

ARIZONA DEPARTMENT OF TRANSPORTATION

Environmental Planning

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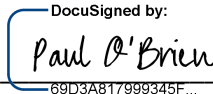
Environmental Assessment Re-evaluation

for

US 93, Cane Springs Roadway Widening

Federal Project No. 093-B(223)T

ADOT Project No. 093 MO 105 F0601 01C

Approved By: 
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Date: 5/7/2024

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This Environmental Assessment Reevaluation has been prepared in accordance with provisions and requirements of Chapter 1, Title 23 USC; 23 CFR 771.129(c) relating to the implementation of the National Environmental Policy Act of 1969. The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding date April 16, 2019, and executed by FHWA and ADOT.

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1. Project Information

1.1. Introduction

This formal project re-evaluation has been prepared consistent with Arizona Department of Transportation (ADOT) Environmental Assessment (EA) and Environmental Impact Statement Guidance and Federal Highway Administration (FHWA) Re-evaluations Guidance.

In April 2001, ADOT and FHWA completed a Design Concept Report (DCR) and EA to widen the US 93 corridor between Wikieup, AZ and Interstate 40, inclusive of the current project limits. The US 93, Cane Springs Roadway Widening project has been re-evaluated pursuant to 23 CFR 771.129 because five years have passed since the date of the EA approval, and several regulatory procedures and requirements have been revised as listed in *Section 2.1.3*.

1.2. Approved EA

The 2001 DCR and EA for the US 93 – Wikieup to Interstate 40 project (FHWA Federal Aid Number STP-035-1(), ADOT Project Number 93 MO 91 H4423 01D) subdivided the US 93 corridor into four study zones (i.e. A – D). The US 93, Cane Springs Roadway Widening project limits fall within Study Zone C.

A Finding of No Significant Impact (FONSI) for the US 93 – Wikieup to Interstate 40 project was approved on April 4, 2001. There is no prior EA Re-evaluation within the current project study area. Nine previous roadway widening projects have been completed within the limits of the EA. This project is the final segment of the improvements approved in the EA.

1.3. Project Description

1.3.1. Location

The project is located between milepost (MP) 105.7 and MP 109.9 on US 93, approximately 13 miles north of the unincorporated community of Wikieup and approximately 13 miles south of Interstate 40 (I-40) in Mohave County, Arizona. The cadastral location is Township 18 North, Range 13 West, Sections 08, 09, 16, 21, 28, and 33 (see **Attachment B**).

1.3.2. Scope of Work

The project would widen US 93 from a two-lane undivided roadway to a four-lane divided highway. This would include constructing two new bridges over Cane Springs Wash.

The major features of the project in this EA re-evaluation include:

- Constructing two new 12-foot-wide southbound lanes approximately 200 feet west of the existing highway.
- Reconstructing the existing roadway to two new 12-foot-wide northbound lanes on or adjacent to the roadway where required.
- Removing the existing Cane Springs Wash Bridge on US 93.

- Constructing two new 420-foot-long bridges at Cane Springs Wash for the new divided northbound and southbound lanes.
- Extending four box culverts and reconstructing all pipe culverts under US 93.
- Removing and reconstructing the existing private driveways immediately north of Cane Springs Wash.
- Reconstructing the intersection turnout at Upper Trout Creek Road.
- Constructing temporary traffic crossovers to accommodate construction phasing.
- Relocating an overhead powerline and an underground telephone line
- Realigning existing drainage channels north of Cane Springs Wash.
- Installing advanced traffic control signage as needed.
- Obtaining Temporary Construction Easements (TCEs) for utility and private driveway construction.

1.3.3. Schedule

Construction is anticipated to start in fall of 2024 and last approximately two years.

1.3.4. Fiscal Constraint

Funding for this project is included in the ADOT 2024-2028 Five-Year Program¹, ADOT project number F0601 01C, adopted by the State Transportation Board on June 16, 2023.

2. Environmental Considerations

Resources have been re-evaluated based on elapsed time, design, Right-of-Way (ROW) or regulatory changes since the previously approved Finding of No Significant Impact (FONSI).

2.1. Changes

2.1.1. Substantial Design Changes

There have been no substantial design changes from the Final EA. Minor modifications to the location of the northbound Cane Springs Wash Bridge and alignment of the connecting northbound lanes were made to maintain traffic on the existing bridge during construction. Minor modifications were made to the alignment of the private driveways north of Cane Springs Wash to reduce the grade of the driveways and provide better line-of-sight when entering US 93. Minor modifications were made for the addition of Temporary Construction Easement (TCE) needed for relocation of utilities.

2.1.2. Right-of-Way Changes

The project would occur within and adjacent to existing ADOT ROW through private lands and through easements on Arizona State Land Department (ASLD) and Bureau of Land Management (BLM) lands. The 2001 EA identified that a substantial amount of new ROW from private, ASLD, and BLM would be

¹ Arizona Department of Transportation (ADOT). 2024. 2024-2028 Five-Year Transportation Facilities Construction Program. Accessed at <https://azdot.gov/sites/default/files/2023-06/2024-2028-Final-Five-Year-Transportation-Program.pdf>

needed to accommodate the widened footprint of US 93. New ROW for this project was acquired when the 2001 EA was approved and no new ROW is needed for the proposed project.

New Temporary Construction Easements (TCEs) have been identified that were not evaluated in the 2001 EA. Approximately 13 acres of TCEs will be needed to accommodate minor modifications to the footprint of driveway reconstructions, for utility relocations, and for reshaping of Cane Springs Wash within existing drainage easement.

2.1.3. Regulatory Changes

The following applicable regulatory changes have occurred since the EA.

Title VI/ Environmental Justice

- The Department of Transportation (DOT) issued an Updated Environmental Justice Order 5610.2(a) on May 2, 2012. Revised May 16, 2021 [56102(c)].
- The FHWA issued order 6640.23A FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations on June 14, 2012, which cancelled the FHWA Order 6640.23 FHWA Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1998).

NEPA

- The 327 NEPA Assignment Memorandum of Understanding (MOU) was signed by FHWA and ADOT on April 16, 2019.

Biological Resources

- The monarch butterfly (*Danaus plexippus*) was listed as a candidate species under the Endangered Species Act (ESA) on December 17, 2020.
- The yellow-billed cuckoo (*Coccyzus americanus*) was listed as threatened under the ESA on October 3, 2014.
- The Sonoran Desert tortoise (*Gopherus morafkai*) Candidate Conservation Agreement was signed by ADOT on May 27, 2015.

Water Resources

- The Environmental Protection Agency (EPA) and the US Army Corps of Engineers (USACE) amended the Code of Federal Regulations (CFR) to conform the definition of “Waters of the US” to the 2023 *Sackett v. EPA* Supreme Court decision. The amendment removed the significant nexus standard from the tributaries provision, the adjacent wetlands provision, the interstate lakes provision, and ponds, streams or wetlands not otherwise identified in the definition. The final rule went into effect on September 8, 2023.

Noise

- Pursuant to updates to 23 CFR 772, ADOT published Noise Abatement Requirements in May 2017.

2.2. Environmental Resources Requiring no Further Analysis

The following resources were included in the EA; however, they were not affected by changes in regulation or design changes since the time of the FONSI:

- Air Quality
- Stormwater
- Floodplains
- Earth/Mineral Resources
- Pedestrians and Bicycles

Re-evaluation of impacts was not conducted for these resources and environmental considerations.

2.3. Affected Environmental Resources

The following resource areas were identified for study as part of this EA re-evaluation due to changes in design or regulatory conditions:

2.3.1. Land Use

The 2001 EA stated that new ROW would be needed from private land, BLM land, and ASLD land. The primary impacts to land use listed in the 2001 EA were concerning impacts to grazing allotments on BLM and ASLD land. New ROW for this project was acquired when the 2001 EA was approved, and no new ROW needs to be acquired at this time.

Approximately 11.6 acres of TCEs would be required on private lands to reestablish private driveways and reshape Cane Springs Wash within the existing drainage easement. Approximately 2.4 acres TCEs would be required on ASLD land for the relocation of overhead powerlines. The TCEs are not anticipated to have any long-term effects on the use of lands adjacent to the new US 93 alignment.

2.3.2. Socioeconomic Impacts

The 2001 EA identified business and residential relocations that would be required in study zones A, B and D. The current project limits lie entirely within study zone C where no relocations were identified. This remains true for the current EA re-evaluation. Short term economic impacts may result from increased congestion on US 93 during construction; however, these would be minimized by maintaining traffic flow in both directions and providing access to residential properties.

Demographic characteristics for the project were collected for a 2-mile buffer surrounding the study area, called the analysis area, as shown in **Attachment C**. A 2-mile buffer was used because the project is within a sparsely populated, rural area. Data from the U.S. Census Bureau's 2022 American Community Survey (ACS) 5-Year Estimates were collected at the Census Tract (CT) and Block Group (BG) level. A total

of two CTs and two BGs were included in the analysis. The collected demographics were compared to data collected for Arizona, Mohave County, and the closest communities of Kingman and Wikieup. Detailed data tables are provided below in **Table 1** through **Table 4**.

The Americans with Disabilities Act of 1990 (ADA)² stipulates that people with disabilities be involved in developing and improving public services. In highway planning, collaboration with persons with disabilities is essential in considering whether infrastructure modifications are needed to make the Disabled or handicapped populations are defined as any person who has a physical or mental impairment that substantially limits one or more major life activities. ACS 5-year estimates (2018-2022) were not available at the Block Group (BG) level and only Census Tract (CT) data were used. Study geographies have a relatively high percentage of disabled populations (between 23 and 28 percent), which are also higher than comparison geographies (See **Table 1**). Kingman and Mohave County also had a significant disabled population when compared to the Arizona average.

Table 1. Disabled Populations by Census Tract

Geography*	Population	Disabled	Percent
Census Tract 9548.01	2,991	712	23.80%
Census Tract 9548.02	2,690	742	27.58%
Total	5681	1454	25.59%
Kingman	31,644	6,525	20.62%
Wikieup	32	0	0.00%
Mohave County	210,649	46,886	22.26%
Arizona	7,060,320	942,953	13.36%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table DP02

Note: *Table DP02 does not report demographic data at the Block Group Level; Census Tract level data were used.

Elderly populations are defined as any person who is age 65 or older. Study geographies had a significantly higher percentage of elderly populations when compared to Kingman, Mohave County, and Arizona. Wikieup had an overwhelming majority of elderly individuals accounting for 30 of the 32 people residing in the community (see **Table 2**).

Table 2. Elderly Populations by Census Tract and Block Group

Geography	Population	Elderly (Age 65 and over)	Percent Age 65 and over
Census Tract 9548.01	2,991	1,270	42.46%
Block Group 3	720	275	38.19%
Census Tract 9548.02	4,369	1,424	32.59%
Block Group 4	491	319	64.97%

² Americans with Disabilities Act of 1990, 42 U.S.C. 12101.

Geography	Population	Elderly (Age 65 and over)	Percent Age 65 and over
Total for Block Groups	1211	594	49.05%
Kingman	33,052	7,956	24.07%
Wikieup	32	30	93.75%
Mohave County	214,229	66,984	31.27%
Arizona	7,172,282	1,297,802	18.09%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B01001

Female Householders are defined as a female head-of-household with no spouse present and with at least one person under the age of 18. Study geographies had significantly lower percentages of female householders than the study geographies. Block Group 3 and 4 had zero (0) reported female householders (see **Table 3**).

Table 3. Female Householders by Census Tract and Block Group

Geography	Total Households	Female Householders*	Percent Female Householders
Census Tract 9548.01	1410	19	1.35%
Block Group 3	344	0	0.00%
Census Tract 9548.02	1567	18	1.15%
Block Group 4	263	0	0.00%
Total for Block Groups	607	0	0.00%
Kingman	14029	1,074	7.66%
Wikieup	15	0	0.00%
Mohave County	95169	5,392	5.67%
Arizona	2739136	207,391	7.57%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B11005.

Note: *A female householder is defined as a female head-of-household with no spouse present and 1 occupant under 18.

Limited English Proficiency (LEP) individuals are defined as a person for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. The Department of Transportation Safe Harbor Stipulation states that written translations must be provided to any language group that exceeds 5% of the population or has 1,000 individuals, whichever is less. The study geographies did not have any languages that reached this threshold with approximately 96% to 99% of individuals speaking English at least “very well” (see **Table 4**).

