

**ARIZONA DEPARTMENT OF TRANSPORTATION**

Environmental Planning

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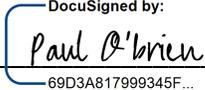
**Environmental Assessment Re-evaluation**

for

**US 95, Rifle Range Road to Wellton-Mohawk Canal**

Federal Project No. 095-B(214)T

ADOT Project No. 095 YU 035 F0359 01C

Approved by: \_\_\_\_\_  
  
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Date: 5/2/2022

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*This Environmental Assessment Re-evaluation 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

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### 1.1. Introduction

This formal project re-evaluation has been prepared consistent with [ADOT EA and EIS Guidance](#) and [FHWA re-evaluation Guidance](#).

In October 2006, the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) completed the Final Environmental Assessment (EA) for the Avenue 9E – Aberdeen Road (FHWA Federal Aid Number STP-095-B(879), ADOT Project Number 095 YU 032 H4599 01L). The EA was prepared in accordance with the provisions and requirements of Title 23 Code of Federal Regulations Part 771.119, relating to the implementation of the National Environmental Policy Act (NEPA), 1969. The EA analyzed the potential impacts related to the social, economic, and environmental factors evaluated under NEPA and the corresponding regulations and guidelines of ADOT, FHWA, and resource agencies. FHWA issued a Finding of No Significant Impact (FONSI) for the Preferred Alternative on October 19, 2006.

The project area falls within the project area of the Final EA for the Avenue 9E – Aberdeen Road (FHWA Federal Aid Number STP-095-B(879), ADOT Project Number 095 YU 032 H4599 01L) for which a FONSI was issued on October 19, 2006. The Preferred Alternative in the EA was divided into two segments (North Segment (milepost (MP) 39.0 to MP 47.8) and the South Segment (MP 31.8 to MP 39.0)). The South Segment consisted of widening US 95 to four 12-foot travel lanes, a continuous 12-foot-wide center-turn lane, and 8-foot-wide shoulders. The current project evaluated in this re-evaluation is located between 34.9 to MP 38.7, which is situated within the South Segment, and includes all potential right-of-way (ROW), easement, and temporary construction easements (TCEs). There is no prior EA re-evaluation within the current project area. The US 95, Rifle Range Road to Wellton-Mohawk Canal project has been re-evaluated pursuant to 23 CFR 771.129 because five years have passed since the date of the EA approval.

### 1.2. Project Background

ADOT is designing a roadway widening project on US 95 from Rifle Range Road to the Wellton-Mohawk Canal. The project is located along US 95 approximately ten miles northeast of the City of Yuma, Yuma County, Arizona (see **Attachment B**). The project area extends from MP 34.9 to MP 38.7. The project would occur within ADOT ROW, ADOT easement from Bureau of Land Management (BLM), ADOT easement from Bureau of Reclamation (BOR), ADOT easement from Wellton-Mohawk Irrigation & Drainage District (WMIDD), Union Pacific Railroad (UPRR) easement from BLM, and UPRR easement from BOR; as well as on lands owned by BLM, BOR, WMIDD, UPRR, U.S. Department of Energy (DOE) Western Area Power Administration (WAPA), and privately owned lands.

Based on Stage IV design, ADOT ROW would be acquired from private lands, and ADOT easement would be acquired from BLM and BOR. TCEs would be acquired from BLM, BOR, WAPA, WMIDD, UPRR, and private landowners. Drainage easements would be acquired from private landowners.

### 1.3. Project Description

#### 1.3.1. Location

The project is located along US 95 approximately ten miles northeast of the City of Yuma, Yuma County, Arizona. The cadastral location is Sections 4, 9, 16, 20, 21, 28, and 29, Township 8 South, Range 21 West.

#### 1.3.2. Scope of Work

The project would include roadway widening of US 95 from Rifle Range Road to the Wellton-Mohawk Canal. The major features of the project re-evaluated with the EA include:

- Remove existing pavement and reconstruct the asphaltic concrete roadway to provide two lanes in both the northbound (NB) and southbound (SB) directions, a two-way left turn lane, and shoulders from Rifle Range Road to 0.6 miles north of the Wellton-Mohawk Canal
- Remove the existing bridge and construct a new bridge over the Wellton-Mohawk Canal
- Extend and/or realign/reconstruct the existing siphon at the Wellton-Mohawk return drainage channel
- Reconstruct the maintenance access roads at the Wellton-Mohawk Canal to tie into the reconstructed US 95
- Remove and reconstruct existing turnouts along US 95, as needed
- Realign the Avenue 12E turnout to create perpendicular intersection and combined access
- Extend and/or remove and reconstruct existing culverts along US 95, as needed
- Install new culverts along US 95, as needed
- Construct new utilities and relocate utilities, as needed
- Obtain ROW, easements, and TCEs, as needed

#### 1.3.3. Schedule

Construction is anticipated to start in the fall of 2022. The anticipated construction duration is approximately 16 months.

#### 1.3.4. Fiscal Constraint

Funding for this project is included in the Yuma Metropolitan Planning Organization (YMPO) 2022-2026 Transportation Improvement Program (TIP)<sup>1</sup> No. 102079, approved by the YMPO Executive Board, July 29, 2021. The project is also included in the YMPO 2018-2041 Regional Transportation Plan (RTP).<sup>2</sup>

## 2. Environmental Considerations

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Resources have been re-evaluated based on elapsed time, design, ROW or regulatory changes since the previously approved FONSI.

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<sup>1</sup> Yuma Metropolitan Planning Organization (YMPO). 2021. Transportation Improvement Program (TIP). Accessed at <https://ympo.org/transportation-improvement-plan-tip/>

<sup>2</sup> YMPO. 2021. Regional Transportation Plan (RTP) 2018-2041. Accessed at <https://ympo.org/regional-transportation-plan-2018-2041/>

## 2.1. Changes

The following changes have been introduced since the time of the FONSI:

### 2.1.1. Substantial Design Changes

There have been no substantial design changes. Minor modifications within the environmental clearance footprint have occurred and are analyzed in this re-evaluation.

### 2.1.2. Right-of-Way Changes

The EA stated that the Preferred Alternative would require new ROW totaling approximately 84 acres for both the North and South Segments. Based on current design, approximately 2.6 acres of new ROW and easement will be acquired to complete the project. However, of those approximate 2.6 acres, 0.27 acres were not evaluated in the original EA/DCR study area, but have been evaluated in this re-evaluation.

### 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.
- 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 cactus ferruginous pygmy owl (*Glaucidium brasilianum cactorum*) was delisted from the Endangered Species Act (ESA) on April 14, 2006 (it was originally listed as an endangered species on March 10, 1997).
- Critical Habitat (CH) for the Southwestern willow flycatcher (*Empidonax traillii extimus*) was formally designated on January 3, 2013.

#### **Water Resources**

- The U.S Army Corps of Engineers (Corps) issued ADOT Regional General Permit No. 96 (RGP 96) on May 6, 2021.
- The EPA and the Corps halted implementation of the Navigable Waters Protection Rule (NWPR) nationwide and are interpreting “waters of the United States” consistent with the pre-2015 regulatory regime until further notice based on the U.S. District Court for the District of Arizona’s August 30, 2021 order vacating and remanding the Navigable Waters Protection Rule

in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency* (announced June 9, 2021).

#### **Noise**

- ADOT published Noise Abatement Requirements in May 2017.

#### **Air Quality**

- FHWA Mobile Source Air Toxics (MSAT) guidance was updated in October 2016.

#### **2.1.4. Fiscal Constraint Changes**

Funding for this project was originally included in the YMPO 2000-2023 TIP. It has since been included in the YMPO 2022-2026 TIP.<sup>3</sup> The project is also included in the YMPO 2018-2041 RTP.<sup>4</sup>

### **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:

- Section 4(f) Resources
- Utilities
- Visual Resources
- Drainage and Floodplain Considerations
- Wetlands
- Effect on Standards for Rangeland Health
- Material Sources and Waste Materials
- Energy

Therefore, re-evaluation of impacts was not conducted for these resources and environmental considerations.

### **2.3. Affected Environmental Resources**

The project review identified the following resource areas that warranted evaluation as part of this EA re-evaluation, and discloses any change in impacts and/or required mitigation:

#### **2.3.1. Land Ownership, Jurisdiction, and Land Use**

##### **2.3.1.1 Land Ownership**

The EA stated that the Preferred Alternative would require new ROW totaling approximately 84 acres for both the North and South Segments. Based on current design, approximately 2.6 acres of new ROW and easement will be acquired to complete the project. However, of those approximate 2.6 acres, 0.27 acres were not evaluated in the original EA/DCR study area, but have been evaluated in this re-evaluation. The ROW to be acquired consists of approximately 1.3 acres of privately owned lands. The

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<sup>3</sup> YMPO. 2021. Transportation Improvement Program (TIP). Accessed at <https://ympo.org/transportation-improvement-plan-tip/>

<sup>4</sup> YMPO. 2021. Regional Transportation Plan (RTP) 2018-2041. Accessed at <https://ympo.org/regional-transportation-plan-2018-2041/>

easement to be acquired consists of approximately 0.5 acres of land owned by BLM and approximately 0.8 acres of land owned by BOR.

