U.S. Army Corps of Engineers
Public Hearing
Loop 202 South Mountain Freeway Project

05/09/2017
6:00 p.m.

Held at:
The Boys and Girls Club
5047 West Pecos Road, Laveen, Arizona

Prepared by:
Charlotte Lacey, RPR
Certified Reporter
Certification No. 50859
MR. RICE: All right. Good evening, everyone. Thanks again for coming out here. My name is Jesse Rice, and I am with the U.S. Army Corps of Engineers. I am the regulatory project manager processing the 404 individual permit for the South Mountain Freeway. I welcome everyone here tonight.

Just a couple of issues to cover. I want to point out the fire exits. We've got two on this wall here and one to the left outside the door there and out the front door that you guys came in. Bathrooms are also available outside.

Gila River has graciously provided some food tonight for everyone to enjoy. And that's located over here on the side. There's also coffee and water refreshments available over there and on that side.

Let's get started here. First, I want to introduce Governor Lewis. He's hosting us tonight. And I want to express my gratitude for hosting us and letting us all in your facility and providing food for us too.

GOVERNOR LEWIS: Thank you.

My name is Governor Stephen Lewis of the Gila River Indian Community. I'd like to thank everybody for coming out. Also, I'd like to thank on behalf of Lieutenant Governor Antone, who just came in in the back, Councilwoman Carol Schurz from District 2, Councilman
Devin Redbird from District 7, and -- do we have another -- any more council members?

And, of course, Councilman Villareal from District 6 here.

And so this is some of our leadership here.

This is a very critical issue, and I need to thank everyone for coming out.

And as is our -- oh. And Councilman -- Councilman Goldtooth -- sorry -- Mr. Goldtooth from District 6 as well.

And as is our custom, as Akimel O'odham and Pee-Posh people, we always open important gatherings and meetings such as this with a prayer. So at this time, I'd like to call on our THPO officer, our tribal preservation officer, Mr. Barnaby Lewis, to come up and to give us an opening prayer.

BARNABY LEWIS: Good evening, everybody. Thank you for being here this evening and offer our prayer to the Creator to be with us this evening. And we're asking to give us understanding and that everyone work together, have good hearts, and work with this whole discussion with great respect.

(Prayer in native language)

GOVERNOR LEWIS: And so at this time, I'd like to also thank District 6 community for hosting this
event and also for the building as well, the Boys & Girls Club of the Komatke branch, the Boys & Girls Club for use of this facility.

I want to thank everyone here for traveling for this very important hearing to discuss the Clean Water Act permit application for the South Mountain Freeway project.

I want to make sure, also, that I welcome and thank Colonel Gibbs, from the Army Corps of Engineers, to agree to the community's request to hold this public hearing and for traveling here from Los Angeles to attend in person. Colonel Gibbs's staff and the Army Corps of Engineers, they've been very helpful in coordinating and setting up this hearing. So I'd like to -- I want to thank them for their efforts.

When the community learned of ADOT's application for a Clean Water Act permit for the South Mountain Freeway project, we submitted written -- we submitted written comments to make our position against the permit known. The community also requested an avenue of government-to-government consultation and further asked that the Corps hold a public hearing to hear from our community members and members of the public.

After this hearing and after considering the written comments that have been filed on the permit
application, the Corps should have all the necessary information that it needs to make a well-reasoned decision on the permit application.

In addition, ADOT tonight will present information about the permit that they are requesting. I also look forward to delivering my own testimony on how this roadway will impact the community and its members.

And I am certain that tonight we will hear different viewpoints on the South Mountain Freeway project. But regardless of whether you are for or against this project, I ask that everyone respect each other's opinions and allow all the speakers to give their testimony without interruption.

With that, I will turn it over to the Army Corps of Engineers. Thank you.

MR. RICE: All right. Next I'd like to introduce Colonel Kirk Gibbs. He's the district commander for the Los Angeles district Corps of Engineers, and he will be providing some additional statements.

COL. GIBBS: Good evening. I think everybody heard me there. That's good.

I'm Colonel Kirk Gibbs of the Los Angeles district of the United States Army Corps of Engineers. It's a pleasure and my pleasure to be out here and travel out here from Los Angeles today to be part of this public
hearing. So on behalf of the Corps of Engineers, I'd like to welcome you to this public hearing.

The first thing I would like to do is to introduce my staff that's on the stage. As you already know, project manager for this project, Jesse Rice. To my right, the far right, Quana Higgins. She's in my planning division. Quana is also our tribal liaison. And then Sallie Diebolt, who's my chief down here for our regulatory branch in Arizona. So it's a pleasure to have them.

Additionally, throughout the room, in the back, I've got several additional staff members that are here, a couple all the way from Los Angeles, and primarily on the regulatory branch that works out of our Phoenix office. So thank you all for being here.

Some initial comments about our federal permit program. The Corps of Engineers is responsible for regulating dredge and fill activities in the Waters of the United States under Section 404 of the Clean Water Act, as Governor Lewis mentioned, as well as work within Section 10, navigable waterways, under the Rivers and Harbors Act.

Under these laws and in coordination with other federal resource-related statutes, the Corps evaluates potential impacts that would be caused by a
proposed project prior to making a permit decision. As well, we undertake a public interest to the permit issue that involves a weighing of all factors relevant to the project. In meeting our regulatory responsibility, the Corps is neither a project proponent nor a project opponent.

For a bit of background as to why we are here today, the applicant, the Arizona Department of Transportation, referred to as ADOT, has applied to the Corps for a permit, under Section 404 of the Clean Water Act, to construct the South Mountain Freeway.

You may be curious as to why the Corps is considering a permit application for this project when construction is already underway. We will be providing a presentation shortly that will answer this question and provide some information on the permit decision that has to be made by the Corps. Jesse will present that.

As many of you know, we issued a public notice on December the 9th of last year, 2016, for public review and comment that is still out for public review and comment. This evening, the Corps continues its effort to accept comments on the proposed project from the general public and all of you. We will carefully consider all comments prior to making our final permit decision. And even following this meeting, the public has until
May 19th -- so that's next Friday -- to provide written comments which will also become part of the record for this project. We will equally weigh comments provided verbally and in written form.

Now I'm -- right now I'm going to turn it back over to Jesse, who will provide instructions on how to comment tonight, which is very important. Please listen to that. I will emphasize that in additional comments when he turns it back over to me after the presentation by ADOT as well.

He will then present information about our permitting process. We want you all to understand that process. And then ADOT will follow up with information on the proposed action that is being considered by the Corps in the project. We will then transition to the public input session.

At this time, if you would like to speak tonight and you have not already turned in your speaker card, please provide that now to any member of my staff or at the table. And if you did not receive a speaker card and you wish to speak, the Corps of Engineers table is right back there. Ms. Heather is waving her hand. You can -- you can go back there, get a card, fill it out, and turn it in, and we'll get you on the list of people that will speak tonight.
So thank you very much. At this time, I'll turn it back over to Jesse.

MR. RICE: Thank you.

All right. So right now I'm going to go over some of the instructions for tonight on how to provide comments, kind of reiterate that we want to hear from you, the public, on what your views are on this project, particularly with Waters of the U.S. So I'll describe those instructions and then also kind of go into our permit process, what Waters of the U.S. are and what we're going to be doing while we make our determination.

So we've already introduced a few of these people. You've met them. I also want to point out some ADOT staff here tonight. We have Carmelo Acevedo from ADOT here sitting in the front row. We also have Walter Lewis and Doug Lamont from Connect 202 representing those staff here tonight.

So just to reiterate, we're here to hear from you, the public. And we've got three ways that you can provide your comments tonight. You may do that directly up front for the audience here. You may also be able to speak to a court reporter located out in the hall. If you speak up here in front, there's going to be a time limit, but if you go to the court reporter out into the hall, there's an unlimited time out there, so you can
speak as much as you wish.

We're also going to be accepting written comments both tonight and till May 19th, as the colonel just stated. No matter the format that you make your comments, they're all going to be considered; they all have equal weight.

So in order to speak tonight at the hearing, you should have filled out a card there at the back table. We will consolidate those, and we will be calling those in the order received. We will be displaying those over here on the side board. So that way you'll see who's next and, if there is a wait, how long you have to wait to get up here and speak.

There will be a time limit imposed for speakers. And that's going to be three minutes for individuals. And we're going to indicate that by having a stopwatch over here on this projector. And we will also have Doug Miller over here with the Corps. He's going to have a light that kind of indicates that time. So when that light is showing green, you still have plenty of time to talk. Once one minute is left with that, it will turn yellow. And when 30 seconds is left, it will turn red. Don't worry if you see red. It just means you're running out of time shortly. Once your time is out, the light will flash and go out.
So also want to reiterate we do have translators available tonight for both Spanish and O'odham. And those translators are available for both up front and in back with the court reporter outside.

To maximize speaking time, there will not be any cross-examination of any of the speakers tonight, and the Corps will not be responding to any questions.

And that was the wrong button.

There we go. All right.

So if you are part of a group tonight, we've got a little bit of different procedures for those. So if there are three or more people present in your group tonight, we're asking that you select a representative to speak on behalf of your group. And this is to maximize the speaking time we have tonight. That representative will come up here and speak in front of the audience, and all the other members that are present can come up here and join those -- that representative. Other individuals within that group, if they have personal views on that project that they would like to share, they may sign up separately and talk within that three-minute time period. Group representatives will receive an additional minute, so that will be four minutes to provide testimony tonight.

Mutual respect, courtesy, and patience are tonight's guiding principles. Please do not interrupt any
of the speakers or presenters. Please be respectful of that. Be aware of the time limit and don't run over too much. If you're doing that, you're taking time away from other people.

It kind of looks like we've got plenty of time tonight, so we may actually have an opportunity for people to come up once again if they need to.

Please speak clearly and slowly for the court reporter, and please provide comments with substance. If you do like the project or don't like the project, tell us specifically why. That helps us when we address it later making our decision.

Again, you may also provide any oral comments to a court reporter out in the hall without any time limit, or you may provide your comments in writing. We request that you e-mail those to that address, or you can mail them to that address on the screen.

If you want to get your cell phones out and take a picture of that, that's fine. We'll have that stuff later on in the presentation again, and it's also available on the boards in the back.

So after tonight's public hearing, we will take the transcripts from the court reporter, and we will post those online at this Web address for your inspection and viewing. We will also have a hard copy available in
our office in downtown Phoenix in our visitors area for you to come and inspect. And you'll be able to purchase copies if you'd like.