Table 4. Limited English Proficiency by Census Tract

Geography*	Total Population	Only English/Very Well		Spanish		French		German		Russian		Other Indo – European Languages	
		#	%	#	%	#	%	#	%	#	%	#	%
Census Tract 9548.01	2,950	2,918	98.92%	20	0.68%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Census Tract 9548.02	4,312	4,137	95.94%	155	3.59%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total	7,262	7,055	97.15%	175	2.41%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Kingman	31,241	30,686	98.22%	351	1.12%	17	0.05%	0	0.00%	0	0.00%	36	0.12%
Wikieup	32	32	100.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Mohave County	205,348	199,147	96.98%	4,969	2.42%	63	0.03%	10	0.00%	77	0.04%	54	0.03%
Arizona	6,769,646	6,222,752	91.92%	427,826	6.32%	3,393	0.05%	1,773	0.03%	6,453	0.10%	17,422	0.26%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table C16001

Note: *Table C16001 does not report demographic data at the Block Group Level; Census Tract level data were used.

Table 4. Limited English Proficiency by Census Tract, Continued

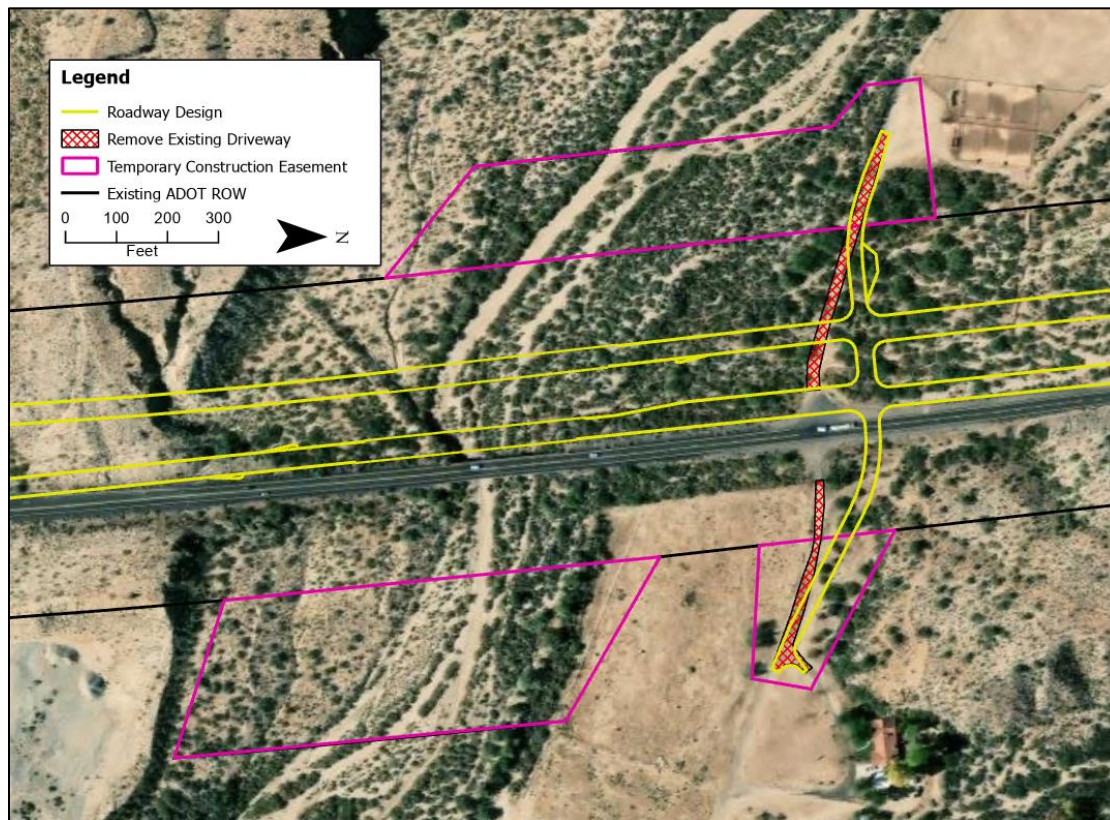
Geography*	Total Population	Korean		Chinese		Vietnamese		Tagalog		Arabic		Other Language	
		#	%	#	%	#	%	#	%	#	%	#	%
Census Tract 9548.01	2,950	0	0.00%	0	0.00%	0	0.00%	3	0.10%	0	0.00%	9	0.31%
Census Tract 9548.02	4,312	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	20	0.46%
Total	7,262	0	0.00%	0	0.00%	0	0.00%	3	0.04%	0	0.00%	29	0.40%
Kingman	31,241	0	0.00%	0	0.00%	0	0.00%	2	0.01%	0	0.00%	149	0.48%
Wikieup	32	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Mohave County	205,348	100	0.05%	69	0.03%	65	0.03%	97	0.05%	151	0.07%	546	0.27%
Arizona	6,769,646	4,625	0.07%	15,006	0.22%	11,334	0.17%	5,788	0.09%	7,922	0.12%	45,352	0.67%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table C16001

Note: *Table C16001 does not report demographic data at the Block Group Level; Census Tract level data were used.

The proposed improvements would occur primarily within or directly adjacent to the existing highway corridor which travels through sparsely developed or undeveloped lands. There are no recreation facilities, community resources, schools, or neighborhoods that may be impacted by the project. There are two isolated ranch properties on the east and west side of US 93 north of Cane Springs Wash. The residential buildings on these ranch properties are located approximately 600 to 1,300 feet away from the new travel lanes. The proposed project would widen the existing highway, and no new ROW would be needed from these ranch properties. Due to the higher vertical profile of US 93, and the construction on a new crossover to provide access to and from both directions of traffic, TCEs would be needed to reconstruct the private driveways (see **Figure 1**). Access to the driveways and properties would be maintained throughout construction, and no closures of US 93 are anticipated. Construction of temporary crossovers may be required to maintain access during the different phases of construction. Due to the sparse, isolated nature of the residential development, there would be no impact to community cohesion.

Figure 1. Reconstruction of Private Driveway with Temporary Construction Easements



The 2001 EA found a lower percentage of individuals 65 or older than this re-evaluation. The Environmental Justice/Title VI analysis in the 2001 EA did not include disabled populations, LEP populations, or female householders. The project will provide long-term benefits to all roadway users by constructing necessary safety improvements and providing increased capacity to reduce anticipated

future congestion conditions. Based on the updated Socioeconomic analysis conducted in this EA re-evaluation the findings of the 2001 EA have been determined to remain valid.

2.3.3. Environmental Justice

Executive Order 12898, Federal Actions to Address Environmental Justice (EJ) in Minority Populations and Low-Income Populations, directs that federal programs, policies, and activities not have disproportionately high and adverse human health and environmental effects on minority and low-income populations. DOT Order 5610.2(a)³ and FHWA Order 6640.23A⁴ require compliance with Executive Order 12898 mandating the full and fair participation by all potentially affected communities in the transportation decision-making process.

An adverse effect is a significant individual or cumulative human health or environmental effects (e.g., the displacement of a household structure or business as a requirement to build a project). A disproportionately high and adverse effect on minority and low-income populations means that an adverse effect is:

- Is predominantly borne by a minority population and/or a low-income population or
- Will be suffered by the minority populations and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Minority and low-income population data were collected for the same 2-mile analysis area as the socioeconomic demographics. The same two CTs and BGs were analyzed and compared to data collected for Arizona, Mohave County, Kingman, and Wikieup. **Attachment C** provides a summary of the low-income and minority populations. Detailed data tables are provided below in **Table 5** through **Table 7**.

A minority or low-income population is defined by FHWA as any readily identifiable group of low-income or minority persons who live in geographic proximity; and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

DOT and FHWA define (5) minority groups as follows:

- Black (a person having origins in any of the black racial groups of Africa).
- Hispanic or Latino (a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race).
- Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent).

³ Department of Transportation. Updated Environmental Justice Order 5610.2(a). (May 2, 2012).

⁴ Federal Highway Administration. FHWA Order 6640.23A. (June 14, 2012).

- American Indian and Alaskan Native (a person having origins in any of the original people of North America, South America, including Central America, and who maintains cultural identification through tribal affiliation or community recognition).
- Native Hawaiian or Other Pacific Islander (people having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

The 2022 ACS 5-Year Estimates show that the Analysis Area is predominantly White ranging from 83.5% to 90.42%. **Table 5** presents a summary of the minority populations within the analysis area. A detailed table is included as **Attachment D**. This is comparable to the comparison geographies of Kingman, Wikieup, and Mohave County. Arizona overall has a significantly higher percentage of minority populations with approximately 1/3 of the population identifying as a minority.

Table 5. Minority Populations by Census Tract and Block Group, Summary

Geography*	Total Population	Non-Minority (White alone)		Minority Total	
	#	#	%	#	%
Census Tract 9548.01	2,991	2,703	90.37%	288	9.63%
Block Group 3	720	651	90.42%	69	9.58%
Census Tract 9548.02	4,369	2,987	68.37%	1,382	31.63%
Block Group 4	491	410	83.50%	81	16.50%
Total for Block Groups	1211	1061	87.61%	150	12.39%
Kingman	33,052	28,168	85.22%	4,884	14.78%
Wikieup	32	32	100.00%	0	0.00%
Mohave County	214,229	178,146	83.16%	36,083	16.84%
Arizona	7,172,282	4,781,702	66.67%	2,390,580	33.33%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B03002

Note: *Only census tracts and block groups within 2 miles of the study area were included in the analysis.

In accordance with ADOT Environmental Planning Environmental Justice guidelines⁵, low-income populations were defined based on a comparison of the median income to the Department of Health and Human Services (HHS) poverty guidelines for a family of four. The HHS poverty guideline for 2024 was \$31,200⁶. The study geographies and comparison geographies have median income above the poverty guideline. No low-income populations have been identified in the study area (see **Table 6**).

Table 6. Median Income by Census Tract and Block Group

Geography*	Median Income	Income Below Poverty Guideline**
Census Tract 9548.01	\$54,688	No

⁵ ADOT. 2023. Environmental Justice Analysis Procedures. Accessed at <https://azdot.gov/sites/default/files/2023-08/environmental-justice-analysis-procedures-july-2023.pdf>

⁶ Department of Health and Human Services (HHS). 2024. 2024 Poverty Guidelines 48 Contiguous States. Accessed at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>

Geography*	Median Income	Income Below Poverty Guideline**
Block Group 3	\$59,500	No
Census Tract 9548.02	\$38,551	No
Block Group 4	\$46,719	No
Average for Block Groups	\$53,110	No
Kingman	\$56,360	No
Wikieup	\$95,625	No
Mohave County	\$53,592	No
Arizona	\$72,581	No

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B03002.

Note: *Only census tracts and block groups within 2 miles of the study area were included in the analysis.

**The HHS poverty guideline for a family of four in 2022 was \$27,750.

Additional data on poverty status based on the US Census Bureau's definition for poverty was collected to provide a more complete profile. The US Census Bureau data presented in **Table 7** uses a set of income thresholds that vary by family size and composition. If a family's total income is less than the family's threshold then the family and every member in it are considered in poverty. The study geographies were similar to the comparison geographies and did not show a large percentage of low-income populations, which is consistent with the conclusions based on median income data presented in **Table 6**.

Table 7. Low-Income Populations by Census Tract and Block Group

Geography*	Total Population	Low-Income Population**	
	#	#	%
Census Tract 9548.01	2,980	323	10.84%
Block Group 3	720	70	9.72%
Census Tract 9548.02	2,671	415	15.54%
Block Group 4	491	62	12.63%
Total for Block Groups	1211	132	10.90%
Kingman	31,655	4,245	13.41%
Wikieup	32	7	21.88%
Mohave County	209,848	33,597	16.01%
Arizona	7,017,776	916,876	13.07%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B19013

Note: *Only census tracts and block groups within 2 miles of the study area were included in the analysis.

** Poverty status in this dataset is defined by the US Census Bureau using a set of money income thresholds that vary by family size and composition. Poverty thresholds do not vary geographically

and are updated annually using the Consumer Price Index (CPI-U). If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty.

Two TCEs would be required to remove the existing driveways north of Cane Springs Wash and construct adjusted driveways to match the new grade of US 93 and match the location of a new crossover. The crossover will provide access to and from the private driveways from each direction of traffic. Access to the driveways will be maintained during all phases of construction and no closure of US 93 is anticipated. Although the construction of a new crossover will permanently change how the private properties are accessed from US 93, this would not constitute a significant or adverse impact.

The 2001 EA found similar numbers of minority populations and a higher number of low-income populations to the current EA re-evaluation. The current EA re-evaluation represented the location with the lowest population of the 2001 EA and avoids residential developments. The 2001 EA found that the project would not have a disproportionate impact to any protected group. The proposed project would provide necessary safety and capacity improvements which would benefit all populations found within the EJ Analysis Area. There would be no additional impacts to air, noise, water, or health in consideration of EJ populations.

Based on the updated Environmental Justice analysis conducted in this EA Re-evaluation these findings have been determined to remain valid.