### 2.3.1.2 Land Use

Approximately 31 acres of prime farmland exist within the project area, including 14 acres classified as prime farmland if irrigated and 17 acres classified as prime farmland if irrigated and reclaimed of excess salts and sodium.<sup>5</sup> Approximately 26 acres of prime farmland is zoned Agricultural/Rural Residential, and the remaining 5 acres are zoned Regional Commercial. Approximately 0.81 acres of prime farmland would be converted for the project, totaling approximately 9% of active farmlands within the project area. Only approximately 0.03 acres of this farmland to be converted are zoned Regional Commercial, and the remaining approximately 0.77 acres are zoned Agricultural/Rural Residential.<sup>6</sup> Out of an estimated 910,883 acres of irrigated farmland in the State of Arizona,<sup>7</sup> only approximately 0.81 acres would be converted, totaling approximately 0.000009% of farmlands in the State of Arizona. This amount of farmland would be taken out of production but would not alter the character of the region.

The approximate 2.6 acres of land required for the proposed improvement would be relatively small compared to the amount of public and private land adjacent to the corridor. Although existing uses would continue and access would be maintained, lands would be converted as part of a transportation corridor. However, none of the major land uses adjacent to the project area – residential, farming, or commercial– would be substantially altered by implementation of this project.

### 2.3.2. Social and Economic Resources

Primary industry sectors in Yuma County include agriculture, commercial businesses, tourism, and government service. There are no community services such as schools, libraries, or churches in the project area. There are no emergency services within the project area and the closest are within the City of Yuma, approximately 2.5 miles to the southwest of the project limits.

There have not been any new residential or recreational developments near the project area, including near Martinez Lake, since 2004. Within the project area, only three commercial business have been developed in addition to what was already present at the time of the original EA. The Veterans of Foreign Wars Post 8242 facility is the only community service operation in the project area. No displacement of residents or businesses would occur. Access to residences and businesses would be maintained throughout construction. No impacts are anticipated.

Short-term social impacts would occur during construction and motorists would experience slow traffic movement typical within construction zones. Impacts to existing traffic flow would be minimized by maintaining traffic in each direction and providing access to adjoining properties. Traffic Control would be in accordance with the *Manual on Uniform Traffic Control Devices for Streets and Highways*, published by the FHWA.

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<sup>5</sup> United States Department of Agriculture (USDA). 2021. Custom Soil Resource Report for Yuma-Wellton Area, parts of Yuma County, Arizona and Imperial County, California. Web Soil Survey. <https://websoilsurvey.nrcs.usda.gov/app/>

<sup>6</sup> Yuma County. 2021. Yuma County GIS. Accessed at <https://www.yumacountyaz.gov/government/information-technology-services/geographic-information-systems>

<sup>7</sup> United States Department of Agriculture (USDA). 2017. Census of Agriculture State Data. Arizona.

Due to the sparse residential development and lack of emergency service facilities, the project would have no impact community cohesion. The project would provide long-term beneficial impacts by providing appropriate access to agricultural facilities and private residences, while allowing traffic to continue without delays. There would be no negative social and economic impacts due to the project.

### 2.3.3. Title VI/Environmental Justice

Title VI of the Civil Rights Act of 1964<sup>8</sup> is a federal law that protects individuals and groups from discrimination on the basis of their race, color, and national origin in programs and activities that receive federal financial assistance.

Executive Order (EO) 12898 on Environmental Justice (EJ)<sup>9</sup> requires “the fair treatment and meaningful involvement of all people, particularly minority and low-income populations, in the environmental decision-making process.” All of ADOT’s projects that include Federal funding follow the NEPA process, which is an environmental decision-making process. The DOT Order 5610.2(a)<sup>10</sup> and FHWA Order 6640.23A<sup>11</sup> require compliance with Executive Order 12898. This includes the full and fair participation by all potentially affected communities in the transportation decision-making process.

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)
- 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 demographic composition of the project area was calculated using the Census Bureau data from the 2020 Decennial Census and the 2019 American Community Survey 5-year Estimates. Census tracts are relatively permanent geographic subdivisions used for recording census information; tracts do not cross County boundaries. Block groups are further geographic subdivisions of census tracts comprising a

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<sup>8</sup> Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

<sup>9</sup> Exec. Order No. 12898, 59 Fed. Reg. 32 (February 16, 1994).

<sup>10</sup> Department of Transportation. Updated Environmental Justice Order 5610.2(a). (May 2, 2012).

<sup>11</sup> Federal Highway Administration. FHWA Order 6640.23A. (June 14, 2012).

compact and contiguous cluster of census blocks, the smallest subdivision use by the census. Block groups were used for analysis when data was available; otherwise, census tract data was used.

All census tracts and census block groups within a two-mile radius of the project area were included in the analysis because the highway being modified is less likely to have similarly convenient alternate routes in rural areas, and because there are typically fewer structures to buffer sound, pollutants, and visual impacts. The boundaries of all census tracts and block groups in this analysis extend beyond the two-mile buffer; therefore, the exact population and demographic characteristics of the project area may vary from the represented census tract and block group data in the following analysis.

The population of the block groups ranges from 179 to 2,666 persons (**Table 1**). All but one of the block groups consist of majority populations of Whites, with the second largest population being Hispanic or Latino. Minority populations including African American, American Indian and Alaskan Native, Asian American, Native Hawaiian or Other Pacific Islander, "Other Race," and "Two or more races" are present within the project area.

**Table 1 - 2020 Racial and Ethnic Demographics**

Area	Total Population	White Alone		African American		Native American		Asian		Pacific Islander		Other Race		Two or More Races		Hispanic	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
CT 109.07 BG 2	2,666	1,382	51.8%	44	1.7%	26	1.0%	52	2.0%	14	0.5%	15	0.6%	90	3.4%	1,043	39.1%
CT 109.07 BG 3	1,359	948	69.8%	21	1.5%	8	0.6%	24	1.8%	0	0.0%	5	0.4%	22	1.6%	331	24.4%
CT 109.10 BG 2	1,048	841	80.2%	0	0.0%	5	0.5%	1	0.1%	0	0.0%	2	0.2%	24	2.3%	175	16.7%
CT 109.14 BG 1	179	151	84.4%	2	1.1%	1	0.6%	1	0.6%	1	0.6%	0	0.0%	5	2.8%	18	10.1%
CT 109.14 BG 2	354	152	42.9%	3	0.8%	7	2.0%	6	1.7%	2	0.6%	0	0.0%	8	2.3%	176	49.7%
CT 109.16 BG 1	833	455	54.6%	7	0.8%	0	0.0%	1	0.1%	0	0.0%	0	0.0%	12	1.4%	358	43.0%
CT 112.04 BG 2	745	500	67.1%	6	0.8%	1	0.1%	0	0.0%	0	0.0%	5	0.7%	18	2.4%	215	28.9%
CT 121 BG 1	355	187	52.7%	23	6.5%	6	1.7%	22	6.2%	0	0.0%	3	0.8%	38	10.7%	76	21.4%
<b>Total BGs</b>	<b>7,539</b>	<b>4,616</b>	<b>61.2%</b>	<b>106</b>	<b>1.4%</b>	<b>54</b>	<b>0.7%</b>	<b>107</b>	<b>1.4%</b>	<b>17</b>	<b>0.2%</b>	<b>30</b>	<b>0.4%</b>	<b>217</b>	<b>2.9%</b>	<b>2,392</b>	<b>31.7%</b>

Source: U.S. Census Bureau, 2020 Decennial Census. Table P1: Race and Table P2: Hispanic or Latino and Not Hispanic or Latino by Race

Notes: *Shaded areas denote minority populations present within the geographic unit.*

CT = Census Tract, BG = Block Group, # = Number, % = Percentage

A low-income population is one whose median household income is at or below the Department of Health and Human Services (HHS) low-income guidelines for a family of four. The HHS 2020 Low-income Guidelines states that for a family or household of four persons, the low-income level is \$26,200. Median household income in the past 12 months was used to determine if there were low-income populations within the project area. Data for households below low-income level was not available for all eight block groups. However, the median household income for all of census tracts analyzed is above the HHS low-income threshold (**Table 2**).