So what happens to these comments? Well, full consideration will be given by the Corps. I will personally read every single comment tonight and will forward those to the applicant, who will also have to respond to those. All those responses will be documented in our decision document, and that will be made available at that website as well once it's released.

All right. So now I'm going to talk a little bit about our permitting process and what goes into that. Our agency is a little different. We tend to permit things slightly different than what the public is used to with working with other agencies. So we want to make sure that's clear. That way, when you guys are providing comments, you know what -- what's important to us, what's under the authority and jurisdiction of the Corps.

So the Arizona Department of Transportation has applied for an individual permit under Section 404 of the Clean Water Act. Their proposed action is to place dredged or fill material that will permanently impact approximately 8 acres of Waters of the U.S.

And I'll discuss what that is here in a
As the governor and colonel both indicated, a public notice was issued in December announcing our consideration of the permit, and Gila River requested that we hold a public hearing as a part of that process.

So if approved, the proposed action would result in those permanent impact stages to almost 8 acres of Waters of the United States, which is under the regulations of the Corps. To reiterate, no impact to Waters of the U.S. is approved. If you've driven down Pecos Road at all, you will see that a lot of those washes and arroyos have been fenced off. Some of them even have signs designating them as Waters of the U.S.

So what are Waters of the U.S.? These are going to be straights, streams, lakes, rivers, and creeks, basically any water body. Here in Arizona, ephemeral streams, washes, and arroyos are really common. And so that's where the Corps has our regulations and our coding that apply. And more specifically, it's going to be pretty much from bank to bank.

We also have jurisdiction over any wetlands or swamps, which, of course, we don't have those in Arizona. But definitely, any upland areas, that is outside of the Corps' jurisdiction, and that typically falls under another federal or state agency.
So, again, we're limited to Waters of the U.S., and we're only concerned with the discharge of fill material. We do not permit freeways. We do not permit pipelines or housing developments. We're more concerned with bridges and culverts and crossings associated with those types of facilities and projects. So typically our jurisdiction will fall in within these areas, so limited to these waters. If there are impacts associated with those Waters of the U.S., our jurisdiction sometimes will extend outside of that to some extent.

So now I want to talk about, a little bit, what goes into our decision. So all federal agencies have to comply with these regulations that are listed up here. And that is discussed in disclosing those impacts and considering what is occurring with that action.

With this particular project, Federal Highways Administration is the federal agent. And so they're designated that because they have authority over the entire project. And as part of their decision process, they've already developed documentation and worked on some of these issues. And so the Corps, since we have just a little sliver within that overall Federal Highways authority, we are using those documents to support our decision. And so we're going to use that information and consider it as part of that. And this is
pretty typical for -- for the Corps, where we will meet with other federal agencies on these projects.

    Just want to touch this topic real quick regarding NEPA. That's the National Environmental Policy Act. So Federal Highways has developed a environmental impact statement, as many of you are aware, for this project. And again, that's covering the entire alignment. The Corps intends to adopt this documentation to use in our analysis of our decision and to comply with NEPA. Currently, this documentation is being litigated in the courts. And basically, we intend to proceed with this 404 permit decision. Once the courts have made a decision on that, those cases, we will review that Federal Highways, determine what impact, if any, that has on our permit, and we will proceed with -- with whenever's directed in those court rulings as applicable.

    We also have additional requirements to meet beyond those -- those ones that are common to all federal agencies. And this requires that we conduct a public interest review of the proposed action in Waters of the U.S. and ensure that action complies with the 404(b)(1) guidelines.

    So first off, the Corps must conduct a public interest review. And that's basically making a determination on whether or not the proposed action in
waters is contrary to public interest. And we do that by weighing the proposed action against these factors. And these are codified regulations. But we have to consider both the beneficial and the detrimental impacts to those resources or those factors. If there's negative impacts or positive impacts, we need to weigh that. And essentially, if it's something that we can permit, we need to balance out those impacts. We can consider mitigation and special conditions to ensure that happens. If there is a lot of negative impacts associated with all those factors, we probably need to reevaluate what we're looking at.

We also need to make sure that the action complies with the 404(b)(1) guidelines. And these are developed. And they're also in regulations of the Environmental Protection Agency, or the EPA.

And these basically say that we cannot issue a permit unless the following items are satisfied. So the activity must be the least environmentally damaging practicable alternative, or LEDPA. So whatever the actual Corps is going to permit, there can't be any alternatives out there that are practicable and cause less environmental -- yeah -- cause less environmental damage. An alternative can be considered practicable if it achieves the purpose and need of the project while
considering cost, logistics, and technology. The activity also cannot violate any other environmental laws and cannot cause any significant environmental degradation. All adverse impacts with that proposed action must be minimized, and we must have enough information to make a reasonable judgment about the activity's impacts.

And this is kind of important in answer to one of the questions that's pretty common is why is the Corps considering a permit application when the project's already in construction? Well, they're able to be under construction per other government authority outside of the Corps' jurisdiction. And we require a high level of detail about the impacts to Waters of the U.S. This project, as ADOT would probably describe here, is being built on a compressed timeline. So certain areas of the project, including Waters of the U.S., are still currently being designed. We cannot consider a permit until there's a high level of detail about the impacts available, which was accomplished late last year.

So after we review facts of the project and run through our analysis, we have three decisions that we -- well, we have one decision that we will make, but it can go in three different ways. And so the first one is that we can deny the permit, which means that no work is authorized in Waters of the U.S. So ADOT would have to
determine how to proceed with that project, whether they
can it or spend a bunch of money to avoid Waters of the
U.S. We can issue a permit and say, "Here's your permit.
Go do the work. Have a nice day." Third option is that
we can issue a permit with special conditions. And that's
where the Corps says, "Hey, we have concern about these
areas or these resources. We think that you need to be
careful or maybe avoid them, and we're only going to issue
a permit if you follow these conditions." Typically all
Corps permits have special conditions attached to them.

So just quickly, just want to go over the
permit process and where we are in the overall procedures
here. So our first step is we receive a complete
application. We issue a public notice making the public
aware of that. If a public hearing is requested, we hold
that at this time. Next step is that we collect
information, develop alternatives, which are kind of
already done with the EIS. We develop evaluation factors
on how we're going to determine our LEDPA. Next we review
that information, review any mitigation plans that are
developed, conduct our public interest review of the
404(b) guidelines.

Because this project's been around for a
while, being developed a long time, we're kind of in a
mixture of -- of all three of these. But right now we're
still collecting information.

Finally, after we -- finally, after we do all of that, we either issue a permit for LEDPA or we deny the permit.

So, again, I just want to reiterate if you have additional comments tonight, you can mail or e-mail those to me before May 19th. That's all I have as far as permit process and all that.

Next we're going to have ADOT come up and provide us some details about the activities proposed in Waters of the U.S.

And here you go, Doug.

MR. LAMONT: Okay. What you see up on the screen here, we've divided the project in between four distinct segments. We've got the Pecos segment that runs along the I-10 Maricopa interchange that's south of Chandler Boulevard and runs parallel on the Pecos alignment. It then goes in a northwesterly direction through what we call the center segment and then goes up, ultimately, to the north and ties into I-10.

What you see on the screen -- if you can't see it very well here, we do have maps in the back of the room that show the same -- the same slides.

What you see up on the screen here, these -- the blue lines are what have been delineated as Waters of
the U.S. As you can see, there's a number of them up and
down the Pecos alignment, along the center segment, and
then there's two distinct locations in the Salt River
segment of the Laveen area conveyance channel as well as
the Salt River. What I'm going to present to you -- I'm
not going to present every single crossing, but I'm going
to give you the example of one along Pecos and one -- one
along the center segment and then a couple that we have in
the Salt River segment.

So along Pecos -- this here is the -- on the
very far right -- we are just west of 32nd Street. This
just happens to be one of the Waters of the U.S. And what
our job is to do is you can see, on the right, we've got a
white -- the white represents the freeway. The green
represents culverts that we are using to pass the flows.
What our job is, our job is to make sure that we are
passing the same flows through the corridor as what are
experienced today. So we design the culverts to do that.
In addition to that, we also make sure that we're not
adversely impacting anyone downstream or upstream with --
with flooding as we go along.

In addition to that, we have first flush
basins that will take the -- take the first half-inch off
of the freeway into basins. They settle them out before
they get discharged and conveyed over to the culverts.
This particular location -- this is a section through the center cut or the center segment, as we call it. We've got five multiuse crossings that are proposed for the project. What the crossings allow, they allow equestrian access, pedestrian access, animal access to animals. In addition, we have -- we -- what you see on the right -- and, again, the white is the freeway. What you see represented here is a bridge structure that spans the Waters of the U.S. So the intention, again, is to take everything and convey the same flows through that are being conveyed today.

If you take a -- if you take a section view through this bridge, you'll see something. This is a -- this is an engineering drawing. It's a little too engineering-ish. But what you see on the section view -- what you see here is the opening. This is the bridge. And this is where the -- where the access would be for the Waters of the U.S. to pass through. You've got 16-and-a-half-foot vertical -- vertical clearance that allows equestrians to traverse through the bridge structure.

We have also two twin bridges over the Salt River that are approximately 2,700 feet long. And the Waters of the U.S. are depicted in blue, as you see up on the -- up on the screen. You might ask yourself why is
the bridge so long if the Waters of the U.S. are so small? We essentially need to design the bridge so it conveys all -- it covers all of the floodplain.

In addition, on this location, the City of Phoenix and the Corps of Engineers are -- are working on a project to restore the channel bank along the Salt River, and this project accommodates that.

This is the Laveen area conveyance channel just south of Baseline Road. Again, they're designated as the Waters of the U.S. Freeway outlined in white.

What's important to note with this, we're -- we're also conveying the waters through that channel as well as keeping it active during construction at all times. There's a lot of -- there's water that's continually flowing through there. Our job is to make sure that we don't impact the Waters of the U.S. when we're building our project.

So with that, I'm going to turn the floor back over to Colonel Gibbs and...

COL. GIBBS: We are actually ahead of the -- ahead of time, so that's a good thing. We're back on track.

Many new folks have walked through the door since we started, so as I stated earlier, I'm going to reemphasize the process. We now will transition into the
public comments and the opportunity to speak in front of
the mic.

We will be taking oral testimony from the
public in the order we have received your speaker cards.
However, I would caveat that with there's two separate
categories. If a -- an individual is here with three
people and they're speaking on behalf of that group, they
will be up front. We're trying to put those groups up
front. They will be allotted four minutes. If folks are
speaking on behalf of themselves as an individual, they
will be allotted three minutes.

After the groups have spoken, we'll
transition to the individual testimony, as I just said.
Individuals may speak on their own behalf or on behalf of
someone else.