2.3.4. Noise Impacts

A noise study was completed in June 2000 to support the 2001 EA due to increases in roadway capacity and to the presence of sensitive noise receptors, primarily in the vicinity of Wikieup. The analysis was completed according to the ADOT Noise Abatement Policy (NAP) dated March 21, 2000. The predicted future noise levels were found to approach or exceed the ADOT NAC at 13 of the 14 identified sensitive receptors. For receiver locations with noise impacts, the predicted noise increase ranged from 2 A-weighted decibels (dBA) to 3 dBA. No substantial noise increases were predicted. Mitigation for traffic noise impacts was assessed in accordance with the ADOT NAP. Impacted receptors outside of Wikieup were considered an "isolated receiver" under the NAP. Noise mitigation was not recommended for the project due to cost per residential unit and visual intrusion of sound barriers.

For the current EA Re-Evaluation, the presence of noise-sensitive receptors adjacent to the current project limits was reviewed from milepost (MP) 105.7 to MP 109.9. There are no noise-sensitive receptors identified within 600 feet of the existing or new travel lanes on US 93 within the current project limits. Two groups of ranch houses exist on the east and west side of US 93, north of Cane Springs Wash. The closest house on the east side is approximately 650 feet from new edge of pavement. The closest house on the west side is approximately 1,300 feet from new edge of pavement.

The review of existing land use in the study area determined that the conclusion in the 2001 EA is still valid. For planning purposes, existing noise levels are estimated to range from 60.24 dBA at 500 feet to 64.88 dBA at ROW line. Future noise levels ranged from 61.75 dBA at 500 feet to 66.25 dBA at ROW line. Closer to the right-of-way line, noise levels could approach or exceed the ADOT NAR for Land Use

Category B residential. At a distance of 500 feet from the travel lanes, noise levels are expected to be well below the NAR for residential land use.

The noise analysis update was approved by ADOT on February 2, 2024 (see **Attachment E**).

2.3.5. Water Resources

2.3.5.1. *Section 404 and 401*

The USACE issued a Jurisdictional Determination (JD) for US 93 from MP 91.0 to MP 127.0 (File SPL-1997-4023500) on June 20, 2011. This determination identified 149 washes as Waters of the US (WOTUS) protected under Section 404 of the Clean Water Act (CWA). Thirty-five of these washes were found within Study Zone C including Cane Springs Wash and numerous unnamed washes. The 2001 EA indicated that the Cane Springs Wash crossing would likely require an individual permit under Section 404. The USACE issued a subsequent JD for US 93 from MP 108.9 to MO 113.0 (File SPL-2008-01115) on January 8, 2009. In Arizona, Section 404 permits also require Section 401 Water Quality Certification (WQC) from the Arizona Department of Environmental Quality (ADEQ). WQCs ensures that projects will not violate surface water quality standards by limiting discharges into impaired, non-attaining, or Outstanding Arizona Waters (OAWs). Cane Springs Wash is not impaired, non-attaining or an OAW.

Since the publication of the 2001 EA the US EPA and the USACE amended the definition of Waters of the US. The amendment removed the significant nexus standard. The final rule went into effect on September 8, 2023. An Approved Jurisdictional Determination (AJD) was prepared for the current EA Re-Evaluation in February 2024. The AJD identified Cane Springs Wash and nineteen (19) unnamed washes as having an Ordinary High Water Mark (OHWM). Additionally, fifteen (15) erosional features not exhibiting an OHWM were identified. The AJD proposes that Cane Springs Wash, all unnamed washes, and all erosional features in the Project Study Area are not jurisdictional waters. The USACE concurred with this determination on May 3, 2024 (File SPL-2024-00070) (see **Attachment F**). Therefore, a Section 404 permit to the USACE and a 401 WQC application submission to ADEQ are not required for this project.

2.3.5.2. *Section 402*

The 2001 EA determined that because five or more acres of land would be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit would be required. ADOT Roadside Development would determine who would prepare the Storm Water Pollution Prevention Plan (SWPPP). District Construction office and the contractor would submit a Notice of Intent (NOI) before construction and a Notice of Termination (NOT) after construction to the US Environmental Protection Agency (EPA) and distribute copies to ADEQ.

The current project would disturb greater than one (1) acre and would require coverage under the Arizona Pollutant Discharge Elimination System (AZPDES) Construction General Permit (CGP). ADOT and the contractor would be required to submit separate NOIs before construction and separate NOTs after construction to ADEQ. Before ground disturbing activities the contractor will prepare a SWPPP and ADOT will review in accordance with the 2023 ADOT Stormwater Management Plan (SWMP).

2.3.5.3. Floodplains

The 2001 EA evaluated the project for impacts to floodplains using the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). The 2001 EA identified eighteen (18) locations where the project either intersected or was adjacent to a 100-year floodplain (Flood Zone A) in Study Zone C. The proposed project could not avoid intersecting floodplains; however, the 2001 EA determined that the project would be designed to minimize floodplain encroachment and would not result in an increase to the base flood elevation of more than one (1) foot. Furthermore, the 2001 EA identified that approximately one-third of the concrete box culverts (CBCs) and corrugated metal pipes (CMPs) that convey stormwater under US 93 were hydraulically inadequate and would be targeted for replacement during construction.

The corresponding FEMA FIRM for the current project is 04015C5250G, effective 11/18/2009. The project is located in the 100-year floodplain of Cane Springs Wash. The current project cannot avoid the intersection floodplains as one of the stated purposes of the project is to construct new bridges over Cane Springs Wash and replace the hydraulically inadequate drainage structures. Drainage structures within the project are being reconstructed to improve hydraulic performance.

2.3.6. Biological Resources

The 2001 EA evaluated the study zones for the presence of protected vegetation, wildlife conflicts, and special status species. A Biological Evaluation (BE) was prepared to identify potential impacts from the current project to biological resources in the study area. A field survey was conducted on August 31 and September 1, 2023. The Arizona Game and Fish Department (AZGFD) was consulted on the project and provided an official response letter which was included in the BE. The BE was approved by ADOT on February 28, 2024 (see **Attachment G**).

2.3.6.1. Vegetation

The 2001 EA determined that no *Highly Safeguarded* plants from the Arizona Department of Agriculture list of Protected Native Plants occur in the vicinity of the project. *Salvage Restricted* plants would include banana yucca, Joshua tree, saguaro, barrel cactus, buckhorn cholla, and prickly pear may occur in the study area and must be salvaged by the contractor where feasible. The current project BE includes mitigation measures to minimize the impacts to Protected Native Plants including stipulations that the same *Salvage Restricted* plants be salvaged and transplanted.

2.3.6.2. Wildlife

The 2001 EA included information from AZGFD on the locations of deer/vehicle conflicts within the study zones. Other wildlife assumed to have vehicle conflicts included mountain lion, coyote, javelina, and desert tortoise. AZGFD requested that wildlife crossings be provided at specified locations, including Cane Springs Wash. The current AZGFD consultation letter requested that drainage structures such as bridges and concrete box culverts be designed to incentivize wildlife movement. The current project includes reconstructing four box culverts and constructing two new bridges over Cane Springs Wash that are designed for wildlife movement.

2.3.6.3. *Special Status Species*

The 2001 EA included consultation with US Fish and Wildlife Service (USFWS) and AZGFD to identify endangered, threatened, proposed, and candidate species in the study zones. It was determined that no listed species or designated critical habitat would be affected by the project. Sonoran Desert tortoise was observed in the study zones and guidelines for handling desert tortoise were included to minimize direct impacts to the species (See **Attachment H**).

A Biological Evaluation (BE) was prepared to evaluate potential impacts from the current project to biological resources in the study area. The USFWS Information for Planning and Conservation (IPaC) system was accessed on January 29, 2024 to identify species listed under the Endangered Species Act (ESA). The BE determined that no threatened or endangered species would be affected by the proposed project and no Section 7 consultation with USFWS would be required. However, the project may impact Sonoran Desert tortoise (*Gopherus morafkai*) which is protected under a Candidate Conservation Agreement signed May 27, 2015. The BE included mitigation measures to minimize impacts to Sonoran Desert tortoise.

The AZGFD Online Environmental Review tool was accessed on January 29, 2024, to identify special status species known to occur within three miles of the study area (Search ID: HGIS-20216). The tool listed: Gila Longfin Dace (*Agosia chrysogaster chrysogaster*), Arizona toad (*Anaxyrus microscaphus*), desert sucker (*Catostomus clarkii*), Sonora sucker (*Catostomus insignis*), roundtail chub (*Gila robusta*), Sonoran Desert tortoise (*Gopherus morafkai*), Gila monster (*Heloderma suspectum*), and lowland leopard frog (*Rana yavapaiensis*) as occurring in the search area. Fish and amphibian species are not likely to be impacted due to the lack of flowing water in the study area. As stated above, mitigation measures to minimize impacts to Sonoran Desert tortoise were included in the project BE. The BE recommended that if Gila monster is encountered that they are removed from the work area. There were no handling guidelines provided specific to Gila monster.

The AZGFD consultation letter included recommendations that bridges be designed for the use of bats. During the field survey, structures were investigated for evidence of bats and no evidence was observed. Mitigation measures to minimize impacts to migratory birds were also recommended. The BE included measures to minimize impacts by requiring an approved biologist to conduct a nest search if clearing of vegetation is required during the breeding season.

2.3.7. Cultural Resources

In November 2023, a Class III cultural resource inventory was performed for the Area of Potential Effects (APE) which included existing ADOT ROW, ASLD, BLM, and private lands. Approximately 369.7 acres of the APE had been previously surveyed and approximately 5.3 acres had not been previously surveyed. The results were submitted to ADOT in the *Cultural Resource Survey of 375 Acres for the US Highway 93*

Cane Springs Widening Project between Mileposts 105.4 and 110.2, Mohave County, Arizona (Rogge et al. 2024⁷).

The cultural resources inventory was completed in compliance with the requirements set forth in 36 CFR 800 (as revised in 2004), the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) because the project has federal funding. The project is also subject to compliance with the Arizona Antiquities Act (Arizona Revised Statute [ARS] 41-841 et seq.) and the Arizona State Historic Preservation Act (ARS 41-861–41-864).

Three (3) cultural resources were identified within the APE; historic Hillside-Signal-Hackberry-Kingman Road, historic US Highway 93, and historic Cane Springs Wash Bridge. These resources are described below.

2.3.7.1. Historic Hillside-Signal-Hackberry-Kingman Road [AZ M:6:3(ASM)]

The Hillside-Signal-Hackberry-Kingman Road is a network of historic roads in the Big Sandy River Valley dating from the early 1900s. The roads linked ranches and mining areas to Kingman and the trans-continental railroad, and the Phoenix area. Many were in use until the construction of the current US 93 in the late-1950s. FHWA and ADOT determined this network of roads was eligible for the NRHP under Criterion D (Jacobs [State Historic Preservation Office, SHPO] to Leonard [ADOT], 22 Aug 2003) for the information it may provide about linkages of the Big Sandy River Valley to economic markets and political centers in Mohave County, the Phoenix area, and beyond (Moreno and others 2001⁸; Hackbarth 2003⁹; Dosh 2022a¹⁰, 2022b¹¹).

Three previously recorded segments of the historic Hillside-Signal-Hackberry-Kingman Road were identified within the APE. The northernmost is east of US 93 at the northern end of the APE between MP 105.4 and MP 105.7. This segment, which was originally recorded as the Signal to Kingman and Hackberry Road – West Segment 1 (Moreno and others 2001), is 1,740 feet long and continues to be used as a ranch road that appears to provide access to a steel cattle tank. Two other abandoned segments were identified near the southern end of the APE, west of the new southbound travel lanes of

⁷ Rogge, Gene and Kirvan, Chad V. 2024. *Cultural Resource Survey of 375 Acres for the US Highway 93 Cane Springs Widening Project between Mileposts 105.4 and 110.2, Mohave County, Arizona*. AECOM, Phoenix, Arizona.

⁸ Moreno, Jeryll, Teresa Hoffman, and Karolyn Jackman. 2001. *Cultural Resources Survey of the Proposed US 93 Wikieup to I-40 Design Alternatives, Mohave County, Arizona*. Archaeological Consulting Services, Tempe, Arizona

⁹ Hackbarth, Mark R. 2003. *Antelope Wash Design Segment, a Preliminary Report of Archaeological Investigations along U.S. 93 in the Wikieup to I-40 Design Segments, Mileposts 91.2 to 127.0, Mohave County, Arizona*. Northland Research, Tempe, Arizona.

¹⁰ Dosh, Steven G. (compiler). 2022a. *Archaeological Investigations along U.S. Highway 93, Part I: Historic and Prehistoric Sites North of Wikieup, Mohave County, Arizona*. Technical Report 21-23. Northland Research, Flagstaff, Arizona.