**Table 2 – 2020 Households Below Low-income Level**

Area	Median Household Income
CT 109.07 BG 2	81,085
CT 109.07 BG 3	60,861
CT 109.10 BG 2	41,900
CT 109.14 BG 1	49,063
CT 109.14 BG 2	42,757
CT 109.16 BG 1	No Data
CT 112.04 BG 2	No Data
CT 121 BG 1	77,308
<b>Total BGs</b>	<b>2,871</b>

Source: U.S. Census Bureau, 2019 American Community Survey. Table B19013: Median Household Income in the Past 12 Months (In 2019 Inflation-Adjusted Dollars)

Notes: *This data was not available for all relevant Census Block Groups.*

*Low-income level determined based on U.S. Department of Health and Human Services' 2020 Low-income Guidelines*

CT = Census Tract, BG = Block Group, # = Number, % = Percentage

Executive Order 13166 for Limited English Proficiency (LEP)<sup>12</sup> is a requirement of recipients of Federal financial assistance to provide language services (oral or written) to ensure meaningful access for any language, upon request. Identification of LEP persons is required for the purpose of devising appropriate strategies for meaningful public involvement and ensuring access pursuant to this Executive Order, as well as Title VI (national origin is protected). LEP Persons are those who do not speak English as their primary language and who have a limited ability to speak, read, or write in English.

The LEP Safe Harbor Threshold provision stipulates that ADOT must provide translation of vital documents in written format for all LEP groups that meet the threshold (5% of the population or 1,000 persons, whichever is less). This Safe Harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access through competent oral interpreters where language services are needed and reasonable.

Data for LEP populations was not available for individual block groups; therefore, census tracts were used. Furthermore, data was also not available for all six census tracts. However, of the four census tracts analyzed, all of them have LEP populations present (**Table 3**).

<sup>12</sup> Exec. Order No. 13166, 65 Fed. Reg. 159 (August 16, 2000).

**Table 3 – 2019 Limited English Proficiency Population**

Area	Total Population	Speak English less than "very well"	
		#	%
CT 109.07	5,097	197	3.9%
CT 109.10	1399	139	9.9%
CT 109.14	459	101	22.0%
CT 109.16	No Data	No Data	No Data
CT 112.04	No Data	No Data	No Data
CT 121	1069	209	19.6%
<b>Total BGs</b>	<b>8,024</b>	<b>646</b>	<b>8.1%</b>

Source: U.S. Census Bureau, 2019 American Community Survey. Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Year and Over.

Notes: *Shaded areas denote minority populations present within the geographic unit. This data was not available for Census Block Groups; therefore, Census Tracts were used.*  
CT = Census Tract, # = Number, % = Percentage

The LEP populations within the project area consist of populations speaking three different languages including Spanish or Spanish Creole, Italian, and Portuguese or Portuguese (Table 4). Only the Spanish or Spanish Creole population meets the Safe Harbor Threshold.

**Table 4 – 2019 Limited English Proficiency Languages**

Area	Total Population	Spanish or Spanish Creole		Italian		Portuguese or Portuguese	
		#	%	#	%	#	%
CT 109.07	5,097	197	3.9%	0	0.0%	0	0.0%
CT 109.10	1399	139	9.9%	31	2.2%	0	0.0%
CT 109.14	459	101	22.0%	0	0.0%	0	0.0%
CT 109.16	No Data	No Data	No Data	No Data	No Data	No Data	No Data
CT 112.04	No Data	No Data	No Data	No Data	No Data	No Data	No Data
CT 121	1069	209	19.6%	0	0.0%	9	0.8%
<b>Total CTs</b>	<b>8,024</b>	<b>646</b>	<b>8.1%</b>	<b>31</b>	<b>0.4%</b>	<b>9</b>	<b>0.1%</b>

Source: U.S. Census Bureau, 2019 American Community Survey. Table B16001: Language Spoken at Home by Ability to Speak English for the Population 5 Year and Over.

Notes: *Shaded areas denote minority populations present within the geographic unit. This data was not available for Census Block Groups; therefore, Census Tracts were used.*  
CT = Census Tract, # = Number, % = Percentage

The Americans with Disabilities Act of 1990 (ADA)<sup>13</sup> stipulates that people with disabilities be involved in developing and improving public services. In highway planning, collaboration with persons with disabilities is essential for developing access points beyond those that are required. All events held for programs or projects with federal-aid funds and open to the public must be made accessible to everyone, including persons with disabilities. Special efforts are required to comply with the statutory requirements of MAP-21 and the ADA.

<sup>13</sup> Americans with Disabilities Act of 1990, 42 U.S.C. 12101.

Data for elderly and disabled populations was not available for individual block groups; therefore, census tracts were used. Furthermore, data was also not available for all six census tracts. However, of the four census tracts analyzed, all of them have elderly and disabled populations present (**Table 5**). In Census Tract 109.10, the percentage of elderly persons is much higher than the percentage for the City of Yuma or Yuma County. These high percentages may be attributed to several communities in or near the project area that are populated with retirees and other seasonal visitors who claim the greater Yuma area as their home.

Most of the residential development within the census tracts and block groups considered in this analysis, either suburban or rural, are outside of the project area. Much of the residential development is either west or south of the project area, closer to the City of Yuma. Due to the sparse population throughout the project area, a group of elderly persons concentrated in a small area could cause disproportionately high percentages in the data compared to what is present within the project area.

**Table 5 – 2019 Elderly and Disabled Populations**

Area	Total Population	Disabled Population		Population over 65 Years Old	
		#	#	#	%
CT 109.07	5,670	668	11.8%	1,279	22.6%
CT 109.10	1,637	348	21.3%	932	56.9%
CT 109.14	673	130	19.3%	144	21.4%
CT 109.16	No Data	No Data	No Data	No Data	No Data
CT 112.04	No Data	No Data	No Data	No Data	No Data
CT 121	1,046	157	15.0%	137	13.1%
<b>Total BGs</b>	<b>9,026</b>	<b>1,303</b>	<b>14.4%</b>	<b>2,492</b>	<b>27.6%</b>

Source: U.S. Census Bureau, 2019 American Community Survey. Table S1810 Disability Characteristics.

Notes: Shaded areas denote minority populations present within the geographic unit.

This data was not available for Census Block Groups; therefore, Census Tracts were used.

CT = Census Tract, # = Number, % = Percentage

Short-term adverse impacts that may result from this project include degradation to air quality, increases in noise, and temporary access restrictions. These impacts will likely be felt throughout the project area as well as those in nearby communities since it is unlikely that there will be similarly convenient alternate routes. Long-term adverse effects may include increased noise due to increased roadway use. These impacts will likely be felt throughout the project area. When the project is completed, residents, workers, and visitors within and close to the project area may experience long-term beneficial impacts due to decreased travel times, increased traffic efficiency, and increased accessibility. These impacts will likely be felt throughout the project area as well as those in nearby communities.

There is no Environmental Protection Agency (EPA) approved methodology currently available for quantifying future potential impacts to ambient levels of Mobile Source Air Toxics (MSATs) from vehicle emissions. In FHWA's view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed

action. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities, in addition to improved access for emergency response, that are better suited for a quantitative analysis.

While the original EA mentioned an alignment shift in the road to avoid UPRR ROW and powerlines, based on current design there are no significant realignments of US 95 within the project area that would bring the roadway closer to existing homes or businesses. Residents within proximity may encounter increased noise during construction, which would have short-term adverse impacts. They also may experience increased noise due to increased roadway use, which would have long-term adverse effects. According to the noise analysis,<sup>14</sup> while all residences and business within the project area would be affected by increased noise levels, only two single-family residences were found to exceed the ADOT Noise Abatement Requirements (NAR) noise impact threshold of 66 dBA. Therefore, mitigation evaluation was required.

Minority, LEP, low-income, disabled, and elderly populations were identified within the analysis area that may potentially be impacted. However, there are only two census block groups within the project limits, divided almost completely by the US 95 centerline, extending out approximately 10 miles and into the City of Yuma, making it difficult to define the location of protection populations. When analyzing data using individual census blocks, the only data available was for racial and ethnic demographics. No LEP, disabled, or low-income data was available at the census block level. However, using census blocks, minority populations were identified at two single-family residences adjacent to the project limits near the southwest corner of US 95 and Rifle Range Road and one single-family residence near the southwest corner of US 95 and Madonna Road. The two residences at the southern project limits near Rifle Range Road are the two sensitive noise receptors that exceed the ADOT NAR noise impact threshold of 66 dBA. However, after further evaluation, it was determined that mitigation was not a reasonable recommendation for this project because the noise barrier exceeded the cost per benefited receiver threshold of \$49,000 and other abatement measures analyzed were not feasible and reasonable for this project (see Section 2.3.6 Noise).