As was mentioned earlier, if you'd like to
speak, you must fill out a speaker card. You can pick
those up at the back table. Give it to one of the Corps
or the consulting staff. Our Corps personnel, for the
most part, we're all wearing Corps of Engineers shirts.
And if one of them sees you walking around with a card
looking for someone to give it to, they'll come over and
take it.

If you're part of a group, please let the
staff at the table know so that when you submit your
request. Please sign up if you have not already done so.
At the present time -- when we started this, I think we
had about eight speakers. So I'll kind of -- I'll expand
on that in just a second.

Clearly this is the mic that you'll speaking
in front of. And as you can see -- well, it looks like
we've got over ten now. Please know your number. Please
know when it's your turn to speak. I will tell you
that -- what I would appreciate is as Governor Lewis
speaks, number 2 and 3, they're ready to go. You can
stand up and be in the middle of the room so that you can
step up immediately once the governor's done. And that
will be Anthony Villareal.

Okay. So just be ready, and that will help
us save time. That will allow people to be able to
speak -- speak tonight, and we won't run out of time.

So as I said, there will be an allotted
time. Now, I will tell you, based on the number of
speakers that we currently have, if you need to finish a
thought and you go past that time a little bit, I will not
cut you off. But I do want to emphasize that it's very
important that everybody that came here tonight to speak,
I want to give them the opportunity to speak. So please
keep that in mind. I really dislike interrupting people.
It's not comfortable for me. It's not comfortable for the
crowd. So I'll do everything I can not to do that, but please keep that in mind as well.

And then we do need to adjourn by about 9 o'clock. We're going to have about two hours and 15 minutes, so I think we're going to be fine. But we really need to close up and clean up by 10 o'clock. That's the agreement that we have. And I know many -- many of you all have to get to work tomorrow as well.

And finally, you know, one thing. I've done a few public meetings. And believe me, I do a lot of speaking engagements. I understand sometimes, particularly when there's emotion involved, how hard it is to stick with three or four minutes. It can be challenging. But if I -- if I allow people to talk six or seven minutes and then we start running out of time and someone who's speaking at the end, I have to cut them back to three in order to ensure that we can close up this place on time, and then -- then there ends up being some complaints in that area. So I say all that to say I want to allow you to say what you need to say, but please make your point as succinctly as you can.

So when your time is up, please quickly step down, let the next speaker up to the microphone. We have a court reporter that will be recording all of the comments, so, again, please speak clearly and as slowly as
you can while you give your comment. That will help the
court reporter to -- to ensure they document your full
comments.

As Jesse stated, we will not respond to
comments or questions tonight. I will tell you that after
the fact, if we have some time left over, you can come up
to us, and if there's easy questions that you're not
necessarily concerned with being on the record, we can
answer those. We just can't get into back-and-forth as
far as answering questions because, in many cases, we'll
need to do some research to answer it adequately and, in
other cases, we could answer the question, but then some
folks will wonder why we didn't answer theirs when we
answered others. So they will be in the record. We will
answer all comments -- or comment on all the comments,
answer all the questions as part of our decision document,
which will be available to you once it's completed.

So once again, we have a good turnout
tonight. It's possible that some people may have a long
wait until we get to you so that you can speak. But
remember, you can also provide your comments directly to a
court reporter outside in the hall. We have an additional
court reporter if you're uncomfortable speaking in front
of a larger group such as is in this room. And you can
also provide written comments as well either here or
either through mail or e-mail to the address on Jesse's
last slide. And I know you were given a handout that
provides that as well that you can take home with you.

So to reemphasize, all oral or written
testimony will become part of the administrative record
for the permit application. Once we have the written
transcript of the testimony, copies may be viewed online
and at our office here in Phoenix.

One more thing that I do want to highlight
is we will have a clock here, so if speakers want to peek
over and see how much time they have left. And
additionally, Bill, you have -- there's colors. And as
long as it's green, you're pretty good. When it turns
yellow, you've got a minute left. When it turns red,
you've got 30 seconds left. You'll hear a buzzer when
your time's up, and then you'll see me start getting
uncomfortable. Okay?

Thank you very much for coming out tonight.
And, Governor, we'll start with you whenever
you're ready, sir.

GOVERNOR LEWIS: Thank you for the
opportunity to address the Corps of Engineers on ADOT's
application for a Clean Water Act permit for their South
Mountain Freeway project. On behalf of the community, I
ask that the Corps of Engineers not grant ADOT this permit
to build the highway along the Pecos Road alignment.

To give you some perspective, we are meeting tonight on community lands that will be most affected if this permit is approved. Once the highway is built, if we were to walk outside of this building, we would hear the noise of that highway. And that highway would cross over 30 washes and waterways that flow directly into our lands, and we would see that highway. And most difficult for the community, we would see that highway cutting right through the sacred South Mountain range, one of our most important cultural resources.

This is not -- this is because ADOT wants to build this highway directly next to our reservation lands. But to do this, they need a permit from you, the Corps of Engineers, to cross all of those different washes and waterways that are located next to South Mountain and that flow into our lands.

We recognize that the Corps of Engineers is not focused on the entire freeway project, but the Corps must consider the direct and indirect impacts resulting from the portions of the project that the Corps does control and regulate, which includes the waterways and washes that the freeway will cross, because the crossings are at the community's doorstep. This means that the Corps must consider the project's impacts on the community
and its reservation lands. As I have said, the majority of the 30 jurisdictional waterways that will be impacted and need permit coverage are located directly next to the reservation and run into our lands just yards away from the freeway crossing.

But ADOT has not made a critical showing that there are no other locations for this portion of the highway, such as north -- north of South Mountain, that would have fewer impacts on wetlands and waterways and that would not cross through South Mountain. ADOT rejected all but the one alternative in the eastern section of the project that ADOT is asking the Corps to permit. And it is troubling that this is the alternative with the most significant environmental impacts on the community of the South Mountain.

In the project's EIS, ADOT rejected the two alternatives located north of South Mountain, which are the U.S. 60 extension and the I-10 spur, with an explanation that included only a few bullet points but did not even get into environmental or water resource impacts.

The Corps can only issue a permit for the, quote, least environmentally damaging practicable alternative, unquote, which is known as the LEDPA. ADOT has not shown that building the highway across Pecos Road is the LEDPA. This alignment crosses over 30 washes and
waterways, impacts South Mountain, and impacts the environment of the community's reservation. This is -- this is not an alignment that the Corps should permit. Issuing a permit for the alignment also is not in the public interest, which is another legal standard that the Corps must meet when issuing Clean Water Act permits.

As you will hear from our tribal historic preservation officer, issuing a permit will allow the freeway to cut through the South Mountain, which is sacred to the community. In addition, the freeway could bring contaminated water into our lands and cause flooding.

Now, in closing, my own words. I want to say to you, the Army Corps of Engineers, you have an opportunity to set the record straight. You have an opportunity that was a missed opportunity up in North Dakota having to do with the Standing Rock Sioux Tribe. You have an opportunity, at this point, to make a moral decision, to make a decision that would stop literally destruction of our land, of our culture, of our resources, of our spirituality that our elders and our youth here will undoubtedly speak very emotionally to and articulate to more than I can. Please listen and please listen to your hearts. Listen that this is the ultimate decision that will make a -- a very definite effect, a very historic effect on the survival of the Akimel O'odham and
Pee-Posh people.

(Speaking native language.) Thank you.

(Appplause)

COL. GIBBS: Thank you, Governor.

ANTHONY VILLAREAL: Thank you. My name's Anthony Villareal. I'm the council representative here with the Gila River Indian Community of District 6 and also the residents of community District 6.

The Gila River Indian Community and the residents of District 6 respectfully opposes the Army Corps of Engineers issuing ADOT a permit for South Mountain Freeway project. The impact to the majority of the waterway crossings that the Corps must permit are located directly north of the community's reservation boundary, at times within a matter of feet of the boundary, and the majority of the impacts requiring permit coverage are to waterways that flow directly onto the community's reservation.

The Corps cannot simply rely on the Federal Highway Administration's EIS to grant ADOT a Clean Water Act permit. The Corps must first conduct additional analysis and make additional findings under the Clean Water Act regulations. These Clean Water Act analyses and the Corps determination must consider impacts to the community and to the reservation lands, including impacts
to historic and cultural resources such as South Mountain, Moadag Thoag.

The majority of the highway that requires permit coverage is located just east of South Mountain, Moadag Thoag, a sacred community and traditional cultural property. If the Corps of Engineers issues a permit, this will allow for ADOT to build the highway directly through the South Mountain range, which is Moadag Thoag, which is referred to in our language.

And the -- when I speak to the sacredness of this mountain and as -- as the Akimel O'odham, which I am, we carry respect, and we have certain things that -- that are very important to us. The significance of Moadag Thoag, South Mountain, is -- starts from the beginning, since time immemorial, and where our creation began, certain things that were given to us, the home of Si'ihe, which is our Si'ihe e'es, our Elder Brother. The medicine that is collected there in Moadag Thoag still, to this day, that is used for -- whether it be for blessings, for general use, for offerings. The -- we still carry on our traditions. We still carry our language and the respect for this mountain, the protection of it, as Akimel O'odham.

We carry the songs that go to this. And I'm going to share with you all a song here today that's about
Moadag Thoag. (Speaking in native language.) This is talking about the mountain and how great it -- largely it is. (Speaking in native language.) Talks about the feeling that I gain from this, being there in Moadag Thoag, the collecting of the flowers, the flowers covering me.

(Singing song in native language.)

ANTHONY VILLAREAL: Thank you.

COL. GIBBS: Thank you, sir.

CHARLES GOLDTOOTH: Good evening. My name is Charles Goldtooth. I'm council representative for District 6, along with my constituent Villareal.

My frank concerns are it doesn't matter if the freeway will be located off the Indian community lands. With the roadway being so close to the community boundary and the other waterways being -- cross-flowing directly into the community lands, in some case just a few feet from the crossing location, there will be impacts on the community lands that the law requires the Corps of Engineers to consider when deciding whether to issue a permit.

Issuing a permit that allows ADOT to build a highway along the Pecos Road alignment could have significant impacts to our community. The most significant -- significant impacts will be the drainage
from aquatic resources located in the community's reservation. These impacts weigh against the Corps issuing ADOT a permit to authorize the impacts just beyond the community's boundary.

