 to be a part of the Final EA, we need your comment by  
2 March 2nd. And the information on the location of the  
3 Draft EA and the comment form is available at tonight's  
4 meeting.

5 Now, Linda Ritter will take your comments.

6 MS. LINDA RITTER: Thank you. Do we have anymore  
7 of the yellow cards that we collected? Anybody? Great.

8 One thing I forgot to mention is that after the  
9 speakers, our project team will be available to answer  
10 questions. If you would like to stay over, they will be  
11 here to talk with you about anything you may want to have  
12 addressed.

13 So speaker number one is Richard Couch. If you  
14 would like to come up.

15 MR. RICHARD COUCH: I am wondering, could I have  
16 Map Detail No. 5 up there? Is that possible? I think it  
17 might make a little more sense as to what I am referring  
18 to. Thank you.

19 First off, my name is Richard Couch. I'm the  
20 owner of the Shell Superstop Convenience Store down on the  
21 highway, and Tucson's Parkway.

22 I would like to tell you in advance, I am not  
23 opposed to the project. I think it is something that  
24 needs to be done. I think anything that can improve the  
25 safety on the highway is a great thing for the folks, and

1 our business out here, as well.

2 My objection, and the only reason I am standing  
3 up making this is so it can become part of the public  
4 record, because I may bore you with this. But, basically,  
5 if ADOT proceeds with Option A -- which I understand is  
6 really not an option. I think Billah told me that they  
7 are not doing Option B or C. So I don't know why that  
8 appears as an option. But apparently we are doing A.

9 If they do A, it wipes out our business.  
10 Currently, this is our store right here. And folks come  
11 from Tucson Estates Parkway, and they come directly across  
12 the road we've improved, into our business. Additionally,  
13 there is a deceleration left-hand turn lane that comes  
14 into the business.

15 I didn't know that they were going to have to  
16 realign this. But in doing so, I asked the planning  
17 folks, if you are coming this way, or you are coming from  
18 Tucson Estates, how do you get into our business? And  
19 there's no way.

20 So they just took a \$2 million business and  
21 tanked it. Again, I am not opposed to progress. I think  
22 it needs to be done. But my comments to the planning  
23 folks was that, if that's truly going to happen, then I  
24 think my business needs to be taken by ADOT or the State  
25 or County and be compensated, and we will go somewhere

1 else, hopefully still in the trade area, so we can  
2 continue to do business.

3 But this realignment and the way they have to --  
4 and again, I told them in the back, I am not a safety  
5 expert, and I am assuming this will be safer. I'm not  
6 opposed to that, other than it wipes out the \$2 million  
7 investment we have here in the community.

8 And we are the only retail business from here all  
9 the way to almost Kinney Road on that side of the street.  
10 So if they actually did Option B and put the roadway on  
11 the south, they would have to take our property. But I'm  
12 all in favor if the best route is Option A. That's okay.  
13 But it's not okay if they ruin my business.

14 So that's the crux of my complaint and my  
15 concern. And obviously, I guess the only way to analyze  
16 it for other folks is if they came to you and said, we are  
17 going to do this and take your house but we are not going  
18 to compensate for you. What would you do? I am in the  
19 same position.

20 You know, I'm all in favor of the progress and  
21 for the widening of the road, but if you turn my business  
22 into an island, they are going to have to compensate us so  
23 we can relocate. That's my objection.

24 But again, my compliments to the planning folks  
25 and ADOT and Pima County. We do work with them from time

1 to time, and they work very hard, and I know it's  
2 difficult to come up and please everyone. But this  
3 doesn't work for us.

4 And I finished with time left.

5 MS. LINDA RITTER: Thank you, Richard.

6 Next up, we'd like to introduce Lois Lockhart.

7 MS. LOIS LOCKHART: Hi everybody, I'm Lois  
8 Lockhart. I have two concerns, they talked about doing  
9 something with the pineapple cacti, but I couldn't hear  
10 what that was. Are they going to be picked up and planted  
11 somewhere else, like Desert Museum, or, did I hear you say  
12 they are going to trade off land?

13 MS. DEE PHAN: Basically, the Option C, Preferred  
14 Alternative, would directly impact one to two pineapple  
15 cactus. So that's the loss of two cactus. And we would  
16 need, you know, to restore the potential habitat for the  
17 cactus. And we mitigate purchasing an acre of land  
18 somewhere else.

19 MS. LOIS LOCKHART: I am sorry. I hadn't heard  
20 that.

21 The other thing I am concerned about is all the  
22 water running under the roadway. And on Valencia Road, I  
23 guess it's about half a mile before it turns -- sorry, I  
24 don't have complete directions here. But there are a  
25 number of homes built in the floodplain. So we have a

1 100-year flood, and these homes get inundated, then here  
2 comes all this water from the mountain, from under the  
3 highway. What's happening? How is that going to be taken  
4 care of?

5 MS. LINDA RITTER: I think that's drainage  
6 issues.

7 MR. BRAD OLBERT: I will take care of that.

8 MS. LINDA RITTER: Thank you, Lois. Did you want  
9 to say anything more? I don't think you finished your  
10 time? Thank you.

11 MR. BRAD OLBERT: I will talk briefly about the  
12 drainage. When a subdivision comes in and is developed,  
13 that goes through a planning process with Pima County  
14 Flood Control District. Typically what they do is, they  
15 elevate the pads in that subdivision so that the homes in  
16 there would be actually above the flood waters during a  
17 100-year storm. So they would safe.

18 But all the water coming off the mountains from  
19 under Kinney Road, that's all considered in that when they  
20 set the pad elevations for the subdivisions. So every  
21 subdivision that is developed in that floodplain area,  
22 they have to raise those pads up out of that water area so  
23 they will be safe when you do have the storms come  
24 through.

25 MS. LOIS LOCKHART: Well, then how did that --

1 well, you are not from the County so you couldn't tell me.  
2 But I wondered how the project got built. I have friends  
3 who lost almost everything because the flood came up and  
4 came in the door.

5 MR. BRAD OLBERT: Okay. Well, it could have been  
6 that some of the storms around the state were greater than  
7 the 100-year storm. For instance, up north of Phoenix,  
8 normally a 100-year storm is around three and a half to  
9 four inches. They had six inches. There was a lot of  
10 flooding up there. And I wouldn't be surprised if that  
11 was the same situation that happened down here.

12 But it's certainly something that the County  
13 Flood Control District is going to look into and make sure  
14 that designs were properly done and that there weren't any  
15 mistakes made. But that is something for the Flood  
16 Control District to handle at this point. I can't speak  
17 for them.

18 MS. LINDA RITTER: Can you put on the very last  
19 slide so we can show contact information?

20 I want to thank you all again for coming. We  
21 have contact information. I hope this was informative for  
22 you. And, again, our project team will remain in case you  
23 would like to talk to one of them or if you have  
24 additional questions. Thank you so much.

25 MS. BEVERLY PLATT: My questions was: Why isn't

1 it going down one more mile to Sandario Road? They are  
2 stopping at Post Vale (phonetic), and one mile is Sandario  
3 Road. Sandario Road runs all the way to Avra Valley. It  
4 runs all the way to Phoenix. And so by them stopping  
5 one mile up, it's going to go to the two-lane highway  
6 again, and you are going to have to jockey or fight to get  
7 onto that lane, like they did at Kinney Road.

8 Kinney Road, they got the light, and as soon as  
9 you cross the light, the road narrows down from the  
10 two-lane -- or the four-lane to two-lane. And so people  
11 are passing. They have to get from the right side in to  
12 go west. And sometimes the people won't let them in  
13 because they are coming up this way. And who has got the  
14 right of way? This one or this one? Okay.

15 Well, and he said that it's going to go to the  
16 two lanes, like it is now. So that means we are going to  
17 have to jockey in to the two-lane highway to go. And that  
18 goes to Sells, little town of Sells. It goes to Rocky  
19 Point.

20 And right now, with the people coming from the  
21 west going east, is that they did widen the road a little  
22 bit so that the car that is going to make a left-hand  
23 turn, okay, they have gone into the middle. But you still  
24 have traffic coming at you. And it's real hard at night.  
25 Okay. And the other cars have to pass you on that road,

1 then you are sitting this way into here to turn onto  
2 Sandario Road. So why didn't they just go past Sandario  
3 Road a little bit? Because there is nothing there. It's  
4 desert. Then that's the main road. So that's my  
5 question.

