

U.S. ARMY CORPS OF ENGINEERS
PUBLIC HEARING (May 9, 2017)
Loop 202 South Mountain Freeway Project
(UNLIMITED TIME COMMENTS)

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Laveen, Arizona
5:43 p.m.
May 9, 2017

ELIZABETH GOFF

PHOENIX MOUNTAIN PRESERVATION COUNCIL - PMPC

MS. GOFF: My name is Elizabeth Goff, or Libby, and I am here on behalf of the Phoenix Mountain Preservation Council, or PMPC, doing a Statement of Interest.

The Phoenix Mountain Preserve Council, PMPC, is a nonprofit organization that has been working for over 40 years to protect and preserve our mountain parks. South Mountain Park/Preserve is the centerpiece of the Phoenix Mountain Preserve development.

South Mountain Freeway, which is 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 and indirect and cumulative impacts to our environment and 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 through South Mountain

1 Preserve. Mitigation of the crossings of the Salt River
2 must consider access to recreational areas upstream and
3 downstream, including Tres Rios and Rio Salado Oeste
4 project.

5 It is unclear how the impacts of this
6 project will be mitigated particularly since the Corps
7 acknowledges in the notice that quote, It is still
8 reviewing and evaluating the applicant's mitigation
9 proposal, end quote. And because much of the important
10 specifics of mitigation have been left for the design and
11 construction phases of the project, which continues to
12 suffer under a lack of transparency.

13 On behalf of PMPC and those who value the
14 South Mountain Preserve and its surrounding environment,
15 we request that the Army Corps deny the permit since it's
16 not in the public interest and because there are less
17 environmentally harmful yet feasible alternatives that
18 have been adequately explored by ADOT, as required by
19 law.

20 A Supplemental Environmental Impact
21 Statement is required: The Army Corps explains in the
22 public notice that it did not apply the EPA guidelines
23 during the original NEPA process conducted for this
24 project, including with regard to the evaluation of
25 alternatives under the guidelines. At minimum, the Corps

1 is required to prepare a supplemental EIS for this
2 project that adequately examines all of the direct,
3 indirect and cumulative impacts of the 404 Permit and
4 the project under Save Our Sonoran line of cases, which
5 examines a full range of alternatives for the 202
6 alignment, as well as properly developed mitigation
7 scenarios.

8 The 404 Permit is not in the public
9 interest: The benefits of project are outweighed by it's
10 probable impacts, including cumulative impacts on the
11 public interest as a whole.

12 These detrimental impacts include among
13 other things: The physical destruction of mountain
14 ridges, including two within the South Mountain Preserve,
15 which will impact significant views and aesthetic values
16 of the preserve. Associated harm to cultural resource
17 and archeological sites and denigration of South Mountain
18 as a sacred site and traditional cultural property for
19 nearby Native American communities. Loss of historic
20 recreational trails and trail conductivity. Disruption
21 of recreational values, harm to wildlife, and biological
22 resources as well as wildlife and plant corridors,
23 destruction of desert echo systems, including washes and
24 drains and impacts to water quality, increased air
25 pollution from construction and use of the freeway.

1 The Corps has failed to adequately disclose
2 mitigation plans for the project. The public notice
3 offers little specificity as to how ADOT will avoid,
4 minimize and compensate for the impacts of the project,
5 noting only that the Army Corps is, quote, still viewing
6 and evaluating applicant's mitigation package, unquote.
7 And that, quote, the proposed mitigation may change as a
8 result of comments, unquote.

9 The failure to provide specific mitigation
10 measures beyond mere compensatory mitigation in the form
11 of in-lieu fees is not consistent with EPA guidelines,
12 including obligation to minimize adverse effects on
13 populations of plants and animals and human uses, such as
14 recreation, as well as other actions, such as controlling
15 runoff, including on to the adjacent Gila River
16 Community, among other things.

17 This failure is not remedied by ADOT's FEIS
18 document, which similarly "punted" any substantial
19 mitigation analysis to the development of mitigation
20 measures during the design and construction phase of the
21 project, which even today suffers a remarkable lack of
22 clarity.

23 The proposed alternative is not the least
24 environmentally damaging practicable alternative: ADOT
25 has failed to demonstrate the preferred alternative for

1 the South Mountain Freeway is the least environmentally
2 damaging practical alternative as required by EPA
3 guidelines.

4 Given the known impacts of the project ADOT
5 is required to consider additional alignments for the
6 freeway, including those that would have avoided South
7 Mountain and other protected resources regardless of the
8 fact that these alternatives were screened out in the
9 earlier NEPA process. This is a mandatory part of the
10 404(b)(1) Guidelines.

11 Since the Corps is now acknowledging that
12 it did not use the guidelines in the EIS process, these
13 alternatives which could have avoided South Mountain and
14 other important resources should now be assessed in order
15 to determine whether they are practicable and within
16 meaning of the EPA guidelines.

17
18 AARON SABORI

19 MR. SABORI: My name is Aaron Sabori, and
20 I'm from District 6. I'm 56 years old, and I used to
21 play in the mountains here that we're talking about since
22 I was a young man.