The freeway will diminish the quality of water entering the community's land. South Mountain storm water runoff, if mixed with the freeway's runoff, can be -- and contaminating -- I'm sorry -- that contains contaminants that enter into the system that flows into our community's lands. The freeway could impact the Pee-Posh wetlands, diminish the water quality of the Pee-Posh wetlands, which are significant to the community's environmental and cultural resources that the community council placed in a conservation easement for wetlands, protection of the enhancement.

Increased flooding to -- it also increases the flooding to the Vee Quiva Casino and Komatke area, the area that we are from here in District 6. The freeway could also increase flooding that already occurs in the Komatke area and the Vee Quiva -- and the Vee Quiva Casino. In addition, development -- development of the freeway could change the historical conditions, resulting in a rechannelling of the water or reducing floodwaters into areas of the Gila -- of the reservation not previous flooding.
The freeway could change the velocity and the flow of the water entering our community lands. The freeway could change existing drainage patterns in our community lands. The freeway could adversely impact community damage -- drainage project. The freeway could require communities to change, enlarge, or relocate components of the planned Komatke regional flood control project, which will add cost to the community.

Any permit issued from the Corps should be -- should require that the potential for drainage and flooding impact on community's lands are avoided to minimize and mitigate. The Corps cannot properly conclude the impacts to these waterways and wetlands that haven't been avoided or minimized to the greatest -- to the greatest intent possible.

Federal Highways Administration EIS did not analyze whether alternatives can -- located north of the South Mountain could avoid or impact fewer acres of the free -- waterways. So ADOT has not shown that the impacts to the 30 waterways that flow onto the community's lands cannot be avoided.

Again, I ask you, please, you know, consider what we're saying tonight. You know, we are from the community, and it means a lot.

Thank you.
COL. GIBBS: Thank you, sir.

STEVE BRITTLE: My name is Steve Brittle. I'm here for Protecting Arizona's Resources and Children. There will be irreparable harm if this permit is issued and the plan changes the structure when excavation occurs. This permit should not be issued, if at all, until after the Ninth Circuit has ruled. We and the tribe do expect to win in the Ninth Circuit, and when we do, all the previous construction of the freeway would have to be removed. All the damages would have to be mitigated. However, some damages may be irreversible. So waiting a few months would be for a way for the Corps of Engineers and the taxpayers of the United States to avoid unnecessary liability of permanent damage to the nation's aquatic resources.

Having participated in proposed permit processes before which seemed to plod on for years, I wonder why this one seems to be so accelerated. When we started our efforts to stop this freeway over a decade ago, we learned that the sand and gravel industries were hoping to excavate and mine the sand and gravel in the area that the Salt River would be across and to sell it for fill along the freeway route, which would be a special economic demand, so that ADOT is able to find any sand and gravel so close by, they wouldn't need to pay to excavate
and mine for the bridge.

We have seen previous permits where the removal of soils from the riverbanks was not allowed, and we were curious about this proposed permit because it lacks those kinds of details. We would mind -- we would hope the design isn't created with the profits of the sand and gravel companies in mind.

One of the claims in our NEPA lawsuit is the freeway project has only completed preliminary designs, around 50 percent level, which violates the requirements of NEPA. Also, since neither the specifics of the plan nor the expected mitigations measures can be expected to be accurate, what will likely be proposed will be likely inadequate and unacceptable.

We have also claimed, in the lawsuit, the cumulative impacts were not properly analyzed or addressed. And if the Federal Highway Administration and ADOT had complied with NEPA, we'd have the details for what is being proposed here now. But we don't. Yet the Corps of Engineers is continuing this pattern of vagueness and inadequate analysis in planning by not disclosing what the final damages and mitigations might be. If the Corps of Engineers doesn't know this, then there's no basis for a permit or even for this hearing.

In short, the permit, as proposed, is too
vague to be valid. It's a moving target. And it's illegal. Specifically, mitigation measures that may be necessary have not yet been identified, and irreparable harm and damages may be more severe than here projected. That's on page 9 of the public notice.

The permit notice admits irreparable harm may be a consequence on page 5. The entire Section 404 permit process should be halted at this point and then re-noticed when the actual proposed mitigation plans and full portions of the permit are actually disclosed to the public before we're robbed of the chance at a real public hearing.

It is also that of a contributor to offer mitigation and/or fees. There is a legal and judiciary notification required for the Corps of Engineers to minimize adverse effects on populations of plants and animals, as well as human uses such as recreation, besides the controlling runoff either onto the Ahwatukee Foothills or Gila River Indian Community side. Despite this, the Corps' assurances, contractors for the freeway construction have already exhibited a failure to take care of the natural resource and seem to be motivated more by speediness than proper care.

Then there's the questions. What about the possible hazardous waste materials that will be uncovered
and generated? How will they be handled? What are the storage areas the water would settle in before discharge? And what are the plans to treat or pretreat them before discharge into the Waters of the United States?

The draft highway maintenance drainage manual from ADOT is from February 2015, and there is no update. It's improper to use a draft document for this permit.

Thank you.

COL. GIBBS: Thank you, sir.

(Applause)

BARNABY LEWIS: Good evening. My name is Barnaby Lewis. I am a Gila River Indian Community tribal historic preservation officer. I am here tonight to make you aware of the great impacts that will occur to South Mountain if the Army Corps issues ADOT permit to build the freeway project along the Pecos Road alignment.

South Mountain is one of the community's most important cultural resources. It is a traditional cultural property that is protected under federal law and is a prominent part of our reservation's landscape. It is central to the community's tradition and spiritual understanding of respect for natural resources and the ecosystem.

The importance of South Mountain to our
tribal members and our ancestors cannot be overstated. It is a location that community elders regularly speak about as part of the community's oral traditions, and it is mentioned in our stories and songs. The waterways and washes of the project will be impacted.

And ADOT is asking the Corps to permit located directly next to South Mountain. If you issue this permit, ADOT will put the freeway right through South Mountain, forever altering the mountain range's culture significant landscape. Also, the freeway will run near or right through where community members still conduct traditional religious activities and where trails and shrines are located.

Back in 2007, the community council passed a resolution that said that South Mountain range is a sacred place, and the community strongly opposed any alteration of South Mountain for any purpose because this would be a violation of the cultural and religious beliefs of the Gila River Indian Community, and that would be a negative effect on the continuing life ways of the people of Gila River Indian Community. One such important is a tribal culture community's opposition should be respected.

On behalf of the community, I respectfully ask that the Corps of Engineers deny the permit so ADOT can locate this freeway somewhere else, in a -- in a
location that will not impact our cultural resources and
will not change forever the landscape and view of South
Mountain, as we have been and experienced by the people of
the community.

Thank you.

COL. GIBBS: Thank you, sir.

(Appause)

SEAVER FIELDS: Good evening. My name is
Seaver Fields. I am the project coordinator and flood
control engineering supervisor for the Gila River Indian
Community's Department of Land Use, Planning, and Zoning.
My testimony is from the perspective of identifying and
working to mitigate flooding issues impacting the
reservation from on-site and off-site development.

As you are aware, most types of development
upstream, the watershed usually has some form of impacts
to existing development downstream. Mankind can only
attempt to resolve these impacts with engineering methods
and regulation, which is what currently brings us together
this evening. But flood impacts are still anticipated.
It's just in the manner of how the impacts will change
conditions.

The development of the freeway is
particularly concerning as it is occurring upstream of the
reservation boundaries. The community has outlined its
position related to flood impacts. But allow me to
elaborate a little further without going into technical
detail as to why this freeway could cause adverse impacts
to the reservation.

As the Corps is aware, we have requested and
received some of the information that we need from ADOT to
analyze impacts on the community. A brief technical
review has revealed there are possible impacts from
drainage by development of the freeway. Impacts include
increased peat discharge, increased velocity, and
increased water surface elevation along certain segments
of the Pecos Road alignment. Additional impacts include
comingle of off-site drainage with on-site water quality
basins, introducing a possible water quality issue
draining into the reservation.

We will provide additional and more detailed
comments once we have the opportunity to review the full
set of drainage data that we have requested, including
information on the alignment that continues from Pecos
Road and cuts through South Mountain, passing 51st Avenue.
This segment is very crucial, from a flood control
perspective, as there is a mountain watershed just
northeast that currently introduces broad, shallow
sheetflow entering the reservation, particularly into the
Komatke area where we are currently gathered.
Introduction of the freeway creates an obstruction to flow and could concentrate these drainage patterns to a point of possibly increasing discharge of volumes entering the reservation.

U.S. Army Corps of Engineers is aware of current impact of flooding to the Komatke area from our December 2016 request for funding, under the Section 205 U.S. Army Corps authority. Water does not adhere to political boundaries unless the boundary is a physical barrier that changes its direction. In this case, the freeway parallels the community's boundary and is a physical barrier. Although our funding request is a separate item from this freeway development, they are intrinsically linked by sharing the watershed and its ephemeral drainage patterns, which include Waters of the U.S.

In closing, if development of the freeway persists, I am hopeful the U.S. Army Corps and ADOT consider proper flood mitigation for the environment and the people of the Gila River Indian Community located downstream.

Thank you.

COL. GIBBS: Thank you.

(Applause)

COL. GIBBS: Ma'am, before you start, we're
going to give you four minutes.

Okay. There you go. Thank you.

ELIZABETH GOFF: Hi. My name is Elizabeth Goff, and I'm here to speak tonight on behalf the PMPC, the Phoenix Mountain Preservation Council. It's a nonprofit organization, and we have been working for over 40 years to protect and preserve our mountain parks.

South Mountain preserve is a centerpiece of the Phoenix Mountain preserve system. Development of the South Mountain Freeway, which is to be facilitated, in part, by the issuance of the proposed 404 permit, would cut through the southwestern end of the South Mountain preserve, resulting in substantial direct, indirect, and cumulative impacts to the environment and the recreational purposes, uses, and values of the preserve. More directly, the issuance of the permit will impact multiple natural washes throughout the area, disrupting wildlife corridors throughout the South Mountain preserve.

Mitigation of the crossings of the Salt River must consider access to recreational areas upstream and downstream, including Tres Rios and the Rio Salado Oeste Project.

It is also unclear how the impacts of this project will be mitigated, particularly since the Corps acknowledges, in the notice, that, quote, it is still
reviewing and evaluating the applicant's mitigation proposal, unquote. And because much of the important specifics of mitigation have been left for the design and construction phases of the project, which continues to suffer under a lack of transparency, on behalf of PNPC and those who value the South Mountain preserve and its surrounding environment, we request the Army Corps deny the permit since it is not in the public interest and because there are less environmentally harmful yet feasible alternatives and have -- that have not been adequately explored by ADOT, as required by law.

