APPENDIX 4-1

ADOT RELOCATION ASSISTANCE PROGRAM POLICY

Appendix 4-1, ADOT Relocation Assistance Program Policy, provides the full ADOT policy on relocation assistance. This policy defines how ADOT complies with Title VI of the Civil Rights Act of 1964, which prohibits any action undertaken by ADOT to treat any person or group unfairly on the grounds of race, color, national origin, sex, age, or disability. A brochure explaining ADOT's relocation assistance program is also included.

POLICY

The Arizona Department of Transportation assures full compliance with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. Title VI of the Civil Rights Act requires that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the Arizona Department of Transportation. Related nondiscrimination statutes added sex, age, and disability. A program or activity is defined as all of the operations of a department or agency of a State government.

ASSURANCES

The State of Arizona (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Implementation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations) and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, gender, age, or disability be denied form participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations, a copy of which is attached.

More specifically and without limiting the above general assurance, the Arizona DOT hereby gives the following specific assurances with to its Federal-aid Highway Program.

1. That the Arizona DOT agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23 (b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Arizona DOT shall insert the following notifications in all solicitations for bids for work or material subject to the Regulations.
and made in connection with all Federal-aid Highway Program and, in adapted form in all proposals for negotiated agreements:

The State of Arizona, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively assure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, gender, age, or disability in consideration for an award.

3. That the Arizona DOT shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.

4. That the Arizona DOT shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Arizona DOT constructs a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Arizona DOT acquires real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the Arizona DOT shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Arizona DOT with other parties: (a) for the subsequent transfer of real property acquired or improved under the State Transportation Improvement Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the State Transportation Improvement Program.

8. That this assurance obligates the Arizona DOT for the period during which Federal financial assistance is extended, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Arizona DOT or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Arizona DOT retains ownership or possession of the property.

9. The Arizona DOT shall provide for such methods of administration for the program as are found by the Secretary of Transportation of the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subcontractors, contractors, subcontracts, transfers, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.

10. The Arizona DOT agrees that the United States has right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Arizona DOT by the Department of Transportation under the Federal-aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Arizona DOT.

DATED________ ARIZONA DOT

(Signature of Authorized Official)

Attachments

Appendices A, B, and C
Department of Transportation
APPENDIX A

During the performance of this contract, the contractors, for itself, its assignees and successors in the interest (hereinafter referred to as the "contractor") agrees as follows:

(1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (herein, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, gender, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) Solicitation for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, gender, age, or disability.

(4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts other sources of information, and its facilities as may be determined by the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State of Arizona, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State of Arizona shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

(a) withholding of payments to the contractor under the contract until the contractor complies and/or
(b) cancellation, termination or suspension of the contract in whole or in part.

(6) Incorporation of Provisions: The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall use such action with respect to any subcontract or procurement as the State of Arizona or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor of supplier as a result of such direction, the contractor may request the State of Arizona to enter into such litigation to protect the interests of the State of Arizona, and, in addition, the contractor may require the United States to enter into such litigation to protect the interests of the United States.
APPENDIX D

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(Granting Clause)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Arizona will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 442 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the State of Arizona all the right, title and interest of the Department of Transportation in and to said lands described to Exhibit “A” attached hereto and made a part hereof.

(Habeendum Clause)

TO HAVE AND TO HOLD said lands and interests therein unto the State of Arizona and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Arizona, its successors and assigns.

The State of Arizona, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, the (1) no person shall on the grounds of race, color, national origin, gender, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, and (2) that the State of Arizona shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI in the Civil Rights Act of 1964.
APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits or similar instruments entered into by the State of Arizona pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permiitee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permiitee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land the facilities thereon, and hold the same if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to re-enter such lands and facilities shall revert to and vest in and become the absolute property of the State of Arizona and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreement entered into by the State of Arizona pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, permiitee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds, and leases add "as a covenant running with the land"] that (i) no person on the grounds of race, color, national origin, gender, age, or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the grounds of race, color, national origin, gender, age, or disability shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination, (3) that the (grantee, licensee, lessee, permiitee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same if said [license, lease, permit, etc.] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the State of Arizona shall have the right to re-enter such lands and facilities shall revert to and vest in and become the absolute property of the State of Arizona and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI in the Civil Rights Act of 1964.
ARIZONA DEPARTMENT OF TRANSPORTATION

TITLE VI OPERATING PROCEDURES

STAFFING

The Arizona Department of Transportation has established a Civil Rights Office to administer civil rights related programs. The Civil Rights Office is a part of the Transportation Services Group, which reports to the Chief of Staff. The Civil Rights Administrator has direct access to the Director and Deputy Director. Organizational charts for the agency and for the Civil Rights Office are attached.

Title 23 of the Code of Federal Regulations, part 200.9 (b)(2), requires state departments of transportation to have an adequately staffed civil rights unit. The Civil Rights Office is staffed by the Administrator, an Equal Opportunity Specialist IV, three Equal Opportunity Specialists III, an Equal Opportunity Specialist II, an Administrative Secretary and a half-time clerical aide. All of the professionals participate in investigations when needed.

The Civil Rights Administrator serves as the Title VI Coordinator. The Administrator is responsible for initiating and monitoring Title VI activities and preparing reports. The Administrator is assisted by one of the Equal Opportunity Specialists.

The department has elected to use the interdisciplinary approach to implementing its Title VI program. The Title VI Team is composed of liaisons from relevant program areas: Transportation Planning, Environmental Planning, Engineering Consultant Services, Right of Way, and Contracts and Specifications. In some cases, there is more than one liaison. The liaisons meet on a quarterly basis and more often if necessary. The team assists in conducting reviews, investigating complaints, and defining issues. Some of the metropolitan planning organizations have also appointed liaisons.

The Title VI Coordinator, assisted by staff and the Title VI Team, has the following responsibilities:

1. Investigate Title VI complaints promptly and in accordance with complaint procedures which follow.

2. Develop a program to conduct Title VI reviews of program areas including reviewing procedures to collect statistical data (i.e., race, color, national origin, gender, age, and disability) of participants in, and beneficiaries of State highway programs.

3. Conduct annual reviews of special emphasis program areas, such as Transportation Planning, Environmental Planning, and Right-of-Way, to determine the effectiveness or program area activities at all levels.

4. Conduct Title VI reviews of cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid funds.

5. Review State program directives in coordination with State program officials and, where applicable, include Title VI and related requirements.

6. Conduct training on Title VI and related statutes for State program and civil rights officials.

7. Prepare a yearly report of Title VI accomplishments for the past year, goals for the next year and an updated Title VI implementing plan.

8. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.

9. Establish procedures for pre and post grant approval reviews of State programs and applicants for compliance with Title VI requirements such as highway location, design and location, and persons seeking contracts with the State.

10. Establish procedures to identify and eliminate discrimination when found to exist.

11. Establish procedures for promptly resolving deficiency status and reducing to writing the remedial action agreed to be necessary, within a period not to exceed 90 days.

COMPLAINTS PROCESS

Any person who believes that he or she, individually, as a member of any specific class of persons, or in connection with any minority contractor, has been subjected to discrimination prohibited by Title VI of Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 may file a
Appendix 4-1

complaint. The basis of the complaint must be (a) unequal treatment because of race, color, national origin, gender, age and/or disability, or (b) noncompliance with Title VI rules or guidelines adopted thereunder.

The Arizona Department of Transportation has the principal responsibility for processing, investigating, and resolving any complaint arising within or as a result of its operations, its contractors or its subrecipients. Complaints may be filed with the ADOT Director or Civil Rights Office, the U. S. Department of Transportation (USDOT), the Federal Highway (FHWA), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA). ADOT will use the interdisciplinary approach and involve the Title VI Liaisons in the investigation. In the event the complaint is against ADOT, FHWA will conduct or contract for the investigation or, if a class action complaint, a review.

Complaints must be filed within 180 days of the date of the alleged act of discrimination or, where there has been a continuing course of conduct, the date on which that conduct was discontinued.

A statement of the complaint.

Other agencies (state, local, or federal) with which the complaint has been filed.

An explanation of the actions ADOT has taken or proposed to resolve the issues raised in the complaint.

Within ten (10) days, the ADOT Civil Rights Administrator will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, and advise the complainant of other avenues of redress available.

Within sixty (60) days, the Civil Rights Administrator will conduct and complete an investigation of the allegation, and based on the information obtained, will render a recommendation for action in a report of findings to the ADOT Director. The Transportation Division of the Attorney General’s Office will be consulted during the course of the investigation and the preparation of the report.

Within ninety (90) days from the allegation’s receipt, the ADOT Director will notify the complainant in writing of the final decision reached, including the disposition of the matter. This notification will advise the complainant of the avenues of appeal if dissatisfied with the decision. A copy of the decision and summary of findings will be provided to the FHWA Division Office.

All Title VI complaints will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

The ADOT Civil Rights Administrator will periodically inform the FHWA Division Office regarding the status of any complaints.

When an allegation has been directly filed with another agency, the ADOT Civil Rights Administrator will be informed and coordinate any action needed by ADOT to resolve the complaint.

If a complaint or the ensuing investigation reveals any factor, element, or omission within the Department’s procedures as contributory to the situation causing the complaint, the Civil Rights Administrator will initiate prompt action to amend the procedure to preclude future complaints arising from the same cause. Procedures for promptly resolving deficiency status and reducing to writing necessary remedial action will be established within 90 days.
The Civil Rights Office will maintain a complete file on each Title VI complaint, investigation and final resolution.

Any individual having filed a complaint or participated in the investigation of a complaint will not be subjected to any form of intimidation or retaliation.

Individuals who believe they have been subjected to intimidation or retaliation must follow the procedures described above.

**TITLE VI PROGRAM AREAS**

**General Guidelines**

Division Directors and subordinate staff are responsible for being in compliance with the requirements of Title VI and related statutes.

If, during a review of the program area, deficiencies are found, the deficiencies will be pointed out to the appropriate liaison for corrective action. Corrective action must occur within 90 days. A follow up review will be conducted to ensure deficiencies are being corrected. All finding recommendations and progress made in implementing corrective action will be thoroughly documented.

The guidelines for conducting reviews of program areas are attached in Appendix ___.

**Transportation Planning**

The Transportation Planning Division (TPD) is part of ADOT’s comprehensive planning process. Data from various management information systems and source documents are used to enhance management operations and decision making. TPD’s Planning Team conducts various studies to support the comprehensive planning process. The two primary types of studies are Multimodal Corridor Profile Analysis and Small Area Transportation Studies.

Multimodal Corridor Profile Analysis studies focus on multimodal corridors of statewide significance. The goal of these studies is to develop specific strategies that includes all transportation modes to accommodate the transportation needs in the key corridors in Arizona. Public involvement is a very important component of these studies. Open House Public Meetings are held at key points in the study process. Additionally, the scope of work specifically states that Title VI issues, including environmental justice, will be addressed.

Small Area Transportation studies are a partnership between ADOT and local jurisdictions. These studies are managed by the local jurisdictions and ADOT requires that the scope of work explicitly state the Title VI issues will be addressed as part of the development of the local jurisdictions’ transportation plan. Public involvement is also a very important part of these efforts. Typically at least one member of the Technical Advisory Committee is from the general public. Public meetings are also held as part of the Small Area Transportation study process.

The Title VI Coordinator and TPD’s liaison work closely with local officials of the Metropolitan Planning Organizations (MPO) and Councils of Governments (COG) to ensure compliance with the Title VI requirements. The Title VI Coordinator provides training, coordinates efforts with the local governments and community organizations on potential Title VI issues, and investigates complaints. The following actions may be taken by the Title VI Coordinator, with assistance from the liaison, in the planning process in order to ensure effective implementation and compliance with Title VI.

- Participate and provide local governments with Title VI information and training.
- Assist the MPO’s, COG’s and the community in general in establishing Title VI priorities for plans, programs and projects.
- Work closely with the MPO’s, COG’s and the community in general to create an awareness of the specific requirements of Title VI and especially to assure that the methods used are applied equitably to all groups of people.
- Participate in public meetings, when possible, to create an awareness of Title VI and to ensure the benefits are equally accessible to all.
- Conduct reviews of the statewide transportation planning programs to determine the process for considering community needs.
- Review public participation processes to ensure efforts are taken to reach out and encourage the participation of the transportation disadvantaged.
Environmental Planning

The Environmental Planning Section implements and maintains an environmental planning program, in compliance with state and federal environmental and civil rights laws and regulations, to obtain appropriate environmental approval for proposed highway projects. The section researches and evaluates social, economic, and environmental impacts of proposed highway projects. Environmental documents, including mitigation for identified impacts, are also prepared and processed.

The Title VI Coordinator reviews all Environmental Impact Statements (EIS) and Environmental Assessments (EA) to ensure Title VI and environmental justice issues are addressed. Guidance on Title VI and environmental justice is attached as Appendix ___. The Title VI Coordinator, with assistance from the liaison, takes the following actions to ensure compliance:

- Monitor reports to ensure appropriate statistical data is included.
- If adverse impacts are identified, evaluate the mitigative measures to assure they are applied in an equitable manner to those people affected.
- Review public meeting and public hearing notices, press releases, advertisements, etc., to determine if all segments of the impacted communities are being notified of proposed or pending projects.
- Attend public meetings, when possible, to discuss Title VI information and to ensure the meetings are held so all segments of the impacted communities can participate.

Right of Way

The Right of Way Section is responsible for acquiring all real property and real property rights necessary for construction and maintenance of all federal and state highways, maintenance camps, and other transportation-related purposes. Right of Way administers all matters relating to the management and disposal of all Department-owned property and the Relocation Assistance Program.

The Title VI Coordinator, with assistance with the liaison, with Right of Way to:

- Make certain persons who are being relocated are treated in an equitable manner in terms of fair payment for property acquired, relocation assistance, and timely notification of the rights and avenues of appeal. This includes providing information in other languages and alternative formats.
- Monitor procedural methods used in land appraisals, acquisitions, negotiations, selection of comparables, application of cost factors, and relocation activities to ensure activities are uniformly applied to all impacted and potentially impacted persons.
- Monitor activities to ensure minority and low-income populations are not adversely impacted.
- Monitor reports to ensure appropriate statistical information is being collected and maintained.

Engineering Consultant Services

Project Management & Valley Project Management

Engineering Consultant Services (ECS) is responsible for preparing scopes-of-work incorporated into contracts with private consultants, assisting in the selection of private consultants, reviewing documents prepared by consultants, prequalifying consultants, and coordinating design development with other agencies. Project Management and Valley Project Management are two primary customers of ECS. Scopes of work for their projects generally include public participation.

The Title VI Coordinator, with assistance from the liaison, is responsible for the following:

- Monitoring the selection process to ensure Disadvantaged Business Enterprises (DBE’s) have the maximum opportunity to participate in consultant contracts.
- Monitor prequalification requirements to ensure they are equally applied to all firms.
- Monitor scopes-of-work, when feasible, to ensure Title VI and environmental justifies issues are addressed.

Contracts and Specifications

The Title VI Coordinator is responsible for the following with respect to bidding construction contracts:
• Take steps to ensure DBE’s are included on the listing to receive bid advertisements for highway construction jobs.
• Monitor bid bond requirements to ensure they are applied to all construction firms.
• Evaluate all federal aid construction contracts with DBE requirements for compliance with contract specifications.
• Monitor prequalification requirements to ensure they are equally applied to all firms.

Procurement

The Title VI Coordinator works with Procurement to ensure the process of selection consultants and/or vendors is done so in a nondiscriminatory manner. This includes research and other projects funded in whole or in part with federal funds. Procurement also participates in a variety of trade fairs to explain the process of doing business with ADOT to small businesses.

Roadside Development/Transportation Enhancement Program

Funding is available for transportation enhancement activities or projects that add community or environmental value to a completed or underway transportation project. The funding is designed to encourage activities and projects that more creatively integrate transportation facilities into their surrounding communities and natural environment. The program is divided into two programs. One is for projects associated with the State highway system and the other for local projects.

The Title VI Coordinator works with the liaison from Roadside Development to ensure the process of selecting transportation enhancement projects is done so in a nondiscriminatory manner.

SUBRECIPIENT REVIEWS

The Title VI Coordinator will require annual reports from subrecipients. Subrecipients include cities, counties, consultant contractors, suppliers, universities, colleges, planning agencies such as MPO’s and COG’s, and other recipients.

Subrecipients such as cities, counties, and planning agencies such as MPO’s and COG’s must submit the following information by August 1 of each year. Semi annual reviews may be conducted of larger organizations. The reports will contain the following information and will be maintained in the Civil Rights Office.

• Assurances
• Statistical breakdown of communities’ populations
• Beneficiaries of projects – identify the race/ethnicity/gender/age, disability of those who will benefit from projects and, specifically, the mobility benefits such as pedestrian, bicycles, automobiles, and transit which will result
• Effects of transportation programs within the community: transportation, social, and other beyond mobility
• Process for public participation, specifically discussing efforts to reach out and to ensure participation of the transportation disadvantaged
• Composition of advisory boards having an impact on transportation programs, indicating the race, ethnicity, gender, age and disability of the members
• A listing of all complaints, claims and lawsuits alleging discrimination
• Process for identifying and eliminating procedures which result in discrimination and correcting deficiencies within 90 days
• A listing of pending applications for federal assistance

The Title VI Coordinator will review subrecipients reports to determine which reviews will be conducted during the next year.

Subrecipients such as consultants, contractors, suppliers, universities, and colleges, will maintain the following information:

• Assurances
• Statistical breakdown of organizations such as the EEO 1 report
• Information by race, ethnicity, gender, disability showing the extent to which members of minority groups are beneficiaries of programs
• A listing of all complaints, claims and lawsuits alleging discrimination
• Processes for identifying and eliminating procedures which result in discrimination and correcting deficiencies within 90 days
• A listing of pending applications for federal assistance

TRAINING

The Title VI Coordinator will conduct training with the Title VI liaisons, MPO’s, COG’s, and other interested individuals on an annual basis. All
training conducted during the year will be reported in the annual element.
INTRODUCTION

One of the unfortunate, but unavoidable consequences of a modern transportation program is the necessary relocation of a small percentage of people for the benefit of the public as a whole. Since transportation improvements usually require the purchase of land, people living on that land must then be relocated.

If you are required to move as a result of a transportation improvement project, you may be eligible for relocation assistance or benefits. Help will be provided in locating suitable replacement property and in obtaining payments as provided by State and Federal laws.

This brochure is intended to explain only relocation in general. If you have any questions concerning the Relocation Assistance Program, please call Acquisition Services at (602) 712-7701 or write to:

Arizona Department of Transportation
Intermodal Transportation Division
Right of Way Section
Acquisition Services, 612E
205 South 17th Avenue
Phoenix, Arizona 85007

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Uniform Relocation Assistance
and Real Property Acquisition Policies
Act of 1970

Declaration
Of Policy

Sec. 201

"The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

Introduction

In a changing America, government programs designed to benefit the public as a whole often result in the acquisition of private property, and sometimes in the displacement of people from their residences, businesses or farms.

As a means of providing uniform and equitable treatment for those persons displaced, your government passed the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," and the "Uniform Relocation Act Amendments of 1987." These two laws are the foundation for the information discussed in this brochure.

The brochure provides general information regarding relocation assistance, advisory services and relocation payments. Section I contains information important to persons displaced from residences. Section II provides information about relocation assistance advisory services. Section III contains information for displaced businesses, farms and nonprofit organizations. These policies and provisions are now contained in the governmentwide single rule published in the Federal Register of March 2, 1989 under 49 CFR Part 24. The rule provides the regulations for all Federal and federally aided programs and projects.

If you are required to move as a result of a Federal or federally assisted program or project, a relocation counselor will contact you. The counselor will answer your specific questions and provide additional information you may need.
Some Important Definitions . . .

Program or Project  Any activity or series of activities undertaken by a Federal agency, or any activity undertaken by a State or local agency with Federal financial assistance in any phase of the activity.

Agency  In practically all States and Territories, relocation assistance advisory services and payments are administered at the local level by an Agency responsible for the acquisition of real property and/or the displacement of people from property to be used for a federally funded program or project. The Agency may be a Federal agency, a State agency, a local political subdivision such as a county or a city, or a person carrying out a program or project with Federal financial assistance. An Agency may also contract with a qualified individual or firm to administer the relocation program, but the Agency remains responsible for the program.

Displaced Person  Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property as a direct result of (1) the acquisition of the real property, in whole or in part, (2) a written notice of intent to acquire from the Agency, (3) the initiation of negotiations for the purchase of the real property by the Agency, or, (4) a written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of the improvements(s), provided the displacement is permanent and the property is needed for a Federal or federally assisted program or project.

Business  Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of this Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project. A "small business" is defined as a business having at least one, but not more than 500 employees working at the site being acquired or who will be displaced by a program or project.

Farm  Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization  A public or private entity that has established its nonprofit status under applicable Federal or State law.
Section I

Information for Persons Displaced from a Residence

Moving Cost Reimbursement:
Individuals and Families

If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation counselor from the agency before you move.
You Can Choose Either:

**Actual Reasonable Moving Costs**

- OR -

**Fixed Moving Cost Schedule**

**Including**

- Packing and Unpacking
- Temporary Storage
- Transportation
- Moving Insurance
- Other Related Costs

**Schedule**

Established for your State of Residence

---

**Actual Reasonable Moving Costs**

You may be paid for your actual reasonable moving costs by a professional mover plus related expenses, or you may move yourself. Reimbursement will be limited to a 50 mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the Agency.

All expenses must be considered necessary and reasonable by the Agency and supported by paid receipts or other evidence of expenses incurred.

**Fixed Moving Cost Schedule**

Or you may choose to be paid on the basis of a fixed moving cost schedule established for your State of residence. The amount of the payment is based on the number of rooms in your dwelling. Your relocation counselor will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

The owner of a displaced mobile home may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your relocation counselor.
Replacement Housing Payments... Can be better understood if you become familiar with

The definition of the following terms

“Decent, Safe, and Sanitary” (DSS)

“Comparable”

These terms are explained on the following pages.
A "Comparable" Replacement means that your... 