¹¹ Dosh, Steven G. (compiler). 2022b. *Archaeological Investigations along U.S. Highway 93, Part II: Synthesis of the U.S. 93 Investigations, 1998-2018*. Technical Report 21-24. Northland Research, Flagstaff, Arizona.

US 93 between MP 109.7 and MP 109.9. Those segments were originally recorded as the Signal to Kingman and Hackberry Road – West Segment 2 (Moreno and others 2001).

The survey identified three segments of in-use roads that had not been specifically described, but a February 1954 aerial photo (USGS 2023b¹²) confirmed they were part of the pre-US 93 road network in the Big Sandy River Valley and are considered part of the historic Hillside-Signal-Hackberry-Kingman Road. They are currently known as Blake Ranch Road at MP 105.9, Upper Trout Creek Road (north branch) at MP 107.4 and Cane Springs Ranch Road/Upper Trout Creek Road (south branch) at MP 108.5.

Impacts to the historic road from the project would include installation of two of the temporary advanced construction warning signs and removal and reconstruction of the private driveways north of Cane Springs Wash. Both sign locations are in disturbed shoulders of US 93 and review of aerial photos showed no surviving indication of an abandoned road. The two TCEs required for the private driveways are already paved and therefore ADOT concluded they would not result in an adverse effect.

2.3.7.2. *Historic US Highway 93 [Abandoned Segments Recorded as AZ U:13:248(ASM)]*

The previously recorded historic US 93 extends the length of the APE from MP 105.4 to MP 110.2. Historic aerial photos from 1954 and 1959 indicate this segment of the highway was constructed in its current alignment by the late-1950s (NETROnline 2023¹³; USGS 2023b). In the northern and southern parts of the APE, the highway was previously widened to a four-lane divided highway. The survey found a 1972 Arizona Highway Department survey monument on the east side of the highway and designated it as Feature 1. The survey monument is a metal disk set in concrete and stamped with ARIZONA HIGHWAY DEPT. / P&M / HWY-93 / MP / 109.60 / 1972.

The 174-mile-long highway was designated as State Route 93 in 1946 (ADOT 2023¹⁴), and in 1965 the segment between Wickenburg and Kingman was designated US 93 (Hamilton 2003¹⁵). FHWA previously determined that US 93, as a component of the historic state highway system, is eligible for the NRHP under Criterion D for its potential to yield important information about the development of Arizona's roadways (FHWA and others 2002¹⁶). In accordance with procedures the SHPO concurred with, ADOT previously sponsored documentation of US 93 culverts to mitigate the impacts of a prior pavement preservation project that overlapped the APE (Terhune 2004¹⁷). ADOT previously sponsored data recovery studies and produced a public outreach video to mitigate the adverse effect of widening US 93

¹² USGS. 2023a. *Historical Topographical Map Explorer*. <https://livingatlas.arcgis.com/topoexplorer/index.html>

¹³ NETROnline. 2023. *Historic Aerials by NETROnline*. <https://historicaerials.com/viewer>

¹⁴ ADOT. 2023. *List of Historic Roads*. <https://azdot.gov/about/historic-and-scenic-roads/list-historic-roads>

¹⁵ Hamilton, Alan. 2003. *Arizona Roads*. <https://www.arizonaroads.com/>

¹⁶ Federal Highway Administration, Arizona Dept. of Transportation, and State Historic Preservation Office. 2002. *Interim Procedures for the Treatment of Historic Roads*. On file, Historic Preservation Team ADOT, Phoenix, Arizona.

¹⁷ Terhune, Claire E. 2004. *Eighteen Culverts on United States Route 93: Documentation of the Information Potential Associated with the Historic State Highway System*. Report 00-469. EcoPlan Associates, Mesa, Arizona.

on the historic road network and proposes no additional treatment. SHPO concurred that these efforts were sufficient for mitigation on January 8, 2024.

2.3.7.3. Historic Cane Springs Wash Bridge (ADOT Structure 637)

The Arizona Highway Department designed the US 93 Cane Springs Wash bridge located at MP 108.6 and the General Contracting Corporation of Salt Lake City, Utah, constructed the bridge in 1961. The bridge is a concrete slab structure supported by concrete piers and concrete abutments with wing walls. The bridge is 35.2 feet wide and 235 feet long with seven spans. The bridge was altered in 1981 and 1996 by bank repairs and replacement of the guardrails with Jersey barriers. Prior evaluation concluded the bridge is an undistinguished example of a common structural type and is not eligible for the NRHP (Fraser 2009¹⁸).

2.3.7.4. Section 4(f)

The project would require two TCEs within the boundary of the historic Hillside-Signal-Hackberry-Kingman Road network, AZ:M:6:3(ASM). The TCEs are required to remove the existing private driveways north of Cane Springs Wash and construct new driveways to match the new grade of the highway and be adjusted to meet the new crossover that provides access to both directions of traffic to and from the driveways. The TCEs are minor in nature and meet the criteria of the 4(f) temporary occupancy exception as listed below:

- Involves no permanent right-of-way acquisition or other change in ownership and does not result in the retention of long-term or indefinite interests in the land for transportation purposes.
- Is of temporary duration (i.e. less than the time needed for construction of the project)
- Does not result in any permanent adverse physical impacts or interfere with the protected activities, features, or attributes which are important to the purposes or functions that qualify the property for protection under Section 4(f) on a temporary or permanent basis.
- Is minor in that the nature and magnitude of the changes to the Section 4(f) property will be minimal.
- Allows for full restoration of the Section 4(f) property to a condition at least as good as that which existed prior to the project.

SHPO concurred with ADOT's application of the temporary occupancy exception on January 12, 2024 (see **Attachment L**).

2.3.7.5. Section 106 Consultation

The ADOT initiated consultation with the SHPO, ASLD, BLM, USACE, Ak-Chin Indian Community, Chemehuevi Indian Tribe, Hopi Tribe, Hualapai Tribe, Navajo Nation, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, and the Yavapai-Apache Nation on a finding of

¹⁸ Fraser, Clayton B. 2009. *Arizona Historic Bridge Inventory, Cane Springs Wash Bridge Historic Property Inventory Form*. FRASERdesign, Loveland, Colorado.

"no adverse effect" on January 5, 2024. Responses were received from SHPO, ASM, ASLD, USACE, Hopi Tribe, and SRPMIC. ADOT determined that the project may proceed with a finding of "no adverse effect" on February 5, 2024.

2.3.8. Hazardous Materials

A Preliminary Initial Site Assessment (PISA) technical memorandum was approved by ADOT October 2, 2023 (see **Attachment I**). The PISA reviewed potential environmental concerns as defined by ASTM Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process (E 1528-22) (ASTM 2022). The PISA did not identify any high risk or moderate risk sites within or adjacent to the project.

An Asbestos-containing Material (ACM)/Lead-based Paint (LBP) technical memorandum was approved by ADOT on October 2, 2023 (see **Attachment J**). Two (2) white roadway striping, two (2) yellow roadway striping, and one (1) tan concrete paint samples were collected and analyzed for LBP. Six (6) white roadway striping, six (6) yellow roadway striping, three (3) cellulose concrete joint material, and 30 concrete samples were collected and analyzed for ACM. LBP samples did not exceed the Housing and Urban Development (HUD) abatement threshold of 0.5% lead by weight or 5,000 milligrams per kilogram (mg/kg). ACM samples did not contain detectable levels of asbestos.

These results are consistent with the 2001 EA which did not indicate any hazardous materials concerns within Study Zone C.

2.3.9. Visual Resources

A short portion of the study area between MP 109.5 to the southern project limits at MP 109.9 is located on easement through BLM lands. BLM indicated through an official agency scoping response letter that the project is located within Visual Resource Management Class IV. BLM recommended that portions of the project on BLM-administered land follow design features such as:

- Use of Natina or similar pre-treated galvanized guardrails where being replaced.
- If colored concrete is used for culvert inlet/outlets it should match the existing color.
- All fencing should use non-specular wire.
- All disturbed areas should be recontoured to blend with the characteristic landscape.

Additionally, BLM requested that ongoing maintenance on ADOT facilities within BLM-administered lands use same or similar materials when repairing or replacing guardrails or fencing.

The scope of the project in the portion through BLM lands is limited to construction of a median crossover to provide for maintenance of traffic during construction, and substantial cut/fill activities are not anticipated in this area. The median crossover is temporary and would be removed at the conclusion of construction, and the landscape restored to resemble pre-construction topographical conditions. No other project components would be constructed on BLM-administered lands and therefore BLM requested design features would not be required.

Overall visual character within the US 93 easement through BLM lands is not anticipated to change due to the project, and middle and background views would maintain their current visual quality.

3. Public Involvement

Public and agency scoping were conducted during the EA re-evaluation. Scoping letters were mailed or emailed on November 2, 2023, and the scoping comment period ended on December 4, 2023. Responses were received by AZGFD, BLM, Kingman Unified School District, and Mohave County Public Works. No responses were received from private landowners. The *Agency and Public Scoping Summary* can be found in **Attachment K**.

A project web page was created in March 2024 and provides information to the public including: project costs, major elements of the project, background, need for the project, construction timelines, and project location. The web page can be accessed by the public at <https://azdot.gov/projects/northwest-district-projects/us-93-cane-springs-improvement-project>.

This EA Re-evaluation will be available for download on the web page once approved. Once posted online, a GovDelivery will be issued to the US 93 subscribers and will also be emailed and/or mailed to local Wikieup businesses and stakeholders. The project's status has been included in six community or civic presentations and construction updates will be provided in future Northwest District community presentation.

4. Conclusion

Based on this EA re-evaluation, it has been determined that the FONSI issued on April 4, 2001 is still valid.

5. Attachments

- Attachment A: Updated Environmental Commitments and Permits
- Attachment B: Project Vicinity Map
- Attachment C: Census Tracts and Block Groups Within 2-mile Analysis Area
- Attachment D: Minority Populations by Census Tract and Block Group, Detailed
- Attachment E: Noise Analysis Signature Page
- Attachment F: Approved Jurisdictional Determination Signature Page
- Attachment G: Biological Evaluation Signature Page
- Attachment H: Sonoran Desert Tortoise Awareness Handout and Observation Form
- Attachment I: Preliminary Initial Site Assessment (PISA) Signature Page
- Attachment J: Asbestos-containing Material (ACM)/Lead-based Paint (LBP) Signature Page
- Attachment K: Agency and Public Scoping Resolution
- Attachment L: Hillside-Signal-Hackberry-Kingman Road 4(f) Form and SHPO Decision

Attachment A

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Updated Environmental Commitments

The following shall be included in the project special provisions:

The project mitigation measures are not subject to change without written approval from ADOT Environmental Planning. The Contractor shall follow all the requirements of the permits specified herein and comply with the project specifications.

District Responsibilities:

- The ADOT project manager will contact the Arizona Department of Transportation Environmental Planning hazardous materials coordinator (602.920.3882 or 602.712.7767) 30 (thirty) days prior to bid advertisement to determine the need for additional site assessments and confirm that the asbestos report is still valid.
- If active bird nests are identified within the project limits, construction activities will avoid disturbing any active nest. Avoidance areas, if necessary, will be marked in the field with temporary fencing or t-posts with flagging by the approved biologist. The engineer will confer with the approved biologist to determine the appropriate avoidance strategies until the nestlings have fledged from the nest and the nest is no longer active.
- If any active bird nests cannot be avoided by vegetation clearing or construction activities, the Engineer will contact the Environmental Planning Biologist (928.304.0487) to evaluate the situation.
- Protected native plants within the project limits will be impacted by this project; therefore, the Arizona Department of Transportation Roadside Development Section will determine if Arizona Department of Agriculture notification is needed. If notification is needed, the Arizona Department of Transportation Roadside Development Section will send the notification at least 60 (sixty) calendar days prior to the start of construction.