Although temporary lane closures will occur, open lanes and access to these businesses and residences will be maintained during project construction. All residents and visitors will be equally affected, and no disproportionate ROW acquisition or construction-related impacts would occur. No displacement of residents or businesses would occur. When the project is completed, residents, workers, and visitors may experience long-term benefits due to decreased travel times, increased traffic efficiency, and increased accessibility.

Minority, LEP, low-income, disabled, and elderly populations were identified within the analysis area that may potentially be affected. Based on this EJ analysis, the project would have disproportionate impacts on minority populations due to noise. This is a change from the original EA, which determined that there would be no disproportionate negative impacts on Title VI or EJ resources. However, noise abatement measures were explored (see Section 2.3.6. Noise), none of which were determined to be feasible and reasonable recommendations for this project.

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<sup>14</sup> Newton Environmental Consulting, LLC (NEC). Noise Analysis Technical Report. US 95, Rifle Range Road to Wellton Mohawk Canal. November 3, 2021.

#### 2.3.4. Cultural Resources

In 2021, a Class III cultural resources inventory of lands previously surveyed and unsurveyed was conducted for the area of potential effects (APE). The results were submitted to ADOT in Class III Cultural Resource Survey of 195.9 Acres and Cultural Resource Assessments in Support of Road Improvements to United States 95 between Rifle Range Road and the Wellton-Mohawk Canal, Mileposts 34.11 to 39.69, in Yuma County, Arizona (Klebacha et al. 2022).

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 is a federal undertaking. The project is also subject to compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (Public Law 101-601; 25 USC 3001-3013); Arizona Antiquities Act (Arizona Revised Statute [ARS] 41-841 et seq.); and the Arizona State Historic Preservation Act (ARS 41-861–41-864).

Eleven cultural resources were identified within the Area of Potential Effects (APE), including three archaeological sites, one historic transmission line, one stagecoach route, one historic canal, one historic bridge, two historic road segments, two abandoned segments of historic SR 95, and in-use portions of the SR 95 alignment (collocated with US 95). Two additional resources, the Southern Pacific Railroad (SPRR) alignment and an historic lime kiln, were identified within the survey area, but lie outside of the APE. All 13 resources are synopsized below.

Two cultural resources were recorded during survey although beyond the APE. The historic SPRR line runs parallel to US 95 and was previously determined eligible for listing in the National Register of Historic Places (NRHP) pursuant to 36 CFR § 60.4(a). Although recorded during survey, the structure does not intersect with the APE and would not be affected by this undertaking. AZ X:7:166(ASM) consists of an historic lime kiln with associated trash scatter and road. The site has not been evaluated for NRHP eligibility. Although recorded during survey, the site does not intersect with the APE and would not be affected by this undertaking.

The Parker-Gila 161 kV transmission line was previously recorded as AZ L:12:15(ASM) and crosses the APE. It was constructed in 1951 as part of the Parker-Davis Project. Within the survey area, the transmission line was observed to have been upgraded, is maintained for continual usage, and has the appearance of a modern transmission line. The transmission line previously has been determined not eligible for the NRHP (SHPO-2012-0658). Because the in-use line clear-spans the roadway it would not be impacted by this undertaking.

The Wellton Mohawk Canal Bridge (ADOT Structure 00343) falls within the APE. The bridge was built in 1950 as part of US 95's construction. FRASERdesign previously assessed the structure, as reported in Vehicular Bridges in Arizona 1880–1964 (Fraser 2008), recommending that it was not eligible for inclusion in the NRHP. Arizona State Historic Preservation Office (SHPO) concurred with the adequacy of the report and ADOT's determination of ineligibility (Clementino [ADOT] to Collins [SHPO] January 12, 2012; SHPO concurrence February 28, 2012). The undertaking includes the destruction and removal of this ineligible property. No cultural resource treatment is warranted.

The portion of the Butterfield Overland Stage Route intersecting with the current APE corresponds with Madonna Road. Various segments of the overall route coincide with earlier historic paths, such as the 1846 Mormon Battalion route, and almost certainly Native American trails. In most places, the Butterfield Route consisted of an informal corridor. Within Arizona, segments have been recorded as AZ T:14:61(ASM), AZ T:15:9(ASM), AZ T:15:32(ASM), and AZ U:14:313(ASM). The route was previously determined eligible for listing in the NRHP pursuant to 36 CFR § 60.4(a) (Heathington [SHPO] to Gasser [ADOT], January 17, 1995). The segment within the present APE, however, has not been formally recorded or previously evaluated. It appears to retain integrity of location and setting only. The route has been widened, paved and maintained. Its original design and any associated features, within the APE, have been lost, as have its integrity of material, workmanship, feeling, and association. Therefore, ADOT has determined that the portion of the route within the APE does not contribute to the historic property's overall eligibility. The modern surface of Madonna Road and US 95 would be altered during construction, but the route's current alignment would remain unchanged. No cultural resource treatment is necessary.

A portion of an historic road (Road Segment 1) was recently recorded within the APE. Approximately 800 feet of the road remains, serving as an in-use driveway for a modern commercial gravel yard. Within the APE, heavy machinery operation and commercial traffic have erased any historic vestiges of the road. ADOT has determined that the road retains no integrity beyond location, holds no significance, and is not eligible for listing in the NRHP. No cultural resource treatment is warranted.

A portion of a second historic road (Road Segment 2) was recently recorded within the APE. This segment intersects with US 95, providing access to farmland, irrigation canals, and a commercial brick yard. Only a small portion of this road falls within the APE. Although Road Segment 2 is over 50 years of age, there is nothing to distinguish it from myriad other dirt roads throughout the American West. It has no demonstrable nexus with significant events or persons, and any data potential it may have had has been exhausted through its recordation on historic maps and aerial photographs. ADOT has determined that the road is not eligible for listing in the NRHP. No cultural resource treatment is warranted.

US 95 largely follows the original alignment of historic SR 95, which, within the APE, became a state highway in 1938. Thus, US 95 is recognized as part of the Historic State Highway System (HSHS) per the *Interim Procedures for the Treatment of Historic Roads* agreement among FHWA, ADOT, and SHPO, signed on November 15, 2002. The HSHS and its constituent roadways are eligible for inclusion in the NRHP pursuant to 36 CFR § 60.4(d). ADOT proposed in previous consultation that the undertaking's scope of work would not adversely affect US 95, given that the undertaking would impact no more than 0.3 percent of the highway's 1,500-mile overall length and would not alter its alignment. SHPO disagreed, accurately noting that the *Interim Procedures* describe the expansion of an NRHP-eligible highway from two to four lanes as impacting "the aspects of function and design" (Miller [SHPO] to Russell [ADOT], December 6, 2021). For this reason, ADOT revised its position, acknowledging that the current undertaking would adversely affect US 95. Attachment 6 of the *Programmatic Agreement Pursuant to Section 106 of the National Historic Preservation Act Regarding Implementation of Federal-Aid Transportation Projects in the State of Arizona (PA)* will be utilized as the Section 106 agreement document and would be used in tandem with the project-specific Historic Properties Treatment Plan (HPTP) currently being developed.

Site number AZ L:7:30(ASM) references abandoned portions of SR 95 that were not incorporated into the current US 95 structure. Two such segments (A and B) were recently recorded within the APE. These too are recognized as part of the HSHS and are therefore NRHP-eligible pursuant to 36 CFR § 60.4(d). Segment A retains integrity of association, location, and materials, but is only 580 feet long. Segment B retains integrity of association and location, but is only 1,170 feet in length. ADOT has determined that given these lengths, the segments neither convey SR 95's significance nor contribute to the highway's overall eligibility. No cultural resource treatment is necessary.

The Wellton-Mohawk Canal, previously recorded as AZ X:3:388(ASM) and AZ X:8:36(ASM), is a component of the Wellton-Mohawk Division, delivering Colorado River water to the Yuma area. The canal and its constituent elements were previously determined eligible for listing on the NRHP pursuant to 36 CFR §§ 60.4(a) and (c). Pursuant to the Wellton-Mohawk Transfer Act of 2000 (Public Law 106-221), BOR is in the process of transferring the Wellton-Mohawk Division to the WMIDD. To mitigate any future adverse effects that may derive from this transfer, BOR prepared Historic American Engineering Record (HAER) number AZ-68, entitled Wellton-Mohawk Irrigation System (Thompson 2006). SHPO subsequently concurred with the adequacy of HAER AZ-68 (Collins [SHPO] to Liebhauser [USBR], April 28, 2006).

Two boreholes were placed in the canal's adjacent and paralleling access roads, both of which fell within the historic property's administrative boundary. Previous consultation determined that the installation of these boreholes would not adversely affect the historic property (Russell [ADOT] to Leonard [SHPO], July 14, 2021; SHPO concurrence on July 15, 2021). No cultural resource treatment is necessary.

