

range of reasonable alternatives). Relative to other action alternatives considered, the Selected Alternative will have similar environmental effects on natural resources, cultural resources, hazardous materials, and noise; will displace fewer residences; will have the lowest impact on total tax revenues of local governments; will have lower construction costs; will cause less construction disruption overall to I-10 (Papago Freeway); will include measures to reduce impacts and minimize harm; represents all possible planning to minimize harm to resources afforded protection under Section 4(f); is favored by the majority of local governments; and will allow regulatory permitting requirements to be met.

Feasibility of Obtaining Required Permits

FHWA and ADOT have worked with resource agencies and Tribes to reduce the effects of the Selected Alternative and to define appropriate mitigation and measures to minimize harm. Determinations and approvals are discussed further below in this ROD. FHWA and ADOT can demonstrate that the Selected Alternative would meet the applicable regulatory requirements related to alternative selection, such as the requirement under Section 404(b)(1) of the CWA to select the least environmentally damaging practicable alternative.

4. MEASURES TO MINIMIZE HARM

FHWA and ADOT have included measures to avoid and/or minimize harm in the Selected Alternative. The lead agencies' approach to avoid and minimize effects of the South Mountain Freeway includes the following components:

- ▶ Identifying and advancing reasonable project alternatives for consideration that will result in the least overall environmental effects, as discussed above.
- ▶ Considering all feasible and prudent alternatives to the use of properties protected under Section 4(f).
- ▶ Conducting a comprehensive public involvement program.

- ▶ Developing commitments and mitigation measures designed to avoid, minimize, or mitigate impacts to the extent possible and to reflect discussions with the public and agencies throughout the EIS process.

23 C.F.R. Part 771 established minimum requirements for public input during the EIS process. Since the start of the EIS process for the freeway in 2001, ADOT, with the concurrence of FHWA, has exceeded the minimum public involvement requirements of NEPA. The efforts by ADOT and FHWA to engage the public, agencies, and other stakeholders represented open, frequent, diverse, and comprehensive opportunities for those providing information, those seeking information, or those wishing to otherwise influence the analytical and alternatives screening processes.

ADOT and FHWA developed an extensive agency and public involvement plan, soliciting input into the process throughout all phases. Purposes of seeking public input were to:

- ▶ identify new data pertinent to the freeway to assist in determining the full scope of the study
- ▶ gauge the general public's understanding of the freeway and disseminate information to help further that understanding
- ▶ identify any preferences for alternatives
- ▶ identify and address, to the extent practicable, public questions and concerns regarding the freeway

To accomplish these goals, a variety of communication tools were used at major project milestones, including:

- ▶ A 2-day agency scoping meeting was held with 95 agency representatives at the beginning of the EIS process.
- ▶ Communication with local, regional, State, and federal agencies continued throughout the process with monthly coordination meetings.

The following items highlight the results of public outreach efforts undertaken leading up to publication of the DEIS in April 2013:

- ▶ Over 200 presentations were made to community groups, homeowners' associations, chambers of commerce, village planning committees, trade associations, and other interested parties.
- ▶ Twelve formal public meetings were held. Fifteen days prior to each meeting, display advertising was placed in *The Arizona Republic*, the *Abwatukee Foothills News*, the *Gila River Indian News*, the *East Valley Tribune*, *La Voz*, and the *West Valley View*. Total distribution was approximately 260,000 newspapers per formal meeting.
- ▶ One meeting notice flier and four newsletters were distributed throughout the Study Area in the following quantities (per distribution per meeting): 28,500 door hangers, 5,000 inserts in the *Gila River Indian News*, and 28,000 inserts in the *Abwatukee Foothills News*. In addition, newsletters and fliers were sent to over 4,500 individuals on the project mailing list.
- ▶ The November 2008 project newsletter was mailed to 78,700 businesses and residences in the Study Area and to 3,300 individuals on the project mailing list.
- ▶ The February 2010 project newsletter was mailed to 62,400 businesses and residences in the Study Area and to 3,600 individuals on the project mailing list.
- ▶ The February 2011 informational postcard was mailed to 5,000 businesses and residences on the project mailing list.

A project Web site (azdot.gov/southmountainfreeway) was developed to provide the public with project information and an e-mail address (projects@azdot.gov) was provided to obtain feedback. Approximately half of the comments received prior to publication of the DEIS in April 2013 were submitted electronically through the Web site's online survey or by e-mail. Over 5,000 comments were received by the project team up to publication of the DEIS.

Since 2001 and up to publication of the DEIS, more than 800 news articles were published in the region's newspapers.