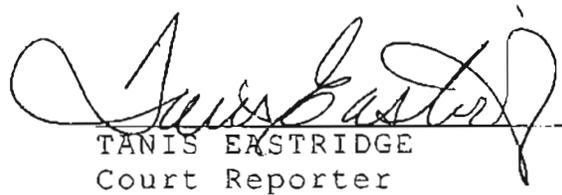
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1 STATE OF ARIZONA. )  
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I HEREBY CERTIFY that the foregoing was taken before me, TANIS EASTRIDGE; that all proceedings had upon the taking of said hearing were recorded and taken down by me on a steno machine as backup and thereafter reduced to writing by me; and that the foregoing 33 pages contain a full, true, and correct transcript of said record, all done to the best of my skill and ability.

WITNESS my hand this 5th day of February 2010.

  
TANIS EASTRIDGE  
Court Reporter

**APPENDIX C**

**ARIZONA DEPARTMENT OF TRANSPORTATION RESPONSE TO PIMA  
COUNTY PARKS AND RECREATION**



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Director

Floyd Roehrich Jr.  
State Engineer

March 9, 2010

Greg Hagen  
Pima County Natural Resources  
Parks & Recreation Department  
3500 W. River Rd.  
Tucson, AZ 85741

**RE: Response to Comments via Email dated 02/26/10**  
**Subject: SR-86; Sandario Road to Kinney Road – Draft EA**

Dear Mr. Hagen,

Thank you for taking the time to review the Draft Environmental Assessment for the SR 86 project. Below we have provided written responses to each of your comments.

1. Page 15 - Will bicycle lanes be provided within the roadway ROW? Figure 5 does not show any bicycle lanes.

Response – As discussed during a meeting held with our consultant, Jacobs, on November 4, 2008 at the Pima County Natural Resources, Parks and Recreation office, ADOT's policy is not to build bicycle paths or bicycle lanes within ADOT right-of-way. Such bicycle lanes are considered a local government prerogative and will not be identified on ADOT plans.

Will the 10' shoulder also be the bike lane?

Response – Although it would not be striped or identified as a bicycle lane by ADOT, bicycle use of the 10-foot-wide paved shoulder area within the right-of-way would not be prohibited. Per discussions with Jacobs at the November 4, 2008 meeting, rumble strips would not be installed between the outside travel lane and the paved shoulder to further accommodate bicyclists.

Will a soft path trail be provided for the Ajo Highway Trail?

Response – No soft path trails will be provided as part of the ADOT project.

2. Page 74 - Figure 12 shows Black Wash Trail #10 and Central Arizona Project Trail #3 as identified in the Eastern Pima County Trail System Master Plan, but Ajo Highway Trail #15 is not shown, however it is discussed. The trail should be located on the north side.

Response – At the time of the November 4, 2008 meeting, Pima County Natural Resources, Parks and Recreation representatives stated that it was not known if the trail would be on the north or south side of the highway and the trail was therefore not depicted on the figure. Since the trail location has been decided, Figure 12: Planned Parks and Trails will be revised in the Final EA to show the Ajo Highway Trail #15 on the north side of SR 86.

How will trails #10 and #3 be accommodated across SR 86?

Response – As discussed with Jacobs in the November 4, 2008 meeting at the Pima County Natural Resources, Parks and Recreation office, ADOT's plan would be to accommodate safe, at-grade trail crossings for Black Wash Trail #10 and Central Arizona Project Trail #3 at the nearest proposed signalized intersections.

3. Page 75 - Delete the reference to Ryan Park – NRPR has withdrawn plans from BLM.

Response – All references to Ryan Park will be removed in the SR 86 Final EA.

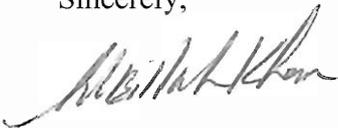
4. Page 76 - Pima County has set the alignment for the north side of SR 86.

Response – In addition to revising Figure 12, the text will be revised in the SR 86 Final EA to reflect this decision and to include appropriate reference(s) to the trail.

Your comments will be included as part of the public record for this project. If you have any additional comments, you can send them to me, Billah Khan, at the address written below or to Jeff Stein at the ADOT Tucson District. His address is:

Jeff Stein  
ADOT Tucson District  
1221 S. 2nd Avenue, MD T100  
Tucson, Arizona 85713-1602

Sincerely,



Billah Khan, P.E.  
Predesign Project Manager  
Arizona Department of Transportation  
205 S. 17<sup>th</sup> Avenue, MD 605E  
Phoenix, Arizona 85007-3218

**APPENDIX D**

**CULTURAL RESOURCES CONSULTATION AND**

**MEMORANDUM OF AGREEMENT**

**Cultural Resource Sites**

<b>Site Number</b>	<b>Description</b>	<b>National Register Eligibility</b>	<b>Criterion</b>	<b>Impact/Determination</b>
AZ AA:16:5(ASM)	Lithic scatter	Determined eligible	D	Yes/Adverse effect
AZ AA:16:377 (ASM)	Ajo-Tucson Hwy/Old SR 86	Determined eligible	D	Yes/No adverse effect
AZ AA:16:466 (ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:530 (ASM)	Artifact scatter	Not eligible	N/A	None/N/A
AZ AA:16:539 (ASM)	Historic artifact scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:540(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:541(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:542(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:543(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:544(ASM)	Historic trash scatter	Not eligible	N/A	None/N/A
AZ AA:16:546(ASM)	Hohokam artifact scatter	Testing required to determine eligibility <i>Recommended "not eligible"</i>	N/A	Yes/Site's eligibility status is unknown; therefore, determination is pending
AZ AA:16:547(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:548(ASM)	Hohokam artifact scatter	Testing required to determine eligibility <i>Recommended "not eligible"</i>	N/A	Yes/Site's eligibility status is unknown; therefore, determination is pending
AZ AA:16:549(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected
AZ AA:16:550(ASM)	Historic trash scatter	Not eligible	N/A	Yes/Site is not NRHP-eligible, therefore, no historic property affected



~~2007-1440~~ 2007-1440 (75361)

**Arizona Department of Transportation  
Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

Floyd Roehrich Jr.  
State Engineer

John S. Halikowski  
Interim Director

December 3, 2009

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

RECEIVED

DEC 07 2009

ARIZONA STATE PARKS/S.H.P.O.

RE: SHPO No. 2007-1140  
Federal Aid No. STP-086-A(APA)  
ADOT Project No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road (MP 156.90-166.60)  
Continuing Section 106 Consultation  
Revised Testing Plan

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on Arizona Department of Transportation- (ADOT) owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Tucson, Pima County, ASLD, BLM, the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

Previous consultation outlined the project scope; identified consulting parties and the area of potential effects (APE); made a determination of "adverse effect" for this undertaking; recommended that a treatment plan be prepared for the mitigation of potential adverse effects; provided a final Memorandum of Agreement to address adverse effects that project construction may have on historic properties, and provided a National Register of Historic Places (NRHP) eligibility testing plan for this undertaking.

The NRHP eligibility testing plan prepared by Jacobs Engineering Group has been revised to address a comment from the SHPO; specifically, the amount of proposed trenching at AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) has been reduced. The revised plan, entitled "National Register of Historic Places Eligibility Testing Plan for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona" (Stubing and Davis 2009), is enclosed for your review and comment.

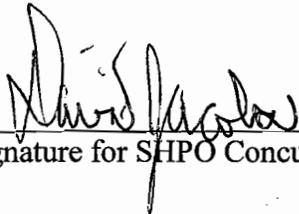
Jacobs  
12/3/09  
086 PM 156 H6806 01C  
Page 2 of 2

Please review the revised NRHP eligibility testing plan and the contents of this letter. If you agree the revised plan is adequate, please sign below to indicate your concurrence. If you have any questions or concerns, please feel free to contact me at (928) 779-7595 or email at JMallery@azdot.gov.