AZ X:7:165(ASM) consists of an artifact concentration and historic-age building debris associated with the Blaisdell Railroad Station and the Southern Pacific Railroad. ADOT has determined that this site is eligible for listing in the NRHP under Criterion D. SHPO has indicated a previous determination of eligibility under Criterion A as well. Current design plans indicate construction activities would not impact the site. A site buffer will be flagged, and the area will be marked on project plans for avoidance.

AZ X:7:12(ASM) is a previously recorded undated archaeological site. Previously recorded features were identified and additional features were recorded. Current design plans indicate construction activities would impact the site. In consultation, ADOT, SHPO, and Tribes determined the site not eligible for listing in the NRHP. No cultural resource treatment is warranted.

AZ X:7:49(ASM) is a previously recorded multicomponent site. The previously recorded features were identified and an additional nine features were recorded. ADOT has determined that this site is eligible for listing in the NRHP under Criterion D. Though subject to change, current design plans suggest that the site could be impacted by construction. A site buffer will be flagged, and the area will be marked on project plans for avoidance.

ADOT continued Section 106 consultation with the Advisory Council on Historic Preservation (ACHP), Ak-Chin Indian Community, SHPO, Arizona State Museum, Arizona State Land Department (ASLD), BLM, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Fort Yuma Quechan Tribe, Gila River Indian Community, Hopi Tribe, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation (Four Southern Tribes lead), UPRR, BOR, WAPA, WMIDD, and the Yavapai-Apache Nation on a finding of "adverse effect" on March 29, 2022. The ACHP declined to participate as a consulting party.

### 2.3.5. Air Quality

The NEPA of 1969 and The Clean Air Act Amendments (CAAA) of 1990 require that air quality impacts be addressed in the preparation of environmental documents for federal projects. As stated in the EA, the project area lies within the National Ambient Air Quality Standards (NAAQS) Yuma nonattainment area for PM<sub>10</sub>.

The Air Quality Analysis for the project demonstrates that the project would not cause or contribute to any new localized PM<sub>10</sub> violations, increase the frequency or severity of any existing PM<sub>10</sub>, or delay timely attainment of any NAAQS or any required interim emission reductions or other milestones in the Yuma PM<sub>10</sub> nonattainment area. The project is not likely to cause or contribute to the severity or number of violations of the NAAQS. Mobile Source Air Toxics (MSATs) are a subset of the 188 air toxics defined by the CAA, and nine of these 21 MSATs are defined by the FHWA as priority MSATs. There is no EPA approved methodology currently available for quantifying future potential impacts to ambient levels of MSATs from vehicle emissions. A qualitative MSAT evaluation was conducted for the proposed project because of low potential MSAT effects.

ADOT conducted interagency consultation with, EPA, FHWA, YMPO, and the Arizona Department of Environmental Quality (ADEQ) for interagency consultation between September 16 – October 1st, 2021 interagency consultation in accordance with 40 CFR 93.105 as a Project that is not of Air Quality Concern and that would not require a PM hot-spot analysis. There were no objections to the project determination and on October 1st, 2021, ADOT concluded Interagency Consultation by notifying interested parties that this project would proceed as a project that does not require a quantitative PM<sub>10</sub> hot-spot analysis under 40CFR 93.123(b).

The project is listed in the YMPO 2022-2026 TIP No. 102079, approved by the YMPO Executive Board, July 29, 2021. The project is also included in the YMPO 2018-2041 RTP. On August 30, 2021, FHWA issued a Finding of Conformity on the FY 2022-2045 YMPO RTP and FY 2022-2026 TIP. On August 30, 2021, FHWA issued a Finding of Conformity on the FY 2022-2045 YMPO Regional Transportation Plan (RTP) and FY 2022-2026 Transportation Improvement Program (TIP). On October 19, 2021 FHWA issued a Project-level Conformity Determination (see **Attachment C**).

### 2.3.6. Noise

The original noise analysis was conducted in compliance with the ADOT Noise Abatement Policy (NAP), dated March 21, 2000. A new noise analysis was conducted to comply with the current (2017) ADOT NAP. The ADOT NAP noise level impact threshold for Category B (residential) including one mobile home park and single-family homes; Category C (public meeting rooms) including the Veterans of Foreign Wars meeting facility; and Category E (commercial) including the Dirty South BBQ House restaurant were utilized for the evaluation. The noise analysis focused on all representative noise sensitive receptors. Short-term noise level monitoring was conducted within the project area on July 27, 2021 to describe the existing noise environment. Two measurement locations were chosen to represent noise sensitive receptors in residential areas and one location represents the Dirty South BBQ House restaurant. The measured noise levels ranged from 53 dBA to 67 dBA. The FHWA Traffic Noise Model 2.5 was used to evaluate traffic noise. The modeled noise levels range from 58 dBA to 70 dBA for both the No-Build and

the Build Conditions. According to the noise analysis,<sup>15</sup> while all residences and business within the project area would be affected by increased noise levels, only two single-family residences were found to exceed the ADOT NAR noise impact threshold of 66 dBA. Due to the modeled noise levels for the Build Condition being equal to or greater than the ADOT NAR noise impact threshold of 66 dBA at the Category B (residential) receivers, mitigation evaluation was required.

Sound barriers located between the source of noise and any receivers can abate noise impacts by blocking or deflecting sound waves. Noise barriers are effective because they absorb sound energy, extend the source-to-receptor sound transmission path, or both. Highway sound barriers are primarily constructed as earth berms or solid-mass walls adjacent to limited-access freeways that are in proximity to noise sensitive land use(s). To be effective, a sound barrier must be long enough and tall enough to shield the impacted receptor(s). Generally, the noise wall length must be eight times the distance from the barrier to the receptor. On roadway facilities with direct access for driveways, sound barriers are typically not feasible because the openings render the barrier ineffective in impeding the transmission of traffic noise. Due to the requisite lengths for effectiveness, sound barriers are typically not economical for isolated or most low-density areas such as the impacted receivers on this project.

According to the ADOT NAR, there are three factors that must be met for a noise abatement action to be considered reasonable. The first is that the viewpoints of the property owners and residents shall be considered when determining whether the barrier should be constructed or not. The second is that the noise barrier should be designed to reduce the projected unmitigated noise levels by at least 7 dBA for 50 percent of the benefited receptors closest to the transportation facility. The third is that the maximum reasonable cost of abatement be no greater than \$49,000 per benefited receptor with barrier costs calculated at \$35 per square foot, \$85 per square foot if constructed on a structure. The mitigation analysis determined that a noise barrier was not a reasonable recommendation for this project because the barrier exceeded the cost per benefited receiver threshold of \$49,000. The noise analysis was approved by ADOT on November 10, 2021 (see **Attachment D**). Additional noise abatement measures explored include:

- Acquisition of ROW to provide a buffer zone
- Change of horizontal or vertical alignment
- Insulation of Category D Land Uses
- Traffic management measures
- Vegetation planting

Acquisition of ROW would serve to provide additional property adjacent to the proposed improvements to provide a buffer zone in which no noise sensitive land use would be permitted. The acquisition of ROW would not be a cost-effective approach for noise mitigation on this project.

Alignment modification (horizontal or vertical) can serve to reduce noise impacts by either moving the source of noise away from the receiver or by depressing the roadway to block sound. The proposed alignment was selected based on a minimization of impacts to the surrounding environment; therefore, the alteration of horizontal and vertical alignments would not be a cost-effective approach for noise mitigation on this project.

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<sup>15</sup> Newton Environmental Consulting, LLC (NEC). Noise Analysis Technical Report. US 95, Rifle Range Road to Wellton Mohawk Canal. November 3, 2021.

ADOT considers insulation as a noise mitigation measure for interior noise-sensitive areas (NAC “D”) when exterior noise abatement is not feasible and reasonable. The impacted receivers for this project are residential (NAC Category B); therefore, interior noise insulation was not considered as a potential traffic noise impact mitigation measure for this project.

Measures such as traffic control devices and signing for prohibition of certain vehicle types, time-use restrictions for certain vehicle types, and modified speed limits can reduce noise impacts by reducing either the number of higher-impact vehicles or the overall vehicle speed within a project area. Prohibition of truck traffic, reduction of the speed limit below the existing and proposed speeds, or screening total traffic volumes would diminish the functional capacity of US 95 and are not recommended.

In some cases, existing dense vegetation can reduce traffic noise levels. Vegetation that is a minimum of 100 feet in depth, at least 15 feet high and dense enough that you cannot see the highway through it, can reduce noise levels by approximately 5 decibels. Typical roadside landscaping does not affect noise levels. Sufficient ROW does not exist to accomplish this depth of vegetation. The acquisition of ROW for vegetation planting would not be a cost-effective approach for noise mitigation on this project.