A project hotline number (602-712-7006) was established so that the public could provide feedback on the study. The hotline was monitored daily. Between 2006 and 2013, more than 500 calls were received.

The public outreach program for the DEIS phase (April 2013 to July 2013) was developed to maximize opportunities for the public to review and provide comments on the DEIS, maintaining compliance with NEPA requirements. The outreach program had four main components:

- ▶ awareness campaign – included a fact sheet, “how to participate” handout and video, events, and briefings of elected officials and key stakeholders
- ▶ public hearing – held on May 21, 2013, at the Phoenix Convention Center from 10 a.m. to 8 p.m., with an estimated 500 attendees, including 117 people who spoke before a panel of project team members
- ▶ online public hearing – went live at 10 a.m. on May 21, 2013, at <azdot.gov/southmountainfreeway> and linked to <smfonlinehearing.com>, with 1,864 people visiting the site
- ▶ community forums – held between June 4 and July 11, 2013, at six locations: in the Estrella, Laveen, and Ahwatukee Foothills villages of Phoenix; within the Community; and in Chandler and Avondale

Public involvement during the DEIS 90-day public comment period included participation by 1) attending the public hearing or community forums, 2) viewing the online public hearing, or 3) submitting a comment. Approximately 900 people attended one of the public events held during the comment period. Almost 1,900 unique visitors viewed information from the online hearing. The project team received over 8,000 comments from federal, State, local, and tribal agencies; special interest groups; businesses; and members of the public. When combined, over 10,000 people participated in the DEIS phase through one or more of the public involvement methods available.

To advance project communication and coordination, a voluntary, advisory working group of 25 to 30 representatives was formed to provide a forum for ongoing communication among ADOT, FHWA, and the local and regional community regarding the development of the EIS. The South Mountain Citizens Advisory Team met regularly to review project status, serve as a conduit of information with community organizations, and define neighborhood and regional issues and concerns.

Public opinion regarding a project such as the freeway can change. Several factors can play a role in the ebb and flow of public opinion over the course of time. Seeking input into the process provides awareness of any changes. As an example, during the first half of the EIS process, comments from the public indicated a need for the freeway, but opinions on its location were divided. As action alternatives were identified for further study and their alignments presented to the general public, comments from the participating public revealed a change in the perception of the need for the freeway. Further analysis of the comments revealed many people living adjacent to proposed alignments were the most likely to comment either that there is no purpose or need for the freeway or to simply oppose the freeway entirely. Conversely, the remainder of the comments received from residents throughout the region revealed continued support for the freeway as an effective way to reduce regional traffic congestion (see Volume III of the FEIS).

Public comments strongly suggested the need to clarify how much coordination has occurred with the Community regarding the freeway and also a desire for ADOT and FHWA to exhaust efforts to study alternatives for the freeway on Community land. In addition to written and verbal conversations, over 110 meetings have been held since 2001, at which Community representatives were invited to discuss issues pertaining to the freeway. Efforts to involve the Community in the process were discussed in Chapter 2, *Gila River Indian Community Coordination*, of the FEIS.

The FEIS presents measures to avoid, reduce, or otherwise mitigate environmental impacts of the

freeway. Presentation in the FEIS represents a commitment by ADOT to implement the measures. The commitment by ADOT to the measures was made in cooperation with FHWA and is reinforced in this ROD. Specific mitigation measures and commitments are presented in the *Project Commitments* section.

Measures committed to will be implemented as part of project development, including the final design, R/W acquisition, construction, operation, and maintenance phases of the Selected Alternative, as appropriate.

It is possible that mitigation measures proposed for the benefit of one resource or stakeholder group will also provide benefits to a secondary resource or stakeholder group. Other agencies or groups, such as MAG or the City of Phoenix, may take further actions to augment the project, but such actions would be independent of this project and would not change this NEPA document.

5. TREATMENT OF RESOURCES AFFORDED PROTECTION UNDER SECTION 4(f) – AT THE FEIS STAGE

Section 4(f) of the Department of Transportation Act of 1966 provides the Secretary of Transportation with a means to protect land that may be affected by construction and operation of a transportation project. The protection extends only to significant publicly owned public parks, recreation areas, and wildlife and waterfowl refuges, as well as significant historic sites, whether they are publicly or privately owned. This protection stipulates that those facilities can be used for transportation projects only if

- ▶ there is no prudent and feasible alternative to using the land
- ▶ the project includes all possible planning to minimize harm to the land [see Chapter 5, *Section 4(f) Evaluation*, in the FEIS]

SMPP, encompassing approximately 16,600 acres (see Figure 20), is afforded protection under Section 4(f) as a publicly owned recreation area and a historic property. Land area within SMPP used for the freeway will be