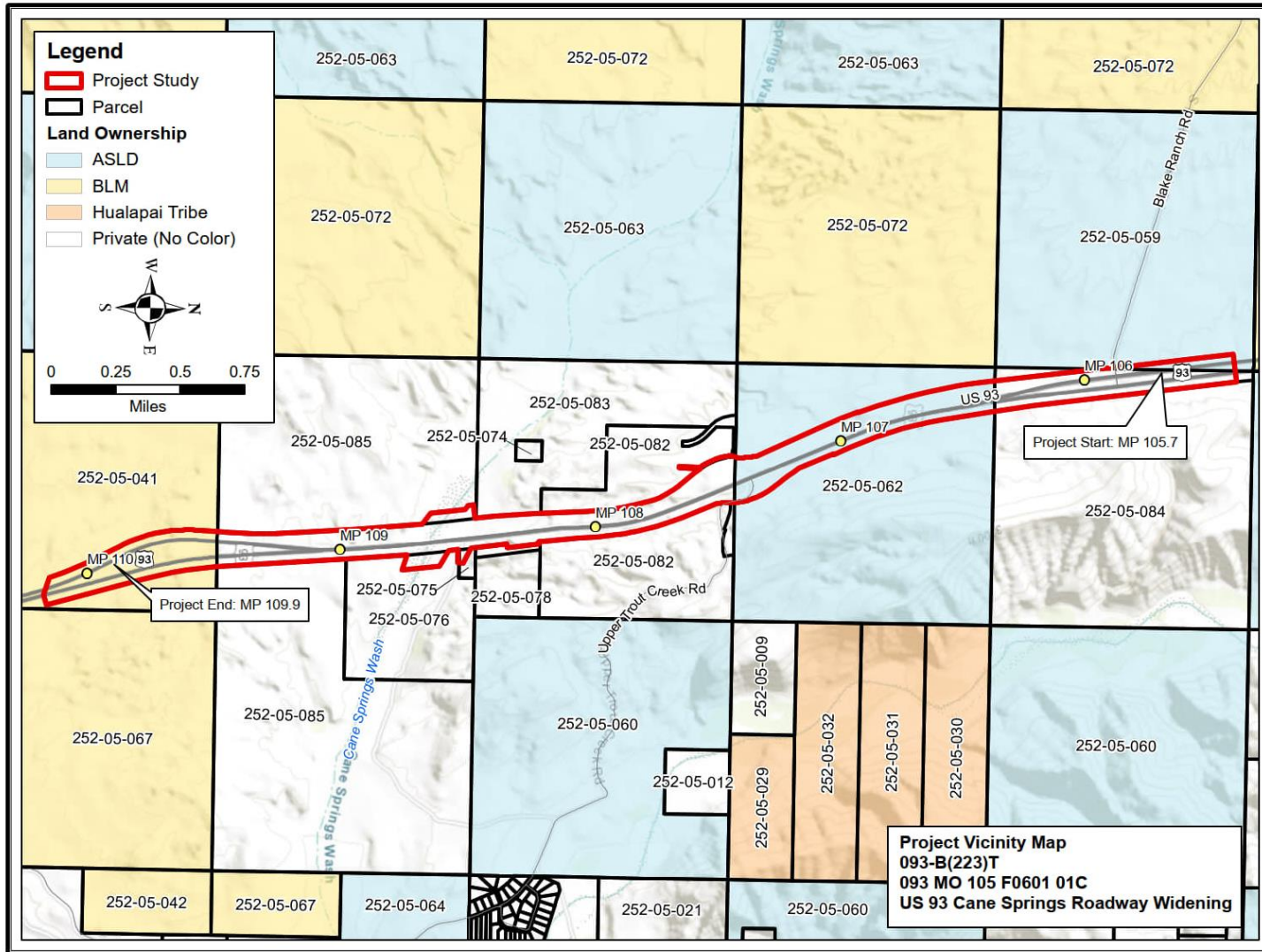
Contractor Responsibilities:

- The contractor shall complete a National Standards for Hazardous Air Pollutants (NESHAP) notification for the work associated with Removing the existing Cane Springs Wash Bridge on US 93 (Structure #637) and extending four box culverts under US 93 and submit to the Engineer, who shall submit it to the Arizona Department of Transportation environmental planning hazardous material coordinator (602.920.3882 or 602.712.7767) for a five (5) working day review and approval. Upon approval, the contractor shall file the notification with Arizona Department of Environmental Quality (ADEQ) at least ten (10) working days prior to the commencement of work.
- If clearing, grubbing, or tree/limb removal will occur between March 1 and August 31, the contractor shall employ a qualified biologist to conduct a migratory bird nest search of all vegetation within the 10 (ten) days prior to removal. Vegetation may be removed if it has been surveyed and no active bird nests are present. If active nests cannot be avoided, the contractor

shall notify the Engineer to evaluate the situation. During the non-breeding season (September 1 – February 28), vegetation removal is not subject to this restriction.

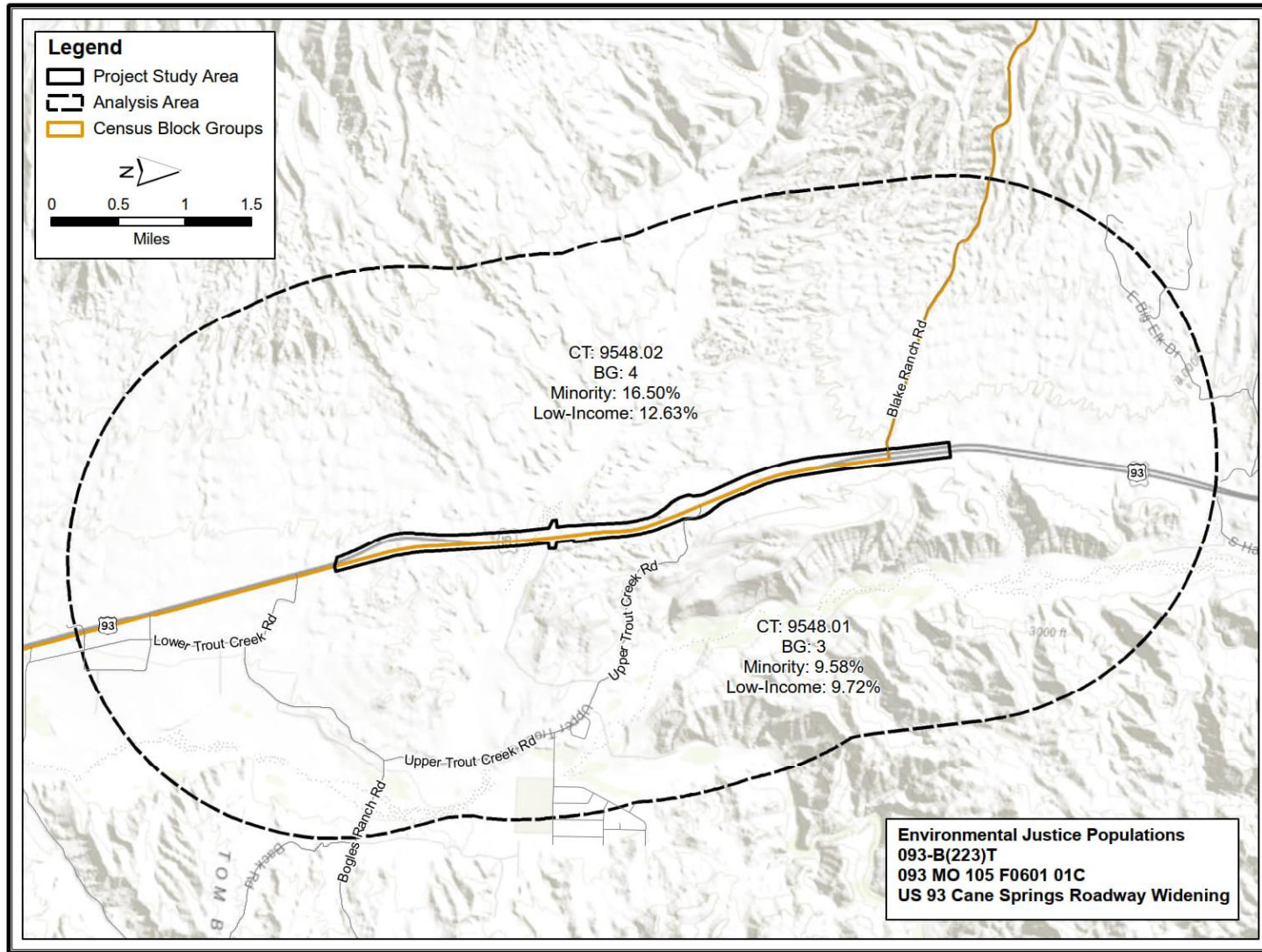
- The contractor shall develop a Noxious and Invasive Plant Species Treatment and Control Plan in accordance with the requirements in the contract documents. Plants to be controlled shall include those listed in the state and federal noxious weed and the state invasive species lists in accordance with state and federal laws and executive orders. The plan and associated treatments shall include all areas within the project right-of-way and easements as shown on the project plans. The treatment and control plan shall be submitted to the Engineer for the Arizona Department of Transportation Construction Professional Landscape Architect for review and approval prior to implementation by the contractor.
- Prior to the start of ground-disturbing activities and throughout the duration of construction and any landscape establishment period, the contractor shall arrange for and perform the control of noxious and invasive species in the project area.
- If any Sonoran Desert tortoises are encountered during construction, the contractor shall adhere to the attached Arizona Game and Fish Department “Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects”. If any tortoise is encountered during construction the contractor shall notify the Engineer to report the encounter.
- The contractor shall report encounters with any Sonoran Desert tortoise (live, injured, or dead) during construction to the Engineer using the attached Arizona Department of Transportation Sonoran Desert Tortoise Observation Form. The final form shall be sent to Arizona Department of Transportation Environmental Planning (email: bioteam@azdot.gov) within 24 hours of the encounter. Photographs should be taken of tortoises encountered and included in the report if possible.
- Prior to construction activity the contractor’s field personnel including the Project Manager, Assistant Project Manager, General Superintendent, and Project Superintendent shall review the attached Arizona Department of Transportation Environmental Planning “Sonoran Desert Tortoise Awareness Program Handout” flier, become familiar with the identification and avoidance of the Sonoran Desert tortoise, and follow the notification request, as applicable.
- Banana Yucca, Joshua Tree, Saguaro Cactus, Barrel Cactus, Buckhorn Cholla, and Prickly Pear are required to be salvaged and transplanted.

Attachment B



Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Attachment C



Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Attachment D

Attachment D. Minority Populations by Census Tract and Block Group, Detailed

Geography*	Total Population	Hispanic or Latino		Black or African American alone		American Indian and Alaska Native alone		Asian alone		Native Hawaiian and Other Pacific Islander alone		Two or More Races or Some Other Race	
		#	%	#	%	#	%	#	%	#	%	#	%
Census Tract 9548.01	2,991	152	5.1%	42	1.4%	9	0.3%	10	0.3%	0	0.05	91	3.0%
Block Group 3	720	53	7.4%	0	0.0%	7	1.0%	3	0.4%	0	0.0%	11	1.5%
Census Tract 9548.02	4,369	958	21.9%	247	5.7%	23	0.5%	45	1.0%	45	1.0%	264	6.0%
Block Group 3	491	37	7.5%	11	2.2%	20	4.1%	0	0.0%	0	0.0%	18	3.7%
Block Group Total	1,211	90	7.4%	11	0.9%	27	2.2%	3	0.2%	0	0.0%	29	2.4%
Kingman	33,052	5,492	16.6%	660	2.0%	219	0.7%	524	1.6%	0	0.0%	896	2.7%
Wikieup	32	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Mohave County	214,229	37,218	17.4%	2,312	1.1%	3,215	1.5%	2,294	1.1%	442	0.2%	7,027	3.3%
Arizona	7,172,282	2,297,513	32.0%	307,726	4.3%	249,047	3.5%	233,864	3.3%	12,764	0.2%	270,247	3.8%

Source: U.S. Census Bureau, 2022 American Community Survey 5-Year Estimates, Table B03002

Note: *Only census tracts and block groups within 2 miles of the study area were included in the analysis.

Attachment E



DocuSigned by:
Daniel Torres
0A764598C75B43B...
2/9/2024

To:
Mr. Ivan Racic
Arizona Department of Transportation

CC:
Dale Wiggins, PE
AECOM Technical Services, Inc.

AECOM
7720 North 16th Street
Phoenix, AZ 85020
aecom.com

Project name:
US 93 Cane Springs Roadway Widening

Project ref:
F0601 01C
093-B(223)T

From:
William Turner, Environmental Planner

Date:
February 2, 2024

Traffic Noise Update

1. Introduction

The Arizona Department of Transportation (ADOT) completed a Final Environmental Assessment (EA) for US 93 – Wikieup to Interstate 40 (FHWA Federal Aid Number STP-035-1()), ADOT Project Number 93 MO H 4423 01D), for which a Finding of No Significant Impact (FONSI) was approved on April 4, 2001. ADOT has since completed nine previous roadway widening projects within the limits of the original EA. This project is the final segment of improvements recommended in the Final EA.

The current project, US 93 – Cane Springs Roadway Widening, extends between milepost (MP) 105.7 and MP 109.9, approximately 13 miles north of the unincorporated community of Wikieup and approximately 13 miles south of Interstate 40 (I-40) in Mohave County, Arizona. These project limits fall within Study Zone C of the original EA. An EA Re-Evaluation is being conducted pursuant to 23 CFR 771.129 because more than five years have passed since the date of the EA approval.