Sincerely,



J. Matthew Mallery  
Historic Preservation Specialist  
Environmental Planning Group  
1801 S. Milton Rd. F500  
Flagstaff, Arizona 86001



Signature for SHPO Concurrence



Date

Enclosure

cc: Mary Frye, FHWA



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**ARIZONA DIVISION**

March 3, 2010

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>

In Reply Refer To:  
STP-086-A(APA)  
HOP-AZ

STP-086-A(APA)  
TRACS No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road  
MP 156.90 – 166.60  
Continuing Section 106 Consultation  
Preliminary Testing Report

Ms. Sallie McGuire, Chief Regulatory Division  
Arizona Section  
U.S. Army Corps of Engineers Los Angeles District  
3636 North Central Avenue  
Suite 900  
Phoenix, Arizona 85012-1939

ATTN: Kathleen Tucker

Dear Ms. McGuire:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on Arizona Department of Transportation- (ADOT) owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers (Corps), the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

Previous consultation provided a National Register of Historic Places (NRHP) eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). NRHP testing was conducted on State Trust land by Jacobs Engineering, Inc. (Jacobs), and a preliminary report entitled *Preliminary Results of National Register of Historic Places Eligibility Testing for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona*



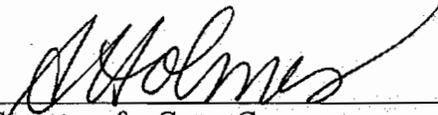
(Stubing 2010) is enclosed for your review and comment. NRHP eligibility testing results indicate that it is likely that there were no subsurface components to these sites and that they do not have the potential to contribute information important to our understanding of prehistory. Therefore, FHWA recommends that AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) are not eligible for inclusion in the NRHP and that no further treatment is warranted. A technical report that will include comprehensive results of testing and analyses will be prepared and provided to your office through continuing consultation.

Please review the enclosed preliminary NRHP eligibility testing report and the contents of this letter. If you agree with the adequacy of the report and the NRHP eligibility and treatment recommendations, please sign below to indicate your concurrence. As the project activities would have an adverse effect on AZ AA:16:5 (ASM), a historic property, FHWA will continue Section 106 consultation when a data recovery plan is prepared for mitigating these adverse effects. If you have any questions or concerns, please feel free to contact J. Matthew Mallery, ADOT Historic Preservation Specialist, at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov).

Sincerely yours,

MARY E. FRYE

Robert E. Hollis  
Division Administrator

  
\_\_\_\_\_  
Signature for Corps Concurrence  
STP-086-A(APA)

3/9/10  
\_\_\_\_\_  
Date

*404 Permit Pending*

Enclosure

cc:

Amy Holmes, US Army Corps of Engineers Los Angeles District, P.O. Box 532711, Los Angeles, CA 90053, ATTN: CESPL-PD-RN (with enclosure)

JMallery (F500)

MFrye

MFrye:cdm



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

August 13, 2009

4000 North Central Avenue,  
Suite 1500  
Phoenix, Arizona 85012-3500  
602-379-3646  
602-382-8998

<http://www.fhwa.dot.gov/azdiv/index.htm>

In Reply Refer To:  
STP-086-A(APA)  
HOP-AZ

STP-086-A(APA)

TRACS No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road (MP 156.90-166.60)  
Continuing Section 106 Consultation  
Draft MOA and Change in Scope  
ASLD Row Application #29-112906

Mr. Steve Ross, Cultural Resources Manager  
Arizona State Land Department  
1616 West Adams  
Phoenix, Arizona 85007

Dear Mr. Ross:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on ADOT-owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers (Corps), the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

Section 106 consultation was previously initiated by FHWA for this undertaking and resulted in concurrence with a finding of "adverse effect" and the need for preparing a draft Memorandum of Agreement (MOA) (Hollis [FHWA] to Jacobs [SHPO] May 4, 2009; SHPO concurrence May 8, 2009). More recently, a change in the scope of the project has resulted in the need for a Clean Water Act permit as well as additional cultural resources survey. The purpose of this letter is to provide a copy of the draft MOA, to describe the change in the scope of work; and to provide the results of the cultural resources survey associated with the change in project scope.

The original scope of this project was described in previous consultation. More recently, the scope of work was revised to include the following additional components: widening of Kinney Road and adding additional lanes within the existing ROW; adding culverts along Kinney Road within the existing ROW; constructing an open drainage channel along Kinney Road; and constructing an open drainage channel



along SR 86 on private land adjacent to the north side of the existing ROW. The enclosed plan sheets are provided to assist with your review of the Kinney Road scope addition. The area of potential effects (APE) for the preferred alternative, as previously described, is the existing and proposed new ROW and easement along SR 86 between milepost (MP) 156.90 and MP 166.60. With the Kinney Road scope addition, it has been determined that more new ROW and temporary construction easements (TCEs) within these same general limits would be required from adjacent private land.

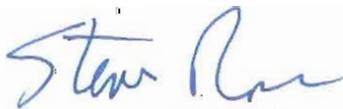
Jacobs Engineering Group (Jacobs) conducted cultural resources survey for the proposed new ROW and TCEs for the Kinney Road scope addition, and the results are provided in a report entitled "*A Cultural Resources Survey of Proposed New Right-of-way near the Intersection of State Route 86 and Kinney Road (Milepost 166.23), Southwest of Tucson, Pima County, Arizona*" (Turner and Davis 2009). No cultural resource sites were identified as a result of this survey. This report is enclosed for your review and comments. ✓

Based on the results of the survey by Jacobs, FHWA has determined that the Kinney Road scope addition will not result in any impacts to cultural resources. However, as indicated in previous consultation, FHWA has determined that a finding of "adverse effect" is appropriate for the overall undertaking. FHWA has prepared the enclosed draft MOA, which is provided for your review and comments.

Please review the enclosed survey report, project plans, the draft MOA, and the information provided in this letter. If you agree with the adequacy of the cultural resources survey and the draft MOA, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact J. Matthew Mallery at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov). FHWA will continue consultation with a draft National Register of Historic Places eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM).

Sincerely yours,

Robert E. Hollis  
Division Administrator



Signature for ASLD Concurrence  
STP-086-A(APA)

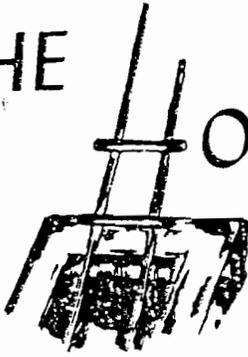


Date

Enclosure

cc:  
Ruben Ojeda, ASLD Right of Way (no enclosure)  
Mary Frye  
JMallery (F500)  
MFrye:cdm

# THE HOPI TRIBE



CHAIRMAN

VICE-CHAIRMAN

November 6, 2009

Robert E. Hollis, Division Administrator  
Federal Highway Administration, Arizona Division  
4000 North Central Ave., Suite 1500  
Phoenix, Arizona 85012-1906

Re: SR 86, Sandario Road to Kinney Road

Dear Mr. Hollis,

Thank you for your correspondence dated October 27, 2009, with an enclosed Memorandum of Agreement and Treatment Plan, regarding the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) planning a road-widening project along State Route 86 southwest of Tucson between Sandario Road and Kinney Road. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Arizona, including the Hohokam prehistoric cultural group, and the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. Therefore, we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office considers the archaeological sites of our ancestors to be Traditional Cultural Properties. In our letter dated May 18, 2009, on this project, we reviewed the cultural resources survey report and stated that we understood that site AZ AA:16:5 (ASM), a previously disturbed National Register eligible prehistoric lithic scatter will be adversely affected by this project, and that testing was proposed at sites AZ AA:16:546 and 548 (ASM), described as Hohokam artifact scatters. Therefore, we concurred that this project will adversely affect cultural resources significant to the Hopi Tribe. Regarding the Memorandum of Agreement, we deferred to other interested tribes and the State Historic Preservation Office but requested to be provided with copies of the draft treatment plan and draft treatment report for review and comment.

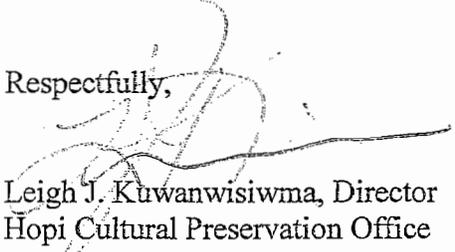
We understand there will be separate work plans, instead of one all-inclusive treatment plan, for National Register eligibility testing and the data recovery required for this project pursuant to the revised Memorandum of Agreement, and that the Bureau of Reclamation will address adverse effects to site AZ AA:16:5 (ASM). We have reviewed the enclosed Eligibility

Robert E. Hollis  
November 6, 2009  
Page 2

Testing Plan that addresses sites AZ AA:16:546 and 548 (ASM). Please provide us with copies of the preliminary report, any proposed data recovery plans if these sites are determined to be eligible, and the draft technical report for review and comment.