A comparable replacement dwelling must be decent, safe and sanitary, and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain amenities similar to those found in the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants. (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements.
- Currently available on the private market.
- Within your financial means.

If you are a tenant and the portion of the monthly rent and utility costs you must continue to pay for a replacement dwelling unit, after receiving a rental assistance payment, does not exceed the monthly rent and utility costs that you paid for the displacement dwelling unit, or if your portion of the payment for the replacement unit does not exceed 30% of your gross household monthly income, the replacement unit is considered to be within your financial means.

If you are a homeowner and you have received a purchase supplement (see page 15), and any additional amount that might be required under Housing of Last Resort (see pages 26 and 27), the replacement dwelling is considered to be within your financial means.

Decent, Safe and Sanitary

Replacement housing must be decent, safe, and sanitary... which means it meets all of the minimum requirements established by Federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weathertight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and electrical appliances.
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s).
- Contain a well-lighted and ventilated bathroom providing privacy for the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling in the case of a handicapped displaced person.

*Decent, safe and sanitary is frequently abbreviated as DSS and will be so referred to in the remainder of this brochure.
Replacement Housing Payments Are Separated Into Three Basic Types:

- Purchase Supplement
- Rental Assistance
- Downpayment

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

The Two Basic Occupancy Time Periods and What You Are Entitled To

There are two basic length-of-occupancy requirements which determine the type of replacement housing payment you are entitled to. Length-of-occupancy simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the acquiring agency for the purchase of the property. The term “initiation of negotiations” means the date the acquiring agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer for the property to be acquired.

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement up to $22,500 or a rental assistance payment up to $5,250.

If you are a tenant who has been in occupancy for 90 days or more prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250. If you are an owner who has been in occupancy from 90 days to 179 days prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250, however, the downpayment cannot exceed the amount of the payment you would have received if you had been a 180-day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you will be considered a displaced person entitled to relocation assistance advisory services and moving payments. You may also be entitled to a rental assistance payment if comparable replacement rental housing is not available at a monthly rental rate of 30% or less of your gross monthly household income. If you are required to pay rent and utilities in excess of 30% for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Housing of Last Resort because comparable replacement housing is not available within your financial means. If you do not meet the length-of-occupancy requirements you should meet with your relocation counselor for an explanation of the relocation benefits that you may be eligible to receive.
Purchase Supplement

For Owner Occupants of 180 Days or More

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible. In addition to the fair market value of your property, for a supplemental payment, not to exceed $22,500 for all costs necessary to purchase a comparable decent, safe, and sanitary replacement dwelling. The agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within 1 year.

The Purchase Supplement Includes:

Price Differential

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment and the following payments are in addition to the acquisition price paid for your property.

Increased Mortgage Interest Costs

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. To be eligible your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

Incidental Expenses

You may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance.

The total amount of the purchase supplement cannot exceed $22,500, according to the law.
Example of A Price Differential Payment Computation

Assume that the Agency purchases your property for $100,000. After a thorough study of the available comparable residential properties on the open market, the Agency determines that a comparable replacement property will cost $116,500. If you purchase a DSS replacement property for $116,500, you will be eligible for a price differential payment of $16,500; see Example A.

If you purchase a DSS replacement property costing more than $116,500, you pay the difference as shown in Example B. If your purchase price is less than $116,500 the price differential payment will be based on your actual cost; see Example C.

The price differential payment you will receive depends on how much you actually spend on a replacement dwelling as shown in the following examples:

<table>
<thead>
<tr>
<th>Example</th>
<th>Cost of Comparable Replacement Property</th>
<th>Acquisition Price of Your Property</th>
<th>Price Differential Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Example A</strong></td>
<td>$116,500</td>
<td>$100,000</td>
<td>$16,500</td>
</tr>
<tr>
<td><strong>Example B</strong></td>
<td>$125,000</td>
<td>$100,000</td>
<td>$16,500</td>
</tr>
<tr>
<td><strong>Example C</strong></td>
<td>$114,000</td>
<td>$100,000</td>
<td>$14,000</td>
</tr>
</tbody>
</table>
Rental Assistance

For Owner Occupants and Tenants of 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants and owners must have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42 month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you have been paying, you may be eligible for a rental assistance payment up to $5,250.

The agency will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum unless the agency determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within 1 year to be eligible.
Example...

As an example of how a rental assistance computation is prepared by the Agency, let's assume that you have been paying $500 per month rent for the dwelling unit occupied by you and purchased by the Agency. You also pay $150 per month for utilities, (heat, light, water, and sewer). After a study of the rental market, the Agency determines that a replacement rental unit, which is DSS and comparable to your unit, is available for $595 per month. It is estimated that average monthly utility costs for the replacement unit will be $175 per month. The maximum rental assistance payment you can receive is $120 per month for a 42 month period, or a total of $5,040. The rental assistance payment computation always includes the cost of the four basic utilities, (heat, light, water and sewer), as well as the cost of the rent. If the rent includes utilities a separate computation will not be necessary.

Option A
If you select a replacement dwelling unit that rents for $650 per month plus utilities, despite the availability of comparable DSS replacement rental units that rent for $595 per month plus utilities, you will still receive only the maximum amount computed by the Agency, or $5,040. In other words, you must pay the additional $55 per month yourself.

Option B
If you select a replacement dwelling unit that rents for more than your present unit, but less than the amount determined by the Agency as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for $757 per month plus $165 for utilities. On the basis of actual cost you will be eligible for a payment of $90 per month for 42 months, or $3,780.

Owners
Displaced owners who are interested in renting a replacement property should contact the Agency for a complete explanation of this option since the computation is more complex.
Owner-occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a downpayment and incidental expenses, not to exceed $5,250. The Agency will determine the maximum downpayment you may be eligible to receive based on its computation for a rental assistance payment discussed on page 21, or a maximum of $5,250. However, the payment for a displaced owner occupant cannot exceed the amount of the payment that would be received by a 180 day owner for the same property as explained on page 15. The relocation counselor will be able to explain how the Agency determines the maximum downpayment assistance payment.

Incidental expenses include the reasonable costs of a title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in your area and they do not represent prepaid interest. The combined amount of the downpayment and incidental expenses cannot exceed the maximum payment of $5,250.
**Downpayment Computation**

<table>
<thead>
<tr>
<th></th>
<th>Example 1</th>
<th>Example 2</th>
<th>Example 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Downpayment</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$4,500</td>
</tr>
<tr>
<td>Closing &amp; Incidental Costs</td>
<td>+ $950</td>
<td>+ $950</td>
<td>+ $750</td>
</tr>
<tr>
<td>Total Amount Needed</td>
<td>$5,950</td>
<td>$5,950</td>
<td>$5,250</td>
</tr>
<tr>
<td>Agency Downpayment Payment</td>
<td>- $400</td>
<td>- $600</td>
<td>- $250</td>
</tr>
<tr>
<td>Displaced Person Pays</td>
<td>$1,150</td>
<td>$700</td>
<td>$0</td>
</tr>
</tbody>
</table>

**Explanation of Downpayment and Examples**

If you are a owner-occupant of 90-179 days or a tenant of 90 days or more, you may be eligible for a downpayment up to $5,250. The amount of downpayment you will receive depends upon agency policy. Many agencies will limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner; however, the maximum payment cannot exceed $5,250. This explains the difference in the agency payments depicted in the examples on page 24. Refer to page 21 for a detailed explanation of a rental assistance computation.

On the opposite page, in example 1, the total amount needed to purchase the property exceeded the Agency payment of $4,800, making it necessary for the displaced person to make up the difference of $1,150. In example 2, the displaced person must pay $700 in addition to the agency payment, but in example 3, the agency payment was sufficient to cover the total amount needed. It will not be unusual in today's inflated real estate market to need more for downpayment and closing costs than the maximum payment established by law, however, the payment should be a great help if it enables a displaced tenant to become a homeowner.

The computation of a downpayment for an owner occupant of 90 to 179 days is limited to the amount an owner would have received if the payment were computed on the basis of a purchase supplement for a 180 day owner. See pages 15 and 16 for an explanation of the purchase supplement and sample computations if you are a short term owner of 90 to 179 days. Displaced owner occupants of 180 days or more are not eligible for downpayment assistance.
HOUSING OF LAST RESORT

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the Agency will solve the problem by the administrative process called Housing of Last Resort.

If comparable housing is not available, or it is not available within the maximum $5,250 or $22,500 payment limits, it must be provided before you are required to move.

The Agency may provide the necessary housing in a number of ways, such as:

1. Purchasing an existing comparable residential property and making it available to the displaced person in exchange for the displacement property.

2. The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the Agency and making it available to the displaced person in exchange for the displacement property.

3. The purchase, rehabilitation and/or construction of additions to an existing dwelling to make it comparable to a particular displacement property.

4. The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparables are not otherwise available.

5. The purchase of an existing dwelling, removal of barriers and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not available.

6. A replacement housing payment in excess of the maximum $5,250 or $22,500 payment limits.

7. A direct loan which will enable the displaced person to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the Agency will not require any displaced person, without his/her written consent, to accept a replacement dwelling provided by the Agency. If a displaced person decides not to accept the replacement housing offered by the Agency, the displaced person may secure a replacement dwelling of his/her choice, providing it meets DSS housing standards.

If you are eligible for replacement housing under the Housing of Last Resort program, you will be so informed by the relocation counselor, who will thoroughly explain the program.
To All Persons Displaced From A Residence...

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a sales contract or a lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent does meet the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

Fair Housing

The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an acquiring agency to provide a displaced person with a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling outside of an area of minority concentration.
Section II
Information on Relocation Services

Any individual, family, business or farm displaced by a Federal or federally assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the Agency. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember—they are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and benefits.
A Relocation Counselor Will Contact You...

Residential Assistance
A relocation counselor from the Agency will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you in order to assure that it meets decent, safe, and sanitary standards.

In addition, if you desire, the relocation counselor will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. The agency will also provide counseling or help you get assistance from other available sources as a means of minimizing hardships in adjusting to your new location.

You will also be provided with information concerning other Federal, State, and local housing programs offering assistance to displaced persons.

Business and Farm Assistance
The relocation counselor will maintain listings of commercial properties and farms whenever businesses and farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to increase the likelihood of their being able to relocate back into the affected community. The counselor will also explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies.
In Addition to Personal Contacts...

In addition to personal contacts by the relocation counselor, the Agency may establish a relocation office on or near a project. Project relocation offices are usually open during hours convenient to those persons being displaced, including evening hours when considered necessary by the Agency. The persons employed in the project relocation office will be happy to assist you. The office maintains a variety of information that should be helpful to you, such as:

- Listings of Available Replacement Properties
- Local Housing Ordinances
- Building Codes
- Social Services
- Security Deposits
- Interest Rates and Terms
- Typical Downpayments
- VA and FHA Loan Requirements
- Real Property Taxes
- Consumer Education Literature on Housing

Visit your relocation office if one has been established—you will be more than welcome.

Relocation Advisory Assistance

Checklist

This checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a Federal or federally assisted project. In addition to the services listed, the Agency is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

The Relocation Counselor Must Personally Interview Displaced Persons to:

- Determine their Needs and Preferences
- Explain Relocation Benefits
- Offer Assistance
- Offer Transportation if Necessary
- Assure the Availability of a Comparable Property in Advance of Displacement
- Provide Current Listing of Comparable Properties
- Provide the Amount of the Replacement Housing Payment in Writing
- Inspect Houses for DSS Acceptability
- Supply Information on other Federal and State Programs Offering Assistance to Displaced Persons
- Provide Counseling to Minimize Hardships
Another Important Benefit...

No Adverse Effects on:
- Social Security Eligibility
- Welfare Eligibility
- Income Taxes
- Etc.

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law (except for any Federal law providing low-income housing assistance).

Your Right of Appeal

Any aggrieved person may file a written appeal with the head of the Agency if the person believes the Agency has failed to properly determine his or her eligibility for relocation assistance advisory services, or the amount of a relocation payment.

If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, (but solely at your own expense).

The Agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The Agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the Agency will recommend that you seek a judicial review.
Section III

Information for Businesses, Farms, and Nonprofit Organizations

Moving Cost Reimbursement: Businesses, Farms, and Nonprofit Organizations

Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment.

A. Actual reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself (page 41). Related expenses, such as personal property losses (page 42), expenses in finding a replacement site (page 43), and reestablishment expenses (page 44), may also be reimbursable.

B. Or, you may be eligible for a fixed payment of not less than $1,000 nor more than $20,000 in lieu of the payments listed in A above. The fixed payment is based on a two year average of the annual net earnings of a business or farm operation. To qualify for a fixed payment, certain conditions must be met. See page 45 for a detailed explanation of the fixed payment. If you represent a nonprofit organization, this payment is computed differently. Contact your relocation counselor for more details.
Types of Payments

Actual Reasonable Moving Costs

- Personal Property Losses
- Expenses in Finding a Replacement Location
- Reestablishment Expenses

OR

Fixed Payment in Lieu of Moving Costs, Etc.

From
- $1,000 to $20,000
  Equal to Averages
  Annual Net Earnings

Two Ways to Move Your Enterprise

Actual Cost Move. You may be paid the actual, reasonable and necessary costs of your move when the move is performed by a professional mover or when you elect to move yourself under this option, however all of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property. Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all inclusive list of moving related expenses. Your relocation counselor will provide you with a complete explanation of reimbursable expenses.

Estimated Cost Move. If you agree to take full responsibility for all or part of the move of your business or farm operation, the Agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the Agency from qualified moving firms, moving consultants, or a qualified Agency staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at the Agency's discretion. The advantage of this moving option is the fact that it relieves the displaced business or farm operator from documenting all moving expenses. The Agency may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate.
Direct Losses of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the value of the item for continued use at the displacement site less the proceeds from its sale or the estimated cost of moving the item, whichever is the lesser.

Your relocation counselor will explain this procedure in detail if you are faced with this problem.

Searching Expenses for Replacement Property

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed $1,000. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents, brokers, or consultants; and other expenses determined to be reasonable and necessary by the acquiring agency.
Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm or nonprofit organization must have at least one but not more than 500 employees working at the site being affected who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to, the following:
1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Installation of exterior advertising signs, not to exceed $1,500.
4. The cost of installing utilities from the right-of-way line to the structure(s) or improvements on the replacement site.
5. Redecoration or replacement such as painting, wallpapering, paneling and carpeting when required by the condition of the replacement site.
6. The cost of license fees and permits when not covered as a moving expense.
7. Marketing studies, feasibility surveys and soil testing.
8. Advertising the new business location, not to exceed $1,500.
9. Professional real estate services needed for the purchase or lease of a replacement site.
10. The estimated increased costs of operation at the replacement site during the first two years, not to exceed $5,000 for items such as:
   a. Lease or rental charges
   b. Personal or real property taxes.
   c. Insurance premiums, and
   d. Utility charges (excluding impact fees).
11. One time assessments or impact fees for anticipated heavy utility usage.
12. Other items that the Agency considers essential for the reestablishment of the business or farm.
13. Reestablishment costs in excess of the maximums set forth in 3, 8 and 10 may be considered eligible by the Agency if excessive costs are encountered at the replacement site, but the total payment cannot exceed $10,000 in any event.

Fixed Payment (In Lieu)

Displaced businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than $1,000 nor more than $20,000.

For a business to be eligible for a fixed payment, the Agency must determine the following:
1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of its existing patronage.
3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the Agency.
4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are interested in a fixed payment please consult your relocation counselor for additional information if you are being displaced from a farm or you represent a nonprofit organization.
The Computation of Your Fixed Payment (In Lieu)

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced.

Example:

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Net Earnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>$16,500</td>
</tr>
<tr>
<td>1989</td>
<td>$18,500</td>
</tr>
<tr>
<td></td>
<td>Year Displaced</td>
</tr>
</tbody>
</table>

AVERAGE:

$16,500 + $18,500 + $25,000 + 2 = $17,500

$17,500 = Fixed Payment

The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

You must provide the Agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the Agency.

*Or, the two year period deemed more representative by the Agency.

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APPENDIX 4-2

DUST CONTROL PERMIT

Appendix 4-2, Dust Control Permit, contains an application for a Maricopa County Dust Control Permit. Fugitive dust generated as a result of construction activities must be controlled in accordance with the 2000 Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, Section 104.08, local rules and ordinances, and special provisions. A Maricopa County Dust Control Permit would be obtained by the selected roadway contractor prior to the commencement of construction.

Maricopa County
Air Quality Department

DUST CONTROL PERMIT APPLICATION PACKAGE

This package contains information and forms necessary to apply for a Dust Control permit as set forth in Maricopa County Air Pollution Control Regulations Rule 310. The Dust Control Permit Application Package is organized into three major parts.

PART 1. DUST CONTROL PERMIT APPLICATION INSTRUCTIONS

A. Instructions for completing the Dust Control Permit Application Form

B. Instructions for completing the Dust Control Permit Application Dust Control Plan

C. Appendix: Additional information on Key Topics

PART 2. DUST CONTROL PERMIT APPLICATION FORM

Completeness Checklist

Applicant Information

Project Information

PART 3. DUST CONTROL PERMIT APPLICATION DUST CONTROL PLAN

Categories A – H Control Measures

Category I Water, tables

Category J Dust suppressants other than water, table

In order to be accepted for review the Dust Control Permit Application Package must be complete. This includes answering all questions fully and accurately in the Applicant and Project information areas as well as submitting a Dust Control Plan. You may fill out Part 3 of the Dust Control Permit Application and submit it as your Dust Control Plan or you may write your own Dust Control Plan that conforms to Rule 310, Section 402.

Once a complete Dust Control Permit Application Package is accepted, allow up to 14 calendar days for permit processing plus sufficient time for delivery by U.S. Postal Service First Class mail.

Keep in mind, the Maricopa County Air Quality Department uses the Instructions portion of the Dust Control Permit Application Package as criteria when reviewing, evaluating, and approving the Permit Application. The rules identified in the instructions contain legally binding and enforceable requirements. Permits issued by the Maricopa County Air Quality Department under the rules also contain legally binding and enforceable conditions and terms. The Dust Control Permit Application Instructions do not supersede or change any existing federal, state, or county regulations and laws, including requirements of an approved State Implementation Plan (SIP).
IMPORTANT RULE CHANGES EFFECTIVE MARCH 2008

Maricopa County Air Pollution Control Regulations Rule 310 “Fugitive Dust from Dust-Generating Operations” and Rule 200 “Permit Requirements” introduced the following requirements in early 2008 that you should be aware of:

1. Dust Control Coordinator

A Dust Control Coordinator is required to be on-site at all times during primary dust-generating operations for any site of five or more acres of disturbed surface area that is subject to a Maricopa County dust control permit (Rule 310, Section 310). The contact information for the Dust Control Coordinator(s) must be provided in Question #5 of Part 2 of the Dust Control Permit Application.

2. Dust Control Training Classes

Comprehensive Dust Control Training:
The Dust Control Coordinator is required to successfully complete a Comprehensive Dust Control Training Class at least once every three years.

Basic Dust Control Training:
Site superintendents or other designated on-site representatives of the permit holder, if present at a site with more than one acre of disturbed surface area, is required to successfully complete a Basic Dust Control Training Class at least once every three years.

All water truck drivers and water pull drivers must successfully complete a Basic Dust Control Training Class at least once every three years.

More information on these training classes can be found by calling the Training Line at 602-372-1467 or at: www.maricopa.gov/aq/divisions/compliance/dust/dust_control_training on the MCAQD’s Dust Compliance Division web site.

3. Visible emissions beyond property line

Rule 310, Section 303.1 requires that the owner and/or operator of a dust generating operation shall not cause, suffer, or allow visible emissions of particulate matter, including fugitive dust, beyond the property line within which the emissions are generated. Section 303.2 does provide an exception for dust-generating operations conducted within 25 feet of the property line.

4. Subcontractor Registration

A requirement of Rule 200 (Permit Requirements) is Subcontractor Registration. Subcontractors do not submit the Dust Control Permit Application in the role of “Applicant” but subcontractors engaged in dust-generating operations at a site that is subject to a Maricopa County dust control permit are required to register with the MCAQD (Rule 200, Section 306) and pay an annual fee as specified in Rule 280, Section 312. The subcontractor shall have its registration number readily accessible on-site while conducting any dust-generating operations and the registration number must be visible and readable to the public without having to be asked by the public. The registration and $50.00 fee can be submitted by mail or in person at the One Stop Shop, 501 N. 44th Street, Suite 200, Phoenix, AZ 85008. Additional information on Subcontractor Registration requirements, submittal and current fees can be found at http://www.maricopa.gov/aq/divisions/compliance/dust/subcontractorRegistration.aspx
FREQUENTLY ASKED QUESTIONS (FAQs)

1. Do I need a Dust Control Permit?
   A. Activity: Whenever a dust-generating activity will disturb 1/10th acre (4,356 square feet) or more you must obtain a dust control permit before commencing the activity. This area of disturbance includes all areas under common control such as stockpiles, storage and equipment yards as well as the area being disturbed, even if they may be separated by public or private roadways (Rule 310, Section 302). No activity may commence before the permit is approved and, along with the Dust Control Plan, posted in a conspicuous location at the work site, on-site equipment, or in an on-site vehicle, or otherwise kept available on-site at all times.
   B. Re-application: Dust Control permits are valid for one year from the date of approval. If the project still has a disturbed surface area of 0.10 acre (4,356 square feet) or more at the expiration of the one year permit term a new permit will need to be obtained by submitting a new Dust Control Application. The re-application process can take up to 14 calendar days once a complete application is received (not including time for postal delivery) so the application must be submitted at least 14 calendar days before the existing Dust Control permit expires.