As per 23 CFR 772.5, this project is determined to be a Type 1 project because it is widening US 93 and adding capacity. There are no noise-sensitive land uses along the corridor, and furtherance of noise analysis is not warranted. The purpose of this technical memorandum is to document these recommendations, as well as satisfy the requirements of 23 CFR 772.17(a)(1) to assist local jurisdictions with land use planning.

2. Original EA and FONSI

A noise study was completed in June 2000 to support the original EA due to increases in roadway capacity and to the presence of sensitive noise receptors, primarily in the vicinity of Wikieup. The current project limits fall within Zone C, and no sensitive receptors were evaluated within Zone C. The following description of predicted noise levels and mitigation evaluation is applicable to other project segments of the original EA; available documentation from that study indicates there were no receptors modeled within the current project limits, therefore there is no noise level data or mitigation analysis available from the previous study that is specific to the current project limits.

The analysis was completed according to the ADOT *Noise Abatement Policy (NAP)* dated March 21, 2000 and used STAMINA 2.0 noise modeling software to model existing and future noise levels for sensitive receptors. The predicted future noise levels were found to approach or exceed the ADOT NAC at 13 of the 14 identified sensitive receptors. For receiver locations with noise impacts, the predicted noise increase ranged from 2 A-weighted decibels (dBA) to 3 dBA. No substantial

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Attachment F



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT
3636 NORTH CENTRAL AVENUE SUITE 900
PHOENIX, AZ 85012-1939

May 3, 2024

SUBJECT: Approved Jurisdictional Determination

Audrey Navarro
Arizona Department of Transportation
Environmental Planning Group
205 South 17th Avenue, MD EM02
Phoenix, Arizona 85007

Dear Ms. Navarro:

I am responding to your request, dated February 16, 2024, for an approved Department of the Army jurisdictional determination (JD) for the US 93 Cane Springs Widening (93 MO 106 F0601 01D) project site (File No. SPL-2024-00070). The proposed project is located along U.S. 93, near Yucca, Mohave County, Arizona (Latitude 34.929152°, Longitude -113.661734°).

The Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, a permit would likely be required. The first test determines whether or not the proposed project is located within the Corps' geographic jurisdiction (i.e., it is within a water of the United States). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the Rivers and Harbors Act or Section 404 of the Clean Water Act. This evaluation pertains only to geographic jurisdiction.

Based on available information, I have determined waters of the United States do not occur on the project site. The basis for our determination can be found in the enclosed Memorandum for Record.

The aquatic resources identified in the documentation you provided do not meet the definition of Waters of the United States as defined in 33 CFR 328.3 and are therefore not jurisdictional under the Clean Water Act. As such, each aquatic resource is not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Clean Water Act. Other federal, state, and local laws may apply to your activities. In particular, you may need authorization from the Arizona Department of Environmental Quality, the Arizona Department of Game and Fish, and/or the U.S. Fish and Wildlife Service.

This letter includes an approved jurisdictional determination for the US 93 Cane Springs Widening (93 MO 106 F0601 01D) project site. If you wish to submit new

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

-2-

information regarding this jurisdictional determination, please do so within 60 days. We will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. If you object to this or any revised or reissued jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you wish to appeal this decision, you must submit a completed RFA form within 60 days of the date on the NAP to the Corps South Pacific Division Office at the following address:

Travis Morse
Administrative Appeal Review Officer
U.S. Army Corps of Engineers
South Pacific Division, CESPDPDO
450 Golden Gate Ave.
San Francisco, CA 94102

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5 (see below), and that it has been received by the Division Office by **July 3, 2024**.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular project site identified in your request and is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Thank you for participating in the regulatory program. If you have any questions, please contact me at 602-230-6954 or via email at alexandra.ryan@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,



James E. Mace
Team Lead, South Coast Branch
Regulatory Division

Enclosures

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C


Attachment G



**Arizona Department of Transportation
Environmental Planning**

BIOLOGICAL EVALUATION

US 93 Cane Springs Roadway Widening
093-B(223)T
93 MO 106 F0601 01C

Prepared for:	<i>ADOT Approval Signature</i>
Arizona Department of Transportation Environmental Planning 205 South 17 th Avenue, MD EM02 Phoenix, Arizona 85007	Coby Teal  Digitally signed by Coby Teal Date: 2024.02.28 23:25:25 -07'00'

Prepared by:
AECOM
7720 N. 16th Street, Suite 100
Phoenix, AZ 85020
AECOM Project Number: 60707797

02/13/2024
Submittal Number: [3]

*This report is the property of ADOT and may contain sensitive biological information.
ADOT approval is required prior to reproduction or distribution.*

Attachment H



Sonoran Desert Tortoise

Gopherus morafkai

Awareness Program Handout

Why does ADOT protect tortoises?

ADOT, along with the Arizona Game and Fish Department (AGFD) and several federal agencies, are signatory members of a Candidate Conservation Agreement (CCA) for the Sonoran Desert Tortoise (SDT). The CCA was developed to help preclude the listing of SDT under the Endangered Species Act. It is a cooperative effort to provide effective conservation for the SDT in Arizona. Under the agreement, ADOT has committed to enact avoidance, minimization, and mitigation measures for projects occurring within and adjacent to suitable habitat for SDT. This includes surveying proactively for tortoise habitat ahead of projects, collecting information on sightings, and training staff and contractors on methods to protect the tortoise during construction and maintenance work.



Legal Status

The SDT is protected under a CCA as described above. At the state level, wildlife are protected from collection and sale under Title 17 (ARS 17-309). AGFD classifies the SDT as a Tier 1A Species of Greatest Conservation Need and SDT are specifically restricted from collection under the AGFD Commission Rule R12-4-406.

Where are they found?

Two separate and distinct populations of desert tortoise occur in Arizona. The Mojave Desert Tortoise occurs west and north of the Colorado River within open, flat expanses of desert. The Sonoran Desert Tortoise occurs primarily in rocky and boulder strewn mountains and hills east of the Colorado River throughout western and central Arizona.



This handout applies ONLY to the Sonoran Desert Tortoise. Separate guidelines/measures are required for the Mojave Desert Tortoise due to its listing as Threatened under the Endangered Species Act.



THE GOAL IS TO AVOID NEGATIVE ENCOUNTERS!

How?

1. ALWAYS check under your vehicle and construction equipment **before** operating.
2. Drive slowly, especially on unpaved roads or off-road.
3. Cover any holes/pits/trenches at the end of each construction day.



Sonoran Desert Tortoise

Gopherus morafkai

Awareness Program Handout

If you encounter a tortoise:

1. Stop work immediately and turn off all equipment.
2. Notify your superintendent and the Resident Engineer.
3. Is the tortoise in imminent danger?
 - **No:** Stay back at least 10 feet from the animal. Allow the animal to leave. PLEASE BE PATIENT!
 - If the animal is located within your work area and is not leaving in a timely manner, then move your operation to a different location at least 1,000 feet away.
 - **Yes:** Move it out the way by following the attached AGFD "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects" dated September 22, 2014.
 - Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim.
 - Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade.
 - Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises.
 - Tortoises must not be moved if the ambient air temperature exceeds 40°C (105°F) unless an alternate burrow is available or the tortoise is in imminent danger.
 - A tortoise may be moved up to one-half mile, but no further than necessary from its original location.



---If you don't know or are unsure of what to do, ASK!---

4. Fill out the attached ADOT Sonoran Desert Tortoise Observation Form and submit to the ADOT Biology Team (bioteam@azdot.gov) within 24 hours of any encounter. Photograph the animal if possible.

If you encounter a **sick, dying, injured, or dead tortoise** or if the ambient air temperature exceeds 105° F, please contact the assigned ADOT Biologist and Coby Teal (928) 304-0487 immediately with the location of the animal. These animals will be collected either by trained ADOT personnel or by AGFD.

If you observe poaching, collecting, selling, or any other illegal activities, contact AGFD's OPERATION GAME THIEF at **1-800-352-0700**, 24 hours a day or on the internet at <http://www.azgfd.gov/ogt.shtml>

Additional information for SDT life history and habitat requirements is available at:
 Arizona Game and Fish Department:
<https://www.azgfd.com/wildlife/nongamemanagement/tortoise/>
 US Fish and Wildlife Service:
https://www.fws.gov/southwest/es/arizona/Sonoran_Tort.htm



Last Updated:
6/24/2021 Page 2 of 4

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department
Revised September 22, 2014

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran desert tortoise occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40°Celsius (105°Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site or alternate burrow is unavailable within this distance, and ambient air temperature exceeds 40°Celsius (105°Fahrenheit), contact the Department for guidance. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, may be placed in the Department's tortoise adoption program. *Managers of projects likely to affect desert tortoises should obtain a [scientific collecting license](#) from the Department to facilitate handling or temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- Use the Department's [Environmental On-Line Review Tool Department](#) during the planning stages of any project that may affect desert tortoise habitat.
- Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.
- Take is prohibited by state law.
- These guidelines do not apply to Mojave desert tortoises (north and west of the Colorado River). Mojave desert tortoises are listed as threatened under the Endangered Species Act, administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department.

Arizona Department of Transportation
Sonoran Desert Tortoise Observation Form



Date of Observation	Time	Observed By
<input type="text"/>	<input type="text"/>	<input type="text"/>
Location- Route	Location- Milepost	ADOT District
<input type="text"/>	<input type="text"/>	<input type="text"/>

Description of Encounter

Photo(s)	GPS (if available)
<input type="checkbox"/>	<input type="text"/>

Email completed form
to: ADOT Biology Team
bioteam@azdot.gov

Attachment I



Approved
Ed Green
02 Oct 23

To:
Mr. Ed Green
Arizona Department of Transportation

CC:
Mr. Dale Wiggins, P.E.
AECOM Technical Services, Inc.

AECOM
7720 North 16th Street
Phoenix, AZ 85020
aecom.com

Project name:
US 93, Cane Springs Roadway Widening

Project ref:
60707797

From:
Elizabeth Parker, Environmental Scientist

Date:
September 27, 2023

DRAFT

Memo

No additional assessment for Hazardous Material recommended under the current project scope.

Subject: Hazardous Materials Assessment

No MM's recommended based on this report.

1. Introduction

AECOM Technical Services, Inc. (AECOM) conducted a Hazardous Materials Assessment of existing rights-of-way (ROW) along U.S. Highway 93 (US 93) between approximate mileposts 105.7 and 109.9 in Mohave County, Arizona ("subject property" or "project corridor"). The Hazardous Materials Assessment was performed for the Arizona Department of Transportation (ADOT) as part of the US 93 at Cane Springs roadway widening project (Federal Project Number: 093-B(223)T, TRACS Number: 93 MO 106 F0601 01D).

ADOT is planning to widen the existing two-lane undivided US 93 roadway to a four-lane divided highway on the subject property. US 93 is part of the National Highway System (NHS) and is functionally classified as a Rural Principal Arterial. It is an important north-south regional transportation route through northern Arizona that provides a commercial and recreational link between the Phoenix metropolitan area, Las Vegas and the rural communities of north-eastern Arizona. It is also an important trade corridor that links the Mexican border and Arizona's major cities to Interstate 15 (I-15), which connects to the Canadian border. US 93 has also been designated as the future Interstate 11 (I-11) to provide an access-controlled freeway between Phoenix and Las Vegas. This project continues the widening of US 93 between Wikieup and Interstate 40 (I-40) that began in 2005 to meet the growing needs of the State of Arizona.

The scope of work would consist of the following major elements:

- Constructing two new 12-foot wide southbound lanes with a 10-foot wide outside shoulder and a 4-foot wide inside shoulder.
- Reconstructing the existing US 93 to two new 12-foot wide northbound lanes with a 10-foot wide outside shoulder and a 4-foot wide inside shoulder.
- Removing the existing Cane Springs Wash Bridge on US 93 located at milepost 108.6.
- Constructing two new 420-foot long bridges at Cane Springs Wash for the new divided northbound and southbound lanes.
- Extending four box culverts under US 93 at mileposts 106.9, 108.2, 108.7, and 109.0.
- Reconstructing and installing approximately 41 new culverts at drainage crossings.
- Removing and reconstructing the two existing driveways to the private properties just north of Cane Springs Wash.

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Attachment J

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C



AECOM
7720 North 16th Street
Phoenix, AZ 85020
aecom.com

Project name:
US 93 Cane Springs Roadway Widening

Project ref:
60707797

From:
William Turner, Environmental Planner

Date:
September 27, 2023

To:
Mr. Ed Green
Arizona Department of Transportation

CC:
Dale Wiggins, PE
AECOM Technical Services, Inc.

Approved
Ed Green
02 Oct 23

No ACM >1%
No ACM MM's recommended.