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,



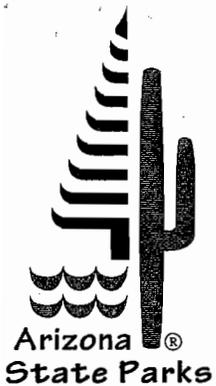
Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Bruce Ellis, Bureau of Reclamation  
Arizona State Historic Preservation Office  
J. Matthew Mallery, ADOT

November 16, 2009

Robert E. Hollis, Division Administrator  
Federal Highway Administration  
U.S. Department of Transportation  
4000 North Central Avenue, Suite 1500  
Phoenix, AZ 85012-3500

Attention: Mary Frye



Janice K. Brewer  
Governor

State Parks  
Board Members

Chair  
Reese Woodling  
Tucson

Tracey Westerhausen  
Phoenix

Larry Landry  
Phoenix

Walter D. Armer, Jr.  
Vail

Arlan Colton  
Tucson

William C. Scalzo  
Phoenix

Maria Baier  
State Land  
Commissioner

Renée E. Bahl  
Executive Director

Arizona State Parks  
1300 W. Washington  
Phoenix, AZ 85007

Tel & TTY: 602.542.4174  
AZStateParks.com

800.285.3703 from  
(520 & 928) area codes

General Fax:  
602.542.4180

Director's Office Fax:  
602.542.4188

RE: HOP-AZ; STP-086-A(APA)  
TRACS No. 086 PM 156 H6806 01C  
SR 86, Sandario Road to Kenny Road  
SHPO-2007-1440 (74872)

Dear Mr. Hollis:

Enclosed is the original Memorandum of Agreement (MOA) for the mitigation of three archaeological sites within the road improvement project located along State Route 86 southwest of Tucson in Pima County, Arizona. It was signed by James Garrison, Arizona State Preservation Officer, on November 16, 2009. 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 participating as a consulting party according to the stipulations of the MOA. 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@azstateparks.gov](mailto:djacobs@azstateparks.gov) if you have any questions or concerns.

Sincerely,

David Jacobs  
Compliance Specialist/Archaeologist  
State Historic Preservation Office

CC: ~~Matt Mallery~~, ADOT

Enclosure



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano  
Governor

Victor M. Mendez  
Director

November 23, 2009

Sam Elters  
State Engineer

Mr. Leigh Kuwanwisiwma  
Cultural Preservation Office  
Hopi Tribe  
P.O. Box 123  
Kykotsmovi, Arizona 86039

RE: Federal Aid No. STP-086-A(APA)  
ADOT Project No. 086 PM 156 H6806 01C  
SR 86–Sandario Road to Kinney Road (MP 156.90–166.60)  
Continuing Section 106 Consultation

Dear Mr. Kuwanwisiwma:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on ADOT-owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers (Corps), the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

FHWA previously consulted with the Hopi Tribe regarding a final Memorandum of Agreement and a National Register of Historic Places eligibility testing plan for this undertaking (Hollis [FHWA] to Kuwanwisiwma, October 27, 2009), and a November 6, 2009 response letter was received from your office. The current consultation serves as a clarification to your November 6, 2009 response, which states that it is your understanding that the Bureau of Reclamation (Reclamation) will address adverse effects to site AZ AA:16:5 (ASM).

Although previous consultation identified Reclamation as a consulting party, it has since been determined that Reclamation does not have land jurisdiction within the area of potential effects for this undertaking. Reclamation was informed that they are no longer considered a consulting party, and therefore, they will not be addressing adverse effects associated with this undertaking.

FHWA will continue consultation with preliminary testing results when they become available, and eventually, with a treatment plan for mitigating adverse effects from this undertaking. If you have any questions or concerns, please feel free to contact me at 602-712-6371 or e-mail [jmallery@azdot.gov](mailto:jmallery@azdot.gov).

Kuwanwisiwma  
040 MO 011 H6923 01C  
11/23/09  
Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mallery', with a long, sweeping horizontal stroke extending to the right.

J. Matthew Mallery  
Historic Preservation Specialist  
Environmental Planning Group  
1611 W. Jackson St., MD EM02  
Phoenix, Arizona 85007

cc. Mary Frye, FHWA



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

October 27, 2009

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>

In Reply Refer To:  
STP-086-A(APA)  
HOP-AZ

STP-086-A(APA)  
TRACS No. 086 PM 156 H6806 01C  
SR 86–Sandario Road to Kinney Road (MP 156.90–166.60)  
Continuing Section 106 Consultation  
Final MOA & NRHP Testing Plan

Ms. Linda Mayro, Cultural Resources Manager  
Cultural Resources & Historic Preservation Office  
Pima County Public Works Center  
201 North Stone Avenue, 6<sup>th</sup> Floor  
Tucson, Arizona 85701-1207

Dear Ms. Mayro:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on ADOT-owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers, the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

Previous consultation outlined the project scope; identified consulting parties and the area of potential effects (APE); made a determination of “adverse effect” for this undertaking; recommended that a treatment plan be prepared for the mitigation of potential adverse effects; and provided a draft Memorandum of Agreement (MOA) to address adverse effects that project construction may have on historic properties. The MOA has been revised to remove the Bureau of Reclamation as a consulting party and to stipulate that there will be separate work plans, instead of one all-inclusive treatment plan, for the National Register of Historic Places (NRHP) eligibility testing and the data recovery required for this project (see Stipulations 1-4, pages 3-5).

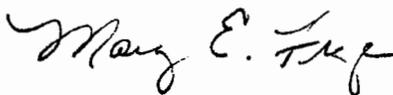


At this time, the draft MOA has been finalized, and a copy of the final MOA is enclosed for your review and signature.

An NRHP eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) has been prepared by Jacobs Engineering Group. The plan, entitled "National Register of Historic Places Eligibility Testing Plan for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona" (Stubing and Davis 2009), is enclosed for your review and comment.

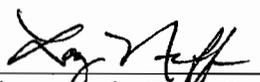
Please review the final MOA and the NRHP eligibility testing plan. If you agree that the NRHP eligibility testing plan is adequate, please sign below to indicate your concurrence, **and** please have the MOA signed and returned to FHWA. If you have any questions or concerns, please feel free to contact J. Matthew Mallery, ADOT Historic Preservation Specialist, at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov).

Sincerely yours,



for  
Robert E. Hollis  
Division Administrator

DEC 1 - 2009

 for Linda Mayro  
Signature for Pima County Concurrence  
STP-086-A(APA)

11/27/2009  
Date

Enclosures

The final MOA has been submitted to the Pima County Administrator for signature. We will send the signed MOA as soon as possible  




U.S. Department  
of Transportation  
**Federal Highway  
Administration**

ARIZONA DIVISION

October 27, 2009

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>

In Reply Refer To:

STP-086-A(APA)

HOP-AZ

STP-086-A(APA)

TRACS No. 086 PM 156 H6806 01C  
SR 86–Sandario Road to Kinney Road (MP 156.90–166.60)  
Continuing Section 106 Consultation  
Final MOA & NRHP Testing Plan

Mr. Joe Joaquin  
Mr. Peter Steere  
Tohono O’odham Nation  
Cultural Affairs Office  
P.O. Box 837  
Sells, Arizona 85634

Dear Sirs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on ADOT-owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers, the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O’odham Nation.

Previous consultation outlined the project scope; identified consulting parties and the area of potential effects (APE); made a determination of “adverse effect” for this undertaking; recommended that a treatment plan be prepared for the mitigation of potential adverse effects; and provided a draft Memorandum of Agreement (MOA) to address adverse effects that project construction may have on historic properties. The MOA has been revised to remove the Bureau of Reclamation as a consulting party and to stipulate that there will be separate work plans,



instead of one all-inclusive treatment plan, for the National Register of Historic Places (NRHP) eligibility testing and the data recovery required for this project (see Stipulations 1-4, pages 3-5). At this time, the draft MOA has been finalized, and a copy of the final MOA is enclosed for your review and signature.

An NRHP eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) has been prepared by Jacobs Engineering Group. The plan, entitled "*National Register of Historic Places Eligibility Testing Plan for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona*" (Stubing and Davis 2009), is enclosed for your review and comment.

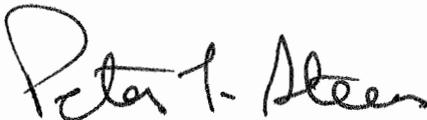
Please review the final MOA and the NRHP eligibility testing plan. If you agree that the NRHP eligibility testing plan is adequate, please sign below to indicate your concurrence, **and** please have the MOA signed and returned to FHWA. If you have any questions or concerns, please feel free to contact J. Matthew Mallery, ADOT Historic Preservation Specialist, at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov).