2. How do I apply? What are the steps?
   A. Obtain Dust Control Permit Application Package: You can pick up the application package in person at either the Maricopa County Air Quality Department (MCAQD) Dust Compliance Division offices at 1001 North Central Avenue, Suite 400 in Phoenix, Arizona as well as at the One Stop Shop at 501 North 44th Street, Suite 200 in Phoenix or download it from http://www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx.
   B. Review the instructions: Read the instructions thoroughly before beginning work on the application. The instructions are intended to accompany the application. The instructions constitute a body of experience and informed judgment by the Maricopa County Air Quality Department and dust control field inspectors to which you may properly resort for guidance, including details and explanations of the information required in the application. If you still have questions about the application you may find answers on the MCAQD website or by calling the Dust Compliance Division at 602-506-6010.
   C. Complete the Permit Application Form: Fully complete both the Applicant and the Project Information portions of the application, generally in the sequence it is written, using the instructions and Dust Compliance personnel for assistance.
   D. Complete the Dust Control Plan: A dust control plan is required and the third part of the package is designed to guide project personnel in developing a dust control plan that will be posted on-site, and the project will abide by on a day to day basis. Every category or sub-category must be completed, including an explanation for those that are designated non-applicable. A project may develop its own dust control plan as long as it conforms to Rule 310, Section 402.
   E. Review the Completeness Checklist: (see the first page of the Dust Control Permit Application Form, p. 23)
   F. Submit the completed permit application: When submitting the completed application to the One Stop Shop at 501 North 44th Street, Suite 200, Phoenix, Arizona 85006, include the appropriate fee for your Dust Control Permit Application (see FAQ #3 below). The completed application can be submitted to the One Stop Shop in person or by mail with payment by check or money order in either case. In addition, a credit card or cash may be used for payment if the application is submitted in person at the One Stop Shop location.

Make checks payable to “Maricopa County Air Quality Department” or “MCAQD”. The completed permit will be sent to the Applicant’s address. Allow up to 14 calendar days for permit processing plus sufficient time for delivery by U.S. Postal Service First Class mail.

3. What will it cost?
   Detailed information on current fees can be found in the Maricopa County Air Pollution Control Regulations Rule 280 – Fees on the Department’s web site: http://www.maricopa.gov/aq/divisions/permit_engineering/permit_fees.aspx. Basic fees for a Dust Control Permit (permit valid for one year) are calculated according to the following:
   - If total surface area disturbed is 0.1 acre or less than 1 acre, submit $350.00.
   - If total surface area disturbed is 1 acre or more, submit $350.00 plus $77.00 per acre (to a maximum of $15,750).
   - A late fee of $100.00 is required for any application submitted in response to a violation.

PART 1. DUST CONTROL PERMIT APPLICATION INSTRUCTIONS

A. INSTRUCTIONS FOR COMPLETING THE DUST CONTROL PERMIT APPLICATION FORM

APPLICANT INFORMATION INSTRUCTIONS

1. Applicant
   Please note that if you are completing this application and you are the “Applicant”, then you are the responsible authority for controlling all aspects of the work accomplished on-site from initial ground breaking to final stabilization. This includes canceling the Dust Control Permit when the project is complete and/or when you no longer have control over the day-to-day operations on the site. The Applicant must be the property owner, general/prime contractor, developer or lessee; a subcontractor cannot be the Applicant responsible for a dust control permit. The Applicant’s name will show on the permit and will not change on re-applications or changes to the permit that retain the original permit number. The Applicant may or may not also be the party contracting to do the work at the site. The address provided will be put on all subsequent permits with the same Applicant name and will serve as the mailing address for the permit or other compliance issues. The Applicant will be the responsible party for the purposes of this project.

2. Parent Company if Applicant is a wholly owned subsidiary
   If the Applicant is a wholly owned subsidiary provide full information for the parent company as well. If the parent company has a local or regional presence, use that location and provide contact information for the highest ranking official at that location.

3. Applicant President/Owner
   Provide contact information for the highest ranking, local or regional company official of the Applicant.

4. Property Owner/Developer, if not Applicant
   Include information regarding the property owner/developer, if different from the Applicant.

5. Dust Control Coordinator
   Any site with five acres or more of disturbed surface area subject to a permit issued by the County Officer requiring control of PM₄₇ emissions from dust-generating operations requires at least one designated Dust Control Coordinator, with a valid dust training certification identification card that is readily accessible, on-site at all times during primary dust-generating operations per Rule 310, Section 310. The Dust Control Coordinator is required in Rule 310, Section 309.2 to complete a Comprehensive Dust Control Training Class at least once every three years, after which a unique identification badge will be issued to the coordinator and is to be referenced in Question #5 in the application. If there are multiple Dust Control Coordinators, list additional information on a separate sheet of paper and attach following the page this question is on. Changes to the Dust Control Coordinator list can be made with the appropriate form, such as the Dust Control Plan Change form, which can be found on the MCAQD Dust Control Compliance website at http://www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx or with a letter that clearly states the changes to be made as well as the permit and dust control plan that will be affected. A form is also available that applies to notifying the MCAQD that a site no longer needs a Dust Control Coordinator when the disturbed surface area of the site falls below five acres.

6. Primary Project Contact
   For all projects, provide a Primary Project Contact that may be a Dust Control Coordinator or a different individual altogether. Provide information in this question regarding the person the MCAQD can contact who is knowledgeable of the project site or state if this person is listed as the Dust Control Coordinator in the previous question. The phone number(s) provided should be able to reach the contact within four hours.
7. Certification by a Responsible Official of the Applicant

A Responsible Official of the Applicant is the person who will be contacted or named in any enforcement action initiated by the Maricopa County Air Quality Department or the Maricopa County Attorney’s Office. Pursuant to Rule 310, Section 403.1, the signature on the Dust Control permit application shall constitute agreement to accept responsibility for meeting the conditions of the Dust Control permit and for ensuring that control measures are implemented throughout the project site and during the duration of the project.

- For a corporation, a corporate officer or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person, if the representative is responsible for the dust-generating operations in the subject application. Delegation of authority to such representative shall be approved in advance by the Maricopa County Air Quality Department, Dust Compliance Division.
- For a partnership or sole proprietorship, a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency, the principal executive officer or ranking elected official of that entity. Delegation of signature authority needs to be submitted in writing to the Maricopa County Air Quality Department, Dust Compliance Division.

8. Application completed by, (if other than Signatory)

Frequently, this person needs to be contacted to clarify information in the application or if there are questions regarding how the Dust Control Plan was filled out.

PROJECT INFORMATION ON INSTRUCTIONS

9. Name of Project

Name, if any, by which this project will be referred (e.g. Pleasant Hill Acres).

10. Project Location

Provide the best available information for the project’s geographic location. If there is an on-site construction office or similar physical contact point this should be referenced. If no specific street address is available, provide a block number and street name, Maricopa County Assessor’s parcel number, master plan community number, geographic coordinates or any other pertinent location information or description.

11. Project Location by Township (N or S), Range (E or W), Section (1-36)

The map code or grid location in Township/Range/Section (TRS) format is required and can be obtained from a Phoenix Metropolitan map book or from the Maricopa County Assessor’s parcel description.

12. Brief Project Description

Describe the project that will be taking place on the site (e.g. 3-building commercial complex; custom home; weed control; demolition of two buildings; roadway improvement).

13. Will a basement or underground parking be excavated?

This information influences the volume of dust generating material that will be disturbed, moved, stored, and removed from the project location.

14. Will building occur on a pre-existing/ prepared pad?

A pre-existing pad/prepared pad is considered to be on a parcel within an existing/prepared subdivision.

15. Size of Project

The size of the project is the total area that will be disturbed throughout the duration of the Permit. Include all unpaved parking areas, stockpiles, access and haul roads, parking, driveways, as well as storage (stated in acres). Be sure to separately note the specific area of land to be graded if it is different in size than the total area. You will also need to indicate the estimated amount of import/export Bulk Material, as defined in Section 203 of Rule 310, to/from the project site. The estimated amount of import/export Bulk Material to/from the project site is for hauling purposes and may not match the cubic yards to be moved within the boundaries of the project.

16. Project Site Drawing

Maricopa County uses a project site drawing to delineate boundaries between separate projects, so one permit holder is not held responsible for another’s work. It is used as a reference, so it does not need to be to scale. It should however be as accurate as possible. The drawing should be no larger than 8½” x 11”. The Dust Control Permit Application Form contains an example of what this drawing should contain (see page 26), including the following minimum elements:

- Entire project site boundaries
- Areas to be disturbed with linear dimensions, usually in feet (including staging areas, stockpiles, access and haul roads, parking, driveways, and storage)
- Nearest main crossings
- North arrow
- Access Point(s) - Planned exit locations onto paved areas accessible to the public

17. Is this a Re-application?

A permit is valid for 1 year after the date of approval. The re-application process may take up to 14 calendar days for review and processing (not including time for postal delivery) and must be approved prior to the expiration of the old permit. You must re-apply for a permit more than 14 calendar days before the original permit expires.

18. Estimated Project Start Date

Before Dust-Generating Operations may occur the permit must be approved, which may take up to 14 calendar days for review and processing of the permit application (not including time for postal delivery). Project Start Date and Project Completion Date (next question) are used by Maricopa County to schedule inspection work load. This information is also used to determine if the same project is on-going or a subsequent dust-generating operation is taking place at the project location. If this is a re-application provide the original start date of the project.

19. Estimated Project Completion Date

The answer to this question may be a date beyond the last effective date of the permit that is being applied for; it is acceptable and encouraged to enter the actual Estimated Project Completion Date, not the end date of the permit period or some other modification. See Estimated Project Start Date (previous question) as well.

20. List of Soil Designations from Appendix F

Soil Texture

Rule 310, Section 403.5 requires a Dust Control Plan for construction projects one acre or larger (except for routine maintenance and repair done under a block permit) to include the following information:

- Soil texture naturally present at the dust-generating operation
- Soil texture to be imported onto the dust-generating operation

The information to answer these questions may be obtained from Appendix F of the Maricopa County Air Pollution Control Regulations or attach a copy of a geotechnical report if the site has been tested. For more detail on soil textures and types see the “Appendix – Additional Information on Key Topics” on page 15.

21. Asbestos NESHAP Notification requirements

Any project that includes demolition or renovation of any existing facilities must address asbestos NESHAP issues that pertain to the Project. Question #21, including all of its sub-questions, must be fully completed to demonstrate whether or not there are any existing asbestos NESHAP issues and compliance with applicable rules before a Dust Control Permit can be issued. A separate notification and fee for demolition and/or renovation activities may be required. More information on the NESHAP Notification program and fees can be found at:


and

B. INSTRUCTIONS FOR COMPLETING THE DUST CONTROL PERMIT APPLICATION DUST CONTROL PLAN

Rule 310, Section 402 (Dust Control Plan requirements) requires the submission of a Dust Control Plan with your application. You may fill out Part 3 of the Dust Control Permit Application and submit it as your Dust Control Plan or you may write your own Dust Control Plan describing all dust control measures to be used during the project and submit it for approval as your Dust Control Plan. Once approved the Dust Control Plan, along with the permit, must be posted in a conspicuous location at the work site, within on-site equipment, or on an on-site vehicle, or otherwise kept available on-site at all times (Rule 310, Section 409). Additionally, according to Rule 310, Section 402, complete copies of the approved Dust Control permit, including the Dust Control Plan, must be supplied to all project contractors and subcontractors.

Changes to aspects of the Dust Control Plan may be made after the application is approved by submitting a Permit Change Form to the Maricopa County Air Quality Department. See below for more information regarding making changes to an approved Dust Control Permit and Dust Control Plan.

DUST CONTROL PLAN GENERAL INFORMATION

Unlisted Dust Control Measures

You may choose to use dust control measures not currently listed in Part 3 of the Dust Control Permit Application. Such unlisted dust control measures will be reviewed by the Maricopa County Air Quality Department which may require additional information and changes to the application due to the dust control measures effectiveness. Unlisted dust control measures will not be considered in evaluating the Dust Control Permit Application.

Written explanation and documentation may be required when including unlisted dust control measures in a Dust Control Permit Application.

Opacity

Rule 310, Section 303 (Visible emissions requirements for Dust-Generating Operations) requires visible fugitive dust emissions to not exceed 20% opacity. As a general rule of thumb, if at any time you can see dust being generated by equipment operations, it is already at least 10% opacity.

Opacity is measured by looking through the dust plume, while the sun is at your back. If more than 20% of the background is obscured, then the opacity is greater than 20%. Appendix C - Fugitive Dust Test Methods contains information and other sources that more fully describe this concept. (See http://www.maricopa.gov/aq/divisions/planning/analysis/AdoptedRules.aspx for an online version of Appendix C).

Making Changes to an Approved Dust Control Permit and Dust Control Plan

You are allowed to make changes to aspects of your approved Dust Control Permit and Dust Control Plan. Maricopa County has permit modification forms available at 1001 N. Central Avenue, 4th floor, or you can download permit modification forms from: http://www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx.

You might have to change your Dust Control Plan if fugitive dust emissions from your project exceed the standards in Rule 310, even though you are following your Dust Control Plan. You might also have to change your Dust Control Plan if the acreage for your project changes or if the permit holder changes.

If you change your Dust Control Plan because you have been notified that fugitive dust emissions from your project exceed the standards in Rule 310, even though you are following your Dust Control Plan, then you must submit a revised Dust Control Plan to the Control Officer within three working days of being notified that your original Dust Control Plan is not effective. During the time that you are preparing revisions to your Dust Control Plan, you must still comply with all of the requirements of Rule 310. In order to change your Dust Control Permit and/or Dust Control Plan for any other reason, Maricopa County accepts the following permit modification forms:

Maricopa County Dust Control Permit Application Package – INSTRUCTIONS
Maricopa County Dust Control Permit Application Package – INSTRUCTIONS

Appendix 4-2 . A537
When completing the Dust Control Permit Application, use this listing to select dust control measures for your project. Changes to the control measures for a variety of dust-generating operations.

EXAMPLES of how to complete Control Measures and Water Tables can be found on pages 19-22.

Dust Control Plan.

Implement, as applicable, the dust control measures in Rule 310, Section 305. Section 305 describes primary and contingency dust control measures for a variety of dust-generating operations.

When completing the Dust Control Permit Application, use this listing to select dust control measures for your project. Changes to the Dust Control Plan may be made after the application is approved by submitting a Permit Plan Change Form to the Maricopa County Air Quality Department. See information provided previously (p. 8) regarding making changes to an approved Dust Control Permit and Dust Control Plan.

EXAMPLES of how to complete Control Measures and Water Tables can be found on pages 19-22.

A. Vehicles/Motorized Equipment

A.1 Unpaved Staging Areas, Unpaved Parking Areas, and Unpaved Material Storage Areas

What areas have you set aside for parking, including areas where your employees and contractors will be parking their vehicles? What areas have set aside for material staging? How will you keep vehicles, including the public, employees, subcontractors, utilities, and project inspectors, in areas intended for travel? Paving is acceptable as a primary control measure, if paving is done at the beginning of a project.

A.2 Unpaved Access Areas/ Haul Roads

Will you be operating, hauling, or delivering equipment or materials using unpaved areas? Unpaved haul roads/access areas are unpaved roads designated access areas for vehicles or delivery trucks. On most single residential sites, the haul road is typically the future driveway. Paving is acceptable as a primary control measure, if paving is done at the beginning of a project.

B. Disturbed Surface Areas

B.1 Before Active Operations occur

Create a plan to minimize dust before you start site work. For example, Rule 310, Section 305.11 describes dust control measures to implement before site work begins. According to Section 305.11, you must either pre-water the site to depth of cuts, allowing time for penetration, or you must phase work to reduce the amount of disturbed surface areas at any one time.

If you choose to pre-water the site, you should pre-water the areas to be disturbed prior to commencing a dust-generating operation. A rule of thumb is 1 acre-foot of water (325,851 gallons) per acre of land. Pre-watering does not mean flooding the area to generate operation. A rule of thumb is 1 acre-foot of water (325,851 gallons) per acre of land. Pre-watering does not mean flooding the area to

B.2 During Active Operations

Water must be applied continuously in front of or in conjunction with a scraper/grade/ dozer. Water applied behind equipment is usually intended for compaction purposes and not dust control. If a water truck is required to leave the project site for refilling, the contingency measure must be implemented, as needed, to comply with Rule 310. Section 303 - Visible emissions requirements for Dust-Generating Operations.

If you choose to limit vehicle speed, you must divide the number of vehicle trips that will be allowed and how the speed of such vehicles will be limited.

B.3 Stabilization for any inactive period, of any length, 24 hours per day, seven days per week including weekends, after work hours, holidays

How are you going to stabilize your site during non-work hours including any and all times there are no active operations occurring but the site has not been permanently stabilized? How will you control wind generated dust?

B.4 Permanent Stabilization of Disturbed Surface Areas required within ten days following the completion of the Dust-Generating Operation if finished for a period of 30 days or longer

For how will the open areas of the site be permanently stabilized? How will the site be stabilized in construction is halted?

Open areas and vacant lots need to remain stabilized (i.e., maintain a visible crust, vegetation, or surface gravel) and inaccessible to motorized vehicles. When your site is permanently stabilized and your project is complete, you should cancel your Dust Control Permit. Maricopa County has permit cancellation request forms available at 301 N. Central Avenue, 4th Floor, or you can download the form from: http://www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx

C. Bulk Material Handling

C.1 Off-Site Hauling onto Paved Areas Accessible to the Public

Will you be conducting debris clean up or ice clean up? Will you be exporting materials?

C.2 Hauling/Transporting within the Boundaries of the Work Site but not crossing a Paved Area Accessible to the Public

Will you be moving dirt or rock from one area to another on your site?

C.3 Hauling/Transporting within the Boundaries of the Work Site and Crossing and/or accessing a Paved Area Accessible to the Public

Crossing a paved area is when you are traveling perpendicular to the paved area, typically entering and leaving it with the primary purpose of arriving at a destination on the other side. If you are not crossing a paved area (e.g., traveling perpendicular to a paved area), then you are traveling along the paved area. Traveling along the paved area may take place as an extension of the work area, unless such area has been barricaded to public travel.

C.4 Bulk Material Stacking, Loading, and Unloading Operations

Will you be trenching, backfilling, and/or importing/exporting Bulk Material?

Stacking, loading, and unloading operations include any Bulk Materials that are loaded into a truck or when materials are put into spoils piles from trenching operations.

If you choose to use water to control dust for cut and fill activities, a rule of thumb is (1) 10,000 gallon water put for each 7,000 cubic yards of material moved per day. When determining the total amount of water necessary for a project, another rule of thumb is that it takes at least 30 gallons of water to control dust from each cubic yard of material to be moved.

C.5 Open Storage Piles

How will you control dust from storage or spoils piles? Will you have spoils and/or storage piles for any length of time?

Open storage piles include piles that are on-site for any length of time. If you apply water or dust suppressant(s) to open storage piles when not conducting stacking, loading, and unloading operations, make sure that you limit unauthorized vehicle access to the area.

D. Trackout, Carry-out, Spillage, and Erosion

D.1 Trackout Control Device

What will you use as a trackout control device if trenching removes an existing gravel pad? What will you use as a control device if trenching removes an existing gravel pad?

Trackout control devices are preventative devices intended to reduce the amount of dirt transferred onto paved areas and entrained into the atmosphere. Trackout control devices are required at every exit to a paved area accessible to the public (any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust-generating operation) for job sites 2 acres or larger or when 100 cubic yards of bulk material are hauled on-site or off-site per day. Trackout control devices include, but are not limited to, the following:
Gravel Pad
A layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter that is maintained at the point of intersection of a paved area accessible to the public and a work site entrance to dissipate mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.

Gritty or Rumble Grate
A device (i.e., rail, pipe, or grate) used to dissipate mud, dirt, and/or debris from the tires and undertake of motor vehicles and/or haul trucks prior to leaving the work site.

Paving
Application and maintenance of asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete pavement, chip seal, or rubberized asphalt).

Wheel Wash System
A hose, station, or device either temporary or permanent, that utilizes a bath or spray of water for the purpose of cleaning mud, soil, and rock from the tires and undertake of vehicles to prevent tracking of those materials onto paved surfaces.

Rule 310, Section 306 addresses dust control measures for trackout control. According to Section 306 you must prevent trackout by installing, at all access points to the site, a trackout control device such as a grizzly or rumble grate, a wheel wash system, or a gravel pad, defined in Rule 310, Section 217 to be at least 30 feet wide, 50 feet long, and 3 inches deep. Or you may pave starting from the point of intersection with a paved area accessible to the public and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.

It is a violation of Rule 310 if your site is required to have a trackout control device and does not, regardless of whether trackout is present.

D.2 Cleaning
Trackout/carry-out is any and all bulk materials that adhere to and agglomerate on the surfaces of motor vehicles, haul trucks, and/or equipment (including tires) that have fallen or been deposited onto a paved area accessible to the public. You are required to immediately clean trackout/carry-out extending 25 feet or more. Trackout/carry-out that is less than 25 feet requires cleaning by the end of the work day. During import/export operations and following rain events, cleaning may need to be done on a consistent basis to control trackout/carry-out.

Cleaning trackout/carry-out includes removing any and all bulk material that has been deposited onto public roadways, medians, gutters, and sidewalks. Cleaning trackout/carry-out can be accomplished by manually sweeping up the deposits, by operating a street sweeper or wet broom, or by power washing. Some street sweepers (e.g., street sweepers with steel brushes) are more efficient than others, especially on stubborn trackout/carry-out.

Be sure to check other applicable regulations. For instance, some work sites are located in areas where the paved areas may not be cleaned by power washing with water due to Storm Water Pollution Prevention Plans (SWPPP), National Pollutant Discharge Elimination Standards (NPDES), or Arizona Pollutant Discharge Elimination System (AZPDES). Be sure to check other applicable regulations.

