U.S. ARMY CORPS OF ENGINEERS
PUBLIC HEARING (May 9, 2017)
Loop 202 South Mountain Freeway Project
(UNLIMITED TIME COMMENTS)
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 Counsel, 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
Preserve. Mitigation of the crossings of the Salt River must consider access to recreational areas upstream and downstream, including Tres Rios and Rio Salado Oeste project.

It is 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, end quote. 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 PMPC and those who value the South Mountain Preserve and its surrounding environment, we request that the Army Corps deny the permit since it's not in the public interest and because there are less environmentally harmful yet feasible alternatives that have 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 Save Our Sonoran line of 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 project are outweighed by it's probable impacts, including cumulative impacts on the public interest as a whole.

These detrimental impacts include among other things: The physical destruction of mountain ridges, including two within the South Mountain Preserve, which will impact significant views and aesthetic values of the preserve. Associated harm to cultural resource and archeological sites and denigration of South Mountain as a sacred site and traditional cultural property for nearby Native American communities. Loss of historic recreational trails and trail conductivity. Disruption of recreational values, harm to wildlife, and biological resources as well as wildlife and plant corridors, destruction of desert echo systems, including washes and drains and impacts to water quality, increased air pollution from construction and use of the freeway.
The Corps has failed to adequately disclose mitigation plans for the project. The public notice offers little specificity as to how ADOT will avoid, minimize and compensate for the impacts of the project, noting only that the Army Corps is, quote, still viewing and evaluating applicant's mitigation package, unquote. And that, quote, the proposed mitigation may change as a result of comments, unquote.

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

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

The proposed alternative is not the least environmentally damaging practicable alternative: ADOT has failed to demonstrate the preferred alternative for...
the South Mountain Freeway is the least environmentally
damaging practical alternative as required by EPA
guidelines.

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

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

AARON SABORI

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

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

What I feel is that if we can't get the
first option, which was to deny the permit, then I would think that we would, as a community, we would be looking at No. 3, the third option, which was a special permit with allowing this District 6, because the impact of the water coming off that mountain is directly -- directly affects us that live here, with the special permit that anything that is done here could be brought to the community to vote on at one of our regular or special district meetings. As I've said, the water that comes off of there will directly impact this community.

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

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

Um, in 53 years of living in my mom's old house there, we seen flooding about three years ago, and it was about ten inches inside her house; that's never
happened. And my, my yard was inundated with water. And after the residue, after the water followed one of these tributaries and the residue that was left, it contained a black film on top of the surface of our, my yard there and so in a way that I could chip it away like a flake.

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

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

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

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

STEVE BRITTLE

PROTECTING ARIZONA'S RESOURCES AND CHILDREN

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

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

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

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

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

We also have concerns about the inadequacy of ADOT's designs. Along Pecos Road there have already been flood events that show the inadequacy and the
incompetence of ADOT. There were currently three large culverts under Pecos Road that have proved insufficient in September of 2014.

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

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

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


Personally, I have been involved with hundreds of permit processes and a variety of environmental laws. This is the first time I've ever seen a proposed permit with no information, no proposed
anything. This is like writing a blank check, signed taxpayers of the United States.

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

PLINY DRAPER

MR. DRAPER: My name first, Pliny Draper.

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

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

(END OF UNLIMITED TIME COMMENTS.)