A supplemental environmental impact statement is required. The Army Corps explains, in the public notice, that it did not apply the EPA guidelines during the original NEPA process conducted for this project, including with regard to the evaluation of alternatives under the guidelines. At minimum, the Corps is required to prepare a supplemental EIS for this project that adequately examines all of the direct, indirect, and cumulative impacts of the 404 permit and the project under the underlying cases which examines a full range of alternatives for the 202 alignment as well as properly developed mitigation scenarios.

The 404 permit is not in the public interest. The benefits of the project are outweighed by
its probable impacts, including cumulative impacts on the public interest as a whole. These detrimental impacts include, among other things, the physical destruction of multiple mountain ridges, including two within the South Mountain preserve, which will impact the significant views and aesthetic values of the preserve, associated harm to cultural resource archaeological sites, and the denigration of South Mountain as a sacred site and traditional cultural property for nearby Native American communities, loss of historic recreational trials and trial -- trails and trail connectivity, destruction of recreational values, harm to wildlife and biological resources, destruction of ecosystems, increased air pollution.

The Corps has failed to adequately disclose mitigation plans for the project. The proposed alternative is not the least environmentally damaging practical alternative.

Thank you.

COL. GIBBS: Thank you, ma'am.

DALE GUTENSON: Good evening. My name is Dale Gutenson. I'm the director of the community's Casino Expansion Owner's Team, a group the community put together to develop the casinos.

You gave me the opportunity, a few months
ago, to register a specific concern about a threat to one of the community's properties. That's the Vee Quiva Casino. I'd just like to make that same statement, the same -- register the same concern in this public forum.

As we all know, the -- the west side of South Mountain drains through the community's lands on its way to the Gila River, specifically through the Vee Quiva site and the adjoining lands.

When that casino was developed, the community put a tremendous amount of effort and engineering for us into protecting the site. It was a very challenging situation because there were waters flowing off the South Mountain and getting redirected into channel through -- which I'm not sure if they're Waters of the U.S. or not, but it certainly aggregates into Waters of the U.S. That was all based on the condition that exists now. This freeway would totally change that drainage pattern. So it could have an adverse impact.

The request, at that time, was that, in any event, the community would be given the opportunity to review and approve any of those plans since they could have such a potential impact on that specific property.

And I think the comments I'm making pertain to the adjoining lands. But from my perspective, I'm just trying to register the specific concern about the Vee
Quiva property.

Thank you.

COL. GIBBS: Thank you, sir.

TIFFANY SPARGUE: Hi. My name is Tiffany Spargue, and I'm here with the Grand Canyon of Arizona Chapter Sierra Club. We have more than 60,000 members here in Arizona, so please accept these comment on their behalf.

So as others have said, the proposed freeway would increase runoff into the Salt and Gila rivers and would forever impair an already impaired section of the Salt River, as listed under Section 303(d) of the Clean Water Act. To contribute to further impairment of this breach of water is contrary to the Clean Water Act. Likewise, the proposed action would degrade several ephemeral washes that drain into the Gila River from South Mountain, and the western section of the project would cross a number of jurisdictional waters.

Information that ADOT has provided to the public indicates that although increased pollution will occur to these already impaired waters of the Waters of the U.S., a thorough analysis has not been completed on the types of contamination or the levels of impairment. ADOT has stated that it will implement measures to reduce water quality impacts, however, all mention of these
measures have been very vague, so we are unable to
determine if they will well mitigate these impacts.

As others have stated, such vagueness
permeates all potential impacts and mitigation measures
that ADOT has put forth, which makes providing
substantiative comments difficult, and it also prevents
the Army Corps of Engineers from making an informed
decision.

So in summary, ADOT has failed to minimize
and avoid adverse impacts of this project to our limited
and precious aquatic and other natural resources of the
Phoenix area, and it has not adequately addressed how
negative impacts to these jurisdictional waters and other
natural resources will be properly mitigated. ADOT has
also failed to address the cumulative and negative impacts
of this project on jurisdictional waters. So we encourage
the Army Corps of Engineers to deny approval of this 404
permit.

Thank you.

COL. GIBBS: Thank you, ma'am.

(Applause)

KAYLA DEVAULT: My name is Kayla Devault.
I'm an ASU grad student with -- in engineering, and I'm
also eligible for a studies candidate. I'm here as a
consultant, although I've worked extensively as an
I am an engineer for Fort Defiance Agency in Ahwatukee as a civil engineer. I'm also a youth member at of EPA Youth Perspectives on Climate group, so I know the importance of public comments to capture the essence of the community.

First of all, I would just like to say that of course I have a problem with the way that jurisdiction works and the concept of Waters of the U.S.A. falling on tribal lands under Army Corps jurisdiction. I think that tribes are slowly gaining more decision-making in -- on their lands, but water and energy still have a long way to go. Of course we have to rely on the Army Corps to protect any cultural resources or any waterways that are affected by projects from outside communities. And here in Phoenix, of course we have the Gila River, the Salt River, which it's not my community, so I don't want to speak to that, but as you will hear -- continue to hear tonight, it's very important for the desert people here that live here, that have been here since precolonial era, and who deserve to have any and all waterways preserved in a pristine and natural state pre-colonization.

So protection of the waterways, as I mentioned, falls on federal jurisdiction. And I wish we could work forward instead of having to fight these battles for it to change the way that that -- that operates, as in New Zealand, where they have recently
protected the waterways important to traditional people that live there.

You want to talk about the impacts of this project. The majority of the waterways that will be affected is discharging into the Gila River Indian Community, of course. And I'm especially concerned with the central section that crosses through the sacred mountain, South Mountain. As you have heard reiterated, it has religious importance, and we need keep that to as pristine as possible. You can clearly illustrate how these waterways discharge across into the community.

And I think that also brings up the question, how can you look at how waterways who are free and ever-changing, how they could be restricted by bridges? I know from experience that this doesn't work, especially in an area that's sandy and prevalent to erosion and constantly having culverts getting blown out on the Navajo reservation. So how can you continue to constrict these waterways and consider that a solution?

And also, define water quality, because permanent irreversible damage to these waterways is important to these people. That would be, in my opinion, water quality as well. And that is not captured by the current chemical standards, sediment standards, under the paradigms that we use currently to mediate waterways on
tribal lands.

    I also do not see justifiable need for this project. And if you want a practicable solution, you shouldn't have started wasting money by constructing before these permits have been issued and before there was an approved consultation and consent by these tribes.

    Yet again, this is a repeat of history, unresolved conflict with tribal nations, and we need to stop the assault on our nations. And my question to you is would you destroy something such as Mecca that is important to the Muslim community? Because the way I view it, this is important to the communities that have longevity in this area. And we should keep that in consideration, how to protect its resources as well.

    And with that, I ask you to please deny, with prejudice, this project.

    Thank you.

    COL. GIBBS: Thank you.

    (Applause)

    COL. GIBBS: Before the next speaker, I'm told that not everyone can read the names on the screen in the back, so I'll start -- that -- that was Kayla Devault.

    Next will be in Napoleon Marrietta.

    NAPOLEON MARRIETTA: Excuse me. I just wanted to ask to speak after. There are a view elders in
the room to speak. So I just want to, with respect, speak afterward and probably go last. I just want to make sure that's okay.

COL. GIBBS: Okay. You're Napoleon?

NAPOLEON MARRIETTA: Yeah. Yeah.

COL. GIBBS: Are you ready right now? Why don't you go ahead and go right now. You're on the list.

NAPOLEON MARRIETTA: All right. So I'm a history student that graduates tomorrow actually. So -- sorry. I'm completely blank right now.

I can only say that the mountain is important to us, and it is important to all of us in the community, because my mother has grown up here. My mother is from here, Komatke. And when I heard about this -- when I heard about this project going on years ago, first was ADOT that was proposing the South Mountain Freeway. My mom would tell me stories of how it is all going to be desecrated if it goes through. And we're -- things are being in the works of desecration now.

The thing that I have had a problem with is that the importance of the future generations that -- the future generation that is after us, what is the importance of -- of them in our communities? And when I heard about this hearing with regards to water and with regards to protection of it, we also know that water is very sacred
to us as well, as opposed to, you know, what is going on
in Standing Rock as well. So it's important that we all
recognize that whether it is -- it's a freeway or
contaminant to water, everything that we hold dear in this
area is very sacred to us. And as Governor Lewis said,
that we don't -- what we have to say is we said no to the
freeway, and we're going to say no to the permit as well.

So I could talk about all the logistics and
engineering stuff, but I'm pretty sure that they've
addressed that. So I just wanted to say thank you.

COL. GIBBS: Thank you.

(Applause)

COL. GIBBS: Next will be Lorraine Yaramata.

Oh. I'm sorry. Jana Sunn.

JANA SUNN: How is everyone?

As a Pee-Posh woman raised traditionally to
protect and defend the water, I urge the U.S. -- United
States Army Corps of Engineers to deny the permit which
will divert the natural runoff and cause tragic and
unforeseen consequences to our community and to future
generations.

Recently, I was asked to make a cradle from
the willow for a newborn child. We can no longer utilize
the plants and medicinal plants along the riverway due to
the toxins in the water. This is questionable runoff
which is no longer safe. This will affect the current
generations. How many years has the water been tested,
and what is the toxicity level of each test? Are people
still -- still living the traditional way. The
desecration and abuse of our sacred mountain needs to
stop. Our people still hunt and live off the game. Where
is the borderland steady? What effects of contamination
will it have on our allotments, the Maricopa sedimentary
allotments directly south of the freeway?

Protect the health, safety, and general
wellbeing, future as against noxious fumes and toxic
water, not -- not to continue and contaminate our aquifers
and from the pollution of the highway, allow the runoff
onto the lands. This is their freeway, which would only
desecrate the South Mountain Regional Park. Sign off on a
hundred-year guarantee that the runoff will not cross our
boundary.

Everyone always assumes the runoff should be
directed onto indigenous lands. Gila River was not taken
into consideration. Two distinct tribes live there. The
potential undesirable impacts require a case-by-case
consideration. Under federal law, no standard contained
in the preceding section shall affect the applicable
federal law on regulations such as the Clean Water Act of
1977, the Clean Air Act of 1970, the Safe Drinking Water
Act of 1974. Environmental concerns would be the wetlands, cultural values, recreation, fish and wildlife, flood hazards, land use, the water supply, and quality, safety and welfare of the people.

Please protect our indigenous ways from this multicultural world by denying the permit.

Thank you.

COL. GIBBS: Thank you, ma'am.

(Applause)

COL. GIBBS: Lorraine Yaramata.

LORRAINE YARAMATA: My home was built just recently on the --

COL. GIBBS: Ma'am, could you step -- could you step a little closer.