For categories A-H in Part 3 of the Dust Control Permit Application, for which you choose to “apply water” as a dust control measure, you must describe the size and number of pieces of the equipment that you will use to supply the water, and the size and number of pieces of equipment that you will use to apply the water. Fill out the applicable areas in Table J in Part 3 of the Dust Control Permit Application. Be sure to attach information on product specification(s) and application sheet(s) or label instructions.

Water supply means how water will be supplied to the site. Equipment options for water supply include, but are not limited to, hose, water truck, water pump, and water buffalo.

Minimum water availability means water supply in conjunction with water application system.

• A minimum water availability table is included for different construction phases to be used in Part 3 where “apply water” is chosen as a dust control measure.
• Each minimum water availability table lists the minimum amount of water that you must have available for the duration of the project for dust control and compaction in severe and moderate soil types.
• Use each minimum water availability table to determine the size and number for the equipment that you will use to supply the water and to apply the water.

Regardless of the minimum amount of water that you have available to your site or on your site and regardless of your water supply and water application, in no case shall you exceed 20% opacity. Test methods for opacity can be found in Appendix C of the Maricopa County Air Pollution Control Regulation. See an online version of Appendix C at http://www.maricopa.gov/aq/divisions/planning_analysis/AdoptedRules.aspx.

E. Weed Abatement by discing or blading
If this is a long project, will weed removal or weed control be an issue in the future? Weed abatement for the purpose of this question is the removal of a weed and its roots by turning over the soil, usually with a disc or blade implement, thereby disturbing the surface area and removing a means of stabilizing the surface area.

F. Blasting operations
Will blasting be conducted for removal of structural concrete? Is there an available site for stockpiling material? Will underlying material require blasting?

G. Demolition activities
If concrete removal quantity is sizable, is there an available dump site? Has dust control for this staging or storage area been addressed?

H. Wind Event
A “wind event” is when the 60-minute average wind speed is greater than 25 m.p.h. In category H, some control measures are to be used in the “nonattainment area” and some control measures are to be used in the “attainment area.” A “nonattainment area” is an area designated by the Environmental Protection Agency (EPA) as exceeding national ambient air quality standards based upon data collected through air quality monitoring.

Maricopa County does not meet the national ambient air quality standards for particulate matter (PM10). Consequently, Maricopa County is considered a nonattainment area for PM10. The general geographical boundary of Maricopa County’s PM10 nonattainment area is as follows: Salt River Mountains on the south, Phoenix Mountains on the northwest, Estrella Mountains on the southwest, White Tank Mountains on the west, and Superstition Mountains on the east. Maricopa County’s PM10 nonattainment area includes all cities within this geographical boundary.

What has been done to address a possible wind event when no one is on-site, such as on a weekend or a holiday?

I. Water
For categories A-H in Part 3 of the Dust Control Permit Application, for which you choose to “apply water” as a dust control measure, you must describe the size and number of pieces of the equipment that you will use to supply the water, and the size and number of pieces of equipment that you will use to apply the water. Fill out the applicable areas in Table J in Part 3 of the Dust Control Permit Application. Be sure to attach information on product specification(s) and application sheet(s) or label instructions.

Water supply means how water will be supplied to the site. Equipment options for water supply include, but are not limited to, hose, water truck, water pump, and water buffalo.

Minimum water availability means water supply in conjunction with water application system.

• A minimum water availability table is included for different construction phases to be used in Part 3 where “apply water” is chosen as a dust control measure.
• Each minimum water availability table lists the minimum amount of water that you must have available for the duration of the project for dust control and compaction in severe and moderate soil types.
• Use each minimum water availability table to determine the size and number for the equipment that you will use to supply the water and to apply the water.

Regardless of the minimum amount of water that you have available to your site or on your site and regardless of your water supply and water application, in no case shall you exceed 20% opacity. Test methods for opacity can be found in Appendix C of the Maricopa County Air Pollution Control Regulation. See an online version of Appendix C at http://www.maricopa.gov/aq/divisions/planning_analysis/AdoptedRules.aspx.

J. Dust Suppressants other than water
Although water is a dust suppressant, the information required by Table J in Part 3 of the Dust Control Permit Application should not include information on water supply and water application systems.

The information required by Table J in Part 3 of the Dust Control Permit Application is for all other dust suppressants that you use. Fill out the applicable areas in Table J in Part 3 of the Dust Control Permit Application. Be sure to attach information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application. Also, attach product specification(s) and application sheet(s) or label instructions.

Different types of soil require more intensive water usage or the use of water in combination with dust suppressants, in order to meet the requirements of Rule 310. Brief descriptions of dust suppressants and related information can be found in Appendix B, Additional Information on Key Topics in the next segment of these instructions.
C. APPENDIX X - ADDITIONAL INFORMATION ON KEY TOPICS

GLOSSARY OF TERMS (A more complete list of definitions can be found in Rule 310, Section 200)

Caliche - Common in, and somewhat unique to, the southwestern United States is a soil component known as caliche. Caliche is defined as an amorphous (non-crystalline) mass of calcium carbonate (limestone) mixed with clay. Caliche is a general term for any secondary calcium carbonate (CaCO₃) that forms in sediments or in voids and crevices within bedrock just below the surface in semi-arid regions, as a result of soil-forming processes (pedogenic caliche) or ground-water evaporation (ground-water caliche). Caliche is more likely left behind by the evaporation of ground water or soil moisture that is no longer present at that level, although ground water may be present at much lower depths beneath the caliche.

Disturbed Surface Area - A portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, desiccated, or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization, or modification. For the purpose of Rule 310, an area considered to be a disturbed surface area until the activity that caused the disturbance has been completed and the disturbed surface area has been permanently stabilized.

Dust-Generating Operation - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of Rule 310, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust-generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanical surface disturbing activities performed to establish initial landscapes or to redress existing landscapes.

Fugitive Dust - The particulate matter not collected by a capture system that is entrained in the ambient air and is caused from human and/or natural activities, such as, but not limited to, movement of soil, vehicles, equipment, blading, and wind. For the purpose of Rule 310, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, and from pile drivers, and does not include emissions from process and combustion sources that are subject to other rules in Regulation II Control Of Air Contaminants of the Maricopa County Air Pollution Control Regulations.

APPLY CABLE MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

1. Rule 200 (Permit Requirements), Section 305 (Dust Control Permit)
   • Requires any dust-generating operation disturbing 0.10 acres (4,356 sq.ft.) or more to obtain a permit,
   • Applies the provisions of Rule 310 (Fugitive Dust from Dust-Generating Operations) to Dust Control permits.

2. Rule 200 (Permit Requirements), Section 309 (Standards for Applications)
   • Enables the Control Officer authority to design permit applications that contain all the information necessary to enable the Control Officer to make the determination to grant or deny a permit.
   • Such applications can contain terms and conditions as the Control Officer deems necessary to assure a source's compliance with the requirements of the Maricopa County Air Pollution Control Regulations.

3. Rule 310 (Fugitive Dust from Dust-Generating Operations)
   • Requires an owner and/or operator of a dust-generating operation to submit a Dust Control Plan with any Dust Control Permit as well as before commencing any dust-generating operation at a site that has obtained or must obtain a Title V, Non-Title V, or general permit under Maricopa County Air Pollution Control Regulations, Regulation II (Permits And Fees),
   • Required from initial ground breaking through final stabilization,
   • Valid for one year from the date of issuance,
   • Re-application must be submitted at least 14 calendar days prior to the expiration date of the original permit, if 0.10 acres (4,356 sq.ft.) or more remain disturbed at the expiration of the original permit,
   • Must describe all control measures to be implemented before, after, and while conducting any dust-generating operation, including during weekends, after work hours, and on holidays,
   • Maricopa County approves, disapproves, or conditionally approves a Dust Control Plan, in accordance with the criteria used to approve, disapprove, or conditionally approve a permit,
   • Failure to comply with the provisions of the approved Dust Control Plan and/or failure to comply with all other requirements of Rule 310 is deemed to be a violation of Rule 310,
   • Once approved by the Control Officer, the Dust Control Permit and Dust Control Plan must be posted on-site,
   • Any person who conducts Dust-Generating Operations that require a Dust Control Plan shall keep a written record of self-inspection on each day Dust-Generating Operations are conducted. (Also referred to as a “Dust Control Log”),
   • Permit holder must cancel the permit when the project is complete or when the permit holder no longer has control over the day-to-day operations on the site. (See pages 8-9 of the Instructions).

PROJECT INFORMATION SIGN

For sites that are five acres or larger a project information sign must be posted and maintained at the main entrance to the project where members of the public can easily view and read the sign (Rule 310, Section 308). The sign must have a white background with black block lettering that is at least four inches high and contain at least the following information:
   • Project name and permittee's name,
   • Current Dust Control permit number and expiration date,
   • Name and local phone number(s) of person(s) responsible for dust control matters; and
   • Text stating: “Dust complaints? Call Maricopa County Air Quality Department - (Insert the accurate Maricopa County Air Quality Department telephone number).”

SOIL TEXTURE AND TYPE CLASSIFICATION SUMMARY

According to Rule 310, Section 402.5 - Dust Control Plan Requirements for construction projects one acre or larger (except for routine maintenance and repair done under a block permit), the soil texture that is naturally present and the texture of any soil that will be imported to the site must be designated. (See Question #20)

Soil texture is the single most important physical property of the soil. Knowing the soil texture alone will provide information about:
1) water flow potential,
2) water holding capacity, and
3) suitability for many urban uses. Soils can be divided into three basic classifications: sands, silts, and clays. Caliche, commonly found in the Southwest, is basically a form of clay. See Glossary of Terms, p. 14 of the Instructions for more information regarding caliche.

There is great variation within the three basic classifications: sands, silts, and clays, but these classifications will suffice for the purpose of choosing appropriate dust control measures for a work site.

Soils are visually classified by the Unified Soil Classification System on boring logs. Grain-size analysis and Atterberg Limits Tests are often performed on selected samples, and the results entered onto a plasticity chart, to aid in classification. The classification system is outlined in the chart on page 16 of the instructions. For a more detailed description of the system, including plasticity and liquid limits, see “The Unified Soil Classification System” ASTM Designation D2487 at http://www.astm.org/Standards/D2487.htm.

Once the soil type and clay is known, you can give the soil a texture class name. These names change depending on how much of each type of particle is in the soil. The textural triangle (shown below) is used to determine the names of the textural classes.
## Unified Classification System for Soils

<table>
<thead>
<tr>
<th>Major Division</th>
<th>Group Symbol</th>
<th>Typical Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Clean Gravels</strong></td>
<td>GW</td>
<td>Well graded gravels, gravel-sand mixtures or gravelly sand-cobble mixtures</td>
</tr>
<tr>
<td><strong>Gravels</strong></td>
<td>GP</td>
<td>Poorly graded gravels, gravel-sand mixtures, or sand-gravel-cobble mixtures</td>
</tr>
<tr>
<td><strong>Gravels With Fines</strong></td>
<td>GM</td>
<td>Limbs plot below &quot;A&quot; line on plasticity chart and have dual symbol</td>
</tr>
<tr>
<td><strong>Sandy Gravels</strong></td>
<td>GC</td>
<td>Clayey gravels, gravel-sand-clay mixtures</td>
</tr>
<tr>
<td><strong>Clean Sands</strong></td>
<td>SW</td>
<td>Well graded sands, gravelly sands</td>
</tr>
<tr>
<td><strong>Sands</strong></td>
<td>SP</td>
<td>Poorly graded sands, gravelly sands</td>
</tr>
<tr>
<td><strong>Gravels With Fines</strong></td>
<td>SM</td>
<td>Limbs plot below &quot;A&quot; line on plasticity chart</td>
</tr>
<tr>
<td><strong>Sandy Gravels</strong></td>
<td>SC</td>
<td>Clayey sands, gravel-sand-clay mixtures</td>
</tr>
<tr>
<td><strong>Silty Gravels</strong></td>
<td>SW</td>
<td>Silty gravels, gravel-sand-silt mixtures</td>
</tr>
<tr>
<td><strong>Sand Gravel</strong></td>
<td>SC</td>
<td>Silty gravels, sand-silt mixtures</td>
</tr>
<tr>
<td><strong>Clays</strong></td>
<td>CL</td>
<td>Inorganic clays of high plasticity, silty clays, lean clays</td>
</tr>
<tr>
<td><strong>Clay Silt</strong></td>
<td>CM</td>
<td>Silts of high plasticity</td>
</tr>
<tr>
<td><strong>Clay Gravels</strong></td>
<td>GC</td>
<td>Gravels with more than 50% of course fraction passing No. 200 sieve</td>
</tr>
<tr>
<td><strong>Clay Silt Gravels</strong></td>
<td>GM</td>
<td>Silty gravels, gravel-sand-silt mixtures</td>
</tr>
<tr>
<td><strong>Clayey Silt</strong></td>
<td>SC</td>
<td>Clayey sands, sand-silt mixtures</td>
</tr>
</tbody>
</table>

Note: Coarse-grained soils with between 5% & 12% passing the No. 200 sieve and fine-grained soils with limits plotting in the hatched zone on the plasticity chart to have dual symbol.

## Soil Texture and Type Map Summary

The soil map in Appendix F of the Maricopa County Air Pollution Control Regulations (a large printed soil map is available for viewing at the One Stop Shop while a smaller, downloadable version can be found at: [http://www.maricopa.gov/aq/divisions/planning_analysis/maps/appf/Appendix-F.pdf]) designates soil texture ratings in the table below - severe, moderate, slight, and very slight - refer to a soil's potential to create PM10. The table summarizes the soil map in Appendix F and designates control measures that could be used with each soil type. Also, the table shows which soil texture rating relates to which group symbol used in the chart of the Unified Classification System for Soils previously on this page.

### Summary of Soil Map in Appendix F of the Maricopa County Air Pollution Control Regulations

<table>
<thead>
<tr>
<th>Map Color Designsation</th>
<th>Soil Texture Ratings</th>
<th>Soil Types</th>
<th>Group Symbols</th>
<th>Characteristics Of Soil</th>
<th>Control Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red</td>
<td>Severe</td>
<td>Clay</td>
<td>CL</td>
<td>Low hydraulic conductivity (the rate at which water can flow through the soil)</td>
<td>Apply water or apply water and a dust suppressant</td>
</tr>
<tr>
<td>Orange</td>
<td>Moderate</td>
<td>Loam</td>
<td>ML</td>
<td>Retains water</td>
<td>Apply water or apply water and a dust suppressant</td>
</tr>
<tr>
<td>Green</td>
<td>Slight</td>
<td>Very Fine</td>
<td>SM</td>
<td>Easier to work than clay</td>
<td>Apply water</td>
</tr>
<tr>
<td>Light Yellow</td>
<td>Very Slight</td>
<td>Fine Sand</td>
<td>GC</td>
<td>Tends not to compact</td>
<td>Apply water</td>
</tr>
</tbody>
</table>

### ADDITIONAL ASSISTANCE

You can reach the MCAQD Dust Compliance Division offices at 1001 North Central Avenue, Suite 400 in Phoenix, Arizona, by calling 602-506-6010, or on their website at [www.maricopa.gov/aq/divisions/compliance/dust](http://www.maricopa.gov/aq/divisions/compliance/dust).

- MCAQD Complaint Line for all complaints including dust related items:  602-506-6010
- Dust Compliance resources including:
  - Sample Dust Control Logs
  - Applications
  - Other Forms
  - Informational website

Information on current fees can be found on the MCAQD’s web site:  [www.maricopa.gov/aq/divisions/planning_analysis/permits/permit_fees.aspx](http://www.maricopa.gov/aq/divisions/planning_analysis/permits/permit_fees.aspx)

- Questions concerning Asbestos NESHAP regulations should be referred to the Maricopa County’s Asbestos NESHAP Coordinator at 602-506-6708 or 602-506-4213. Forms, contacts, regulations and additional information not covered in the application package may be obtained on the MCAQD website at:  [http://www.maricopa.gov/aq/divisions/compliance/air/asbestos_neshap/Default.aspx](http://www.maricopa.gov/aq/divisions/compliance/air/asbestos_neshap/Default.aspx)

- Maricopa County Air Pollution Control Regulations Rule 200 (Permit Requirements) and Rule 310 (Fugitive Dust from Dust-Generating Operations) which contain information regarding the requirements and work practices associated with this application can be found at:  [www.maricopa.gov/aq/divisions/planning_analysis/AdoptedRules.aspx](http://www.maricopa.gov/aq/divisions/planning_analysis/AdoptedRules.aspx)

- Document Request Forms, in the event the permit and application are not received after the processing and mailing time have passed:  [www.maricopa.gov/imp/air/Documents/Record_request/public_record_request.asp](http://www.maricopa.gov/imp/air/Documents/Record_request/public_record_request.asp)

- Assistance in completing the application may be available by calling the Training Line at 602-372-1467 or online at:  [www.maricopa.gov/aq/divisions/compliance/dust/Default.aspx](http://www.maricopa.gov/aq/divisions/compliance/dust/Default.aspx)
**DUST SUPPRESSANTS SUMMARY**

Dust suppressants are defined in Rule 310 as: water, hygroscopic material, solution of water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the Environmental Protection Agency (EPA) or the Arizona Department Of Environmental Quality (ADEQ) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.

Dust suppressants work by either agglomerating the fine particles, adhering/binding the surface particles together, or increasing the density of the road surface material. They reduce the ability of the surface particles to be lifted and suspended by either vehicle tires or wind and non-water suppressants do so with a minimum amount of added water and usually a longer useful life than water alone.

One important factor in evaluating dust suppressants is the long-term monetary cost versus that of water alone. Environmental impacts of both methods on water quality and plant life must also be considered.

More detail can be found on the MCAQD Dust Compliance website at: www.maricopa.gov/aq/divisions/compliance/dust/resources.aspx

**DUST SUPPRESSANT CATEGORIES:**

1. **Water-Attracting Chemicals:** Chlorides, Salts, Brine Solutions.
2. **Organic, Non-Bituminous Chemicals:** Lignosulfonates, Sulphite, Liquors, Tall Oil Pitch, Pine Tar, Vegetable Oils, Molasses.
3. **Electro-Chemical Stabilizers:** Sulphonated Petroleum, Ionic Stabilizers, Bentonite.
4. **Polymer:** Polyalgenics, Acetates.
5. **Microbiological Binders:** Cryptogams, Blue-Green Algae Inoculants, Enzyme Slurries.

**DUST SUPPRESSION TECHNOLOGIES:**

In addition to categories of dust suppressants, the subject can also be divided by dust suppression technologies including the following:

1. **Wetting Agents:** Surfactant (see below) formulations that improve the ability of water to wet and agglomerate fine particles.
2. **Foaming Agents:** Surfactant formulations used to convert water and air into a dry, stable, small-bubbled foam with a consistency similar to shaving cream.
3. **Binding/Agglomerating Agents:** Performs similar functions as wetting and foaming agents but provides a longer residual effect than water alone and thus is used when it is either impractical or uneconomical to control dust using just water technologies.
4. **Crusting Agents:** Binding agents that are chemically similar to latex paint in that their primary active components are water-based latex polymers that cure to form a mechanically stable water-insoluble film.

**DUST SUPPRESSION MATERIALS:**

- **Surfactants:** Surface-active agents, make water more efficient by making water “wetter”, lowering its surface tension allowing drops of water to spread out and contact surfaces more effectively.
- **Tackifiers:** Substances used with water to hold together mixtures and other dust suppressants, binding small particles together without forming a hard crust.
- **Flocculants:** Chemicals that cause a dispersed colloidal system (such as clay) to coagulate and form flocs. Most flocculants are either multivalent cations such as calcium, magnesium, aluminum, or ion polymers. High pH, high salinity, and high temperature can also cause clay flocculation.
- **Wetting Agents:** Surface-active agents, make water more efficient by making water “wetter”, lowering its surface tension allowing drops of water to spread out and contact surfaces more effectively.
- **Foaming Agents:** Surfactant formulations used to convert water and air into a dry, stable, small-bubbled foam with a consistency similar to shaving cream.
- **Binding/Agglomerating Agents:** Performs similar functions as wetting and foaming agents but provides a longer residual effect than water alone and thus is used when it is either impractical or uneconomical to control dust using just water technologies.
- **Crusting Agents:** Binding agents that are chemically similar to latex paint in that their primary active components are water-based latex polymers that cure to form a mechanically stable water-insoluble film.

**EXAMPLES FOR CORRECTLY COMPLETING PART 3 – DUST CONTROL PLAN**

**EXAMPLE FOR USE OF THE “NOT APPLICABLE” OPTION**

**2.1 Operations**

- **P** C Apply water (Fill out Category I, “Water” on pp. 37-41)
- **P** C Pave (Choose one of the following): Beginning of Project* / During Project* / End of Project*

This is an INCORRECT EXAMPLE.

**WHY?** If a Control Measure is “not applicable”, you must provide an explanation for why.

Or, explain why this sub-category and its control measures are not applicable: N/A

<table>
<thead>
<tr>
<th>Z.1</th>
<th>Other:</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

**EXAMPLES FOR USE OF THE “NOT APPLICABLE” OPTION**

**2.1 Operations**

- **P** C Apply water (Fill out Category I, “Water” on pp. 37-41)
- **P** C Pave (Choose one of the following): Beginning of Project* / During Project* / End of Project*

This is a CORRECT EXAMPLE of a completed “not applicable” statement with a full explanation.

**WHY?** If a Control Measure is “not applicable”, you must provide an explanation for why.

Or, explain why this sub-category and its control measures are not applicable: N/A because there will not be any operations of this type being performed as part of this project.