No Lead detected >HUD/EPA action levels. No LBP MM's recommended

Lead containing paint detected at one location. (See Report)

NESHAP MM may be needed if load-bearing structures will be impacted by project.

Memo

1. Introduction

An asbestos and lead-based paint survey was conducted on existing rights-of-way (ROW) located along 4.2 miles of US Highway 93 (US 93) between milepost (MP) 105.7 and MP 109.9. The project is located approximately 13 miles north of the unincorporated community of Wikieup, and approximately 13 miles south of I-40 in Mohave County, Arizona. The survey was conducted in support of an Arizona Department of Transportation (ADOT) road improvement project (TRACS No. F0601 01D).

US 93 is part of the National Highway System (NHS) and is functionally classified as a Principal Arterial Rural Route. It is an important north-south regional transportation route through northern Arizona that provides a commercial and recreational link between the Phoenix metropolitan area and the rural communities of north-western Arizona. This project will be completing an ongoing widening of US 93 from a two-lane undivided roadway to four-lane divided highway to meet the growing needs of the State of Arizona. The existing Cane Springs Bridge located on US 93 at MP 108.63 will be removed and two larger bridges will be constructed to the north. Four box culverts and three cattle guards will also be removed and replaced.

The survey was conducted by collecting painted and unpainted concrete from the bridge, culverts and cattleguards, fill material from a joint in one culvert, and paint chips of yellow and white road striping within the areas to be disturbed by road improvement activities. The samples were analyzed for asbestos-containing material (ACM). The paint samples were additionally analyzed for lead-based paint (LBP).

The surveys were performed by Mr. William Turner of AECOM on August 31 and September 1, 2023. Mr. Turner is an Asbestos Hazard Emergency Response Act (AHERA) accredited building inspector (Certification 4644-13353-061423). A copy of Mr. Turner's certification is included as Attachment A.

This report has been prepared for the exclusive use of ADOT. Results are based solely on the methodology stated in this report and the report should be relied upon in its entirety. Any reliance a third party makes of this report is the responsibility of such third party.

Attachment K

Project Name: **F0601 US 93 Cane Springs Roadway Widening**

Deliverable: Agency Scoping Summary

Agency Scoping Period: 11/02/2023 – 12/04/2023

Table 1. Agency Scoping and Coordination Summary

Agency	Scoping Outreach	Scoping Comment Summary	ADOT Resolution
Arizona Department of Public Safety	Email Letter, 11/02/2023	No response to scoping letter	No response required.

Agency	Scoping Outreach	Scoping Comment Summary	ADOT Resolution
Arizona Game and Fish Department	Email Letter, 11/02/2023	<p>Email letter, 11/29/2023</p> <ul style="list-style-type: none"> • The Department recommends conducting a Sonoran Desert Tortoise survey within suitable habitat in accordance with the Desert Tortoise Survey Guidelines for Environmental Consultants. • While work is being conducted within suitable Sonoran Desert tortoise habitat, construction crews should refer to the Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects should a tortoise be encountered. Please adhere to the Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat. • The Department recommends that project coordinators consider design elements that allow the use of bridges by bats because such structures have been identified as suitable bat habitat. • Where a drainage structure (culvert, concrete box culverts, or bridge) is needed as part of the highway system, install, modify, or maintain existing drainage structures to accommodate wildlife movement. • Where terrain permits and where it is practical: Replace drainage structures with wildlife friendly structures of equal size or larger. • Install the shortest structure practicable for a given roadway width, while maximizing structure width (span) to maximize openness and avoid a 'tunnel effect'. Make structures wider rather than taller. Wide underpasses allow animals to have a broad viewing area, which makes them feel less vulnerable. 	<ul style="list-style-type: none"> • A Sonoran Desert tortoise survey was conducted as part of the Biological Evaluation (BE) prepared for this project. Guidelines for Handling Sonoran Desert tortoise was included in the mitigation measures in the BE and are included in the Environmental Assessment Re-Evaluation. Other biological mitigation measures were included for Gila monster and nesting bird surveys based on project schedule. • Concrete box culverts included in the design were sized based on hydraulic capacity, maintenance equipment (8' minimum height) and sized for a cattle pass, which can be used to provide crossings for wildlife. Culverts were designed to be as short as possible while maintaining visibility through the structure. Two new 406-foot three-span bridges will be built over Cane Springs Wash, maintaining the natural substrate and providing a large crossing area for wildlife.

<p>Arizona Game and Fish Department</p>	<p>Email Letter, 11/02/2023</p>	<ul style="list-style-type: none"> • Ensure visibility from one end of a structure to the other. • Maintain a natural substrate underneath the bridge. If concrete is necessary to prevent scour, then it is recommended to cover the concrete with a natural substrate of sufficient depth to prevent wash out. • Bridges should be built or modified with dry ledges/pathways for use by water-shy organisms; these ledges/pathways should be at least 3' wide for animals to use on one or both sides of the waterway and be constructed to withstand flood events. Install baffles to retain sediment and prevent lip edge scour. • Replace small drainage culverts with culverts of no less than 3' diameter for small-bodied animals or 4' for medium-bodied animals (e.g., coyotes and bobcats), unless terrain does not permit. • Large rip-rap boulders, ledges with lips, steep steps, and long rip-rap expanses can be impenetrable barriers for large and small mammals, reptiles, and amphibians; making it difficult to transverse, causing entrapment, or deterring animal movement. If rip-rap is required, it should be buried, back filled with topsoil, or at least a portion should be covered by another substrate that would allow wildlife to move through the drainage structure. • To facilitate small animal movement, two grouted pathways through the outflow riprap, with each pathway measuring at least 24" wide; each pathway would be along the outer edges to facilitate small animal movement (examples from Carrows-Stephens section provided in Attachment 1). If two pathways are not possible, inclusion of one pathway measuring at least 36" wide is recommended. Enhancing existing and new structures with the installation of small mammal ramps or walkways that extend the length of a culvert so that small mammals can cross even in wet conditions are particularly recommended where the roadway bisects a wash or riparian zone. These areas are heavily used as movement corridors for many types of wildlife in these desert ecosystems. • The Department recommends that a qualified biologist conduct a survey for nesting birds within the project area prior to removal or trimming of trees/vegetation, if the removal or trimming occurs during the breeding 	<ul style="list-style-type: none"> • The two new bridge structures over Cane Springs Wash are being designed with concrete girders, which allow the space in between the girders to be used by bats. • Contractor staging areas would be kept to a minimum size as required and located in previously disturbed areas as practicable. • Erosion and drainage control measures would be implemented to minimize impacts to surface waters. • Exposed soils would be stabilized with native vegetation by the contractor as soon as possible. • Trenching and backfilling crews would be scheduled to minimize open trenches. Escape ramps and inspections would be implemented to minimize impacts from open trenches that are greater than 300' when they cannot be immediately filled. • 36" wide grouted pathways will be provided through the outflow riprap at the pipe culvert outlets. Natural substrate will be maintained at the inlets and outlets of the box culverts to facilitate cattle and wildlife movement.
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Agency	Scoping Outreach	Scoping Comment Summary	ADOT Resolution
		<p>season. The trees and/or vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA) and protected under state law. Breeding season for birds in the project vicinity is generally mid January through late June, depending on the species and habitat, and for raptors it is generally January through late June.</p> <ul style="list-style-type: none"> • Similar to the Sonoran desert tortoise, other Arizona Species of Greatest Conservation Need (SGCN) reptile species such as Gila monster have the potential to occur within the project area. If wildlife are encountered while working in the project area, the Department recommends moving them out of harm's way, no more than 0.25 mile outside the project area into similar habitat. • To minimize impacts to vegetation during project construction, staging areas should be located in previously disturbed sites and kept as small as possible. Implement erosion and drainage control measures during the project to prevent the introduction of sediment-laden runoff into adjacent washes or surface waters and to prevent impacts to surface water quality. Stabilize exposed soils, particularly on slopes, with native vegetation as soon as possible to prevent excess erosion. • Trenching and backfilling crews should be close together to minimize the amount of open trenches at any given time. Avoid leaving trenches open overnight. Where trenches cannot be back-filled immediately, escape ramps should be constructed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface. The slope should be less than 45 degrees (1:1). Trenches that have been left open overnight should be inspected and animals removed prior to backfilling. 	
Arizona State Land Department	Email Letter, 11/02/2023	No response to scoping letter	No response required.

Agency	Scoping Outreach	Scoping Comment Summary	ADOT Resolution
Bullhead City School District 15	Email Letter, 11/02/2023	No response to scoping letter	No response required.
Bureau of Land Management, Kingman Field Office	Email Letter, 11/02/2023	<p>Email letter, 11/30/2023</p> <ul style="list-style-type: none"> • The BLM is aware of no potential impacts to existing rights based on the project description or location. • The project is located within Visual Resource Management Class IV. For portions of the project on BLM-administered lands, the BLM would recommend the following design features be incorporated into the project: • For guardrail replacement, use of Natina or similar pre-treated galvanized guardrails that meet MASH standards while providing for a weathering steel appearance. • If colored concrete is used on culvert inlets/outlets, the color should match existing inlets/outlets along U.S. Highway 93. • All fencing should use non-specular wire. • Recontour all disturbed areas as needed to blend with the characteristic landscape. • Additionally, the BLM requests that for ongoing maintenance of ADOT facilities within BLM-administered lands, the same or similar materials be used when repairing or replacing guardrail or fencing. 	<ul style="list-style-type: none"> • No permanent improvements will be constructed within ADOT ROW easement on BLM land. No new permanent pavement, guardrails, culverts, or fencing are anticipated to be installed within BLM owned lands. • A temporary median construction traffic cross over would be built on the west end of the project on BLM land. At the end of construction this temporary median cross over would be removed and the area would be recontoured back to pre-existing condition and seeded.
Center for Biological Diversity	Email Letter, 11/02/2023	No response to scoping letter	No response required.
City of Kingman	Email Letter, 11/02/2023	No response to scoping letter	No response required.
Colorado River Union High School District 2	Email Letter, 11/02/2023	No response to scoping letter	No response required.

Agency	Scoping Outreach	Scoping Comment Summary	ADOT Resolution
Kingman Unified School District	Email Letter, 11/02/2023	Email, 11/2/2023 <ul style="list-style-type: none"> • Thank you for the information. I have no concerns at this time. Good luck and best wishes for a smooth and seamless project. I will share the information with our transportation department. 	No response required.
Mohave County	Email Letter, 11/02/2023	Email, 11/2/2023 <ul style="list-style-type: none"> • Upper Trout Creek Road is a County maintained road. Please confirm the Project will provide for a crossover at its intersection with US 93. Select private properties have existing private/driveway access to US 93. For example, APN 252-05-075 (https://www.mohave.gov/ContentPage.aspx?id=111&cid=1595&parcel=252-05-075). Please advise on how these access drives will be maintained and how access northbound and southbound will be achieved. Will ADOT/AECOM be consulting all affected property owners abutting the Project?	Upper Trout Creek Road will be realigned within existing ADOT ROW to accommodate a new crossover between northbound and southbound lanes. Private landowners adjacent to the proposed project were sent a scoping letter through mail. ADOT did not receive any responses from the private landowners. Private driveways north of Cane Springs Wash will be realigned to accommodate a new crossover.
Western Arizona Council of Government	Email Letter, 11/02/2023	No response to scoping letter	No response required.

Attachment L



Section 4(f) Applicability/Exceptions Form

Project Information	
Project Name: US 93, Cane Springs Widening	Federal-aid Number: 093-B(223)T
ADOT Project Number: 093 MO 105 F0601	NEPA Class of Action: Categorical Exclusion
Approval MOU: <input type="checkbox"/> 23 U.S.C. 326	Project Administration: <input checked="" type="checkbox"/> ADOT
<input checked="" type="checkbox"/> 23 U.S.C. 327	<input type="checkbox"/> LPA

According to Title 23 Code of Federal Regulations (CFR) 774.17, a property afforded protection under Section 4(f) is defined as "publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of a historic site of national, state, or local significance."

Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land, and the proposed action includes all possible planning to minimize harm to the property resulting from such use, OR it is determined that the use of the property, including any measures to minimize harm committed to by the applicant, will have a *de minimis* impact on the property.

23 CFR §§ 774.11 and 774.13 identify applicability (exemptions and exceptions) to the requirement for Section 4(f) approval.

Project Description:

The Arizona Department of Transportation (ADOT) plans to widen 4.2 miles of US Highway 93 (US 93) between Milepost (MP) 105.7 and MP 109.9, approximately 13 miles north of the community of Wikieup and 13 miles south of Interstate 40.

Identification of Property:

AZ M:6:3(ASM), or the historic Hillside-Signal-Hackberry-Kingman Road, is eligible for the National Register of Historic Places under Criterion D.