23 My grandfather told me in 1968 that this,
24 what's going on right now, would happen.

25 What I feel is that if we can't get the

1 first option, which was to deny the permit, then I would
2 think that we would, as a community, we would be looking
3 at No. 3, the third option, which was a special permit
4 with allowing this District 6, because the impact of the
5 water coming off that mountain is directly -- directly
6 affects us that live here, with the special permit that
7 anything that is done here could be brought to the
8 community to vote on at one of our regular or special
9 district meetings. As I've said, the water that comes
10 off of there will directly impact this community.

11 And my grandfather and the teachers from
12 way back in the old days used to tell us that water had
13 memory, and that it will remember its route, and it will
14 find a way to get back there. So the water coming off of
15 South Mountain has a memory of how it used to reach the
16 Gila River. And a lot of those tributaries go through
17 our community.

18 And so if we were to be included in any
19 kind of decision making on that and it brought to the
20 people as a vote, I believe that that would give us some
21 optimism about what's going to happen to us in the long
22 run.

23 Um, in 53 years of living in my mom's old
24 house there, we seen flooding about three years ago, and
25 it was about ten inches inside her house; that's never

1 happened. And my, my yard was inundated with water. And
2 after the residue, after the water followed one of these
3 tributaries and the residue that was left, it contained a
4 black film on top of the surface of our, my yard there
5 and so in a way that I could chip it away like a flake.

6 And that brings me to back to the, my
7 belief that as long as we can have some say in there, we
8 can remind these people of these -- the knowledge that
9 the water has of where its path is, because what it was
10 doing it was -- there's a wash behind my house, and it
11 was trying get back to that wash, I believe.

12 But as long as we keep building up and
13 adding to the mountains and changing the water ways, um,
14 it's going to try to get back. And so eventually we are
15 going to have to deal with some kind of, something left
16 over, some kind of residue whether it's gas, oil,
17 whatever that's going to come off there, something
18 toxin (sic).

19 So in the long run, we need to be able to
20 protect ourselves, not only for our future but for our
21 health -- if our youth start showing signs, then we need
22 to be able to provide some kind of information as to what
23 might be coming off that mountain through regular tests
24 may be done on some of the water that's collected or kept
25 in some of these drainage pathways that the water has

1 gone through for eons.

2 So that's kind of my thought on this right
3 now. And I just thank you for the opportunity to speak
4 my mind and my heart. That's it. Thank you.

5

6

STEVE BRITTLE

7

PROTECTING ARIZONA'S RESOURCES AND CHILDREN

8 MR. BRITTLE: I didn't get a chance to go
9 through all of my comments, so I want to add these on; I
10 know someone will find them.

11 What are the possible hazardous waste or
12 materials that would be uncovered or generated and how
13 will they be handled? There is no information at all
14 provided in the information on this proposed permit.

15 Where are the storage areas where water
16 would settle before discharge?

17 And what are the plans to treat or pretreat
18 them before discharge into the waters of the
19 United States.

20 The draft Highway Drainage Manual from ADOT
21 is from February 2015, and there is no update. It is
22 improper to use a draft document for this permit.

23 We also have concerns about the inadequacy
24 of ADOT's designs. Along Pecos Road there have already
25 been flood events that show the inadequacy and the

1 incompetence of ADOT. There were currently three large
2 culverts under Pecos Road that have proved insufficient
3 in September of 2014.

4 Can you help us understand how runoff water
5 from Kyrene De La Estrella, Kyrene Akimel A-al, Bridgeway
6 Community Church and Foothills Mountain Ranch will get
7 south of the freeway as the freeway will form a damn, a
8 barrier.

9 Between 24th Street and the culvert east of
10 27 Place on Pecos Road, which is the eastern freeway
11 alignment, there may be soon insufficient egress for
12 water designed to go to the GRIC, the Gila Indian River
13 Community, acronym.

14 A pair of grade schools and Foothills
15 Mountain Ranch Homeowner's Association will pay the price
16 when we receive our next 500 year Storm. ADOT preferred
17 the design, presenting only a "preliminary" design, which
18 appears too dependent on the Foothill Mountain Ranch's
19 retention area south of Liberty Lane.

20 Is this sufficient? Reasonable? Prudent?
21 Ethical? Legal? The question remains.

22 Personally, I have been involved with
23 hundreds of permit processes and a variety of
24 environmental laws. This is the first time I've ever
25 seen a proposed permit with no information, no proposed

1 anything. This is like writing a blank check, signed
2 taxpayers of the United States.

3 I don't think this is legal. I think this
4 is rather appalling. Um, if the Corp issues this permit,
5 it can expect legal action. Thank you.

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PLINY DRAPER

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MR. DRAPER: My name first, Pliny Draper.

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10 It just occurred to me that what the people
11 on the north side of the mountain would feel like if they
12 built this freeway right up against the mountain and
13 obstructing their beautiful view of the mountain. And
14 they would be up in arms because the property values
15 would drop tremendous (sic). There is no way they would
16 ever build that freeway through there.

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So I'm wondering, why is it the people on
the south side of the mountain don't seem to have the
same rights, that their view would be obstructed by this
very ugly, ugly freeway running through, drop the
property values. Right now, there aren't very many
people, but what about the future, the future values,
obliterated, here in 2017? Why are those people, the
people on the north side seem to have more rights than
those on the south side? It doesn't -- it doesn't add
up.

1 That's all I have to say. It's the thought
2 that came through my mind.

3 (END OF UNLIMITED TIME COMMENTS.)
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