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Maricopa County Dust Control Permit Application Package – INSTRUCTIONS
EXAMPLES FOR CORRECTLY COMPLETING PART 3 – DUST CONTROL PLAN (continued)

2.1 Operations

- Apply water (Fill out Category I, "Water" on pp. 37-41)
- Pave (Choose one of the following): Beginning of Project*, During Project*, End of Project* *Must specify additional primary control measure(s) that will be in place prior to paving
- Limit vehicle trips to no more than 15 m.p.h. In the space provided, list the number of employee vehicles, earthmoving equipment, haul trucks and water trucks, and a description of how vehicle speeds will be restricted to no more than 15 m.p.h.
- Cease operations, NOTE: This option CANNOT be considered a primary control measure.

Other:
Or, explain why this sub-category and its control measures are not applicable

2.2 Operations

- Apply water (Fill out Category I, "Water" on pp. 37-41)
- Pave (Choose one of the following): Beginning of Project*, During Project*, End of Project* *Must specify additional primary control measure(s) that will be in place prior to paving
- Limit vehicle trips to no more than 20 per day per road AND limit vehicle speeds to no more than 15 m.p.h. In the space provided, list the maximum number of vehicle trips on the unpaved access areas/haul roads each day (including number of employee vehicles, earthmoving equipment, haul trucks and water trucks) and a description of how vehicle speeds will be restricted to no more than 15 m.p.h.
- Cease operations, NOTE: This option CANNOT be considered a primary control measure.

Other:
Or, explain why this sub-category and its control measures are not applicable

EXAMPLE FOR USE OF CHECKBOXES

- This is an INCORRECT EXAMPLE.

WHY? If a Control Measure checkbox is blacked out it CANNOT be used.

- This is a CORRECT EXAMPLE of how to use available Control Measure checkboxes and avoid using non-available Control Measure checkboxes.

Or, explain why this sub-category and its control measures are not applicable

EXAMPLE FOR CORRECTLY COMPLETING PART 3 – DUST CONTROL PLAN (continued)

There are two main types of tables (with multiple variations) used in the "Category I. Water" portion of Part 3 of the Application. Following is an example of each of the main two table types and how to use each:

CATEGORY I. WATER, EXAMPLE 1:

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Project Phase - Staging/ Parking Areas/ Storage Areas Including Landscaping Installation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total Acres Disturbed</td>
</tr>
<tr>
<td>Severe</td>
<td></td>
</tr>
<tr>
<td>(clay, silty clay, sandy clay)</td>
<td>0 - 2 acres</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
</tr>
<tr>
<td></td>
<td>&gt; 10 acres</td>
</tr>
<tr>
<td>Moderate</td>
<td></td>
</tr>
<tr>
<td>(all other classifications)</td>
<td>0 - 2 acres</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
</tr>
<tr>
<td></td>
<td>&gt; 10 acres</td>
</tr>
</tbody>
</table>

Average Daily Disturbance in Acres: 8 acres
Number of Gallons per day: 250 – 3,500 gal/day

Supply
Quantity and Size
Application Quantity and Size
Metered Hydrant
(1) 2" Hose
Water Tower
Water Truck
(1) 2,000 gal
Water Pond
Water Pull
Other: Water Buffalo

Example 1, Illustration:
1. Assume the project has a disturbed area of 8 acres for staging, storage and some parking with a severe soil rating.
2. Begin with the second row under the headings in the table above. This selection shows a range of 0 – 2 acres of Total Acres Disturbed in the Severe Soil Texture Rating field.
3. Following this to the Minimum Water Available column on the right gives a range of 315 – 750 gallons per day. This means that even if an amount of water toward the lower end of the range is being used (315 gallons per day) the project must have the availability of water, along with the equipment to apply it, up to the highest end of the range (750 gallons per day), should conditions demand the higher application.
4. The total water needed and its distribution must be reflected in the quantity and size of the water supply methods as well as the quantity and size of the water application methods that you enter in their respective columns.
EXAMPLES FOR CORRECTLY COMPLETING PART 3 - DUST CONTROL PLAN (continued)

CATEGORY I. WATER, EXAMPLE 2:

Example 2: Illustration:

1. Assume the project entails grading 10 acres and all 10 acres are to be graded each day for five days during the March thru October time period. Additionally, 1,000 cubic yards of material are to be removed over the five days.

2. 10 acres x 10,000 gallons per acre per day = 100,000 gallons per day for all 10 acres, AND

3. Total water need for all five days = 500,000 gallons.

4. The total water needed and its distribution must now be reflected in the quantity and size of the water supply methods as well as the quantity and size of the water application methods that you enter in their respective columns.
2. Is Applicant a wholly owned subsidiary of another Company? Yes ☐ No ☑

Parent Company (if Applicant is a wholly owned subsidiary):

Type of Entity:
- Corporation ☑
- Limited Liability Company or Partnership ☐
- Sole Proprietor ☐
- Individual ☐
- Government ☐

Name:

Address:

City: State: Zip: Phone: Fax:

State of Incorporation or Registration:

3. Applicant President/Owner:

Name:

Address:

City: State: Zip: Phone: Fax:

4. Property Owner/Developer, if not Applicant:

Type of Entity:
- Corporation ☐
- Limited Liability Company or Partnership ☐
- Sole Proprietor ☐
- Individual ☐
- Government ☐

Name:

Address:

City: State: Zip: Phone: Fax:

Contact Person:

5. Dust Control Coordinator:

- At least one Dust Control Coordinator is required to be on-site at all times during primary dust-generating operations for any site with five acres or more of disturbed surface area subject to a permit issued by the Control Officer requiring control of PM10 emissions from dust-generating operations.
- List additional Dust Control Coordinators on a separate sheet of paper and include following this sheet.

Name:

Title:

Company Name:

On-Site Phone: Mobile: Fax:

E-mail Address:

Dust Control Badge ID Number: Expiration Date:

6. Primary Project Contact:

- Provide a Primary Project Contact for all sites with a disturbed surface area subject to a permit issued by the Control Officer requiring control of PM10 emissions from dust-generating operations.
- State if the Primary Project Contact is already referenced in Question #5 above or provide all of the following:

Name:

Title:

Company Name:

On-Site Phone: Mobile: Fax:

E-mail Address:

7. Certification by a Responsible Official of the Applicant:

A Responsible Official of the Applicant is the person who will be contacted or named in any enforcement action initiated by the Maricopa County Air Quality Department or the Maricopa County Attorney’s Office. Pursuant to Rule 310, Section 401.3, the signature on the Dust Control Permit Application shall constitute agreement to accept responsibility for meeting the conditions of the Dust Control Permit and for ensuring that control measures are implemented throughout the project site and during the duration of the project.

Arizona Revised Statute § 13-2704 makes it a criminal offense to knowingly make a false material statement to a public servant in connection with an application for any benefit, privilege, or license.

I hereby certify that, based on information and belief formed after reasonable inquiry, the statements and information in the Dust Control Permit Application, including Applicant Information, Project Information, and the Dust Control Plan, are true, accurate, and complete.

Signature:

Printed Name: Title:

Phone: Address:

Fax:

8. Application completed by (if other than Signatory):

Signature:

Printed Name: Title:

Phone: Address:

Fax:

E-mail Address:

9. Name of Project:

10. Project Location:

If address is not available, complete Other Location information as fully as possible

Address:

City: State: AZ Zip:

Nearest Major Cross Street North/South:

Nearest Major Cross Street East/West:

Is this location: ☑ Unincorporated Area (County) ☐ Incorporated Area (City)

Other Location Information: (If address is not available provide all information possible below)

County Assessor’s Parcel Number(s):

Master Plan Community Number(s):

Geographic Coordinates:

11. Project Location by Township (N or S), Range (E or W), Section (1-36):

Township: Range: Section:

12. Brief Project Description:

13. Will a basement or underground parking be excavated? Yes ☐ No ☑

14. Will building occur on a pre-existing pad/ prepared pad? Yes ☐ No ☑

15. Size of Project:

Estimated acres to be graded:

Estimated cubic yards of Bulk Material to be moved within the boundaries of the project:

Estimated cubic yards of import Bulk Material:

Estimated cubic yards of export Bulk Material:

Total acres that will be disturbed throughout the duration of this Permit, including staging areas, stockpiles, access and haul roads, parking, driveways, as well as temporary storage yards:
16. Project Site Drawing:

Attach a separate page (8½" × 11") with a drawing showing all of the following elements:
- Entire project site boundaries
- Area to be disturbed with linear dimensions (including staging areas, stockpiles, access and haul roads, parking, driveways, and storage)
- Nearest main crossroads
- North arrow
- Access Points(s) – Planned exit locations onto paved areas accessible to the public

Example (simplified, not to scale):

![Project Boundary Diagram]

17. Is this a Re-application?  
Yes  Previous Permit #  
No

A permit is valid for 1 year after the date of approval. The re-application process may take up to 14 calendar days for review and processing (not including time for postal delivery) and must be approved prior to the expiration of the old permit. You must re-apply for a permit more than 14 calendar days before the original permit expires.

18. Estimated Project Start Date (month/day/year). If this is a re-application, list the original project start date:

19. Estimated Project Completion Date (month/day/year), the date may be beyond the one year duration of the permit:

20. List Soil Designations from Appendix F in Maricopa County Air Pollution Control Regulations or, if attaching a copy of the site geotechnical report, check here:

<table>
<thead>
<tr>
<th>Texture of soil naturally present on work site</th>
<th>Texture of soil to be imported onto work site</th>
</tr>
</thead>
</table>

For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, designate in the table below which soil texture is naturally present on the work site and which soil texture will be imported onto the work site (if applicable). If the soil on the work site has been tested, then you should rely on the test results to complete the table and you should attach a copy of the site soil report (boring logs) to this application. If the soil on the work site has not been tested, then use Appendix F in the Maricopa County Air Pollution Control Regulations to complete the table below.

21. Asbestos NESHAP Notification requirements: (answer all subparts of Question 21 below)

For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, designate in the table below which soil texture is naturally present on the work site and which soil texture will be imported onto the work site (if applicable). If the soil on the work site has been tested, then you should rely on the test results to complete the table and you should attach a copy of the site soil report (boring logs) to this application. If the soil on the work site has not been tested, then use Appendix F in the Maricopa County Air Pollution Control Regulations to complete the table below.

<table>
<thead>
<tr>
<th>Texture of soil naturally present on work site</th>
<th>Texture of soil to be imported onto work site</th>
</tr>
</thead>
</table>

For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, designate in the table below which soil texture is naturally present on the work site and which soil texture will be imported onto the work site (if applicable). If the soil on the work site has been tested, then you should rely on the test results to complete the table and you should attach a copy of the site soil report (boring logs) to this application. If the soil on the work site has not been tested, then use Appendix F in the Maricopa County Air Pollution Control Regulations to complete the table below.

21a. Does the Project include demolition or renovation?  
Yes  No

21b. Description of demolition/renovation activities:

21c. Has the property ever been used as a ranch, farm, business or any other commercial or industrial purpose?  
Yes  No

21d. Is there a guesthouse, more than one livable structure on the property, or is work being done in conjunction with another property in the area?  
Yes  No

21e. Is this a residential property?  
Yes  No

21f. Has an asbestos inspection been conducted by an AHERA Certified Building Inspector within the last 12 months before the time of scheduled activities?  
Yes  No

21g. Has an asbestos inspection been conducted by an AHERA Certified Building Inspector within the last 12 months before the time of scheduled activities?  
Yes  No

21h. Date of AHERA inspection:

21i. Has a 10-Day NESHAP Notification been submitted?  
Yes  No

21j. 10-Day NESHAP Notification submitted by:

21k. 10-Day NESHAP Notification number:  ASB0

21l. 10-Day NESHAP Notification submitted by:

For Central Office Use Only:

Demolition Notification number on file:  
Renovation Notification number on file:  
Date approved:

Scheduled days of operation:  
Date contacted:

Follow up:  
Date approved:

Date contacted:
**PART 3
DUST CONTROL PERMIT APPLICATION DUST CONTROL PLAN**

**DUST CONTROL PLAN**

(See Instructions pages 8-13, 19-22)

The following 13 pages will become the dust control plan that will be followed for the project named in this permit. Once fully completed and approved this Dust Control Plan must be posted on-site with the Dust Control Permit and supplied to all contractors and subcontractors.

**Primary ("P") and Contingency ("C") Control Measures:**

Every category and/or sub-category requires at least one Primary control measure ("P") and at least one Contingency control measure ("C"). A contingency control measure is the back-up or secondary action(s) that needs to immediately be implemented when the primary control measure(s) fails to adequately control dust emissions at the named project.

To indicate your choice, mark the box next to the appropriate letter ("P" or "C") in front of each control measure(s) that you have chosen. Do this for both primary and contingency control measures in every category and/or sub-category.

**Categories and/or sub-categories that are not applicable:**

When a category and/or sub-category does not apply to the named project this must be acknowledged by completely filling out the final entry in the category and/or sub-category. An explanation must be supplied for WHY the category and/or sub-category is not applicable. This is in addition to simply writing "NA" or "not applicable".

When completing the following Dust Control Plan, use the instructions on pages 8-13 and 19-22 to help you select dust control measures and keep in mind the following:

- Every category and/or sub-category requires at least one "P" (Primary) and at least one "C" (Contingency).
- Categories and/or sub-categories of dust-generating operations C1, C3, D1, E1, F, and G, in the following Dust Control Plan, have primary control measures, "P", required by Rule 310. You will need to choose a contingency measure, "C", for these dust-generating operations if they are applicable to your project.
- Where has replaced a "P", the dust control measure CANNOT be used as a primary control measure; this measure may only be considered a contingency control measure when selected.
- Where has replaced a "C", the dust control measure CANNOT be used as a contingency control measure and is required to be used as a primary control measure whenever that category and/or sub-category applies to a project.
- Where "Other" is listed without reference to opacity or surface stabilization standard(s) and is selected as a primary control measure, then the description must meet the criteria in the instructions on page 8 for "Unlisted Dust Control Measures."
- If a category and/or sub-category does not apply to the project named in this application the last item in that category and/or sub-category must be fully completed. An explanation of why it is not applicable is required.

After your Dust Control Permit Application has been approved, you must post your Dust Control Permit along with this Dust Control Plan on-site, as required by Rule 310, Section 409.

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**Category A. Vehicles/ Motorized Equipment**

(See Instructions page 10)

**A.1 Unpaved Staging Areas, Unpaved Parking Areas, and Unpaved Material Storage Areas**

- **P** C. Apply water (Fill out Category I, "Water" on pp. 37-41)
- **P** C. Pave (Choose one of the following): Beginning of Project* During Project* End of Project* Must specify additional primary control measure(s) that will be in place prior to paving
- **P** C. Apply and maintain gravel, recycled asphalt, or other suitable material
- **P** C. Apply and maintain dust suppressant(s), other than water (Fill out Category J, "Dust Suppressants other than water" on p. 42)
- **P** C. Limit vehicle trips to no more than 20 per day per road AND limit vehicle speeds to no more than 15 m.p.h.

*Must specify additional primary control measure(s) that will be in place prior to paving

Or, explain why this sub-category and its control measures are not applicable

---

**A.2 Unpaved Access Areas/ Haul Roads**

- **P** C. Apply water (Fill out Category I, "Water" on pp. 37-41)
- **P** C. Pave (Choose one of the following): Beginning of Project* During Project* End of Project* Must specify additional primary control measure(s) that will be in place prior to paving
- **P** C. Apply and maintain gravel, recycled asphalt, or other suitable material
- **P** C. Apply and maintain dust suppressant(s), other than water (Fill out Category J, "Dust Suppressants other than water" on p. 42)
- **P** C. Limit vehicle trips to no more than 20 per day per road AND limit vehicle speeds to no more than 15 m.p.h.

Or, explain why this sub-category and its control measures are not applicable

---

Maricopa County Dust Control Permit Application Package – DUST CONTROL PLAN Page 28 of 42
### Category B. Disturbed Surface Areas

(See Instructions page 10)

#### B.1 Before Active Operations occur
- [ ] P C Pre-water site to the depth of cuts (Fill out Category I, “Water” on pp. 37-41)
- [ ] P C Phase work to reduce the amount of disturbed surface area at any one time. Attach a map delineating the phases and their extent.
- [ ] P C Other: __________________________________________________________________________

Or, explain why this sub-category and its control measures are not applicable ____________________________________________________________________________

#### B.2 During Active Operations
- [ ] P C Apply water or other suitable dust suppressant(s) other than water (Fill out Category I, “Water” on pp. 37-41 or Category J, “Dust Suppressants other than water” on p. 42)
- [ ] P C Apply water to maintain a soil moisture content at a minimum of 12% or at least 70% of the optimum soil moisture content for areas that have an optimum moisture content for compaction of less than 12% (Fill out Category I, “Water” on pp. 37-42)
- [ ] P C In conjunction with one of the above listed measures construct fences or three-foot to five-foot high wind barriers with 50% or less porosity adjacent to roadways or urban areas to reduce the amount of windblown material leaving the site.
- [ ] P C Cease operations, NOTE: This option CANNOT be considered a primary control measure.
- [ ] P C Other: __________________________________________________________________________

Or, explain why this sub-category and its control measures are not applicable ____________________________________________________________________________

#### B.3 Stabilization for any inactive period, of any length, 24 hours per day, seven days per week including weekends, after work hours, and holidays
- [ ] P C Apply water (Fill out Category I, “Water” on pp. 37-41)
  Disturbed Surface Areas: Three times per day, increased to a minimum of four times per day if there is evidence of wind-blown dust
  Open Storage Piles (temporarily disturbed): At least twice per hour in a PM10 nonattainment area, at least once per hour in a PM10 attainment area
- [ ] P C Apply and maintain surface gravel or dust suppressant(s) other than water (Fill out Category J, “Dust Suppressants other than water” on p. 42)
- [ ] P C Cover open storage piles with tarps, plastic or other materials such that wind will not remove the covering(s)
- [ ] P C Establish vegetative ground cover (landscaping)
- [ ] P C Other: __________________________________________________________________________

Or, explain why this sub-category and its control measures are not applicable ____________________________________________________________________________

#### B.4 Permanent Stabilization of Disturbed Surface Areas required within ten days following the completion of the Dust-Generating Operation if finished for a period of 30 days or longer
- [ ] P C Pave (Choose one of the following): [ ] Beginning of Project* [ ] During Project* [ ] End of Project*
  *Must specify additional primary control measure(s) that will be in place prior to paving
- [ ] P C Apply and maintain gravel, recycled asphalt, or other suitable material
- [ ] P C Apply and maintain dust suppressant(s) other than water (Fill out Category J, “Dust Suppressants other than water” on p. 42)
- [ ] P C Establish vegetative ground cover (landscaping)
- [ ] P C Implement above control measures and restrict vehicle access to the area
- [ ] P C Apply water (Fill out Category I, “Water” on pp. 37-41) and prevent access/trespass by:
  (Check all of the following that apply)
  - [ ] ditches
  - [ ] fences
  - [ ] berms
  - [ ] shrubs
  - [ ] trees
  - [ ] other
- [ ] P C Restore area such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby undisturbed native conditions (desert xeriscaping)
- [ ] P C Other: __________________________________________________________________________

Or, explain why this sub-category and its control measures are not applicable ____________________________________________________________________________
### Category C. Bulk Material Handling

#### C.1 Off-Site Hauling onto Paved Areas Accessible to the Public

- **P** Required: Install, maintain, and use a suitable trackout control device that controls and prevents trackout and/or removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse the site.
- **P** Required when a cargo compartment is loaded: cover haul trucks with a tarp or other suitable closure AND load all haul trucks such that the freeboard is not less than 3 inches AND load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of the cargo container area AND prevent spillage or loss of bulk material from holes or other openings in the cargo compartment.
- **P** Required when a cargo compartment is empty: cover haul trucks with a tarp or other suitable closure OR clean the interior of the cargo compartment before leaving the site.

**NOTE:** The following options CANNOT be considered for a primary control measure:
- C Cease operations
- C Other: ____________

Or, explain why this sub-category and its control measures are not applicable

#### C.2 Hauling/Transporting within the Boundaries of the Work Site but not crossing a Paved Area Accessible to the Public

- **P** C Limit vehicle speed to 15 m.p.h. or less while traveling on the work site such that visible emissions coming-off the load do not exceed 20% opacity.
- **P** C Apply water to the top of the load (Fill out Category I, "Water" on pp. 37-41)
- **P** C Apply dust suppressant(s) other than water to the top of the load (Fill out Category J, "Dust Suppressants other than water" on p. 42)
- **P** C Cease operations
- **P** C Other: ____________

Or, explain why this sub-category and its control measures are not applicable

#### C.3 Hauling/Transporting within the Boundaries of the Work Site and crossing and/or accessing a Paved Area Accessible to the Public

- **P** Required: Load all haul trucks such that the freeboard is not less than 3 inches AND load all haul trucks such that at no time shall the highest point of the bulk material be higher than the sides, front, and back of the cargo container area AND prevent spillage or loss of bulk material from holes or other openings in the cargo compartment.

**NOTE:** The following options CANNOT be considered for a primary control measure:
- C Cease operations
- C Other: ____________

Or, explain why this sub-category and its control measures are not applicable

#### C.4 Bulk Material Stacking, Loading, and Unloading Operations

- **P** C Apply water (Fill out Category I, "Water" on pp. 37-41)
- **P** C Apply dust suppressant(s) other than water (Fill out Category J, "Dust Suppressants other than water" on p. 42)

**NOTE:** These following options CANNOT be considered for a primary control measure:
- C Cease operations
- C Other: ____________

Or, explain why this sub-category and its control measures are not applicable

#### C.5 Open Storage Piles

- **P** C Prior to and/or while conducting stacking, loading, and unloading operations spray material with water or a dust suppressant other than water (Fill out Category I, "Water" on pp. 37-41 or Category J, "Dust Suppressants other than water" on p. 42)
- **P** C When not conducting stacking, loading, and unloading operations cover open storage piles with tarps, plastic, or other material, OR apply water to maintain soil moisture content at a minimum of 12% or maintain at least 70% of the optimum soil moisture content, for areas that have an optimum moisture content for compaction of less than 12% (Fill out Category I, "Water" on pp. 37-41), OR maintain a soil crust, OR in conjunction with the two measures above, construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the pile length, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%
- **P** C Other: ____________

Or, explain why this sub-category and its control measures are not applicable
**Category D. Trackout, Carry-out, Spillage, and Erosion**

(See Instructions page 11)

**D.1 Trackout Control Device**

A trackout control device must be installed if a work site has 2 acres or more of disturbed surface area or if a work site has 100 cubic yards of bulk material hauled on-site or off-site per day.