### 2.3.7. Water Resources

The EA stated that a preliminary jurisdictional delineation was completed for the project that determined that Waters of the U.S. (WOTUS) do exist in the project area. It was anticipated that an Individual Permit would be required from the Corps for impacts to WOTUS. However, the project has been constructed in phases and permitted accordingly. The limits of potential WOTUS have altered since the original delineation; therefore, a ground survey to identify WOTUS in the project area was completed on June 10, 2021 and approximately 1.13 acres of ephemeral washes were delineated. No wetlands or special aquatic sites were identified in the project area.

Based on the Stage III design, a total of 0.25 acres of potential WOTUS would be permanently impacted by roadway widening and associated improvements (culvert extensions and riprap). Each crossing would result in less than 0.1 acres of permanent impact to potential WOTUS. Temporary impacts to potential WOTUS total 0.13 acres and would be returned to pre-construction conditions. Therefore, pre-construction notification to the Corps is not required under Regional General Permit (RGP) No. 96. A Non-Notify RGP No. 96 Compliance Close Out Memo was approved by ADOT on October 12, 2021 (see **Attachment E**). This project would result in more than one acre of ground disturbance; therefore, coverage under the Arizona Pollutant Discharge Elimination System Construction General Permit would be required.

### 2.3.8. Prime and Unique Farmland

Approximately 31 acres of prime farmland exist within the project area, including 14 acres classified as prime farmland if irrigated and 17 acres classified as prime farmland if irrigated and reclaimed of excess salts and sodium.<sup>16</sup> Approximately 26 acres of prime farmland is zoned Agricultural/Rural Residential, and

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<sup>16</sup> United States Department of Agriculture (USDA). 2021. Custom Soil Resource Report for Yuma-Wellton Area, parts of Yuma County, Arizona and Imperial County, California. Web Soil Survey. <https://websoilsurvey.nrcs.usda.gov/app/>

the remaining 5 acres are zoned Regional Commercial.<sup>17</sup>

Approximately 0.81 acres of prime farmland would be converted for the project, totaling approximately 2.5% of active farmlands within the project area. Only approximately 0.03 acres of this farmland to be converted is zoned Regional Commercial, and the remaining approximately 0.77 acres is zoned Agricultural/Rural Residential.

Out of an estimated 910,883 acres of irrigated farmland in the State of Arizona,<sup>18</sup> only approximately 0.81 acres would be converted, totaling approximately 0.0000009% of farmlands in the State of Arizona. This amount of farmland would be taken out of production but would not alter the character of the region. The United States Department of Agriculture (USDA) Farmland Conversion Impact Rating Form was completed and submitted to the USDA on April 2, 2022 (see **Attachment F**).

### 2.3.9. Biological Resources

#### 2.3.9.1 Threatened and Endangered Species, Designated Critical Habitat, and Sensitive Species

A Biological Evaluation (BE) was completed for the US 95, Avenue 9E to Aberdeen Road project in June 2003. The project area included US 95 between MP 31.8 to MP 47.3. The 2003 BE concluded that there would be “no effect” to the cactus ferruginous pygmy-owl (*Glaucidium brasilanum cactorum*), razorback sucker (*Xyrauchen texanus*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma Ridgway's rail (*Rallus longirostris yumanensis*), bald eagle (*Haliaeetus leucocephalus*), flat-tailed horned lizard (*Phrynosoma mcallii*) or any of the listed species' habitat. USFWS reviewed the BE and in a letter dated September 9, 2003, requested that updated surveys and habitat descriptions be conducted and included in an amended BE prior to construction.

A BE was completed in 2013 for the US 95 Avenue 9E to Fortuna Wash Bridge project (H4599, approved by ADOT 12/10/2013). The project area included US 95 between MP 31.86 to MP 34.90. The current project falls within the previously studied project area. The 2013 BE found that the project would not affect any ESA listed or candidate species and did not include detailed species analysis.

As part of the BE re-evaluation, seven species protected by the ESA were identified by the U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPAC) species list on October 22, 2021 as possibly occurring in the project vicinity. The habitat requirements and distribution of each species were reviewed to identify those that could occur within the project area but can be excluded from further evaluation. The justification for excluding these species from further evaluation are provided in the BE re-evaluation. The BE re-evaluation was completed in accordance with the most current changes to the ESA. This project would have no effect on those species excluded from further evaluation. A detailed species analysis was completed for the Yuma Ridgway's rail. It was determined that the project would have no effect to the Yuma Ridgway's rail or its habitat.

<sup>17</sup> Yuma County. 2021. Yuma County GIS. <https://geo-viewer.yumacountyaz.gov/Html5Viewer/index.html?viewer=YumaCountyPublicApplication>

<sup>18</sup> United States Department of Agriculture (USDA). 2017. Census of Agriculture State Data. Arizona.

The BE re-evaluation was approved by ADOT on November 30, 2021 (see **Attachment G**). Environmental commitments would be implemented to prevent impact to migratory birds, native plants, and to prevent further introduction of noxious and invasive plant species.

#### 2.3.9.2 Federally-Managed Lands Species of Concern

This project occurs partially on lands owned and managed by the BLM and BOR. BLM sensitive species that have been documented within three miles of the project vicinity include the California leaf-nosed bat (*Macrotus californicus*), flat-tailed horned lizard, Yuma Ridgway's rail, small wirelettuce (*Stephanomeria exigua* ssp. *exigua*), and the blue sand lily (*Triteleiopsis palmeri*). As determined in the BE re-evaluation detailed species analysis, the project would have no effect to the Yuma Ridgway's rail or its habitat. The project area does not contain suitable habitat for the remaining species; therefore, impacts to BLM sensitive species are not anticipated. BOR responded during the agency scoping process, stating that Yuma Ridgway's rail are present near the project on the Gila River and requested that the effects on listed species be analyzed and consultation initiated with USFWS as needed. This analysis was conducted during the BE re-evaluation which concluded that there would be no effect to listed species or their habitat.

#### 2.3.9.3 Arizona Species of Concern

The Arizona Game and Fish Department (AGFD) on-line environmental review tool (OERT) (Project ID: HGIS-12290) was accessed on June 24, 2021 to identify special status species that have been reported in the project vicinity.

The AGFD OERT indicated that records of two species listed under the ESA occurred within three miles of the project area, including Southwestern willow flycatcher and the Yuma Ridgway's rail. The AGFD OERT also indicated one species protected under a Candidate Conservation Agreement (CCA), flat-tailed horned lizard, and four additional state or federal special status species have been previously reported within three miles of the project area. As discussed in the BE re-evaluation, it was determined that there would be no effect to these Arizona species of concern.

#### 2.3.9.4 Migratory Bird Treaty Act (MBTA)

Migratory birds may nest on the ground, on structures, or in trees, shrubs, or other vegetation within the action area. The construction footprint and surrounding ROW were surveyed on June 10, 2021 by windshield survey for indications that migratory birds may nest in the area. Approximately 10 inactive nests were observed and based on the current design, approximately two acres of trees and shrubs will be removed. Therefore, to avoid any impacts to migratory birds, environmental commitments will be implemented (see **Attachment A**).

#### 2.3.9.5 Arizona Native Plant Law Species

Qualified biologists visually surveyed the project area for protected native plants on June 10, 2021. Protected native plants found within the project area consist of honey mesquite (*Prosopis glandulosa*),

blue paloverde (*Parkinsonia florida*), and yellow paloverde (*Parkinsonia microphylla*). Protected native plants within the project area would be impacted by this project; therefore, environmental commitments would be required (see **Attachment A**).

#### 2.3.9.6 Noxious and Invasive Plant Species

Qualified biologists visually surveyed the project area for noxious and invasive weeds on June 10, 2021. The ADOT District also responded to a request for information on the presence of noxious and invasive species on July 30, 2021. Noxious and invasive species identified within the project area include saltcedar (*Tamarix ramosissima*), buffelgrass (*Cenchrus ciliaris*), Russian thistle (*Kali tragus*), Bermuda grass (*Cynodon dactylon*), and Sahara mustard (*Brassica tournefortii*). Environmental commitments would be required for the control of noxious and invasive plant species (see **Attachment A**).

#### 2.3.10. Hazardous Materials

A Preliminary Initial Site Assessment (PISA) was prepared for the project due to the time that has passed since the EA and was approved by ADOT on June 29, 2021 (see **Attachment H**). The PISA included a search of regulated facilities within and in the immediate vicinity (1/8-mile) of the project area. The review of the referenced databases also considered the potential or likelihood of contamination from adjoining and nearby sites. The PISA found no hazardous materials concerns with the project, which is consistent with the EA. The project scope includes impacts to roadway striping and concrete structures; therefore, testing for lead-based paint (LBP) and potential asbestos-containing materials (ACM) was conducted. The ACM/LBP analysis was approved by ADOT on December 13, 2021 (see **Attachment I**). Soil sampling was also conducted. The soil sampling report was approved by ADOT on December 13, 2021 (see **Attachment J**).