Thank you.

LORRAINE YARAMATA: My home was just recently built right off the arroyo where the freeway's going to be going through the boundary right there. And -- alongside of homes being built in the same area there. And it angers me because we have to listen to all the loud noises, the traffic and the sirens from the freeway, and all the debris is going to be flying off of the freeway and stuff. Strangers walking up to our homes. We have school buses that come straight to our home to pick up our children. I see this to be a big threat to
our community, my grandchildren, and their children.

     If this freeway should go through, there
will be no peaceful time to sit outside and enjoy the
morning sunrise or the evening sunrise that we enjoy every
evening and every morning. Our wildlife animals that live
around the area of our homes with my grandchildren, which
we watch every day, the wildlife will run to look for
secure areas to build, 'cause we have a lot of wildlife
animals that live there.

     And it upsets me, being an elder from the
Maricopa Pee-Posh tribe, that I was not aware of this
freeway to be built on this second route. It's just so
close to our home. And I ask that you look at another
resource route. But I already see, just driving along the
other roads, that they're cleaning out the land by the
boundary. Families that have lived off the boundaries
have already sold their land and have already moved out.

     And my grandchildren think their homes are
going to be built. As a grandmother, I tell my children
what is going on by the surrounding areas within our
community. And if you were Native American, you would
know and understand how we feel about our community.

     I was always told, by my great --
great-grandparents that this day will come, that there
will be moves around the areas and a structure going
around our communities, which is happening right now.

I'm very proud to be who I am. I'm Maricopa Pee-Posh from District 7, born and raised there. And that's my home, and I'm proud to be a member of my community here in this community.

Thank you.

COL. GIBBS: Thank you, ma'am.

(Applause)

COL. GIBBS: Aaron Sabori.

AARON SABORI: Good evening. My name is Aaron Sabori. I live right down the road here, 51st Avenue and St. John's.

What I want you to remember is simply this. Water has memory. When it comes off that mountain, it remembers where it goes. It remembers looking for that river over here. This is what my grandfather taught me when I was a young man. About seven or eight years ago, they built -- added onto 51st here. They've added cul-de-sacs and whatnot.

Well, my mom's house is over there. It was built in 1963. And seven or eight years ago was the first time it's ever flooded.

It flooded inside her house to about 10 inches. It flooded on my yard to about 8 inches. And it was going to go -- the wash that's behind my house, that's
where the water was going. It was remembering where it was going.

    When this water ended, it left a residue there. And this residue was good enough that you could peel it like paint. This residue was black. Now that's just from just very -- this little bit of work that's been done to keep this road. What's going to happen if the freeway comes? How much disaster will come?

    We can talk about the regulations. We can talk about all these things. But we have to remember that. This is something that I truly believe. As farmers in this desert, we knew about these things. Water has a memory. It's going to remember a way to get back to that river. And there's washes all along in this community, behind people's homes like mine. And when that water does do that, what is it going to mean for us? It's going to bring a poison that we're not going to be able to deal with.

    In 1968, my grandfather told me that this stuff was going to happen. That was very hard to believe at that time. But guess what. It is. And it's something that we're not prepared for. Denying it helps us. Other than that, it's -- it's a very fearful situation, because we don't plan on moving. We plan on living here. Grandkids are going to be here. We're all going to be
So once again, all I want you to remember, simply -- and it may be just the way we see it, but it's been true, that water does have memory. It knows where it's going to go no matter what we do to it. And what is inside that water, it's going to end up somewhere, here, on its way to that river over there.

That's all I want to tell you.

COL. GIBBS: Thank you.

(Applause)

COL. GIBBS: Mr. Bruce Lindquist, sir.

BRUCE LINDQUIST: Yes. My name is Bruce Lindquist, and I live in the Laveen area, and I'm a candidate for legislative District 27, 2018. I'm with the GOP organization. And all of the land north of the southern boundary of Maricopa County is in legislative District 27. Precincts include the Pee-Posh, the Komatke, and the Lone Butte. We have the casinos, the freeways going down through there.

And I'm here to say that I have studied the water. I've lived in Laveen for over 40 years. In August and September 2014, the rain gods dumped a lot of water on the north side of South Mountain Park. City of Phoenix Flood Control quickly built a retention basin at 27th Avenue and South Mountain Road -- it's about a half a mile
north of Baseline -- to garner all of that water that came
down.

I guess my question is what levels of flood
intensity have you designed to?

And then I have a question for the gentleman
from ADOT that says they've got pits that they're going to
collect the water off of the freeway, let it settle out,
and then let that water go into the natural drainage.
That's what happens currently right now in the Laveen
conveyance channel. Laveen conveyance channel was built
to take the irrigation waters through. We're talking
about natural waters that flow through here. The dirt and
the grime off of eight lanes of freeway is going to cause
a horrendous condition down the road. I think it needs to
be filtered to some level of tertiary treatment to equal
the same level with the water that the rains come from.

And secondly, I have a question as to what
happen -- what's ADOT going to do in a few years? They
just spent millions of dollars cutting down I don't know
how many million yards of dirt on I-17 at milepost 281 on
the south side of the 17 as you come out of Camp Verde and
go up the hill. What happens if they find arsenic in the
site of the South Mountain area they're going to cut? Is
there a plan to deal with that? And what happens when all
the waters start to deteriorate all of that cut that
occurs?

   And I don't believe that, according to the mountain preserve, that the City of Phoenix has a right to transfer title, as they did in February 2017, to ADOT of those lands. They need the vote with all of the people in the City of Phoenix.

   With that, I thank you.

COL. GIBBS: Thank you, sir.

(Applause)

COL. GIBBS: Tupac Enrique, sir.

TUPAC ENRIQUE: Yes, sir.

(Speaking in native language.)

I'd like to greet, first of all, the elders and the members of the Gila River Community and our hosts of this meeting. And I would like to mention that (speaking in native language.)

Since June the 3rd, 2011, before the Arizona Department of Transportation, when they were submitting public comments regarding the plan that led us to this point, to discuss the issue of the extension of the 202 freeway.

Let me state once again, as we did back in 2011, that we fully -- that we stand at full commitment and agreement of solidarity, the position of the community, the Gila River community, the O'odham people
throughout the territory in opposition to the freeway and
for their calling here once again here tonight in
opposition to this project as you propose.

If I could make a very quick question to the
members of the Army Corps of Engineers. If you would
simply answer me one simple question at this moment so I
can proceed with my comments.

The question is this, sir. Are you familiar
with -- have you read the United Nations Declaration on
the Rights of Indigenous Peoples that was adopted by the
United Nations General Assembly on September of 2007?
Have you read it? Are you familiar with it?

COL. GIBBS: Probably at some point, but --
does anyone --

TUPAC ENRIQUE: I would like to ask --
COL. GIBBS: I can't confirm, sir. I
don't --

TUPAC ENRIQUE: You have not. Are you
familiar with it?

COL. GIBBS: Sir, please continue with your
comment.

TUPAC ENRIQUE: This is something --
COL. GIBBS: I am not familiar with it.
TUPAC ENRIQUE: Thank you for your answer.

Thank you for your answer.
I would like to inform you, a little bit, the information about the declaration. It's significant and is also relevant because this community, the Gila River community, adopted a resolution adopting -- taking that -- taking that declaration of the United Nation as part of tribal law. It was adopted by a resolution that was passed here on Gila River.

And these documents are written documents that will be submitted by e-mail.

It was submitted -- it was adopted by the Gila River community on formal resolution on May 21st, 2008.

What I'm saying, simply, sir, that the United Nations Declaration of the Rights of Indigenous Peoples is the law of the land by the lawgivers, by the law upholders. We're speaking of things that are all legal. We're speaking about the rule of law, not the law of the rulers. That's a clarification.

In that declaration, the United Nations Declaration of the Rights of Indigenous Peoples, which is part of the status of international law, Article 18, "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to
maintain and develop their own indigenous decision-making institutions."

Specifically, sir, members of the Army Corps of Engineers, members of the community, no one here tonight has spoken in favor of this project. No one has given their consent. Therefore, I would submit that this project is in violation of Article 32 of the United Nations Declaration of the Rights of Indigenous Peoples, states, "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. States shall consult -- consult and cooperate in good faith with the indigenous peoples and with -- through their own representative institutions in order to obtain their free prior -- and informed consent prior to the approval of any project affecting their lands and territories or other resources, in -- in particular in connection with the development, utilization, or exploitation of mineral, water, or other resources."

Sir, we will be submitting, for the knowledge and the hope that participants in this assembly and the members of the Corps, the information regarding to application of the United Nations Declaration of the Rights of Indigenous Peoples as a standard for evaluation and also a criteria to determine the legality of such a
project before the road's approval.

Thank you so much.

COL. GIBBS: Thank you.

(Applause)

COL. GIBBS: Next Mike Tashquinth.

MIKE TASHQUINTH: Good evening. My name is Tashquinth. I am an elder from District 6. I welcome the Army Corps of Engineers to the land and the home of the still free and wild Akimel O'odham and Pee-Posh. This is the west end. In 2012, in a community meeting, I made a motion. And in that motion, I asked that that freeway not be built on our northern border or through Moadag Thoag. That is our holy mountain. That belongs to us. I grew up there, and I pray. I leave my prayers and my offerings up there. I sing my songs. I go up there to pray because that is what our tradition tells us to do. That is the home of our Creator. And I go up there to pray, just as many of my community members do.

I ask you, the Army Corps of Engineers, not to give that permit to this ADOT. They've lied to you. They're not telling you the whole truth. The environmental impact study that they go by does nothing for us. It guarantees them everything, but when you go and look back on it, it has nothing to do with us. Everything that my people are coming here to tell you,
they are speaking from their hearts. They are trying to
tell you what's going on.

This is our land. We have been here for
thousands and thousands of years. We have never fought
against the United States. We have never signed a treaty
with the United States. Our young men have served
valiantly with the Army and the Marines, the Navy, and the
Air Force.

I ask you to please honor us as human
beings, as people of the Earth, we, the Akimel O'odham and
Pee-Posh. I ask you as warriors, as protectors and
defenders, to protect and defend us and not give them that
permit. Don't let them have it.

(Applause)

MIKE TASHQUINTH: Help take care of us and
protect us. You, the Army Corps of Engineers, you took a
vow. You made an oath. Stand by the oath. Stand by that
vow. Protect us and defend us. I ask that you do this,
please, and take care of us.

Thank you.

COL. GIBBS: Thank you, sir.

(Applause)

COL. GIBBS: Mr. Fred Ringlero.