- **P** Required: Install at all exits to a paved area accessible to the public at least one of the following:
  - gravel pad
  - gravel or rumble grate
  - wheel wash system
  - paved area

- **C** Cease operations. NOTE: This option CANNOT be considered a primary control measure.

**D.2 Cleaning**

Trackout/carry-out must be cleaned up immediately if trackout/carry-out extends a cumulative distance of 25 linear feet or more along a paved area accessible to the public including curbs, gutters, and sidewalks.

- **P** Operate a street sweeper or wet broom with sufficient water and at the manufacturer's recommended speed (e.g. kick broom, steel bristle broom, Teflon broom, vacuum)

- **P** Manually sweep-up deposits

- **P** Other:

Or, explain why this sub-category and its control measures are not applicable.

**Category E. Weed Abatement by Discing or Blading**

(See Instructions page 12)

**E.1 Disturbance Operations**

- **P** Required: Pre-water site AND apply water during weed abatement by discing or blading (Fill out Category I, “Water” on pp. 37-41)

**Note:** The following options CANNOT be considered for a primary control measure.

- **P** Cease operations

- **P** Other:

Or, explain why this sub-category and its control measures are not applicable.

**E.2 Stabilization**

- **P** Pave immediately following weed abatement

- **P** Apply gravel

- **P** Apply water (Fill out Category I, “Water” on pp. 37-41)

- **P** Apply dust suppressant(s) other than water (Fill out Category J, “Dust Suppressants other than water” on p. 42)

- **P** Establish vegetative ground cover (landscaping)

- **P** Other:

Or, explain why this sub-category and its control measures are not applicable.

**Category F. Blasting Operations**

(See Instructions page 12)

- **P** Required: Discontinue blasting, if wind gusts above 25 m.p.h., AND:
  - **P** Pre-water AND maintain surface soils in a stabilized condition where support equipment and vehicles will operate (Fill out Category I, “Water” on pp. 37-41)

- **P** Apply water (Fill out Category I, “Water” on pp. 37-41)

- **P** Apply and maintain dust suppressant(s) other than water (Fill out Category J, “Dust Suppressants other than water” on p. 42)

- **C** Other, NOTE: This option CANNOT be considered a primary control measure.

Or, explain why this category and its control measures are not applicable.
Category G. Demolition Activities
(See Instructions page 12)

- Required: Apply water or water in combination with dust suppressant(s) to demolition debris immediately following
demolition activity (Fill out Category I, “Water” on pp. 37-41 or Category J, “Dust Suppressants other than water” on p. 42),
AND
- Required: Apply water or water in combination with dust suppressant(s) to all surrounding areas and to all disturbed
soil surfaces immediately following demolition activity (Fill out Category I, “Water” on pp. 37-41 or Category J,
“Dust Suppressants other than water” on p. 42)

NOTE: The following options CANNOT be considered for a primary control measure.

- C Thoroughly clean debris from paved and other surfaces following demolition activity
- C Other: ...

Or, explain why this sub-category and its control measures are not applicable ...

Category H. Wind Event
(See Instructions page 13)

H.1 During Active Operation

- P C Cease dust-generating operation for the duration of the wind event when the 60-minute average wind speed is greater
than 25 m.p.h. and stabilize work area if dust-generating operation is ceased for the remainder of the work day
- P C Apply water or other suitable dust suppressant at least twice per hour (once per hour if outside the nonattainment area)
(Fill out Category I, “Water” on pp. 37-41 or Category J, “Dust Suppressants other than water” on p. 42)
- P C Apply water to maintain soil moisture content at a minimum of 12% as determined by ASTM Method D2216-05 or other
equivalent method as approved by the Control Officer and the Administrator of the Environmental Protection Agency
(Fill out Category I, “Water” on pp. 37-41)
- P C Maintain at least 70% of the optimum soil moisture content for areas that have an optimum moisture content for
compaction of less than 12%, as determined by ASTM Method D1557-01, or other equivalent method as approved by the
Control Officer or the Administrator Of The Environmental Protection Agency (Fill out Category I, “Water” on pp.
37-41)
- P C Apply water or other suitable dust suppressant(s) at least twice per hour (once per hour if outside the nonattainment area)
(Fill out Category I, “Water” on pp. 37-41 or Category J, “Dust Suppressants other than water” on p. 42)

Other, NOTE: This option CANNOT be considered a primary control measure.

Or, explain why this category and its control measures are not applicable ...

H.2 Temporary Disturbed Surface Areas after work hours, weekends, holidays
and any other inactive periods 24 hours per week, seven days per week

- P C Apply and maintain surface gravel or dust suppressant(s) (Fill out Category I, “Water” on pp. 37-41 or Category J,
“Dust Suppressants other than water” on p. 42)
- P C Apply water or water in combination with dust suppressant(s) to all disturbed surface areas three times per day. If there
is evidence of windblown dust, increase watering frequency to a minimum of four times per day. (Fill out Category I,
“Water” on pp. 37-41 or Category J, “Dust Suppressants other than water” on p. 42)
- P C Apply water or water in combination with dust suppressant(s) on open storage piles at least twice per hour (once per
hour if outside the nonattainment area) to maintain a visible crust (Fill out Category I, “Water” on pp. 37-41 or
Category J, “Dust Suppressants other than water” on p. 42)
- P C Cover open storage piles with tarps, plastic, or other material such that wind will not remove the coverings
- P C Other: ...

Or, explain why this sub-category and its control measures are not applicable ...

Category I. Water
(See Instructions page 13)

For each of the different project phases, indicate how the water is to be stored or supplied to the project site in the “Supply” column,
specifying the quantity and size of the supply method (e.g. (2) 1,000 gal. water trucks). Also designate how the water will be applied to
control dust-generation throughout the project lifetime in the “Application” column, stating the quantity and size of the application method
(e.g. 1 fire hose, (3) 1,000 gal. water trucks). Minimum water availability means water supply in conjunction with the water application system.

Soil Rating: Severe Moderate
(See Appendix F of the Maricopa County Air Pollution Control Regulations as well as the Instructions, pages 13 and 15-17)

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Project Phase - Site Clearing/ Removal of Vegetation/ Debris/ Demolition</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silt, loam)</td>
<td>0 - 2 acres</td>
<td>500 - 1,000 gallons per day</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>2 - 10 acres</td>
<td>1,000 - 5,000 gallons per day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt; 10 acres</td>
<td>&gt; 5,000 gallons per day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0 - 2 acres</td>
<td>100 - 500 gallons per day</td>
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<td></td>
<td>2 - 10 acres</td>
<td>500 - 1,000 gallons per day</td>
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<tr>
<td></td>
<td>2 - 10 acres</td>
<td>500 - 1,000 gallons per day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>&gt; 10 acres</td>
<td>&gt; 1,000 gallons per day</td>
<td></td>
</tr>
</tbody>
</table>

Average Daily Disturbance in Acres | Number of Gallons per day

- P Water System
- C Water Tower
- C Water Pump
- C Off-Site
- C Other: ...

Maricopa County Dust Control Permit Application Package - DUST CONTROL PLAN - Page 36 of 42
### Project Phase - Mass Grading

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, sandy clay)</td>
<td>5,000 gallons per acre per day and 30 gallons per cubic yard of material moved</td>
<td>10,000 gallons per acre per day and 30 gallons per cubic yard of material moved</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>5,000 gallons per acre per day and 30 gallons per cubic yard of material moved</td>
<td>10,000 gallons per acre per day and 30 gallons per cubic yard of material moved</td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, sandy clay)</td>
<td>0 - 2 acres</td>
<td>500 - 1,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>1,000 - 5,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 50,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>300 - 600 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>600 - 1,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 30,000 gallons per day</td>
</tr>
</tbody>
</table>

### Project Phase - Underground Utilities

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Project Phase - Mass Grading

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, sandy clay)</td>
<td>0 - 2 acres</td>
<td>750 - 1,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>1,500 - 7,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 20,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>250 - 500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>500 - 2,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 10,000 gallons per day</td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Project Phase - Underground Utilities

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Project Phase - Unpaved Access Areas/Haul Roads

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, sandy clay)</td>
<td>0 - 2 acres</td>
<td>750 - 1,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>1,500 - 7,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 20,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>250 - 500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>500 - 2,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 10,000 gallons per day</td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Project Phase - Vertical/Paved

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, sandy clay)</td>
<td>0 - 2 acres</td>
<td>1,500 - 3,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>3,000 - 15,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 30,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>300 - 600 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>600 - 1,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 30,000 gallons per day</td>
</tr>
</tbody>
</table>

### Average Daily Disturbance in Acres × Number of Gallons per acre per day

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Project Phase - Vertical/Paved

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Project Phase - Vertical/Paved

<table>
<thead>
<tr>
<th>Supply</th>
<th>Quantity and Size</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metered Hydrant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Tower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Water Pond</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-Site</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Project Phase - Staging/Parking Areas/Storage Areas

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, clay, sandy, clay)</td>
<td>0 - 2 acres</td>
<td>375 - 750 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>750 - 3,500 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 3,500 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>225 - 400 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>400 - 2,250 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 2,250 - 22,500 gallons per day</td>
</tr>
</tbody>
</table>

Average Daily Disturbance in Acres | Number of Gallons per day
-----------------------------------|------------------------
Metered Hydrant | Quantity and Size | Application |
Water Tower | Hose | Water Truck |
Water Pond | Water Pull | Water Buffalo |
Off-Site | Other | Other |
Other | Other | Other |

### Project Phase - Structure Excavation

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, clay, sandy, clay)</td>
<td>0 - 2 acres</td>
<td>500 - 1,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>1,000 - 5,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 5,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>300 - 600 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>600 - 3,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 3,000 - 30,000 gallons per day</td>
</tr>
</tbody>
</table>

Average Daily Disturbance in Acres | Number of Gallons per day
-----------------------------------|------------------------
Metered Hydrant | Quantity and Size | Application |
Water Tower | Hose | Water Truck |
Water Pond | Water Pull | Water Buffalo |
Off-Site | Other | Other |
Other | Other | Other |

### Project Phase - Fine Grading

<table>
<thead>
<tr>
<th>Soil Texture Rating</th>
<th>Total Acres Disturbed</th>
<th>Minimum Water Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe (clay, silty, clay, sandy, clay)</td>
<td>0 - 2 acres</td>
<td>500 - 1,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>1,000 - 5,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 5,000 gallons per day</td>
</tr>
<tr>
<td>Moderate (all other classifications)</td>
<td>0 - 2 acres</td>
<td>300 - 600 gallons per day</td>
</tr>
<tr>
<td></td>
<td>2 - 10 acres</td>
<td>600 - 3,000 gallons per day</td>
</tr>
<tr>
<td></td>
<td>&gt; 100 acres</td>
<td>&gt; 3,000 - 30,000 gallons per day</td>
</tr>
</tbody>
</table>

Average Daily Disturbance in Acres | Number of Gallons per day
-----------------------------------|------------------------
Metered Hydrant | Quantity and Size | Application |
Water Tower | Hose | Water Truck |
Water Pond | Water Pull | Water Buffalo |
Off-Site | Other | Other |
Other | Other | Other |

### Import/Export Operations

Number of Yards Involved in this Phase | Number of Days for Operation | Total Gallons required
----------------------------------------|------------------------------|-------------------
Number of Yards Imported/Exported × 30 gallons of water per yard = (Total Gallons required)

Total Gallons required divided by number of days =

Supply | Quantity and Size | Application |
Metered Hydrant | Hose | Water Truck |
Water Tower | Water Pull | Water Buffalo |
Water Pond | Other | Other |
Off-Site | Other | Other |
Other | Other | Other |
Although water is a dust suppressant, the information required by Table J should not include information on water supply and water application. The information required by Table J is for all other dust suppressants that you use. Fill out the applicable areas in the table below and attach information on environmental impacts and approvals or certifications related to appropriate and safe use for ground application. Also, attach product specification(s) and application sheet(s) or label instructions.

<table>
<thead>
<tr>
<th>Application Area</th>
<th>Manufacturer Name</th>
<th>Product</th>
<th>Application Frequency *</th>
<th>Intensity **</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Vehicles/Motorized Equipment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B Disturbed Surface Areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C Bulk Material Handling</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D Trackout, Carry-out, Spillage, and Erosion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E Weed Abatement by Discing or Blading</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F Blasting/Operations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>G Demolition Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>H Wind Event</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* How often the surface will receive a complete application of dust suppressant (e.g., 3 times a day)
** The amount used over a period of time (e.g., gallons/minute)
APPENDIX 4-3

OPERATING AGREEMENT

Appendix 4-3, Operating Agreement, contains the Operating Agreement committing FHWA, USACE, and ADOT to integrating NEPA and Section 404 of the Clean Water Act into the transportation planning, decision-making, and implementation process of the project. The completion of this operating agreement is required as a component of a coordinated environmental review process to improve inter-agency communications, protect Waters and wetlands, expedite construction of necessary projects, and enable more projects to proceed on budget and schedule.

OPERATING AGREEMENT

The Integration Process Relative to the National Environmental Policy Act and Section 404 of the Clean Water Act

For projects involving:
U.S. Army Corps of Engineers - Arizona Area Office
Arizona Division of the Federal Highway Administration
Arizona Department of Transportation

I. APPLICABILITY

A. This Operating Agreement (OA) applies to transportation projects that are both a Federal Highway Administration (FHWA) action under the National Environmental Policy Act (NEPA) and require a U.S. Army Corps of Engineers (COE) individual permit under Section 404 of the Clean Water Act (CWA). This OA is limited to issues pertaining to Waters of the United States (Waters), including wetlands.

B. Participation in this OA does not imply endorsement of all aspects of a transportation plan or project. Nothing in this OA or its Appendix is intended to diminish, modify, or otherwise affect the statutory or regulatory authorities of the participating agencies.

C. This OA is contingent upon the dedication of an employee located at the U.S. Army Corps of Engineers Arizona Office, funded by either the Federal Highway Administration (FHWA) or the Arizona Department of Transportation (ADOT), and working solely on Arizona transportation projects. In the event that a dedicated employee funded by either the FHWA and/or the ADOT is not located in the COE Office, this OA will become null and void.

II. BACKGROUND

In a May 1, 1992 agreement, the Department of Transportation, the Department of Army (Civil Works), and the Environmental Protection Agency (EPA) adopted as agency policy (1) improved interagency coordination, and (2) integration of NEPA and the CWA Section 404 procedures.

Section 1309 of the Transportation Equity Act for the 21st Century (TEA-21) calls for a coordinated environmental review process to expedite federal highway projects. In July 1999, a National memorandum of understanding (MOU) between the Departments of Transportation, Interior, Agriculture, Commerce, Army (Civil Works); the EPA; and the...
Advisory Council on Historic Preservation, was executed to support this environmental streamlining process. This MOU implements these policies and agreements as they relate to CWA Section 404 Individual Permits.

III. NEPA-SECTION 404 INTEGRATION

The signatories to this OA commit to integrating NEPA and Section 404 of the CWA in the transportation planning, decision-making, and implementation process. The signatories are committed to ensuring the earliest possible consideration of the potential social, economic, and environmental effects of the proposed transportation action as they relate to Waters, including wetlands, and associated endangered, threatened, and sensitive plant and animal species.

Whenever avoidance of Waters, including wetlands is not practicable, minimization of impacts will be achieved, and unavoidable impacts will be mitigated to the extent reasonable and practicable. The signatories will integrate compliance with the Section 404(b)(1) Guidelines, with compliance with NEPA.

IV. ANTICIPATED BENEFITS OF THE PROCESS

The process embodied in this OA will:

1. Improve cooperation and efficiency of inter-agency operations, thereby better serving the public,
2. Protect and enhance the Waters, including wetlands which will benefit the region’s aquatic ecosystems and the public interest,
3. Expedite construction of necessary transportation projects, with benefits to safety, mobility, and the economy at large, and
4. Enable more transportation projects to proceed on budget and on schedule.

V. IMPLEMENTATION PROCEDURES

The implementation procedures are outlined in the attached Appendix.

VI. PARTICIPATION

If any Signatory Agency chooses not to participate in this NEPA – 404 Merger process for a particular project, at any time during the project, they will notify ADOT in writing. This does not mean that they will abdicate their involvement if there are scope changes or other reasons for their involvement at a later date. However, if they chose to participate in later stages during the project, they agree not to revisit earlier stages of the project.

VII. MONITORING / EVALUATING IMPLEMENTATION OF OA

The signatory agencies will monitor the success of this OA process and modify it as necessary to improve it.

VIII. AGENCY ROLES AND RESPONSIBILITIES

The roles of the agencies are outlined in the attached Appendix.

IX. MODIFICATION / TERMINATION

This OA may be modified upon approval of all signatories. One or more signatories may propose modification. Proposals for modification will be circulated to all signatories for a 30-calendar day review. Approval of such proposals will be indicated by written acceptance. A signatory may terminate participation in this agreement upon written notice to all other signatories.
I. The Environmental & Enhancement Group (EEG) of the Arizona Department of Transportation (ADOT) will contact the employee (hereby known as "Liaison") dedicated to working solely on transportation projects for the Arizona Department of Transportation at the U.S. Army Corps of Engineers Office (COE), and inform the Liaison that a proposed transportation project will require an Individual Permit. This contact may be via phone, email, or written communication.

II. The EEG will invite the COE Liaison to be a cooperating agency for the proposed transportation project in a written letter with a copy to the Federal Highway Administration (FHWA). The invitation letter will include the scope of the proposed project, project location, project team members, any known information regarding project design and the construction schedule, and any known project team meetings, contact lists or document distribution lists. The COE Liaison will provide a written response accepting or rejecting the invitation. The FHWA will be the lead federal agency with the responsibility to comply with NEPA and other federal legal requirements for all proposed transportation related activities that will utilize Federal aid funds.

III. The EEG will provide the Liaison with a proposed Jurisdictional Delineation (Delineation) of the project area. The Liaison will review the proposed Delineation, and determine if it is complete. If it is incomplete, the Liaison will inform the EEG of missing and/or incomplete information, and EEG will ensure the missing and/or incomplete information is transmitted to the Liaison. If the delineation is complete, the Liaison will review the proposed delineation, and either revise the Jurisdictional Delineation and approve, or approve as proposed. (See attached document “Requirements for Obtaining a Section 404 Clean Water Act Delineation.”).

IV. The EEG will provide the Liaison with the proposed transportation project’s statement of Purpose and Need. Preparation of the Purpose and Need will be done in coordination with FHWA. The Liaison will review and provide written comments back to the EEG.

V. The EEG will provide the Liaison with the proposed transportation project’s Alternative Analysis, including the No Action alternative. Preparation of the Alternatives Analysis will be done in coordination with FHWA. The Liaison will review the Alternative Analysis for compliance with the 404(b)(1) Guidelines and return comments on the analysis to EEG. The Liaison will provide written approval of the Alternatives Analysis if there are no comments. In the event that the Liaison returns comments to EEG without approval, EEG will work with the Liaison until the Alternatives Analysis is approved by the Liaison.
VI. EEG will provide the Liaison with a draft copy of the environmental document being prepared for the proposed project for review and comment. The Liaison’s review will occur concurrently with FHWA’s review. The Liaison will return any comments on the environmental document in writing to EEG.

VII. In the event that complete avoidance of Section 404 jurisdictional waters is not possible, EEG will provide the Liaison with a Mitigation Proposal to offset the proposed loss of waters of the U.S., including wetlands. The Liaison will review the proposal, and either return comments to EEG, or provide approval. In the event that comments are provided back to EEG without approval, EEG will take into consideration the comments provided by the Liaison, and will work with the Liaison until the proposal is approved by the Liaison.

VIII. The EEG will provide the Liaison with the Individual Permit package application. The Liaison will determine if the application is complete. If incomplete, the Liaison will inform EEG of missing and/or incomplete information, and EEG will ensure that missing and/or incomplete information is transmitted to the Liaison. If the application is complete, the Liaison will begin processing the application package. Concurrent with the Individual Permit, EEG will provide the Liaison with the COE’s EA 404 (b)(1) Evaluation, in draft form. The Liaison will begin working on the COE EA, and work with EEG on any missing and or incomplete information necessary for the finalization of the draft EA. (See attached “List of Information Required for Complete Application.”)

IX. The Liaison will issue the COE’s Public Notice after determining the Individual Permit application is complete. In accordance with COE regulations, the Public Notice will last 30 calendar days.

X. In the event that other agencies or the public submit comments on the Public Notice, the Liaison will collect these comments and transmit these to EEG for review and response. The EEG will provide written response to these comments and return these to the Liaison. The Liaison, in coordination and cooperation with EEG, will resolve and finalize any comments.

XI. The Liaison will finalize the Mitigation Proposal, if not finalized before this point, and ensure that any agreements reached in the proposal become Special Conditions in the Individual Permit.

XII. The Liaison will finalize the draft copy of the COE’s EA.

XIII. The Liaison will transmit two (2) copies of the draft Individual Permit, and one (1) copy of the draft EA to the COE Chief, Arizona Area Office, for review and signature. Once reviewed and signed, the COE Chief, Arizona Area Office will forward the Individual Permit (2 copies) and EA (1 copy) to the COE’s Branch Chief in Los Angeles for review and signature. Once signed, the Branch Chief will send 2 signed draft Individual Permits to the ADOT District responsible for the project for review and signature by the ADOT District Engineer. The ADOT District Engineer will send the signed copies back to the Branch Chief in Los Angeles, where the Branch Chief will finalize the permits via final signature, unless the Branch Chief assigns this task to the Arizona Section Chief. The Branch Chief will send one (1) final Individual Permit to the ADOT District Engineer, and one (1) approved Individual Permit to the COE Chief, Arizona Area Office for the project file.