#### 2.3.11. Reasonably Foreseeable Impacts

*Reasonably foreseeable* and *effects or impacts* are defined in the Council on Environmental Quality (CEQ) guidelines (40 CFR Parts 1500–1508 (2020)).

Secondary impacts in the EA included air quality, noise, prime and unique farmland, native vegetation, and cultural resources. No secondary impacts were identified for section 4(f) resources, utilities, visual resources, drainage and floodplain considerations, water resources, wetlands, effect on standards for rangeland health, hazardous materials, material sources and waste materials, and energy.

The secondary impacts to land jurisdiction, ownership, and use, which includes approximately 2.6 acres of land being converted to transportation use, was determined to be minor and adverse. Secondary impacts to social and economic resources, which include improved access to facilities, improved traffic flow, and decreased travel times were determined to be minor and beneficial. The secondary impacts to populations protected under EJ, which include increases in noise, degradation of air quality, and travel delays would be short-term and adverse. Secondary impacts to cultural resources which included the potential damage to, or loss of, sites considered eligible or potentially eligible for the NRHP was determined to be moderate and

adverse. The secondary impacts to air quality, which included increased traffic volume, was determined to be minor and adverse. Secondary impacts from noise which included increased noise levels due to increased traffic volume on the roadway was determined to be moderate and adverse. The secondary impacts to prime and unique farmland which included a reduction in available farmland was determined to be minor and adverse. Secondary impacts to biological resources, which included impacts to native vegetation through loss of available habitat and habitat fragmentation, was determined to be minor and adverse. The findings from the EA remain valid as they relate to reasonably foreseeable impacts since there has been no change to the overall land use or the overall impacts.

There are no Reasonably Foreseeable Future Actions in addition to those discussed in the EA.

### 3. Public Involvement

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Public and agency scoping were conducted during the EA re-evaluation. Scoping letters were mailed or emailed in June 2021 and subsequently in July 2021 as land ownership data was refined. Responses were received from ADOT Department of Agriculture Pest Management Division, BOR, AGFD, and three private landowners. ADOT coordinated responses and the District is coordinating with private landowners as necessary regarding ROW, easements, and TCEs.

### 4. Conclusion

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Based on this EA re-evaluation, it has been determined that the FONSI issued on October 19, 2006 is still valid.

### 5. Attachments

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- Attachment A: Updated Environmental Commitments and Permits
- Attachment B: Vicinity Map
- Attachment C: Air Quality Analysis Signature Page
- Attachment D: Noise Analysis Signature Page
- Attachment E: Non-Notify Regional General Permit (RGP) No. 96 Compliance Close Out Memo
- Attachment F: USDA Farmland Conversion Impact Rating Form
- Attachment G: Biological Evaluation Re-evaluation Signature Page
- Attachment H: PISA Signature Page
- Attachment I: ACM/LBP Report Signature Page
- Attachment J: Soil Sampling Report Signature Page

## **Attachment A**

### Updated Environmental Commitments

## 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.

**New and updated environmental commitments are in bold text.**

The following contractor's mitigation measures, permits and guidelines (as applicable) shall be included in the project special provisions:

### **ADOT District Responsibilities:**

- **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 (602.341.9331 or 602.712.7767) to evaluate the situation.**
- **The Engineer will contact the ADOT Environmental Planning - Historic Preservation Team (602.712.7767) to schedule the Partnering meeting on a mutually agreeable date to ensure a qualified Environmental Planning representative will be available to attend the meeting.**

### **ADOT Roadside Development Section Responsibilities:**

- **The Arizona Department of Transportation Roadside Development Section will provide special provisions for the control of noxious and invasive plant species during construction that may require treatment and control within the project limits.**
- **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:**

- **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 not cause injury or death to swallows, including eggs and nestlings. If work will occur that will directly impact nesting swallows from February 1 to August 31 of any calendar year. The Contractor shall adhere to the following:**
  - **The Contractor shall completely remove all existing swallow nests within 100 feet of work areas after August 31 but prior to February 1 to prevent swallows from reusing those nest.**
  
  - **The Contractor shall implement exclusionary measures to prevent swallows from building new nests within areas directly impacted by construction activities. Exclusionary measures shall be implemented in all areas where swallows are likely to nest, and may include (a) continually removing nesting materials during early nest construction when eggs or nestlings are not present, (b) installing deterrent spike strips, and/or (c) installing polytetrafluoroethylene (Teflon) sheeting.**
  
  - **The Contractor shall not disturb any active swallow nests (completed or partially completed nests that contain eggs or nestlings). If any active nest is discovered within 100 feet of construction activities, work shall stop and the Arizona Department of Transportation Environmental Planning biologist shall be contacted (602.341.9331 or 602.712.7767) to evaluate the potential for disturbance of nests.**
  
  - **The Contractor shall monitor and maintain the effectiveness of exclusionary measures daily. Spike strips shall be maintained such that they remain in place. Teflon sheeting shall be reapplied as often as necessary to remain effective.**
  
- **If swallow exclusion measures fail, the Contractor shall:**
  - **Inform the Engineer as soon as swallow nest building occurs and determine whether the area can be avoided until nests are no longer active;**
  
  - **Hire a qualified biologist to survey bird nests within 100 feet of construction areas and provide a report to the Environmental Planning biologist (602.341.9331 or 602.712.7767) with the number of affected nests for each species of bird. The resume for the selected biologist shall be approved by the Engineer in coordination with the ADOT Biologist prior to conducting the survey.**

**Contractor Responsibilities (continued):**

- **Determine whether to wait for the nestlings to fledge or apply for a US Fish and Wildlife Service Migratory Bird Treaty Act Special Purpose permit from the USFWS Regional office in Albuquerque, New Mexico.**
- **If the permit is approved, hire a wildlife rehabilitator licensed by USFWS to relocate and rehabilitate all affected eggs or nestlings.**
- **Any costs incurred as a result of delays related to failure of swallow exclusion measures, including waiting until the nests are not active and/or time required to obtain a Migratory Bird Treaty Act relocation permit and the eggs or nestlings to be relocated from the work area shall be the Contractor's responsibility.**
- **The Contractor shall remove all swallow exclusionary measures after project completion to the satisfaction of the Engineer.**
- **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.**
- **To prevent the introduction of invasive species seeds, all earthmoving and hauling equipment shall be washed prior to entering the construction site and the Contractor shall inspect all construction equipment and remove all attached debris, including plant parts, soil and mud, prior to the equipment entering the construction site.**
- **To prevent invasive species seeds from leaving the site, the Contractor shall inspect all construction and hauling equipment and remove all debris, including plant parts, soil and mud, prior to leaving the construction site.**

**Contractor Responsibilities (continued):**

- **The Contractor shall complete a National Standards for Hazardous Air Pollutants notification for the work associated with the Wellton-Mohawk Canal Bridge (Structure No. 00343), Reinforced Concrete Box culverts, and other load bearing structures, 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 ADEQ at least ten (10) working days prior to the commencement of work associated with the Wellton-Mohawk Canal Bridge (Structure No. 00343), RCBs, and other load bearing structures.**
- **The contractor shall avoid all flagged and/or otherwise designated sensitive cultural, biological or water resource areas within or adjacent to the project area.**
- **The contractor shall contact the ADOT Environmental Planning - Historic Preservation Team (602.712.7767 or 480.341.3029) at least 10 (ten) business days prior to the start of ground-disturbing activities to arrange for a qualified archaeologist to flag avoidance areas.**
- **The contractor shall contact the ADOT Environmental Planning Historic Preservation Team (602.712.7767 or 480.341.3029) at least 10 (ten) business days prior to the start of ground-disturbing activities to arrange for qualified personnel to monitor and be present during construction. ADOT's Environmental Planning - Historic Preservation Team will provide contact information on the qualified archaeological consultant to the Contractor for their records.**
- **The Contractor shall coordinate via email or phone with the qualified archaeological consultant and communicate the construction schedule for the duration of ground disturbing work in those areas where monitoring is needed.**