Sincerely yours,



Robert E. Hollis  
Division Administrator

DEC 15 2009



Signature for Tohono O'odham Concurrence  
STP-086-A(APA)

12-11-09

Date

Enclosures



Leroy Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

December 15, 2009

J. Matthew Mallery, Historic Preservation Specialist  
Arizona Department of Transportation  
1801 S. Milton Rd. F500  
Flagstaff, Arizona 86001

Re: SR 86, Sandario Road to Kinney Road

Dear Mr. Mallery,

Thank you for your correspondences dated November 23 and December 3, 2009, with an enclosed revised Treatment Plan, regarding the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) planning a road-widening project along State Route 86 southwest of Tucson between Sandario Road and Kinney Road. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Arizona, including the Hohokam prehistoric cultural group, and the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. Therefore, we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office considers the archaeological sites of our ancestors to be Traditional Cultural Properties. In our letter dated May 18, 2009, on this project, in response to FHWA's May 4, 2009, correspondence, we reviewed the cultural resources survey report and stated that we understood that site AZ AA:16:5 (ASM), a previously disturbed National Register eligible prehistoric lithic scatter will be adversely affected by this project, and that testing was proposed at sites AZ AA:16:546 and 548 (ASM), described as Hohokam artifact scatters. Therefore, we concurred that this project will adversely affect cultural resources significant to the Hopi Tribe. Regarding the Memorandum of Agreement, we deferred to other interested tribes and the State Historic Preservation Office but requested to be provided with copies of the draft treatment plan and draft treatment report for review and comment.

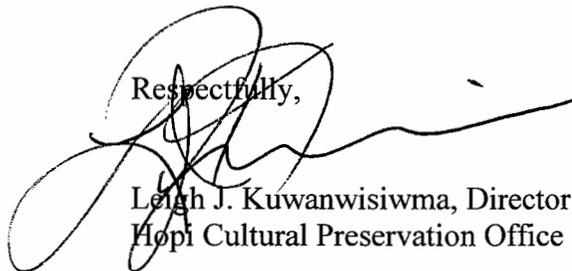
In our November 6, 2009, letter, in response to FHWA's October 27, 2009, correspondence, we stated that we understood there will be separate work plans, instead of one all-inclusive treatment plan, for National Register eligibility testing and the data recovery required for this project pursuant to the revised Memorandum of Agreement, and that the Bureau of Reclamation will address adverse effects to site AZ AA:16:5 (ASM). We reviewed the Eligibility Testing Plan that addresses sites AZ AA:16:546 and 548 (ASM).

J. Matthew Mallery  
December 15, 2009  
Page 2

Your November 23, 2009, letter states that it has been determined that Reclamation does not have land jurisdiction within the area of potential effects for this project but does not address whether or not site AZ AA:15:5 will be adversely affected. Will site AZ AA:15:5 be adversely affected by this project, as stated in FHWA's May 4 and October 27, 2009 correspondences?

Please provide us with copies of the preliminary report, any proposed data recovery plans if sites AZ AA:16:546 and 548 are determined to be eligible, and the draft technical report for review and comment. 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,

A handwritten signature in black ink, appearing to read 'Leigh J. Kuwanwisiwma', is written over the word 'Respectfully,'. The signature is fluid and cursive, extending to the right with a long horizontal stroke.

Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Arizona State Historic Preservation Office



**Arizona Department of Transportation**  
**Intermodal Transportation Division**

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janice K. Brewer  
Governor

John S. Halikowski  
Interim Director

Floyd Roehrich Jr.  
State Engineer

December 3, 2009

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

RE: **ASLD ROW Application Number 29-112906**  
Federal Aid No. STP-086-A(APA)  
ADOT Project No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road (MP 156.90-166.60)  
Continuing Section 106 Consultation  
Revised Testing Plan

Dear Mr. Ross:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on Arizona Department of Transportation- (ADOT) owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Tucson, Pima County, ASLD, BLM, the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

Previous consultation outlined the project scope; identified consulting parties and the area of potential effects (APE); made a determination of "adverse effect" for this undertaking; recommended that a treatment plan be prepared for the mitigation of potential adverse effects; provided a final Memorandum of Agreement to address adverse effects that project construction may have on historic properties, and provided a National Register of Historic Places (NRHP) eligibility testing plan for this undertaking.

The NRHP eligibility testing plan prepared by Jacobs Engineering Group has been revised to address a comment from the SHPO; specifically, the amount of proposed trenching at AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) has been reduced. The revised plan, entitled "*National Register of Historic Places Eligibility Testing Plan for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona*" (Stubing and Davis 2009), is enclosed for your review and comment.

Please review the revised NRHP eligibility testing plan and the contents of this letter. If you agree the revised plan is adequate, please sign below to indicate your concurrence. If you have any questions or concerns, please feel free to contact me at (928) 779-7595 or email at JMallery@azdot.gov.

Ross  
12/3/09  
086 PM 156 H6806 01C  
Page 2 of 2

Sincerely,

J. Matthew Mallery  
Historic Preservation Specialist  
Environmental Planning Group  
1801 S. Milton Rd. F500  
Flagstaff, Arizona 86001



12-22-09

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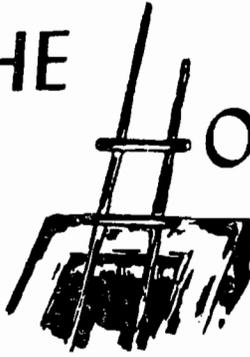
Signature for ASLD Concurrence

Date

Enclosure

cc: Ruben Ojeda, ASLD  
Mary Frye, FHWA

THE



HOPI TRIBE

Leroy Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

March 10, 2010

Robert E. Hollis, Division Administrator  
Federal Highway Administration, Arizona Division  
4000 North Central Ave., Suite 1500  
Phoenix, Arizona 85012-1906

Re: SR 86, Sandario Road to Kinney Road, Preliminary Testing Report

Dear Mr. Hollis,

Thank you for your correspondence dated March 3, 2010, with an enclosed preliminary testing report, regarding the Federal Highway Administration (FHWA) and Arizona Department of Transportation (ADOT) planning a road-widening project along State Route 86 southwest of Tucson between Sandario Road and Kinney Road. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Arizona, including the Hohokam prehistoric cultural group, and the Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. Therefore, we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office considers the archaeological sites of our ancestors to be Traditional Cultural Properties. In our letter dated May 18, 2009, we reviewed the cultural resources survey report and stated that we understood that site AZ AA:16:5 (ASM), a previously disturbed National Register eligible prehistoric lithic scatter will be adversely affected by this project, and that testing was proposed at sites AZ AA:16:546 and 548 (ASM), described as Hohokam artifact scatters. Therefore, we concurred that this project will adversely affect cultural resources significant to the Hopi Tribe.

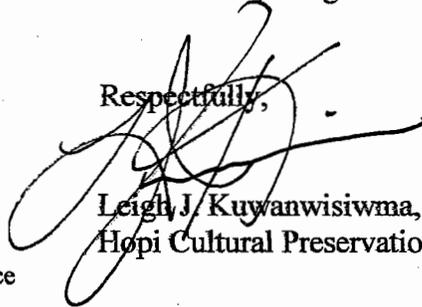
In our November 6, 2009, letter we reviewed the Memorandum of Agreement and testing plan, and stated that we understood there will be separate work plans, instead of one all-inclusive treatment plan, for National Register eligibility testing and the data recovery required to address adverse effects to site AZ AA:16:5 (ASM). We reviewed the eligibility testing plan that addresses sites AZ AA:16:546 and 548 (ASM) and deferred to other interested tribes and the State Historic Preservation Office on the Memorandum of Agreement, but requested to be provided with copies of the draft treatment plan and draft treatment report for review and comment. In our December 15, 2009, letter we reviewed the revised testing plan.

Robert E. Hollis  
March 10, 2010  
Page 2

We have now reviewed the preliminary testing report for sites AZ AA:16:546 and 548 that identified no subsurface components and we understand a data recovery plan for site AZ :16: 5 will be forthcoming. Therefore, we look forward to receiving a copy of the data recovery plan, as well as the technical report for sites AZ AA:16:546 and 548.

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,

A handwritten signature in black ink, appearing to read "Leigh J. Kuwanwisiwma", is written over the typed name and title.

Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: Arizona State Historic Preservation Office  
J. Matthew Mallery, ADOT



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

**RECEIVED** March 3, 2010

<http://www.fhwa.dot.gov/azdiv/index.htm>

2010 MAR -5 P 1:02

In Reply Refer To:  
STP-086-A(APA)  
HOP-AZ

STP-086-A(APA)  
TRACS No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road  
MP 156.90 - 166.60  
Continuing Section 106 Consultation  
Preliminary Testing Report

Ms. Amy Sobiech, Archaeologist  
Bureau of Land Management  
Tucson Field Office  
12661 East Broadway  
Tucson, Arizona 85748

Dear Ms. Sobiech:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on Arizona Department of Transportation- (ADOT) owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. ~~A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency.~~ Consulting parties for this project consist of FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers (Corps), the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

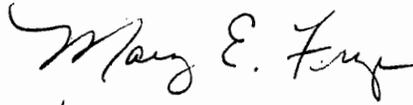
Previous consultation provided a National Register of Historic Places (NRHP) eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). ~~NRHP testing was conducted on State Trust land~~ by Jacobs Engineering, Inc. (Jacobs), and a preliminary report entitled *Preliminary Results of National Register of Historic Places Eligibility Testing for the State Route 86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona* (Stubing 2010) is enclosed for your review and comment. NRHP eligibility testing results indicate that it is likely that there were no subsurface components to these sites and that they do



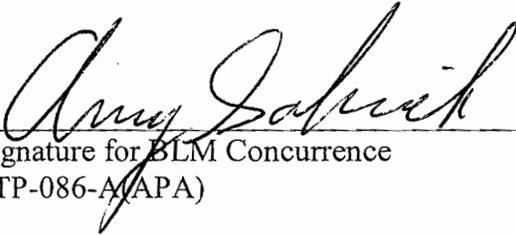
not have the potential to contribute information important to our understanding of prehistory. Therefore, FHWA recommends that AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) are not eligible for inclusion in the NRHP and that no further treatment is warranted. A technical report that will include comprehensive results of testing and analyses will be prepared and provided to your office through continuing consultation.

Please review the enclosed preliminary NRHP eligibility testing report and the contents of this letter. If you agree with the adequacy of the report and the NRHP eligibility and treatment recommendations, please sign below to indicate your concurrence. As the project activities would have an adverse effect on AZ AA:16:546 (ASM), a historic property, FHWA will continue Section 106 consultation when a data recovery plan is prepared for mitigating these adverse effects. If you have any questions or concerns, please feel free to contact J. Matthew Mallery, ADOT Historic Preservation Specialist, at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov).

Sincerely yours,



for  
Robert E. Hollis  
Division Administrator



Signature for BLM Concurrence  
STP-086-A(APA)

3/11/2010  
Date

Enclosure



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

~~SHPO~~ 2007-1440 (77154)

ARIZONA DIVISION

March 3, 2010

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>

In Reply Refer To:  
STP-086-A(APA)  
HOP-AZ

STP-086-A(APA)  
TRACS No. 086 PM 156 H6806 01C  
SR 86-Sandario Road to Kinney Road  
MP 156.90 - 166.60  
Continuing Section 106 Consultation  
Preliminary Testing Report  
RE: SHPO 2007-1440

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

MAR 05 2010

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) is planning a road-widening project along State Route (SR) 86 southwest of Tucson between Sandario Road and Kinney Road. As this project would employ federal funds, it is considered an undertaking subject to Section 106 review. This project occurs on Arizona Department of Transportation- (ADOT) owned right-of-way (ROW), City of Tucson land, Pima County land, Arizona State Trust land administered by the Arizona State Land Department (ASLD), federal land administered by the Bureau of Land Management (BLM), and private land. A Memorandum of Understanding (MOU) between FHWA and BLM designates FHWA as the lead agency and BLM as a cooperating agency. Consulting parties for this project consist of FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Tucson, Pima County, ASLD, BLM, the US Army Corps of Engineers (Corps), the Arizona State Museum, the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai-Apache Nation, and the Tohono O'odham Nation.

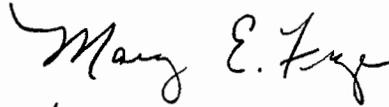
Previous consultation provided a National Register of Historic Places (NRHP) eligibility testing plan for AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM). NRHP testing was conducted on State Trust land by Jacobs Engineering, Inc. (Jacobs), and a preliminary report entitled *Preliminary Results of National Register of Historic Places Eligibility Testing for the State Route*



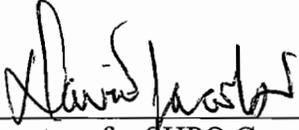
86 Sandario Road to Kinney Road Project, Southwest of Tucson, Pima County, Arizona (Stubing 2010) is enclosed for your review and comment. NRHP eligibility testing results indicate that it is likely that there were no subsurface components to these sites and that they do not have the potential to contribute information important to our understanding of prehistory. Therefore, FHWA recommends that AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) are not eligible for inclusion in the NRHP and that no further treatment is warranted. A technical report that will include comprehensive results of testing and analyses will be prepared and provided to your office through continuing consultation.

Please review the enclosed preliminary NRHP eligibility testing report and the contents of this letter. If you agree with the adequacy of the report and the NRHP eligibility and treatment recommendations, please sign below to indicate your concurrence. As the project activities would have an adverse effect on AZ AA:16:5 (ASM), a historic property, FHWA will continue Section 106 consultation when a data recovery plan is prepared for mitigating these adverse effects. If you have any questions or concerns, please feel free to contact J. Matthew Mallery, ADOT Historic Preservation Specialist, at (928) 779-7595 or email at [JMallery@azdot.gov](mailto:JMallery@azdot.gov).

Sincerely yours,



*for*  
Robert E. Hollis  
Division Administrator



Signature for SHPO Concurrence  
STP-086-A(A)PA

12 MAR 10

Date

Enclosures

cc: ~~Mat Mallery, ADOT~~

**MEMORANDUM OF AGREEMENT**

**AMONG**

**FEDERAL HIGHWAY ADMINISTRATION  
ARIZONA STATE HISTORIC PRESERVATION OFFICE  
ARIZONA DEPARTMENT OF TRANSPORTATION  
THE BUREAU OF LAND MANAGEMENT  
ARIZONA STATE LAND DEPARTMENT  
THE CITY OF TUCSON  
PIMA COUNTY  
THE ARIZONA STATE MUSEUM  
THE U.S. ARMY CORPS OF ENGINEERS  
THE HOPI TRIBE  
THE PASCUA YAQUI TRIBE  
THE YAVAPAI APACHE NATION  
AND  
THE TOHONO O'ODHAM NATION**

**REGARDING THE ROADWAY WIDENING PROJECT ALONG STATE ROUTE 86,  
BETWEEN SANDARIO ROAD AND KINNEY ROAD; MILEPOSTS 156.90 TO 166.60  
FEDERAL AID NO. STP-086-A(APA)  
TRACS NO. 086 PM 156 H6806 01C  
PIMA COUNTY, ARIZONA**

**WHEREAS**, the Federal Highway Administration (FHWA) proposes to reconstruct and widen State Route (SR) 86 between Sandario Road and Kinney Road, a federally funded project in Pima County, Arizona (hereafter referred to as “the Project”); and

**WHEREAS**, the area of potential effects (APE) for the Project is defined as the existing SR 86 roadway right-of-way (ROW) between mileposts (MP) 156.90 and 166.60 and new ROW/easements as well as areas beyond those limits where historic properties could be affected by visual, auditory, or atmospheric intrusions; and

**WHEREAS**, project construction will occur on private land, land owned by the Arizona Department of Transportation (ADOT), the City of Tucson (COT), and Pima County, ADOT easement across State Trust land administered by the Arizona State Land Department (ASLD), and public lands administered by the U.S. Bureau of Land Management (BLM); ADOT, acting as agent for FHWA, has participated in consultation; and

**WHEREAS**, the FHWA, in consultation with the Arizona State Historic Preservation Office (SHPO), has determined that, pursuant to 36 CFR 800.2(a)(2) and 36 CFR 800.4(c), archaeological site AZ AA:16:5 (ASM) is eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion D and archaeological sites AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM) should be tested to determine their eligibility for inclusion in the NRHP under Criterion D; and

**WHEREAS**, the FHWA, in consultation with the SHPO, has determined pursuant to 36 CFR 800.5(a) that the Project will have an adverse effect upon the historic property AZ AA:16:5 (ASM) and potentially eligible properties AZ AA:16:546 (ASM) and AZ AA:16:548 (ASM), all located on State Trust land; and