XIV. The ADOT District engineer will notify the Liaison seven (7) calendar days before the commencement of construction with the estimated construction period, name of contractor(s), and sign the postcard. Likewise, the ADOT District Engineer will notify the Liaison once construction is complete, via postcard. [See attached “Department of the Army Permit” (Notification of Commencement and Completion of Work).]

* Process is documented in typical order of occurrence. For projects in which atypical situations arise (i.e., change in project scope, change in project design, etc.), order may vary and process will adjust accordingly.
REQUIREMENTS FOR OBTAINING
A SECTION 404 CLEAN WATER ACT DELINEATION

U.S. Army Corps of Engineers
Los Angeles District Regulatory Branch
3636 N. Central Ave., Suite 900
Phoenix, Arizona 85012-1936
Phone (602) 640-5385
FAX: (602) 640-2620

MINIMUM REQUIREMENTS

Letter requesting delineation of Section 404 Clean Water Act jurisdictional areas (i.e., waters of the United States) sent to the address above

Vicinity map and/or directions to the site

Documentation of property ownership

Two copies of a recent vintage (last two years or following the latest major flood event) good quality aerial photograph on blue line or black line paper, scale of 1"-100' (or scale approved by Corps' project manager), overlapping adjacent properties

Index map if project area covers more than one aerial photograph

North arrow on aerial photographs

Scale noted on aerial photographs

Date of photograph noted on aerial photographs

Project area boundary noted on aerial photographs

Identifiable landmarks, prominent roads, watercourses, and other major features labeled on aerial photographs

Range, Township, Section that describe site location

Project site sketched on a copy of USGS Quadrangle map (include name of quad map)

ADDITIONAL ITEMS THAT MAY BE REQUIRED

Proposed wetland delineation performed by a qualified individual in accordance with the criteria identified in the 1987 Corps Wetland Delineation Manual (Y-87-1), as modified by subsequent guidance. Field indicator data forms must be included with any delineation submitted. Manual available on the web at http://www.wetlands/87/files/wlsas87.pdf

Project plan view including one or two foot contour intervals at same scale as aerial photographs

On site panoramic ground photographs depicting both upstream and downstream conditions of all project washes showing source areas, vegetation, and soil conditions with photos referenced to project location

Report describing the biological resources on the project site, including any hydric (wetlands) vegetation

Project plan view showing 100-year, 10-year, and 2-year event surface area

HFC-1 analysis indicating 100-year "Q" for all project washes

Documentation of tributary connection or adjacency to interstate waters

Drainage Report

Table indicating sample points and width of wash at sample points

Table of physical and biological indicators observed in the field

Other:

LIST OF INFORMATION REQUIRED FOR COMPLETE APPLICATION

The following information would assist the Corps of Engineers in reviewing your application for a Department of the Army permit. Not all of the information is necessary to be applicable to each project. Please provide the information appropriate to your proposed project. Supplying this information when you file your application could significantly reduce the processing time.

*******************************************************************************

APPLICANT INFORMATION:

Mailing Address

Telephone Number during business hours

Confirmation of property ownership

Signature and statement designating official agent

ACTIVITY INFORMATION:

Complete written description of activity

Location

Scheduling of the activity

Type and quantity of structural material used or removed

PURPOSE:

Purpose for proposed activity/discharge

Need for the proposed activity

DISCHARGE OF DREDGE AND FILL MATERIAL:

Type of material to be dredged or used as fill

Composition of material to be dredged or used as fill

Quantity of material to be dredged or used as fill in cubic yards

Method of dredging if applicable

Plans and location for disposal of the dredged material

Dimensions of the fill area in square yards

Location of the discharge site

Delineation of special aquatic sites

Source of the fill material

Method of discharging material

Method of transportation of dredged material

Dimensions of the adjacent structures

Proposal use of fill area, including specific structures to be erected on fill area or platform

NAMES AND ADDRESSES ADJOINING PROPERTY OWNERS/LESSEES (Please notify Corps of Engineers if more than four and submit these on pre-typed address labels)

1

1 U.S. Army Corps of Engineers – Regulatory Branch – Arizona Section – Updated 9/23/03

This document replaces previous versions.
STATUS OF ADDITIONAL PERMITS, CERTIFICATION OR DOCUMENTATION REQUIRED

Arizona Department of Environmental Quality AND/OR U.S. Environmental Protection Agency - 401 certification
State Historic Preservation Officer - documentation of contact
U.S. Fish and Wildlife Service - documentation of contact

REQUIRED DRAWINGS

General Requirements:
Submit one legible copy of all drawings on 8 1/2 x 11-inch white paper with a 1-inch margin around the entire sheet. The title box shall contain the title of proposed activity, name of water body, county, city, date, and sheet number.

Vicinity Map:
Cover an area large enough so the project can be easily located
Arrow marking project area
Section, Township, Range
Identifiable landmarks
Name or number of roads
North arrow Scale

Plan View Drawing:
Existing bank lines
Ordinary high water line
Average water depth around the activity dimensions immediately adjacent to the proposed activity
North arrow Scale

Elevation and/or Cross Section Drawing(s):
Water elevation as shown on plan view drawing
Dimensions of the proposed project
Scale

ADDITIONAL PROJECT INFORMATION:
Mitigation plan including: Layout & Mitigation; Description; Schedule of planting; species list; maintenance & monitoring program
Photographs of the project site (aerials if available)
Report describing the biological resources on the project site
Report of focused surveys for endangered species. Contact the Fish & Wildlife Service (602) 640-2720
Report of archeologist/historian at the regional center in your location. Contact Arizona State Parks (602) 542-4174 for all counties within the State of Arizona
Report describing the cultural resources on the project site
Alternatives Analysis for individual permit

DEPARTMENT OF THE ARMY

PERMIT

(Notification of Commencement and Completion of Work)

PERMIT NO.

DATE WORK WILL COMMENCE

ESTIMATED CONSTRUCTION PERIOD (IN WEEKS)

NAME OF CONTRACTOR (PHONE)

DATE WORK WAS COMPLETED:

"I hereby certify that the contractor has read and agreed to comply with the terms and conditions of the permit."

SIGNATURE (AUTHORIZED OR AGENT)

SPD FORM 1 MAY 80 (REPLACES SPK FORM 294, 1 MAY 75)
APPENDIX 4-4

PROGRAMMATIC AGREEMENT

Appendix 4-4, Programmatic Agreement, presents the final Programmatic Agreement that will guide the Section 106 process in the determination of project effects as they become known through the course of the project. Implementation of the Programmatic Agreement assists to ensure resources and their proper treatment are taken into consideration in the planning process.
WHEREAS, the Federal Highway Administration (FHWA) proposes to construct a loop highway connecting Interstate 10 (I-10) west of Phoenix with I-10 south of Phoenix (the Loop 202—South Mountain Freeway Project), a federally-funded project in Maricopa County, Arizona (hereafter referred to as "the Project"); and

WHEREAS, the proposed Project may have an adverse effect upon historic properties, which are defined as "prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource" (National Historic Preservation Act [NHPA] 16 U.S.C. 470w, Title III, Section 301 [5]); and

WHEREAS, all the historic properties that may be affected by this Project have not yet been identified; and

WHEREAS, the proposed project may have an adverse effect upon Traditional Cultural Properties (TCP), which are defined as any place that is "eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community" (National Park Service National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Properties); and

WHEREAS, all the Traditional Cultural Properties that may be affected by this Project have not yet been identified; and

WHEREAS, the Arizona Department of Transportation (ADOT), acting as agent for FHWA, has participated in consultation and has been invited to be a signatory to this Programmatic Agreement (Agreement); and

WHEREAS, the FHWA has consulted with the Arizona State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Army Corps of Engineers (Corps), the Bureau of Reclamation (Reclamation), the Bureau of Indian Affairs, the Arizona State Land Department (ASLD), the Salt River Project (SRP), the City of Avondale (COA), the City of Chandler (COC), the City of Glendale (COG), the City of Phoenix (COMP), the City of Tolleson (COT), and the Advisory Council on Historic Preservation (the Council) in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR § 800.60(D)(2)) to resolve the possible adverse effects of the Project on historic properties; and

WHEREAS, the Council has participated in consultation and has been invited to be a signatory to the Agreement; and

WHEREAS, FHWA and the U.S. Army Corps of Engineers (Corps) have agreed that FHWA will assume lead responsibility for compliance under Section 106 of the National Historic Preservation Act for issuance of permits by the Corps for the development of land and waters of the United States under Section 404 of the Clean Water Act, and the Corps has participated in consultation and been invited to concur in 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)(i)(A)-(F)), and the following tribes have been invited to be Concerned Parties in the Agreement: the Ak-Chin Indian Community, the Apache-Sitgreaves Indian Community, the Coconino Band of Apache Tribe, the Colville Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Indian Nation, the Gila River Indian Community, the Hualapai Tribe, the Hopi Tribe, the Huichol, the Kalpulli (Pueblos) of the Taos Pueblo, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonopah Apache Tribe, the White Mountain Apache Tribe, the Yavapai-Apache Nation, and the Yavapai-Paiute Indian Tribe; and

WHEREAS, in their role as lead federal agency, FHWA has consulted with the SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the NHPA (16 U.S.C. 470ff) as revised in 2005; 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 NHPA of 1966, as amended, 16 U.S.C. 470ff, and pursuant to 36 CFR Part 800, regulations implementing Section 106, at 800.2(c)(2)(i)(A)-(F) and 800.6(a); 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)(6); 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, 2009) 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, and Objects of Cultural Patrimony would be developed by the Arizona State Museum (ASM) for state and private land; and

WHEREAS, in the event that any portion of the Project takes place on Tribal Lands, an agreement regarding the treatment and disposition of Human Remains, Associated Funerary

Final Programmatic Agreement
Loop 202 - South Mountain Freeway
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Objects, and Objects of Cultural Patrimony would be developed by the appropriate Tribal entities; and

WHEREAS, Human Remains and Associated Burial Objects recovered on Federal or Tribal lands will be treated in accordance with the Native American Graves and Protection Repatriation Act (NAGPRA); and

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

WHEREAS, any data recovery on Federal lands necessitated by the Project must be permitted under the Archaeological Resource Protection Act (ARPA) in accordance with the Federal land holding agency; and

WHEREAS, in the event that any data recovery for the Project should take place on Tribal land, all applicable permits would be obtained; 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. Plans Submittal and Identification of Area of Potential Effect (APE)

Upon receipt by ADOT, copies of the plans and related documents pertaining to this undertaking including the 20%, 50% and 95% draft construction documents, the Project assessments, design concept reports and cultural resources survey reports will be provided to the consulting parties for review and comment.

2. Identification of historic properties and recommendation of effort

ADOT, on behalf of FHWA, in consultation with all parties to this Agreement, shall ensure that new inventory surveys of the Project APE will include identification of all cultural resources and determinations of eligibility will be made in accordance with 36 CFR § 800.4 for all historic properties.

3. Identification, Evaluation, Documentation, and Mitigation of Impacts to Traditional Cultural Places

FHWA, in consultation with all parties to this Agreement, shall ensure that consultation with the Indian Tribes that may attach religious or cultural importance to affected properties will continue in order to identify, evaluate, document, and mitigate possible impacts to Traditional Cultural Places according to National Park Service National Register Bulletin Number 38: Guidelines for Evaluating and Documenting Traditional Places.

4. Development of a Data Recovery Work Plan

The data recovery work plan will be submitted by ADOT, on behalf of FHWA, to all parties to this Agreement for 30 calendar days' review. The data recovery plan will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37). Unless any signatory or consenting party objects to the data recovery plan within 30 calendar days after receipt of the plan, FHWA shall ensure that it is implemented prior to construction.

5. The Data Recovery Work Plan (the Work Plan) will specify:

a) The properties or portions of properties where data recovery is to be carried out. Also, it 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, and 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;

e) The proposed disposition and curation of recovered materials and records in accordance with 36 CFR 79;

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 Burial 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) A proposed schedule for Project tasks, including a schedule for the submission of draft and final reports to consulting parties.
6. Review and comment on the Work Plan
   a) Upon receipt of a draft of the Work Plan, ADOT, on behalf of 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 written comments to ADOT. Lack of response within this review period will be taken as concurrence with the plan.
   b) If revisions to the Work Plan are made all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.
   c) Once the Work Plan is determined adequate by all 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 the Work Plan will be provided to all consulting parties.

7. 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.
   b) Upon receipt of a draft of the Preliminary Report, ADOT, on behalf of 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 written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.
   c) If revisions to the Preliminary Report of Findings are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.
   d) Once the Preliminary Report of Findings has been accepted as a final document, ADOT, on behalf of FHWA, will notify appropriate Project participants that construction may proceed.

8. Review and Comment on Data Recovery Report
   a) Upon completion of data recovery, a report will be prepared incorporating all appropriate data analyses and interpretations. The schedule for completion of the report will be developed in accordance with Stipulation 5 (b) above, and in consultation with signatories and concurring parties to this Agreement.

b) Upon receipt of the data recovery report, ADOT, on behalf of 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 written comments to ADOT. Lack of response within this review period will be taken as concurrence with the Report.
   b) If revisions to the data recovery report are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

9. 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).

10. Curation
   All materials and records resulting from the data recovery program conducted within the Project area, except as noted below, shall be curated in accordance with standards 36 CFR 79 and guidelines generated by ASH. The repository for materials either will be ASH or one that meets these standards and guidelines in Maricopa County.
   All materials and records resulting from data recovery conducted on land owned by Reclamation shall be curated in accordance with standards 36 CFR 79 and guidelines generated by the Huhugam Heritage Center, Gila River Indian Reservation. The repository for materials recovered from Reclamation land will be the Huhugam Heritage Center.
   All materials subject to repatriation under NAGPRA, A.R.S. § 41-844 and A.R.S. § 41-865 shall be maintained in accordance with the burial agreement until any specified analyses, as determined following consultation with the appropriate Indian tribes and individuals, are complete and the materials are returned.

11. Additional Inventory Survey
   ADOT, on behalf of FHWA, in consultation with all parties to this agreement shall ensure that new inventory surveys of additional rights-of-way and temporary construction easements will include determinations of eligibility that are made in accordance with 36 CFR § 800.4(c) for all historic properties, including any added stages or use areas. Should any party to this Agreement disagree with FHWA regarding eligibility, the SHPO shall be consulted and resolution sought within 30 calendar days. If the FHWA and SHPO disagree on eligibility, FHWA shall request a formal determination from the Keeper of the National Register.
12. Objection by a Signatory

Should any signatory to this Agreement object within 30 days 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. If an objection by a signatory to this agreement cannot be resolved, FHWA shall request further comments of the Council with reference only to the subject of the dispute; the FHWA’s responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

13. Discoveries

If potential historic or prehistoric archaeological materials or properties are discovered after construction begins, the person in charge of the construction shall promptly report the discovery to the ADOT Historic Preservation Specialist, representing FHWA. If human remains or funerary objects are discovered, ADOT shall require construction to immediately cease within the area of the discovery, take steps to protect the discovery, and notify and consult with appropriate Native American groups to determine treatment and disposition measures in accordance with the previously implemented burial agreement. The Director of the ASM (the Director) shall also be informed. In consultation with the Director and ADOT, on behalf of FHWA, the person in charge of construction shall immediately take steps to secure and maintain preservation of the discovery. If the discovery appears to involve Human Remains as defined in ASM rules implementing A.R.S. §§ 41-844 and 41-865, ASM and FHWA shall ensure that the discovery is treated according to the burial agreement. If the discovery is on Federal or Tribal land and appears to involve Human Remains as defined in NAGPRA, ADOT shall be informed. If Human Remains are not involved, then the ADOT Historic Preservation Specialist shall evaluate the discovery, and in consultation with FHWA and SHPO, determine if the plan previously approved in accordance with Stipulation 4 is appropriate to the nature of the discovery. If applicable, the Plan shall be implemented by ADOT, on behalf of FHWA. If the Plan is not appropriate to the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed pursuant to 36 CFR § 800.6 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.

If potential prehistoric or historic archaeological materials or properties are discovered or the Reclamation land after construction has begun, the person in charge of construction shall promptly report the discovery to the Phoenix Area Office of the Bureau of Reclamation as well as the ADOT Historic Preservation Specialist.

14. Amendments

This Agreement may be amended by the signatories pursuant to 36 CFR § 800.6 (e) (7). FHWA shall file any amendments with the Council and provide notice to the concurring parties.

15. Termination

Any signatory may terminate the Agreement by providing 30 day written notice 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). If the parties cannot agree on actions to resolve disagreements, FHWA will comply with 36 CFR § 800.7(a).

16. 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 806.

17. There shall be an annual meeting among FHWA, SHPO, and ADOT 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 Loop 202 – South Mountain Freeway 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 ___________________________ Date 12/20/06

Title ___________________________

**ARIZONA STATE HISTORIC PRESERVATION OFFICE**

By ___________________________ Date 12/28/06

Title ___________________________

**INVITED SIGNATORIES**

**ARIZONA DEPARTMENT OF TRANSPORTATION**

By ___________________________ Date 12-5-06

Title ___________________________

**CONCURRING PARTIES**

**ARIZONA STATE LAND DEPARTMENT**

By ___________________________ Date ______

Title ___________________________

________________________________

**BUREAU OF RECLAMATION**

By ___________________________ Date ______

Title ___________________________

**BUREAU OF LAND MANAGEMENT**

By ___________________________ Date ______

Title ___________________________

**U.S. ARMY CORPS OF ENGINEERS**

By ___________________________ Date ______

Title ___________________________

**SALT RIVER PROJECT**

By ___________________________ Date 1/5/07

Title ___________________________

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION**

By ___________________________ Date ______

Title ___________________________

**FLOOD CONTROL DISTRICT OF MARICOPA COUNTY**

By ___________________________ Date ______

Title ___________________________
ROOSEVELT IRRIGATION DISTRICT
By ___________________________ Date ______
Title __________________________

CITY OF AVONDALE
By ___________________________ Date ______
Title __________________________

CITY OF CHANDLER
By ___________________________ Date ______
Title __________________________

CITY OF GLENDALE
By ___________________________ Date ______
Title __________________________

CITY OF PHOENIX
By ___________________________ Title Historic Preservation Office
Date 1-8-07

CITY OF TOLLESON
By ___________________________ Date ______
Title __________________________

AK-CHIN INDIAN COMMUNITY
By ___________________________ Date ______

CONCURRING PARTIES
ARIZONA STATE MUSEUM
By [Signature] Date January 19, 2007
Title DIRECTOR

Addendum
Final Programmatic Agreement
Loop 202 – South Mountain Freeway
December 2000
Title

PUEBLO OF ZUNI
By ____________________________ Date __________
Title ____________________________

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
By ____________________________ Date __________
Title ____________________________

SAN CARLOS APACHE TRIBE
By ____________________________ Date __________
Title ____________________________

SAN JUAN SOUTHERN PAIUTE
By ____________________________ Date __________
Title ____________________________

TOHONO O'ODHAM NATION
By ____________________________ Date __________
Title ____________________________

Tonto Apache Tribe
By ____________________________ Date 07/09/07

Final Programmatic Agreement
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December 2006

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PROGRAMMATIC AGREEMENT

AMONG

FEDERAL HIGHWAY ADMINISTRATION
ARIZONA STATE HISTORIC PRESERVATION OFFICE
ARIZONA DEPARTMENT OF TRANSPORTATION

LOOP 202 – SOUTH MOUNTAIN FREEWAY PROJECT
PROJECT NO. NH-202-DIADY
TRACS NO. 2021 MA 054 H5764 01L
MARICOPA COUNTY, ARIZONA

WHEREAS, the Federal Highway Administration (FHWA) proposes to construct a loop highway connecting Interstate 10 (I-10) west of Phoenix with I-10 south of Phoenix (the Loop 202 – South Mountain Freeway Project), a federally-funded project in Maricopa County, Arizona (hereafter referred to as “the Project”); and

WHEREAS, the proposed Project may have an adverse effect upon historic properties, which are defined as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource” (National Historic Preservation Act [NHPA] 16 U.S.C. 470w, Title III, Section 301 [5]); and

WHEREAS, all the historic properties that may be affected by this Project have not yet been identified; and

WHEREAS, the proposed project may have an adverse effect upon Traditional Cultural Properties (TCP) which is defined as a place that is “eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (National Park Service National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Properties); and

WHEREAS, all the Traditional Cultural Places that may be affected by this Project have not yet been identified; and

WHEREAS, the Arizona Department of Transportation (ADOT), acting as agent for FHWA, has participated in consultation and has been invited to be a signatory to this Programmatic Agreement (Agreement); and

WHEREAS, the FHWA has consulted with the Arizona State Historic Preservation Office (SHPO), the Bureau of Land Management (BLM), the Bureau of Reclamation (Reclamation), the Bureau of Indian Affairs, the Western Area Power Administration (Western), the Arizona State Land Department (ASLD), the Salt River Project (SRP), the City of Avondale (COA), the City of Glendale (COG), the City of Peoria (COP), the City of Tolleson

Robert E. Hollis, District Administrator
Arizona Department of Transportation
4900 North Central Avenue, Suite 1500
Phoenix, Arizona 85012-3500

RE: Programmatic Agreement for the Federal Highway Administration and Arizona Department of Transportation South Mountain Freeway Project, Mohave County.

Dear Mr. Hollis:

The Western Area Power Administration (Western) has received the Programmatic Agreement (PA) regarding the Environmental Impact Statement (EIS) which was developed for the proposed South Mountain Freeway Project. The signed agreement is enclosed with this letter.