FRED RINGLERO, JR.: Good evening. My name
is Fred Ringlero, Jr. I'm a member of the Gila River
Indian Community. I live here in District 6. I've been living here since 1972. I was around when the district took the first vote to deny the freeway coming on the reservation in the early '80s, keep it off the reservation. I'm also in agreement with the community today in regards to the mountain and also the freeway issue.

But at a time, as a young person, I worked with the Land Use, Planning, and Zoning Department. There was an issue that popped up with the City of Phoenix and ADOT. And that was concerning building a road. I was there. I seen the contractors deny to fund to the Indians because we didn't know what we were doing.

We went out there and proved to them. Their culverts that they put in were at vertical range that it was -- the velocity was going to be too high, and therefore, Kinder Morgan, El Paso, City of Phoenix, Gila River Indian Community, and the DQ, ADOT all got involved to try and figure out what was going to happen.

What happened was they ended up lowering -- in different areas along that segment, lowering the Kinder Morgan and El Paso gas line. And we also take a look at other things and in that area. That's where ADOT came up with an agreement in the later '80s, DQ to do -- clean-up the water before it came onto the reservation there at the
Wild Horse Pass area.

There is a standard of quality that has to be issued. And I don't -- I don't know if it's being followed or if anybody's checking up on it. City of Phoenix dumped some water into the Gila drainage at the same area, and they denied doing the same quality effort that DQ honored with the -- with the tribe.

So therefore, I think there's some things that need to be really looked at, and I -- I would be against issuing a permit at this time so that a lot of those things can be taken a look at. And also, I really, strongly recommend that Gila River Indian Community, community members, and some technical people from the community be on some kind of inspection program there with you guys so that the contractors and ADOT will understand what's going on. I've worked with some of those contractors, and they don't care. They'll do what they need to do in order to get the project done.

Thank you.

COL. GIBBS: Thank you, sir.

(Applause)

COL. GIBBS: Lori Thomas-Riddle.

LORI THOMAS-RIDDLE: Hi. My name is Lori Thomas-Riddle. I live -- I live here in the community. In fact, I live down the road at a toxic Superfund site I
First of all, I want to say there was a missed opportunity for a lot of our kids to come. I had a group of kids that were supposed to come. They wanted to hold up their posters. And because of what was posted about no banners and no posters -- they didn't want to speak. They wanted to speak visually to you guys. So there is a demographic that's missing here tonight.

In the past, there has been some broken promises in regards to agreements. And one of the examples I want to mention is the I-10 freeway. We were -- we were told that we could have frontage roads, and that never came. It still, to this day, never came.

Also, like on my contaminated site, my grandfather's contaminated site, we were told that land would be looked at once every year. Never once have I seen anybody come and assess it on an annual basis.

Sorry. Excuse me. My eyes are bad, so I'm trying to read my writing.

Part of the PARC, Protecting Children Arizona's lawsuit, my organization, Gila River Alliance for a Clean Environment is part of that lawsuit that's going through the courts now. We're basing it on racial discrimination and religious discrimination, because they're not acknowledging our religion, as O'odham people,
to pray in the way that we usually do.

Our people have gone to the mountain to
collect things, to hunt, to -- to intertwine with nature,
to pray, just like Mike said. You know, people do go up
there. And that's being impeded with this freeway. They
won't be allowed to cross. The -- the animal crossings
aren't going to address the human crossings. We go and
get our medicine up there. We go and get our -- our
fruits from the cactus. We harvest things.

This is an unnecessary freeway. It was
planned -- how many years now? Since '85. My daughter
was born that year. It was needed at that time, but it
wasn't built at that time. Right now we're trying to make
sure that the view is still beautiful and don't --
aren't -- aren't continuing in our -- in our land and our
property.

People always ask me what's the worst that
could happen? I'll tell you what the worst that could
happen is. I saw my daughter, as a child, grow up with
nosebleeds every day and pus coming out of her ears and
hurting in pain because of the toxic exposure. Right now,
as I speak, I have a friend who has a young daughter the
same age as mine, in her thirties. She's going through --
she's going through emergency surgery because of toxic
exposure. That's what the worst that could happen is. My
cries for my family's pain have been diminished and just
thrown to the side all these years.

I'll try to make it quick here.

Because of the Water Rights Settlement, the
State and the region now are relying upon the future with
Waters of the Populous and their dependance on Gila River,
since we now control that water. And so the entire state
would not benefit -- it would -- it would impact them in a
negative way. Dioxane and particulate matter 2.5, that's
going to be all around us.

I see our reservation villages moving toward
the east, where it might be safer for our people. They
don't want to breathe that. Dioxane is a cancer-causing
agent not a possible cancer-causing agent.

COL. GIBBS: Ma'am, can you please conclude.

LORI THOMAS-RIDDLE: And consultation is a
joke. When people try to come here to speak to our -- our
tribal leaders and our tribal members, it's not really
communication. There's such a big barrier.

And I guess I'll -- I'll end with just
saying that this freeway doesn't belong here. Now it
doesn't. Maybe years ago it could have done something for
the growth of the community or the -- the cities. But
reject that permit, please, for the future of our
children.
COL. GIBBS: Thank you, ma'am.

(Applause)

COL. GIBBS: Next Reverend Joe Tate, sir.

REV. JOE TATE: (Speaking in native language.)

And I come from the Gila River Indian Community Sacaton, which is the capital of the Indian reservation. I'm on behalf of the youth, the babies, the elders that weren't able to make it out here today.

I come here not to explain to you what I feel but to tell you that you are in control of now. We always talk about these three things; past, present, and future. Well, right now we're in the current time. We're in the present.

Water is life. As I came from North Dakota and I spent time up there, many of us have left our jobs and our families to go to something that we truly, strongly believe in. And I leave this question with each and every one of you. Would you leave your job or leave your family for something that belongs in your heart and your mind?

One of the major flaws that I see out there is that nobody could understand each other. The protectors, the warriors, the tribal people, DAPL, military, security could not step into other people's
shoes. Therefore, understanding may not be alive and well, unfortunately.

   So today I come before to you that now we are in the present time that you think about what you can do today. As in the Good Book, it says that we are not promised tomorrow. When the Good Lord asked you what did you do that was so great in what you did, what would be on that big screen when the time is running out? Imagine if you could see your life in that time and there was only one minute left in your life. Would you be sitting down typing and writing on a piece of paper? Or would you make a decision that would be everlasting for not only a Native community but for a people, a life.

   I come up here with my I'itoi. Maybe you don't understand this. Maybe you understand the cross. But I have these because it is who I am as an individual, that I was born a Native American.

   There are many people here that are educated, but they're in school right now. There are youths that are resting right now getting ready for school tomorrow, for it is a community. Maybe you cannot understand or step into my shoes, but realize that there is a time ticking in your life, that this is very important to the people. Think about it. If you had 20 seconds left, what would you do? Would you say
good-bye? Would you hug your loved ones? Or would you sign a paper that would have everlasting impact on the community?

I don't want history to repeat itself. I have faith in you guys, even though I see many things that I cannot talk about.

I leave you with that. The time is ticking for you as well. Zero. God bless you.

COL. GIBBS: Thank you, sir.

(Applause)

COL. GIBBS: Chris Morago, Gila River Environmental Youth.

CHRIS MORAGO: Good evening. My name is Chris Morago. I am a member of Vista Free. I am here representing Gila River Environmental Youth, which is an organization that is coinciding with GRACE, Gila River Alliance for a Clean Environment.

As Lori mentioned earlier, we did have a number of youth that wanted to come but felt that they would not be able to -- to be able to speak or express themselves properly. When I came, I saw a public speaking area outside. They would not even be allowed in the building with the signs that they created.

Most people have not heard of our group, yet we were in San Francisco for Earth Day. We were also
there speaking on EPA to discuss the environmental issue.  

I stand before you here to discuss the environmental impact of what's going to happen. I drove through a rainstorm when I got here, and I see the water beating off the road. What's going to happen when that water comes off of an eight-lane freeway? Is it going to kill the vegetation around it? Is it going to kill the animals that rely on that water? Is it going to destroy our natural and cultural resources that have been on that mountain for centuries, before anybody was ever here, that have been here since there have been people in this region? What is going to happen to all of that by allowing a freeway to go through?

With every freeway comes debris, trash, accidents, chemicals. What is going to happen to all of the stuff when it mixes in with the groundwater, when it comes into the land?

They have told you time and time again, speakers have gotten up, educators, as well as tribal members, as well as people that work for the community, telling you that the water drainage is going to be dangerous. It is going to be detrimental to the health of our children.

I have a two-and-a-half-year-old grandchild, second generation, that is going to be exposed to stuff
that could possibly kill her because of the dangers and
the toxins that we have that we've created on our planet.
What are we leaving for our children? What are we leaving
for our future generations?

We need to -- you, the Army Corps of
Engineers, have the authority to stop this process, to
stop the bleeding, to stop the hemorrhaging of our
mountain, to stop the destruction of our natural
resources, and to protect not only my granddaughter and my
future but your future and all the people that rely on the
water that come into Arizona.

And not just Arizona. 'Cause this -- Gila
River is a tributary to the Colorado River. There are
other states that are involved in this. There are
millions and millions of people that will be involved by
this decision.

You, as the Army Corps of Engineers, need to
deny this permit for the protection of our future as well
as generations to come. Thank you.

COL. GIBBS: Thank you, sir.

(Applause)

COL. GIBBS: Suree Towfighnia. Is that
close?

SUREE TOWFIGHNIA: Yeah. You did good on
the second name.
I'm Suree Towfighnia. I come here on behalf of my children. They're Pee-Posh, Persian, Mexican, Polish, German, French, and Spanish.

We moved here in 2014 after coming here since 2008, and we've been fighting for water all over the world. As community members, I'm grateful to be standing here on this land that's Pee-Posh and O'odham and many other tribes that have come through here for generations and millennia. It's hard for us, sometimes, to understand that there have been hundreds and thousands of people protecting this water. That's why people here are so passionate about it. So I just want to give thanks and acknowledge.

It's very difficult for people to come up here and speak. But I just want to acknowledge everyone that has tonight. It gave me strength to speak. I usually stand behind a camera and just document for people who can't be here, 'cause there's many people who can't come here for many, many reasons.

I also want to acknowledge that the tribe waited until January to request this hearing. So I'm grateful to the tribal leaders who finally requested this hearing.

'Cause I'm not a scientist. I'm a mother, and I'm a film maker. But I read these documents years
ago, when they came out, and the thing I circled right
away was diverting water off of the highway. The highway
would divert the water that feeds natural watersheds. It
would go across Salt River. Even though it's a dry
riverbed, we have hopes of bringing back that water so
that it can flow to the ocean again. That's the dream
that we have for our children.