**WHEREAS**, a Clean Water Act Section 404 permit is required, and the US Army Corps of Engineers (USACE) is authorized to enter this Agreement to carry out its Section 106 responsibilities; and

**WHEREAS**, the FHWA is the lead Federal agency for this undertaking and has participated in consultation with ADOT, the SHPO, COT, Pima County, ASLD, BLM, the Arizona State Museum (ASM), the USACE, the Hopi Tribe, the Yavapai Apache Nation, the Pascua Yaqui Tribe, the Tohono O'odham Nation and the Advisory Council on Historic Preservation (the "Council") in accordance with Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) as revised in 2004 and its implementing regulations (36 CFR §800) to resolve the possible adverse effects of the Project on historic properties; and

**WHEREAS**, ADOT, acting as agent for FHWA has participated in consultation and has been invited to be a signatory to this Memorandum of Agreement (Agreement); and

**WHEREAS**, BLM has been designated as a cooperating agency under a Memorandum of Understanding for this project, BLM has participated in consultation, and has been invited to be a signatory to this Agreement; and

**WHEREAS**, the Indian Tribes that may attach religious or cultural importance to affected properties have been consulted [pursuant to 36 CFR § 800.2 (c)(2)(ii)(A-F)], and the Hopi Tribe, the Pascua Yaqui Tribe, the Yavapai Apache Nation, and the Tohono O'odham Nation have been invited to be concurring parties in this Agreement; and

**WHEREAS**, the FHWA has notified the Council of the adverse effect and invited the Council's participation in the Project, pursuant to 36 CFR 800.6(a)(1), and the Council has declined to participate in further consultation; and

**WHEREAS**, SHPO is authorized to enter into this agreement in order to fulfill its role of advising and assisting Federal agencies in carrying out their Section 106 responsibilities under the following federal statutes: Sections 101 and 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470f, and pursuant to 36 CFR Part 800, regulations implementing Section 106, at 800.2 (c)(1)(i) and 800.6(b); and

**WHEREAS**, SHPO is authorized to advise and assist federal and state agencies in carrying out their historic preservation responsibilities and cooperate with these agencies under A.R.S. §41-511.04(d)(4); and

**WHEREAS**, by their signature all parties agree that the regulations specified in the ADOT document, "ADOT Standard Specifications for Road and Bridge Construction" (Section 104.12,

2008) will account for the cultural resources in potential material sources used in project construction; and

**WHEREAS**, an agreement regarding the treatment and disposition of human remains, associated funerary objects, sacred objects and objects of cultural patrimony would be developed for ASM for city, county, state and private land, pursuant to A.R.S. § 41-844 and 41-865; and

**WHEREAS**, Human Remains, Associated/Unassociated Funerary Objects, Sacred Objects and Objects of Cultural Patrimony recovered will be treated in accordance with the Native American Graves and Protection Repatriation Act (NAGPRA) (25 U.S.C. 3001 *et seq.*) for federal land; and

**WHEREAS**, the data recovery necessitated by the Project, located on state land, must be permitted by the ASM pursuant to A.R.S. § 41-842; and

**WHEREAS**, any data recovery necessitated by the Project, located on federal land, must be permitted through an ARPA permit in accordance with Section 4.b; and

**NOW, THEREFORE**, all parties agree that upon FHWA's decision to proceed with the Project, FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this Agreement expires or is terminated.

### **Stipulations**

FHWA will ensure that the following measures are carried out.

1) Development of NRHP Eligibility Testing and Data Recovery Work Plans (“Work Plans”)

Work Plans will be submitted by the FHWA to all parties to this Agreement for 30 calendar days' review. The Work Plans will be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716 *et seq.*), which include the Secretary of the Interior's Standards for Archeological Documentation. Unless any signatory or concurring party objects to a Work Plan within 30 calendar days after receipt of the Work Plan, the FHWA shall ensure that they are implemented prior to construction.

2) The Work Plans will specify:

- a) The properties or portions of properties where testing or data recovery will be carried out. Also, the data recovery Work Plan will specify any property or portion of property that would be destroyed or altered without treatment;
- b) The results of previous research relevant to the project, the research questions to be addressed through data recovery, with an explanation of their relevance and importance;
- c) The field and laboratory analysis methods to be used, with an explanation of their relevance to the research questions;

- d) The methods to be used in analysis, data management, and dissemination of data to the professional community and the public, including a proposed schedule for project tasks, including a schedule for the submission of draft and final reports to consulting parties;
- e) The proposed disposition and curation of all recovered materials and records, which will meet the standards set forth in 36 CFR 79 for recovered materials and records deriving from data recovery on Federal lands and A.R.S. § 41-844 for State lands;
- f) Procedures for monitoring, evaluating, and treating discoveries of unexpected or newly identified properties during construction of the Project, including consultation with other parties;
- g) A protocol for the treatment of human remains, in the event that such remains are discovered, describing methods and procedures for the recovery, analysis, treatment, and disposition of human remains, associated funerary objects, and objects of cultural patrimony. This protocol will reflect concerns and/or conditions identified as a result of consultations among parties to this Agreement.
- h) The minimum requirements for the content of the Data Recovery Report.

### 3) Review and comment on the Work Plans

- a) The FHWA will review and subsequently submit a Work Plan concurrently to all consulting parties for review. All consulting parties have 30 calendar days from receipt to review to provide comments to FHWA. All comments will be submitted in writing with copies provided to the other consulting parties. Lack of response within this review period is taken as concurrence with the Work Plans.
- b) If revisions to a Work Plan are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide comments to FHWA. Lack of response within this review period will be taken as concurrence with the revised Work Plan.
- c) Once a Work Plan is determined adequate by all consulting parties (with SHPO concurrence), FHWA shall issue authorization to proceed with the implementation of the Work Plan, subject to obtaining all necessary permits.
- d) Final drafts of all Work Plans will be provided to all consulting parties.

### 4) Review and Comment on Preliminary Report of Findings

- a) Upon completion of fieldwork, the institution, firm, or consultant responsible for the work will prepare and submit a brief preliminary report of findings. This report shall be submitted within 14 days of the completion of fieldwork for testing and within 30 day of the completion of fieldwork for data recovery.

- b) The preliminary report of findings shall contain, at a minimum:
1. Discussion of the methods and treatments applied to each property with an assessment of the degree to which these methods and treatments followed the direction provided by the Work Plan
  2. Topographic site plans for the properties depicting all features and treatment areas
  3. General description of recovered artifacts and other data classes, including features excavated or sampled
  4. An assessment of the accomplishment of goals established in the Work Plan
  5. Discussion of further analyses to be conducted for the data recovery report, including any proposed changes in methods or levels of effort from those proposed in the Work Plan

#### 5) Review and Comment on Data Recovery Report

a) Within 180 days following completion of research, analysis, and synthesis of data collected during fieldwork, the institution, firm, or consultant responsible for the work will prepare a Data Recovery Report incorporating all appropriate data analyses and interpretations.

b) The Data Recovery Report will follow the minimum requirements of the Work Plan as set forth in Stipulation 2 (h).

c) Upon receipt of the Data Recovery Report, the FHWA will review and subsequently submit such documents concurrently to all consulting parties for review. All consulting parties will have 30 calendar days from receipt to review and provide comments to FHWA. All comments shall be in writing with copies provided to the other consulting parties. Lack of response within this review period will be taken as concurrence with the Data Recovery Report.

d) If revisions to the Data Recovery Report are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide comments to FHWA. Lack of response within this review period will be taken as concurrence with the revised Data Recovery Report.

#### 6) Standards for Monitoring and Data Recovery

All historic preservation work carried out pursuant to this Agreement shall be carried out by or under the supervision of a person, or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739).

#### 7) Curation

All materials and records resulting from the data recovery program conducted within the Project area shall be curated as follows:

- a) For materials located on city, county, state or private land, curation shall take place in accordance with standards outlined in A.R.S. § 41-844, and guidelines generated by ASM. The repository for materials will be ASM. Materials subject to repatriation under A.R.S. § 41-844 and A.R.S. § 41-865 shall be maintained in accordance with the burial agreement.
- b) Archaeological resources excavated or removed from federal land will be preserved by a suitable university, museum, or other scientific or educational institution (ARPA, Section 4.b.3). (Objects collected on BLM lands will be stored at a BLM repository, to be identified). Resources having religious or cultural importance shall be maintained in accordance with the burial agreement until any specified analyses, as determined following the consultation with the appropriate Indian tribes and individuals, are complete and the resources are returned.