Official With Jurisdiction (OWJ) Over Property (if required):

1. Identify agency with jurisdiction: Arizona State Historic Preservation Office
2. Name and title of contact person at agency: Kathryn Leonard, State Historic Preservation Officer

Determination of Applicability:

Indicate which of the following apply (more than one may be applicable, indicate all that apply):
Provide additional information regarding each checked item.



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23 CFR 774.11 - Applicability

- 1. **Non-Section 4(f) Multi-use lands:** The project involves a multiple-use facility (state, federal, National Forest, large municipal-owned land, etc.) but does not impact an area that is managed for/functions specifically as a Section 4(f) property. *Requires OWJ concurrence.* No Applicability under 23 CFR 774.11(d)

- 2. **Reserved Transportation ROW or Joint Planning:** The project involves a property that is formally reserved for a future transportation facility before or at the same time a park, recreation area, or wildlife and waterfowl refuge is established, and concurrent or joint planning or development of the transportation facility and the Section 4(f) resource occurs. *Requires document of record.* No Applicability under 23 CFR 774.11(h) or (i)

23 CFR 774.13 - Exceptions

- 1. **Historic Transportation Facilities:** The project involves; common post-1945 concrete or steel bridges and culverts that are exempt from individual review under 54 U.S.C. 306108; improvement of railroad or rail transit lines that are in use or were historically used for the transportation of goods or passengers, including, but not limited to, maintenance, preservation, rehabilitation, operation, modernization, reconstruction, and replacement of railroad or rail transit line elements, except for certain bridges and stations; the maintenance, preservation, rehabilitation, operation, modernization, reconstruction, or replacement of historic transportation facilities that are on or eligible for the *National Register* and would not adversely affect the historic qualities of the facility that caused it to be on or eligible for listing and the official(s) with jurisdiction over the Section 4(f) resource have not objected to the Section 106 determination. (23 CFR 774.13(a))

- 2. **Archaeological Sites:** The project involves an archeological resource that is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. This exception applies both to situations where data recovery is undertaken and where the Administration decides, with agreement of the official(s) with jurisdiction, not to recover the resource; and the official(s) with jurisdiction over the Section 4(f) resource have been consulted and have not objected to the Administration finding in regard to the resource, data recovery and preservation in place. (23 CFR 774.13(b)) **Note:** Exception applied only when there is an adverse effect under Section 106

- 3. **Trails:** The project involves certain trails, paths, bikeways, and sidewalks where (1) the trail-related project is funded under the Recreational Trails Program (23 U.S.C. 206(h)(2)); (2) the trail is a national historic trail designated under the National Trails System Act (with the exception of segments that are historic sites) (16 U.S.C. 1241-1251); (3) the trail/path/bikeway/sidewalk occupies a transportation facility right-of-way and can be maintained somewhere within that right-of-way; or (4) the trail/path/bikeway/sidewalk is part of the local transportation system and functions primarily for transportation. (23 CFR 774.13(f))



Section 4(f) Applicability/Exceptions Form

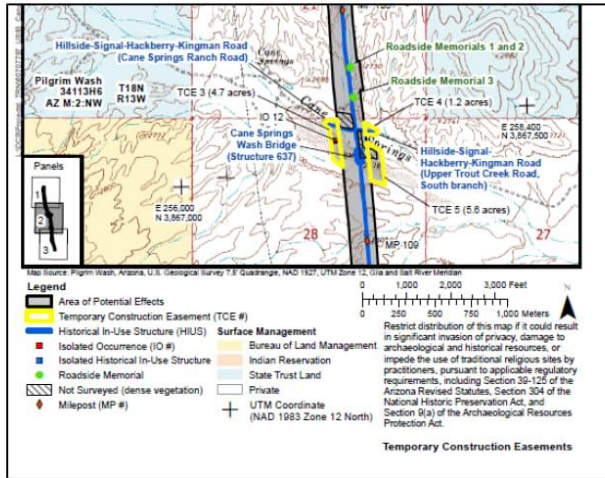
- 4. **Enhancements:** The project involves transportation enhancement activities, transportation alternatives projects, or mitigation activities, where the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection. (23 CFR 774.13(g))

- 5. **Temporary Occupancy:** Temporary occupancy of land that is so minimal as to not constitute a use within the meaning of Section 4(f). Requires OWJ concurrence. (23 CFR 774.13(d))

Description of the Temporary Use:

(Describe the temporary occupancy including size, location, activity, duration, etc. including temporary construction easements (TCEs) as per Chapter 6 of the *Section 4(f) Manual*.)

Two temporary construction easements (TCEs) are needed to remove and reconstruct existing intersecting driveways following the widening of the highway. TCE 3 is on the west side of US 93 and measures 0.95 acres. TCE 4 is on the east side of US 93 and measures 0.86 acres. Both are near milepost 108.5. Both TCEs intersect the in-use historic Hillside-Signal-Hackberry-Kingman Road, however, they will not permanently alter or adversely affect the contributing portion of the historic road.



Applicability Criteria for Temporary Occupancy:

Based on adequate documentation, including mapping, verify that all of the following are true. (If any of the items below are not true, the project would result in an actual use, and this form cannot be used.) The OWJ must concur with the following for the project:

- Involves no permanent right-of-way acquisition or other change in ownership, and does not result in the retention of long-term or indefinite interests in the land for transportation purposes.
- Is of temporary duration; i.e. less than the time needed for construction of the project.



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- Does not result in any permanent adverse physical impacts or interfere with the protected activities, features, or attributes which are important to the purposes or functions that qualify the property for protection under Section 4(f) on a temporary or permanent basis.
- Is minor in that the nature and magnitude of the changes to the Section 4(f) property will be minimal.
- Allows for full restoration of the Section 4(f) property to a condition at least as good as that which existed prior to the project.

Concurrence by official with jurisdiction over the Section 4(f) property (*if required*):

<p>_____</p> <p>Name of Official with Jurisdiction: Signature of Official with Jurisdiction</p>	<p>Date: _____</p>
<p><i>(Optional: other documentation such as letters or emails may be used in replacement of signing this page) Check here if other documentation is included in the project file. <input checked="" type="checkbox"/></i></p>	

Approval of Section 4(f) Applicability or Exceptions:

<p>DocuSigned by: <i>Daniel Rucker</i> F457E240728B44B...</p> <p>Cultural Resources Program Manager: Daniel Rucker</p>	<p>Date: <u>4/2/2024</u></p>
<p>DocuSigned by: <i>Paul O'Brien</i> 89D3A817999345F...</p> <p>Approved By: Paul O'Brien, PE</p>	<p>Date: <u>4/2/2024</u></p>

DocuSign Envelope ID: D44A01D1-779A-4828-8489-550C2358D146

SHPO-2024-0012 (173053) Rec'd 1-8-2024



Our True North: Safely Home

Katie M. Hobbs, Governor

Jennifer Toth, Director

Gregory Byres, Deputy Director/State Engineer

January 8, 2024

In Reply Refer To:

Federal Aid No. 093-B(223)T
TRACS No. 093 MO 105 F0601 01C
US 93, Cane Springs Widening

Section 4(f) Assessment of Impacts

Ms. Kathryn Leonard, State Historic Preservation Officer
State Historic Preservation Office
1110 West Washington Street, Suite 100
Phoenix, Arizona 85007

Dear Ms. Leonard:

The Arizona Department of Transportation (ADOT) plans to widen 4.2 miles of US Highway 93 (US 93) between Milepost (MP) 105.7 and MP 109.9, approximately 13 miles north of the community of Wikieup and 13 miles south of Interstate 40. Land ownership includes ADOT owned right-of-way (ROW), ROW easements across State Trust managed by the Arizona State Land Department (ASLD), federal land managed by the Bureau of Land Management (BLM), and privately owned land. Consulting parties for this project include ADOT, Arizona State Historic Preservation Office (SHPO), ASLD, Arizona State Museum, BLM Kingman Field Office, the United States Army Corps of Engineers (USACE), Ak-Chin Indian Community, Chemehuevi Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Gila River Indian Community, Hopi Tribe, Hualapai Tribe, Navajo Nation, Pueblo of Zuni, Salt River Pima-Maricopa Indian Community (as lead for Four Southern Tribes), Tohono O'odham Nation, and Yavapai-Apache Nation. Five temporary construction easements, totaling approximately 13.1 acres would be required. Of these, two TCEs totaling 5.9 acres intersect an eligible cultural resource.

The project is using federal funds and is subject to Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC § 303 and 23 CFR 774). The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by ADOT pursuant to 23 U.S.C 327 and a Memorandum of Understanding (MOU) dated April 16, 2019, and executed by the Federal Highway Administration (FHWA) and ADOT. As the Owner with Jurisdiction (OWJ), ADOT is consulting your office regarding 4(f) findings, including the enclosed draft Section 4(f) evaluation (**Enclosure 1**).

ARIZONA DEPARTMENT OF TRANSPORTATION
205 South 17th Avenue, MD EM02 | Phoenix, AZ 85007 | azdot.gov

Environmental Assessment Re-evaluation
US 93, Cane Springs Roadway Widening
Federal Aid No. 093-B(223)T
ADOT Project No. 093 MO 105 F0601 01C

Project Description

The project would convert the existing two-lane undivided roadway to a four-lane divided highway to match previously widened segments to the north and south. Construction is anticipated to take about two years and is scheduled to begin in the fall of 2024.

Consultation History

ADOT initiated Section 106 consultation on the project on January 2, 2024. This consultation defined the Area of Potential effect, outlined a scope of work, and proposed that the project would result in a Section 106 finding of “No Adverse Effect” (consultation ongoing).

Section 4(f) Requirements

The purpose of Section 4(f) is to consider historic sites, wildlife and waterfowl refuges, and park and recreation lands during the transportation project development process. Section 4(f) requirements stipulate that the USDOT agencies may not approve the use of a Section 4(f) property unless there is no feasible and prudent alternative to the use of that land and the proposed action includes all possible planning to minimize harm to the property resulting from such; or The Administration (in this case ADOT) determines that the use of the property will have a *de minimis* impact, as defined in 23 CFR 774.17, on the property.

Section 4(f) applies to historic sites that are individually eligible or listed in the National Register of Historic Places (NRHP). Historic sites are evaluated and determined eligible for listing in accordance with the requirements and criteria in Section 106. Pursuant to 23 CFR 774.11(e), historic sites must be identified in cooperation with the OWJ.

A use of Section 4(f) property, as defined in 23 CFR 774.17 occurs:

- When property from a Section 4(f) site is permanently acquired (fee simple or permanent easement) and permanently incorporated into a transportation project; or
- When there is temporary occupancy of land (i.e., construction access areas, detours, temporary bridges, etc.) that is adverse in terms of preserving the integrity of the Section 4(f) property
- When the proximity impacts of a transportation project on a Section 4(f) property, without acquisition of land from that property, are so great that the characteristics that qualify the property as a Section 4(f) property are substantially impaired

When a USDOT agency determines that a project as proposed may use Section 4(f) property, there are three methods available to approve the use:

- Making a *de minimis* impact determination;
- Applying a programmatic Section 4(f) evaluation; or
- Preparing an individual Section 4(f) evaluation

Section 4(f) Findings

The proposed project would require two Temporary Construction Easements (TCEs) within the boundary of AZ:M:6:3(ASM), or the historic Hillside-Signal-Hackberry-Kingman Road network. This property is eligible under Criterion D and is therefore a Section 4(f) resource. The TCEs are

required for construction. The TCEs are privately owned paved driveways that will have to be pulled up and then reconstructed. The TCEs are minor in nature and meets the criteria of the 4(f) temporary occupancy exception, which are listed below:

- Involves no permanent right-of-way acquisition or other change in ownership, and does not result in the retention of long-term or indefinite interests in the land for transportation purposes
- Is of temporary duration; i.e. less than the time needed for construction of the project
- Does not result in any permanent adverse physical impacts or interfere with the protected activities, features, or attributes which are important to the purposes or functions that qualify the property for protection under Section 4(f) on a temporary or permanent basis
- Is minor in that the nature and magnitude of the changes to the Section 4(f) property will be minimal
- Allows for full restoration of the Section 4(f) property to a condition at least as good as that which existed prior to the project

As the OWJ, ADOT is seeking your concurrence that the temporary occupancy exception applies. Please indicate your concurrence by signing below. If you have any questions or concerns, please contact Matt Mallery, Historic Preservation Specialist, at (480) 493-6059 or by email at JMallery@azdot.gov.

Sincerely,



Danny Rucker, MA, RPA
Cultural Resources Program Manager

**Concur
TCEs Constitute
Temporary Occupancy**



Signature for SHPO Concurrence with Section 4(f) Temporary Occupancy Exception

12 January 2024

Date