Western supports the Federal Highway Administration and the Arizona Department of Transportation in their section 106 responsibilities related to the project. Western’s participation in the PA supports our requirements under the National Historic Preservation Act related to the requirement to move our transmission lines to accommodate the construction of this project.

Western looks forward to participating in future meetings and reviewing related documents for the PA. Thank you for inviting us to sign the PA. If you have any questions or comments, please do not hesitate to contact Mary Burger at (602) 605-2524 or call me at (602) 605-2592.

Sincerely,

[Signature]
John R. Holt
Environmental Manager

Enclosure
WHEREAS, the Council has participated in consultation and has been invited to be a signatory to the Agreement; and

WHEREAS, FHWA and the U.S. Army Corps of Engineers (Corps) have agreed that FHWA will assume lead responsibility for compliance under Section 106 of the National Historic Preservation Act for issuance of permits by the Corps for the development of land and waters of the United States under Section 404 of the Clean Water Act, and the Corps has participated in consultation and been invited to concur in 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 following tribes have been invited to be Concurring Parties in the Agreement: the Ak-Chin Indian Community, the Chemehuevi Tribe, the Cocopah Tribe, the Colorado River Indian Tribe, the Fort McDowell Yavapai Nation, the Fort Mojave Tribe, the Fort Yuma Quechan Tribe, the Gila River Indian Community, the Havaupai Tribe, the Hopi Tribe, the Hualapai Tribe, the Kaibab Paiute Tribe, the Navajo Nation, the Pascua Yaqui Tribe, the Pueblo of Zuni, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the San Juan Southern Paiute, the Tohono O'odham Nation, the Tonto Apache Tribe, the White Mountain Apache Tribe, the Yavapai Apache Nation, and the Yavapai-Prescott Indian Tribe; and

WHEREAS, in their role as lead federal agency, FHWA has consulted with the SHPO pursuant to 36 CFR Part 800, regulations implementing Section 106 of the NHPA (16 U.S.C. 470f) as revised in 2000; 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 NHPA of 1966, as amended, 16 U.S.C. 470f, and pursuant to 36 CFR Part 800, regulations implementing Section 106, at 800.2c(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, 2000) 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, and Objects of Cultural Patrimony would be developed by the Arizona State Museum (ASM) for state and private land; and

(COT), and the Advisory Council on Historic Preservation (the Council) in accordance with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR § 800.6(b)(2)) to resolve the possible adverse effects of the Project on historic properties; and

WHEREAS, in the event that any portion of the Project takes place on Tribal Lands, an agreement regarding the treatment and disposition of Human Remains, Associated Funerary Objects, and Objects of Cultural Patrimony would be developed by the appropriate Tribal entities; and

WHEREAS, Human Remains and Associated Funerary Objects recovered on Federal or Tribal lands will be treated in accordance with the Native American Graves and Protection Repatriation Act (NAGPRA); and

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

WHEREAS, any data recovery on Federal lands necessitated by the Project must be permitted under the Archaeological Resource Protection Act (ARPA) in accordance with the Federal landholding agencies; and

WHEREAS, in the event that any data recovery for the Project should take place on Tribal lands, all applicable permits would be obtained; 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. Plans submittal and identification of Area of Potential Effect (APE)

   Upon receipt by ADOT, copies of the plans and related documents pertaining to this undertaking including the 30%, 60% and 95% draft construction documents, the Project assessments, design concept reports and cultural resources survey reports will be provided to the consulting parties for review and comment.

2. Identification of historic properties and recommendation of effect

   ADOT, on behalf of FHWA, in consultation with all parties to this Agreement, shall ensure that new inventory surveys of the Project APE will include identification of all cultural resources and determinations of eligibility that are made in accordance with 36 CFR § 800.4 for all historic properties.

3. Identification, Evaluation, Documentation, and Mitigation of Impacts to Traditional Cultural Places

   Final Programmatic Agreement (rev) July 2010
   Loop 202 – South Mountain Freeway
   December 2006
4. Development of a Data Recovery Work Plan

The data recovery work plan will be submitted by ADOT, on behalf of FHWA, to all parties to this Agreement for 30 calendar days’ review. The data recovery plan will be consistent with the Secretary of the Interior’s Standards and Guidelines for Archaeological Documentation (48 FR 44734-37). Unless any signatory or concuring party objects to the data recovery plan within 30 calendar days after receipt of the plan, FHWA shall ensure that it is implemented prior to construction.

5. The Data Recovery Work Plan (the Work Plan) will specify:

a) The properties or portions of properties where data recovery is to be carried out. Also, it 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, and 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;

e) The proposed disposition and curation of recovered materials and records in accordance with 36 CFR 79;

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) A proposed schedule for Project tasks, including a schedule for the submission of draft and final reports to consulting parties.

6. Review and comment on the Work Plan

a) Upon receipt of a draft of the Work Plan, ADOT, on behalf of 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 ADOT. 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 plan.

b) If revisions to the Work Plan are made all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the plan or report.

c) Once the Work Plan is determined adequate by all 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 the Work Plan will be provided to all consulting parties.

7. 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.

b) Upon receipt of a draft of the Preliminary Report, ADOT, on behalf of 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 written comments to ADOT. Lack of response within this review period will be taken as concurrence with the Report.

c) If revisions to the Preliminary Report of Findings are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

d) Once the Preliminary Report of Findings has been accepted as a final document, ADOT, on behalf of FHWA, will notify appropriate Project participants that construction may proceed.

8. Review and Comment on Data Recovery Report

a) Upon completion of data recovery, a report will be prepared incorporating all appropriate data analyses and interpretations. The schedule for completion of the
report will be developed in accordance with Sipulation 5 (b) above, and in consultation with signatories and concurring parties to this Agreement.

b) Upon receipt of the data recovery report, ADOT, on behalf of 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 written comments to ADOT. Lack of response within this review period will be taken as concurrence with the Report.

c) If revisions to the data recovery report are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide written comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

9. 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).

10. Curation

All materials and records resulting from the data recovery program conducted within the Project area, except as noted below, shall be curated in accordance with standards 36 CFR 79 and guidelines generated by ASM. The repository for materials either will be ASM or one that meets those standards and guidelines in Maricopa County.

All materials and records resulting from data recovery undertaken on land owned by Reclamation shall be curated in accordance with standards 36 CFR 79 and guidelines generated by the Huhugam Heritage Center, Gila River Indian Reservation. The repository for materials recovered from Reclamation land will be the Huhugam Heritage Center.

All materials subject to repatriation under NAGPRA, A.R.S. § 41-844 and A.R.S. § 41-865 shall be maintained in accordance with the burial agreement until any specified analyses, as determined following consultation with the appropriate Indian tribes and individuals, are complete and the materials are returned.

11. Additional Inventory Survey

ADOT, on behalf of FHWA, in consultation with all parties to this agreement shall ensure that new inventory surveys of additional rights-of-way and temporary construction easements will include determinations of eligibility that are made in accordance with 36 CFR § 800.6(c) for all historic properties, including any added staging or use areas. Should any party to this Agreement disagree with FHWA regarding eligibility, the SHPO shall be consulted and resolution sought within 30 calendar days. If the FHWA and SHPO disagree on eligibility, FHWA shall request a formal determination from the Keeper of the National Register.

12. Objection by a Signatory or Concurring Party

Should any signatory to this Agreement object within 30 days 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. If an objection by a signatory to this agreement cannot be resolved, FHWA shall request further comments of the Council with reference only to the subject of the dispute; the FHWA’s responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

13. Discoveries

If potential historic or prehistoric archaeological materials or properties are discovered after construction begins, the person in charge of the construction shall promptly report the discovery to the ADOT Historic Preservation Specialist, representing FHWA. If human remains or funerary objects are discovered, ADOT shall require construction to immediately cease within the area of the discovery, take steps to protect the discovery, and notify and consult with appropriate Native American groups to determine treatment and disposition measures in accordance with the previously implemented burial agreement. The Director of the ASM (the Director) shall also be informed. In consultation with the Director and ADOT, on behalf of FHWA, the person in charge of construction shall immediately take steps to secure and maintain preservation of the discovery. If the discovery appears to involve Human Remains as defined in ASM rules implementing A.R.S. § 41-844 and 41-865, ASM and FHWA shall ensure that the discovery is treated according to the burial agreement. If the discovery is on Federal or Tribal land and appears to involve Human Remains as defined in NAGPRA, ADOT on behalf of FHWA shall ensure that the discovery is treated according to NAGPRA.

If Human Remains are not involved, then the ADOT Historic Preservation Specialist shall evaluate the discovery, and in consultation with FHWA and SHPO, determine if the Plan previously approved in accordance with Sipulation 4 is appropriate to the nature of the discovery. If appropriate, the Plan shall be implemented by ADOT, on behalf of FHWA. If the Plan is not appropriate to the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed pursuant to 36 CFR § 800.6 and circulated to the consultiing 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.

If potential prehistoric or historic archaeological materials or properties are discovered on Reclamation land after construction has begun, the person in charge of construction shall promptly report the discovery to the Phoenix Area Office of the Bureau of Reclamation as well as the ADOT Historic Preservation Specialist.
14. Amendments

This Agreement may be amended by the signatories pursuant to 36 CFR § 800.6(e)(7). FHWA shall file any amendments with the Council and provide notice to the concuring parties.

15. 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). If the parties cannot agree on actions to resolve disagreements, FHWA will comply with 36 CFR § 800.7(a).

16. 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.

17. There shall be an annual meeting among FHWA, SHPO, and ADOT 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 Loop 202 – South Mountain Freeway 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 ________________________________
Title ________________________________
Date 3/11/2010

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By ________________________________
Title ________________________________
Date ______

INVITED SIGNATORIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By ________________________________
Title ________________________________
Date 4/5/10

CONCURRING PARTIES

ARIZONA STATE LAND DEPARTMENT

By ________________________________
Title ________________________________
Date ______
APPENDIX 4-5

FARMLAND CONVERSION

Appendix 4-5, Farmland Conversion, contains the US Department of Agriculture Natural Resources Conservation Services Farmland Conversion Impact Rating form (form NRCS-CPA-106) for Corridor Type Projects. The Farmland Protection Policy Act (FPPA) was established to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. This impact rating is being completed to ensure compliance with FPPA.

<table>
<thead>
<tr>
<th>PART I (To be completed by FSA Agency)</th>
<th>Farmland Conversion Impact Rating Form for Corridor Type Projects</th>
<th>NRCS-CPA-106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Project</td>
<td>South Mountain Transportation Corridor</td>
<td>B19/12</td>
</tr>
<tr>
<td>Type of Project</td>
<td>Federal Highway Administration</td>
<td></td>
</tr>
<tr>
<td>Location</td>
<td>Pinal County, Arizona</td>
<td></td>
</tr>
</tbody>
</table>

PART II (To be completed by NRCS)

<table>
<thead>
<tr>
<th>Case for conversion under Title I state or local criteria</th>
<th>607/12</th>
<th>Average Point Size</th>
<th>3.5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case for conversion under Title I state or local criteria</td>
<td>YES</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Case for conversion under Title I state or local criteria</td>
<td>267.115</td>
<td>Average Point Size</td>
<td>3.5</td>
</tr>
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</table>

PART III (To be completed by FSA Agency)

<table>
<thead>
<tr>
<th>Alternative Corridor For Segment</th>
<th>Western</th>
<th>Interior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acres To Be Converted Directly</td>
<td>568</td>
<td>583</td>
</tr>
<tr>
<td>Total Acres To Be Converted Indirectly</td>
<td>568</td>
<td>583</td>
</tr>
</tbody>
</table>

PART IV (To be completed by NRCS)

<table>
<thead>
<tr>
<th>Location</th>
<th>Corridor Type</th>
<th>Farmland Conversion Impact Rating Form for Corridor Type Projects</th>
<th>NRCS-CPA-106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acres in Corridor</td>
<td>568</td>
<td>583</td>
<td>627</td>
</tr>
<tr>
<td>Total Acres Statewide in Local Impact Area</td>
<td>568</td>
<td>583</td>
<td>627</td>
</tr>
</tbody>
</table>

PART V (To be completed by NRCS)

<table>
<thead>
<tr>
<th>Location</th>
<th>Corridor Type</th>
<th>Farmland Conversion Impact Rating Form for Corridor Type Projects</th>
<th>NRCS-CPA-106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Percentage Farmland in County</td>
<td>6%</td>
<td>6%</td>
<td>6%</td>
</tr>
<tr>
<td>Percentage Farmland in State</td>
<td>25</td>
<td>25</td>
<td>25</td>
</tr>
</tbody>
</table>

PART VI (To be completed by FSA Agency)

<table>
<thead>
<tr>
<th>Location</th>
<th>Corridor Type</th>
<th>Farmland Conversion Impact Rating Form for Corridor Type Projects</th>
<th>NRCS-CPA-106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Corridor Accessibility Points</td>
<td>160</td>
<td>74</td>
<td>74</td>
</tr>
</tbody>
</table>

PART VII (To be completed by FSA Agency)

<table>
<thead>
<tr>
<th>Location</th>
<th>Corridor Type</th>
<th>Farmland Conversion Impact Rating Form for Corridor Type Projects</th>
<th>NRCS-CPA-106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recalculated Value of Farmland</td>
<td>684</td>
<td>684</td>
<td>684</td>
</tr>
<tr>
<td>Total Score Assessment Form Part VI above</td>
<td>160</td>
<td>74</td>
<td>74</td>
</tr>
</tbody>
</table>

TOTAL POINTS: 260

1. Corridor Services
2. Total Acres of Farmland to Be Converted by Project
3. Case of Site criteria
4. Was A Local Site Assessment Used? YES NO
5. Reason For Selection

Signature of Person Completing this Part: [signature]

NOTE: Complete a form for each segment with more than one Alternate Corridor.
### Appendix 4-5

#### U.S. DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service

**PART I (To be completed by Federal Agency)**

1. Name of Project: __________________________________________
2. Type of Project: _____________________________________________
   - Federal Agency Name: ____________________________
   - State: ____________________________

**PART II (To be completed by NRCS)**

3. Date of Land Evaluation Request: ____________________________
4. Acres Irrigated Average Farm Size: ____________________________
5. Federal Agency Involved: ____________________________
6. County and State: __________________________________________
7. Amount of Farmland As Defined in FPPA
   - Acres: % ____________________________
   - County: ____________________________
   - State: ____________________________
8. Name Of Land Evaluation System Used
   - Name Of Local Site Assessment System

**PART III (To be completed by Federal Agency)**

A. Total Acres To Be Converted Directly
B. Total Acres To Be Converted Indirectly, Or To Receive Services
C. Total Acres In Corridor

**PART IV (To be completed by NRCS)**

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide And Local Important Farmland
C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same or Higher Relative Value

**PART V (To be completed by NRCS)**

A. Relative Value Of Farmland (From Part IV)

**PART VI (To be completed by Federal Agency)**

A. Area in Nonurban Use
B. Perimeter in Nonurban Use
C. Percent Of Corridor Being Farmed
D. Production Provided By State And Local Government
E. Size Of Present Farm Unit Compared To Average
F. Creation Of Nonfarmable Farmland
G. Availability Of Farm Support Services
H. On-Farm Investments
I. Effects Of Conversion On Farm Support Services
J. Compatibility With Existing Agricultural Use

**PART VII (To be completed by Federal Agency)**

A. Relative Value Of Farmland (From Part VI)

**PART VIII (To be completed by Federal Agency)**

A.原因

**PART IX (To be completed by Federal Agency)**

A. The person completing this part is: ____________________________
B. Signature of Person Completing this Part: ____________________________

**PART X (To be completed by Federal Agency)**

A. Name: ____________________________
B. Signature: ____________________________

### FARMLAND CONVERSION IMPACT RATING FOR CORRIDOR TYPE PROJECTS

**PART I (To be completed by Federal Agency)**

1. Name of Project: __________________________________________
2. Type of Project: _____________________________________________
   - Federal Agency Name: ____________________________
   - State: ____________________________

**PART II (To be completed by NRCS)**

3. Date of Land Evaluation Request: ____________________________
4. Acres Irrigated Average Farm Size: ____________________________
5. Federal Agency Involved: ____________________________
6. County and State: __________________________________________
7. Amount of Farmland As Defined in FPPA
   - Acres: % ____________________________
   - County: ____________________________
   - State: ____________________________
8. Name Of Land Evaluation System Used
   - Name Of Local Site Assessment System

**PART III (To be completed by Federal Agency)**

A. Total Acres To Be Converted Directly
B. Total Acres To Be Converted Indirectly, Or To Receive Services
C. Total Acres In Corridor

**PART IV (To be completed by NRCS)**

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide And Local Important Farmland
C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same or Higher Relative Value

**PART V (To be completed by NRCS)**

A. Relative Value Of Farmland (From Part IV)

**PART VI (To be completed by Federal Agency)**

A. Area in Nonurban Use
B. Perimeter in Nonurban Use
C. Percent Of Corridor Being Farmed
D. Production Provided By State And Local Government
E. Size Of Present Farm Unit Compared To Average
F. Creation Of Nonfarmable Farmland
G. Availability Of Farm Support Services
H. On-Farm Investments
I. Effects Of Conversion On Farm Support Services
J. Compatibility With Existing Agricultural Use

**PART VII (To be completed by Federal Agency)**

A. Relative Value Of Farmland (From Part VI)

**PART VIII (To be completed by Federal Agency)**

A.原因

**PART IX (To be completed by Federal Agency)**

A. The person completing this part is: ____________________________
B. Signature of Person Completing this Part: ____________________________

**PART X (To be completed by Federal Agency)**

A. Name: ____________________________
B. Signature: ____________________________

### NOTE:
A form for each segment with more than one Alternate Corridor

---

**South Mountain Transportation Corridor**

**Federal Highway Administration**

1. Name of Project: South Mountain Transportation Corridor
2. Type of Project: Federal Highway

**PART II (To be completed by NRCS)**

1. Date Request Received by NRCS: 4/28/11
2. Person Completing Form: Leslie Glover II
3. Does the corridor contain prime, unique statewide or local important farmland? YES
4. Acres Irrigated Average Farm Size: 302
5. Major Crops: alfalfa, cotton, grains
6. Percent Of Land In Government Jurisdiction
   - Acres: % 267,295
   - Acres: % 190,182
7. Amount Of Farmland As Defined In FPPA
   - Acres: % 3.2
8. Name Of Land Evaluation System Used: N/A
9. Name Of Local Site Assessment System: N/A
10. Date Land Evaluation Returned By NRCS: 4/28/11

**PART III (To be completed by Federal Agency)**

A. Total Acres To Be Converted Directly
B. Total Acres To Be Converted Indirectly, Or To Receive Services
C. Total Acres In Corridor

**PART IV (To be completed by NRCS)**

A. Total Acres Prime And Unique Farmland
B. Total Acres Statewide And Local Important Farmland
C. Percentage Of Farmland in County or Local Govt. Unit To Be Converted
D. Percentage Of Farmland In Govt. Jurisdiction With Same or Higher Relative Value

**PART V (To be completed by NRCS)**

A. Relative Value Of Farmland (From Part IV)

**PART VI (To be completed by Federal Agency)**

A. Area in Nonurban Use
B. Perimeter in Nonurban Use
C. Percent Of Corridor Being Farmed
D. Production Provided By State And Local Government
E. Size Of Present Farm Unit Compared To Average
F. Creation Of Nonfarmable Farmland
G. Availability Of Farm Support Services
H. On-Farm Investments
I. Effects Of Conversion On Farm Support Services
J. Compatibility With Existing Agricultural Use

**PART VII (To be completed by Federal Agency)**

A. Relative Value Of Farmland (From Part VI)

**PART VIII (To be completed by Federal Agency)**

A.原因

**PART IX (To be completed by Federal Agency)**

A. The person completing this part is: Leslie Glover II
B. Signature of Person Completing this Part: Leslie Glover II

**PART X (To be completed by Federal Agency)**

A. Name: Leslie Glover II
B. Signature: Leslie Glover II

---

**NOTE:** Complete a form for each segment with more than one Alternate Corridor.
CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor-type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor-type site or design alternative for protection as farmland along with the land evaluation information.

1. How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?
   - More than 90 percent - 15 points
   - 90 to 20 percent - 14 to 1 point(s)
   - Less than 20 percent - 0 points

2. How much of the perimeter of the site borders on land in nonurban use?
   - More than 90 percent - 10 points
   - 90 to 20 percent - 9 to 1 point(s)
   - Less than 20 percent - 0 points

3. How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?
   - More than 90 percent - 20 points
   - 90 to 20 percent - 19 to 1 point(s)
   - Less than 20 percent - 0 points

4. Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?
   - Site is protected - 20 points
   - Site is not protected - 0 points

5. Is the farm unit(s) containing the site (before the project) as large as the average-size farming unit in the County?
   - As large or larger - 10 points
   - Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average

6. If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?
   - Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
   - Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
   - Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

7. Does the site have adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?
   - All required services are available - 5 points
   - Some required services are available - 4 to 1 point(s)
   - No required services are available - 0 points

8. Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?
   - High amount of on-farm investment - 20 points
   - Moderate amount of on-farm investment - 19 to 1 point(s)
   - No on-farm investment - 0 points

9. Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area? Substantial reduction in demand for support services if the site is converted - 25 points
   - Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
   - No significant reduction in demand for support services if the site is converted - 0 points

10. Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?
    - Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
    - Proposed project is compatible with existing agricultural use of surrounding farmland - 0 points

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RIO SALADO OESTE

Appendix 4-6, Rio Salado Oeste. The Rio Salado Oeste study area is located in Maricopa County, Arizona, and is entirely within the city of Phoenix encompassing 8 miles of the Salt River from 19th to 83rd avenues. The recommended plan would restore approximately 1,500 acres of riverine habitat to a more natural state by grading and terracing the river channel. The site map shows how the proposed restoration features have been coordinated with the proposed South Mountain Freeway, which will cross the river corridor.