#### 8) Additional Inventory Survey

FHWA, in consultation with all parties to this agreement, shall ensure that new inventory surveys of additional rights-of-way, temporary construction easements, and any staging or use areas will include recommendations of eligibility that are made in accordance with 36 CFR § 800.4 for all cultural resources. Should any signatory to this Agreement disagree with FHWA regarding eligibility, the SHPO shall be consulted and resolution sought within 20 calendar days. If the FHWA and SHPO disagree on eligibility, FHWA shall request a formal determination from the Keeper of the National Register.

#### 9) Dispute Resolution

Should any signatory to this Agreement object within the amount of review time stipulated in this Agreement to any plan or report provided for review or to any aspect of this undertaking related to historic preservation issues, FHWA shall consult with the objecting party to resolve the objection. The objection must be identified specifically and the reasons for the objection documented in writing. If the objection cannot be resolved, FHWA shall:

- a) Forward all documentation relevant to the dispute to the Advisory Council in accordance with 36 CFR 800.2(b)(2). Any comment provided by the Advisory Council, and all comments from the signatories to this Agreement, will be taken into account by FHWA in reaching a final decision regarding the dispute.
- b) If the Council does not provide any comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching its decision, FHWA will take into account all written comments regarding the dispute from the signatories to the Agreement.

- c) FHWA will notify all signatories of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. FHWA's decision will be a final agency decision.

It is the responsibility of the FHWA to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute.

#### 10) Discoveries

If potential historic or prehistoric archaeological materials or properties or human remains are discovered after construction begins, the person in charge of the construction shall require construction to immediately cease within the area of the discovery, take steps to protect the discovery, and promptly report the discovery to the ADOT Historic Preservation Specialist, representing FHWA. The ADOT Historic Preservation Specialist, representing FHWA shall notify and consult with appropriate agencies.

- a) If the discovery is on city, county, state or private land and appears to involve human remains or remains as defined in ASM rules implementing A.R.S. § 41-844 and 41-865, the Director of ASM shall be notified. In consultation with the Director, ADOT, on behalf of FHWA, and the person in charge of construction shall ensure that the discovery is treated according to the burial agreement.
- b) If the discovery involves graves or human remains as defined in NAGPRA 43 CFR 10.2(d.1-4), the Federal Land Manager (the BLM) shall also be informed. In consultation with the BLM and ADOT the person in charge of construction shall immediately take steps to secure and maintain preservation of the discovery. The BLM and ADOT shall ensure that the discovery is treated according to the burial agreement.
- c) If human remains are not involved, and the discovery is located on city, county or state land, ADOT, on behalf of FHWA, shall notify ASM as required under A.R.S. § 41-844. ADOT, on behalf of FHWA in consultation with the Director and SHPO, if appropriate, shall determine if the Work Plan previously approved by ASM according to Stipulation 2 is appropriate to the nature of the discovery. If appropriate, the Work Plan shall be implemented by ADOT, on behalf of FHWA. If the Work Plan is not appropriate to the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed and circulated to the consulting parties, who will have 48 hours to review and comment upon the alternate plan. FHWA shall consider the resulting comments, and shall implement the alternate plan once a project specific permit has been issued.
- d) If human remains are not involved and the discovery is located on private land, ADOT, on behalf of FHWA, shall evaluate the discovery, and SHPO shall be notified as appropriate. The ADOT Historic Preservation Specialist, on behalf of FHWA, shall determine if the Work Plan previously approved according to Stipulation 2 is appropriate to the nature of the discovery. If appropriate, the Work Plan shall be implemented by ADOT, on behalf of FHWA. If the Work Plan is not appropriate to

the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed and circulated to the consulting parties, who will have 48 hours to review and comment upon the alternate plan. FHWA shall consider the resulting comments, and shall implement the alternate plan once a project specific permit has been issued.

- e) If the discovery is located on federal land, ADOT, on behalf of FHWA, shall determine if the discovery classifies as an “archaeological resource” as defined in Section 3.1 of ARPA, and contact the BLM as appropriate.

#### 11) Amendments

In accordance with 36 CFR 800.6(c)(7), if any signatory determines that the terms of this Agreement will not or cannot be carried out or that an amendment to its terms is needed, that party shall immediately notify FHWA and request an amendment. The proposed amendment shall be submitted in draft form with the request. The signatories to this Agreement will consult to review and consider such amendment. The amendment will be effective on the date a copy signed by all of the original signatories. FHWA shall file any amendments with the Council and provide notice to the concurring parties.

#### 12) Termination

Any signatory may terminate the Agreement by providing 30 day written notification to the other signatories. During this 30 day period, the signatories may consult to seek agreement on amendments or other actions that would avoid termination pursuant to 36 CFR §800.6 (b). In the event an agreement on amendments or other actions cannot be reached within the 30 day time frame, termination shall be effective on the 31<sup>st</sup> day. Subsequent to termination, the FHWA will notify the signatories within 30 days whether it will initiate consultation to execute an Agreement with the signatories under 36 CFR 800.6(c)(1) or request the comments of the Council under 36 CFR §800.7(a) and proceed accordingly.

#### 13) Equal Opportunity/Non-Discrimination

As is applicable to the signatories and/or the consulting parties, and to this Project, the signatories and consulting parties agree to comply with Chapter 9, Title 41, Arizona Revised Statutes (Civil Rights), Arizona Executive Order 99-4 and any other federal or state laws relating to equal opportunity and non-discrimination, including the Americans with Disabilities Act.

#### 14) Records

As is applicable to the signatories and/or the consulting parties, and to this Project, all books, accounts, reports, files and other records relating to this Agreement shall be subject, at all reasonable times, to inspection and audit by the State for five years after the termination of this Agreement, pursuant to A.R.S. et seq. 35-214, 35-215 and 41-2548.

15) Conflict of Interest

This Agreement is subject to cancellation by the State under A.R.S. et seq. 38-511 if a person significantly involved in the Agreement on behalf of the State is an employee or consultant of the contractor at any time while the Agreement or any extension of the Agreement is in effect.

16) Non-Availability of Funds

This Agreement shall be subject to available funding, and nothing in this Agreement shall bind the State, Tribal, or Federal agencies to expenditures in excess of funds authorized and appropriated for the purposes outlined in this Agreement.

17) Fulfillment of Terms

In the event the FHWA or ADOT cannot carry out the terms of this agreement, the FHWA will comply with 36 CFR §800.3 through 800.6.

18) There shall be an annual meeting among FHWA, SHPO, ADOT, ASLD, BLM, COT, the USACE, and Pima County to review the effectiveness and application of this Agreement, to be held on or near the anniversary date of the execution of this agreement.

This agreement shall be null and void if its terms are not carried out within ten (10) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Execution of this Agreement by the signatories and its subsequent filing with the Council is evidence that the Federal Highway Administration has afforded the Advisory Council on Historic Preservation an opportunity to comment on the SR 86, Sandario Road to Kinney Road project and its effects on historic properties, and that the Federal Highway Administration has taken into account the effects of the undertaking on historic properties.

**SIGNATORIES**

FEDERAL HIGHWAY ADMINISTRATION

By Mary E. Foy Date 10/23/2009  
Title Environmental Program Manager

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By James Garrison Date 11/16/09  
Title AZSHPO

US BUREAU OF LAND MANAGEMENT

By Amy Solvick

Date 12/3/09

Title Tucson Field Office Archaeologist

ARIZONA STATE LAND DEPARTMENT

By Steve R...

Date 12/9/09

Title Archaeologist

CITY OF TUCSON

By Jantha Mabry

Date 12-3-09

Title Historic Preservation Officer

PIMA COUNTY

By C. Dunkelbaun

Date 12/11/09

Title County Administrator

U.S. ARMY CORPS OF ENGINEERS

By Mark Durham

Date 7 Dec 2009

Title Regulatory So. Coast Branch Chief

INVITED SIGNATORIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By Thor Anderson

Date 10/22/09

Title Environmental Planning Group Manager

**CONCURRING PARTIES**

ARIZONA STATE MUSEUM

By *Peth Sanchez*

Date *11/28/09*

Title *DIRECTOR*

THE HOPI TRIBE

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

THE PASCUA YAQUI TRIBE

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

THE YAVAPAI APACHE NATION

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_

TOHONO O'ODHAM NATION

By \_\_\_\_\_

Date \_\_\_\_\_

Title \_\_\_\_\_