My children are three and seven, and I stand
here today on behalf of them, who have to, sadly, go and
be water protecters, who have to sit here and watch their
water be contaminated right here on this reservation, who
have to fight for it. That's why we fight for it. It's
because hundreds of years ago relatives of my family
fought to protect this water, my husband's family, who I'm
grateful to share in this land.

We moved here because it's a beautiful place
at the base of the Estrella Mountains, and we found out
that water, not only this water but other water that's
contaminated and toxic, is going to be flowing through
canals that my -- my husband's family helped dig. These
canals that are all throughout Phoenix, this Maricopa that
we call this -- what is it? The county of Maricopa? That
name comes from the Pee-Posh. Maricopa is Pee-Posh.
That's what it was called. So I honor that all this land
that goes all the way to the mountains on both sides is
land that's traditionally indigenous. And I'm grateful to the people who stand here.

So I urge the Army Corps of Engineers -- I know this is just a show that you guys are putting on. But I hope that for once you can actually make the right decision and reject this permit, because ADOT is failing. It's failing to promote evidence. It's failing to provide -- they've had how many decades to show us an accurate plan of how they're going to divert the water? And we haven't seen it yet. So let's put it -- let's be transparent.

These drawings are great. But I've been looking online to find these, and I haven't. There is no evidence that they're going to protect the cultural sacred environmental destruction that's going to happen when they dive into this mountain right here.

We just watched the sunset right here. Everyone, I hope, took a minute to stand outside. It's a long way for you guys to come. I saw people saying, "I don't want to go to the west end. Why is it clear over there?"

Because that's where the highway's going to come. Right? What's going to happen when those plants aren't being fed the water that, for thousands of years, has been running off that mountain.
So I'm going to urge you to do the right thing, like that gentleman said. We live in the present -- I know you're shaking your head, but you also said I could have a couple extra seconds, so I'm just going to take a couple extra seconds. Okay?

(Applause)

SUREE TOWFIGHNIA: Because my kids aren't here. And they would have spoke. So I just want to urge you, please, let's do the right thing.

We've all been referring to Standing Rock. Right here, we can make a difference.

And I want all these community members to keep coming. Right?

(Applause)

SUREE TOWFIGHNIA: Because where are you at all these other things, when we're at our district meetings? Where are you standing up then when it really matters too?

So thank you again. I'd like to thank everyone for coming. And I also want to say (speaking in native language). That means water is life in Pee-Posh.

COL. GIBBS: Thank you, ma'am.

(Applause)

COL. GIBBS: Amanda Blackhorse.

AMANDA BLACKHORSE: Good evening. (Speaking
in native language.) My name is Amanda Blackhorse.

I want to thank the Gila River Indian Community for allowing us to come together this evening. I am not from here. I'm from the Navajo nation up north. But I do work in this community. I am a political social worker in this community. I actually work just right up the street from here.

And so a big part of what I do, as a social worker, is to be an advocate. Our profession is rooted in advocacy and social justice. And I'm being an advocate today for the people that I serve in this community to say that the freeway should not be built. I think that you can see here tonight that there is an overwhelming opposition to the freeway. What will happen when this freeway is built? We're talking about water, the concern for water, the health issues that will come along with the freeway if it has been built, the social issues, the crime, the pollution, the contamination of water in the community. This will all affect the livelihoods of every single person in the community. We are standing not even one mile away from where it will be built. Just right here.

And you can see this is a Boys & Girls Club. There's a health clinic up the street. People live not far from where it will be built. It will affect the
health. There's already an enormous health disparity within this community. There's asthma. The -- the health disparity of asthma in this community is extraordinary. It's -- it's huge. So I want to ask you to take that into consideration.

And I want you to understand that --

Ms. Riddle here said this earlier -- that in the plan, there is a plan to help horses to get through. Right? The concern of animals, which is rightly so. But there is no plan for the way that human beings would get past the freeway. How will the community here connect with the sacred mountain? Please take that into consideration. We need that pathway. It needs to be clear.

So please deny the permit. Thank you.

COL. GIBBS: Thank you, ma'am.

(Applause)

COL. GIBBS: Elizabeth Francisco.

ELIZABETH FRANCISCO: Hello. My name is Elizabeth.

First, I wanted to start off with a poem that I had originally written about the river. It's going to connect.

My culture has started to vanish before my eyes could see. Part of me has been banished for I -- all because of my river, the one that I've never seen. My
lips begin to shake and quiver. My river ceased to be.

So from a personal perspective, it's like I've lost my identity with this river because it's been dammed. And now you want to affect this mountain that's going to affect the generations beyond me.

So besides that, there comes the issue with water where the Akimel O'odham -- Akimel O'odham is River People, so it's natural for us to want to protect these water sources.

And besides that, growing up, I was labeled as severe asthmatic. I was in and out of the hospital three to four times a month. So when you want to talk about the pollution that this freeway is going to bring for our people, what is it going to do to our kids? And for me, from a personal perspective, I don't want to see these kids have to go through these health problems in the future because you guys had to put a freeway so close to our community. Thank you.

COL. GIBBS: Thank you, ma'am.

(Appause)

COL. GIBBS: Our last speaker, Darius Enos.

DARIUS ENOS: Good evening, everyone. My name is Darius Enos, and I am a member of the Gila River Indian Community. I also grew up here in this village.

So my concern with the freeway and the
permit, I can't really allude to the Water Act, per se, but I do have a concern. It is my understanding that our water -- our drinking water that comes out of our faucets is -- comes from our aquifers. So the runoff from this freeway potentially will go off into the aquifers of our -- our river. We really can't see our river. It still runs. It's underground. So it -- it's a -- it -- there's a lot of things that can go into it that can stick there forever, things that can move, that can hide from us. You know, it -- it's -- and it can come out of our sink water. And those things are hard to catch. They -- they're tested from different wells. And you can't really determine where exactly these pollutants are unless they're tested all the time in a lot of areas.

Besides that, I have to allude to the 2014 flood. I was out here at the school a few -- few -- just a little bit -- ways down the road. And I -- I've been to Niagara Falls. And there was this thousand-year flood that happened in 2014. I believe it came twice. And -- and it was literally Niagara Falls coming down on South Mountain. I thought it was going to be a quick storm, but the storm lasted hours, and water just kept falling. And I can just image, had there been a freeway infrastructure, it would have been destroyed. And like I said, it's come more than, like, once that year.
The -- the thing -- water pattern -- weather patterns are changing in the world. We don't -- we don't know what's going to happen. There are so many pollutants going out, not just in the community but as far as the world, that we should be concerned. The decisions we make in such a small place such as our community do affect the world. That -- like I said, the weather patterns are changing. We determined that the wind so far, now, had -- if there's a lot of pollutants, will flush it out. However, the weather patterns are changing. The winds can stay stagnant. There's acid rain -- potential for acid rain.

And we -- we are a community with a history of detrimental health effects, diabetes, high rates of obesity. There's a lot of things to consider in our community. We're not just a population. We've been here for thousands of years. And that -- that needs to be considered. We're a volatile community with volatile health concerns.

Thank you.

COL. GIBBS: Thank you.

(Applause)

COL. GIBBS: Ladies and gentlemen, before I get to the closing comments, I don't want to forget that there's plenty of food left. So before you leave, you're
more than welcome to grab food. Eat it here or on the way home.

And I would encourage you to stay for any other conversations. If -- if there is a question our staff can answer that -- that's basic and that doesn't need to be part of the record, by all means, we can do that. And, you know, we -- we typically will gather around the poster boards there in the back -- that are in the back.

But on behalf of all of us with the Corps, we'd like to thank you for your participation in this public hearing. On a personal note, I just want to thank you for your passion, your humility, your professionalism in presenting the comments that you have. It was absolutely an honor for us to be here. And we always want to hear what you have to say as we go through this decision-making process. It's important.

Again, we will carefully consider all the comments that we receive for the proposed project.

One more?

All right. I'll save those last three sentences.

We've got one more.

Okay. We've got an individual who's going to have to write out his comments, and then someone will
read them for him. So we're going to take a ten-minute break. Grab some food. If you have to go to the restroom. We'll come back, and then we'll wrap up with that last comment and my closing comments. Thank you.

(A recess ensued from 8:15 p.m. to 8:33 p.m.)

COL. GIBBS: Okay. Ladies and gentlemen, I know I told you before we went on the break that we were going to have someone speak on Antonio Sneed's behalf, however, we're unable to do that. What we're going to do to ensure that it's part of the record is we're going to film the sign language afterwards -- he's going to do it now? Okay.

UNIDENTIFIED SPEAKER: So I'm here to introduce Antonio Sneed. He wants to address his comments this evening.

And I also want to just let you know that he hiked from the south side of the mountain from South Mountain Park. And he hiked to this side of the mountain today, and he came all this way to express his comments. So he's going to do that in sign by video and then -- go ahead.

(Signing.)

COL. GIBBS: Thank you, sir. Appreciate it.

(Appause)
UNIDENTIFIED SPEAKER: He's from the Gila River, and he came from the north side of the mountain. Sorry.

(Applause)

COL. GIBBS: Okay. We -- we're just about to the end of time. I -- within the next minute, if you want to make comments, you can go to the back, but I believe -- but I think, during the break, if someone else would have had comments, that you would have signed up.

So at this point, I'll conclude, and Heather will wave me down if someone else comes down.

As I stated earlier, a transcript of tonight's hearing will be available on our website and at our office here in Phoenix. A complete rollup of everything will be -- will come out with the final decision document. I do not have a timeline on that right now, because we're going to do the work, and you'll see the comments there, the transcript, and you'll see the answers to any questions you have, as well as comments that are part of the decision document.

I'll just conclude by saying the close of the public comment period is May 19th, so that's a week from this Friday. So it's next Friday. So you've got about ten days left. The comments must be received by May 19th to be considered in the Corps' evaluation for the
proposed project.

If you need any further information on the proposed project, please visit the information table at the entrance of the auditorium in the back for contact information as well as a link to our website.

Thank you all very much for coming out tonight and speaking on behalf of your views. We appreciate it very much. Have a nice evening and have a great rest of your week. Thank you.

(Applause)

(The meeting concluded at 8:38 p.m.)
I, CHARLOTTE LACEY, Certified Reporter No. 50859 for the State of Arizona, do hereby certify that the foregoing printed pages constitute a full, true, and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 11th day of May, 2017.

Charlotte Lacey, RPR
Certified Reporter No. 50859