## **Attachment B**

Vicinity Map

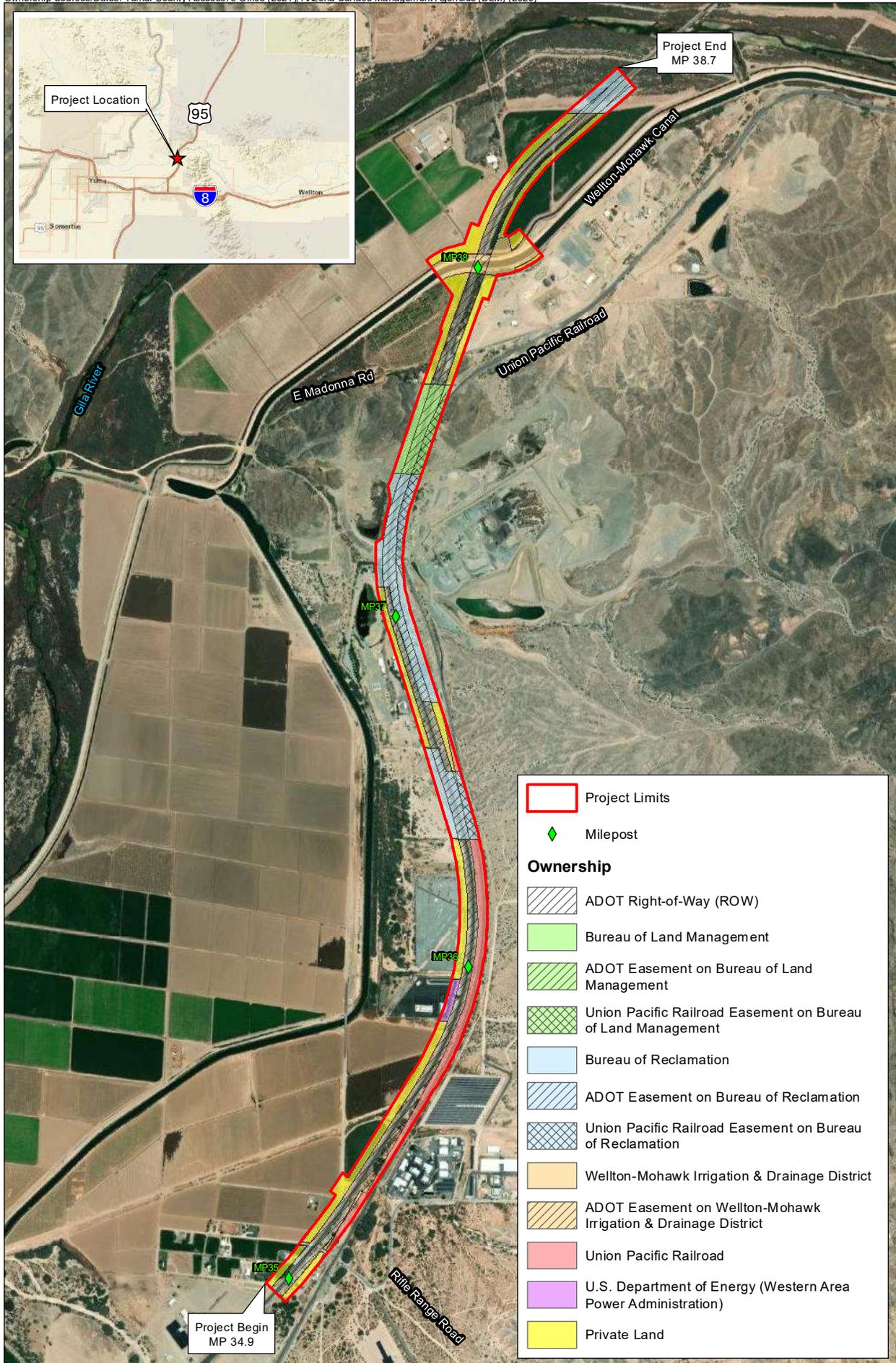


Figure 1. Vicinity Map  
 095-B(214)T  
 095 YU 035 F0359 01C  
 US 95, Rifle Range Road to Wellton-Mohawk Canal

0 650 1,300 2,600 Feet  
 Scale: 1" = 1,300'



**Attachment C**

Air Quality Analysis Signature Page



**Arizona Department of Transportation  
Environmental Planning**

**FINAL**

**Air Quality Analysis Technical Report  
US 95, Rifle Range Road to Wellton Mohawk Canal**

**Federal Project No. 095-B(214)T  
ADOT Project No. 095 YU 035 F0359 01C**

ADOT Revised Date  
October 14, 2021

Submittal Number 1

**APPROVED**

*By Beverly Chenausky at 8:34 am, Oct 14, 2021*

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*All information contained in this document is the property of ADOT. ADOT approval is required prior to reproduction or distribution.*

**Attachment D**

Noise Analysis Signature Page



**Arizona Department of Transportation  
Environmental Planning**

**Noise Analysis Technical Report**

**US 95, Rifle Range Road to Wellton Mohawk Canal**

**Federal Project No. 095-B(214)T  
ADOT Project No. 095 YU 035 F0359 01C**

Submittal Date:  
November 3, 2021

Submittal Number: 1

11/10/2021

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*All information contained in this document is the property of ADOT. ADOT approval is required prior to reproduction or distribution.*

**Attachment E**

Non-Notify Regional General Permit (RGP) No. 96

Compliance Close Out Memo



Our True North: *Safely Home*

Environmental Planning

**Douglas A. Ducey**, Governor  
**John S. Halikowski**, Director  
**Dallas Hammit**, State Engineer

October 11, 2021

Ms. Sallie Diebolt, Chief  
Arizona Branch, Regulatory Division  
U.S. Army Corps of Engineers  
3636 North Central Avenue, Suite 900  
Phoenix, AZ 85012-1939

Attention: Jesse Rice, ADOT Liaison

Re: Non-Notify Regional General Permit (RGP) No. 96 Compliance Close Out Memo  
095-B(214)T  
095 YU 035 F0359 01C  
US 95, Rifle Range Road to Wellton-Mohawk Canal

### **Project Description**

The Arizona Department of Transportation (ADOT) is designing a roadway widening project on US 95 from Rifle Range Road to the Wellton-Mohawk Canal approximately 10 miles northeast of the City of Yuma in Yuma County, Arizona. The project limits extend from milepost (MP) 34.9 to MP 38.7. The project occurs within ADOT right-of-way (ROW), Bureau of Reclamation (BOR), Bureau of Land Management (BLM), Wellton-Mohawk Canal Drainage District, and private lands. Right-of-way (ROW), easements, and temporary construction easements (TCEs) will be obtained as needed. The cadastral location is Sections 4, 9, 16, 20, 21, 28, 29, Township 8 South, Range 21 West. The project coordinates are 32.73625, -114.42484. Construction is anticipated to begin in the fall of 2022 and the construction duration is anticipated to be approximately 15 months.

### **Survey Information**

A ground survey to identify potential Waters of the U.S. (WOTUS) in the project area was completed on June 10, 2021 by Ashton Koons and Jennifer Simpkins (Kimley-Horn). Kimley-Horn delineated approximately 3.94 acres of surface water channels that are not considered potential WOTUS since they are concrete irrigation canals with no connection to WOTUS (Wellton-Mohawk Canal and Wellton-Mohawk Drainage System Main Conveyance Channel). Kimley-Horn also delineated approximately 1.13 acres of ephemeral washes (Ephemeral Wash 1 - EW 1, Ephemeral Wash 2 – EW 2, Ephemeral Wash 3 – EW 3, Ephemeral Wash 4 – EW 4, Ephemeral Wash 5 – EW 5, and Ephemeral Wash 6 – EW 6) that cross the project limits and were proposed as potential WOTUS. No wetlands or special aquatic sites were identified in the project area.

### **Project Impacts**

Based on the Stage III design, a total of 0.25 acres of potential WOTUS will be permanently impacted by roadway widening and associated improvements (culvert extensions and riprap) (see **Figure 1**).

Ms. Diebolt, October 11, 2021  
095 YU 035 F0359 01C, Page 2

**Impacts to Potential Waters of the U.S.**). Each crossing will result in less than 0.1 acres of permanent impact to potential WOTUS. Temporary impacts to potential WOTUS total 0.13 acres and will be returned to pre-construction conditions.

### **Biological Resources**

A Biological Evaluation (BE) Re-evaluation was submitted to ADOT on October 1, 2021, which concluded that there would be no effect to federally listed species.

### **Cultural Resources**

Potential impacts to cultural resources identified in the project limits are currently being evaluated by ADOT. ADOT has been designated to act as the lead federal agency for the U.S. Army Corps of Engineers (Corps) through a state-wide programmatic agreement for Section 106 compliance on federally funded projects. Therefore, any federally funded activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) is allowed to proceed under non-notification after ADOT follows its procedures for compliance with Section 106 of the NHPA and no additional thresholds for pre-construction notification have been reached (i.e. biological resources impacts). Therefore, pre-construction notification to the Corps is not required under RGP 96.

No additional documentation is required unless design changes beyond Stage III, which is not anticipated at this time.

Enclosers: Figure 1: Impacts to Potential Waters of the U.S.



Israel Garcia  
Wetland Biologist/ Water Resource Specialist 4  
ADOT Environmental Planning

*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 dated April 16, 2019, and executed by FHWA and ADOT.*

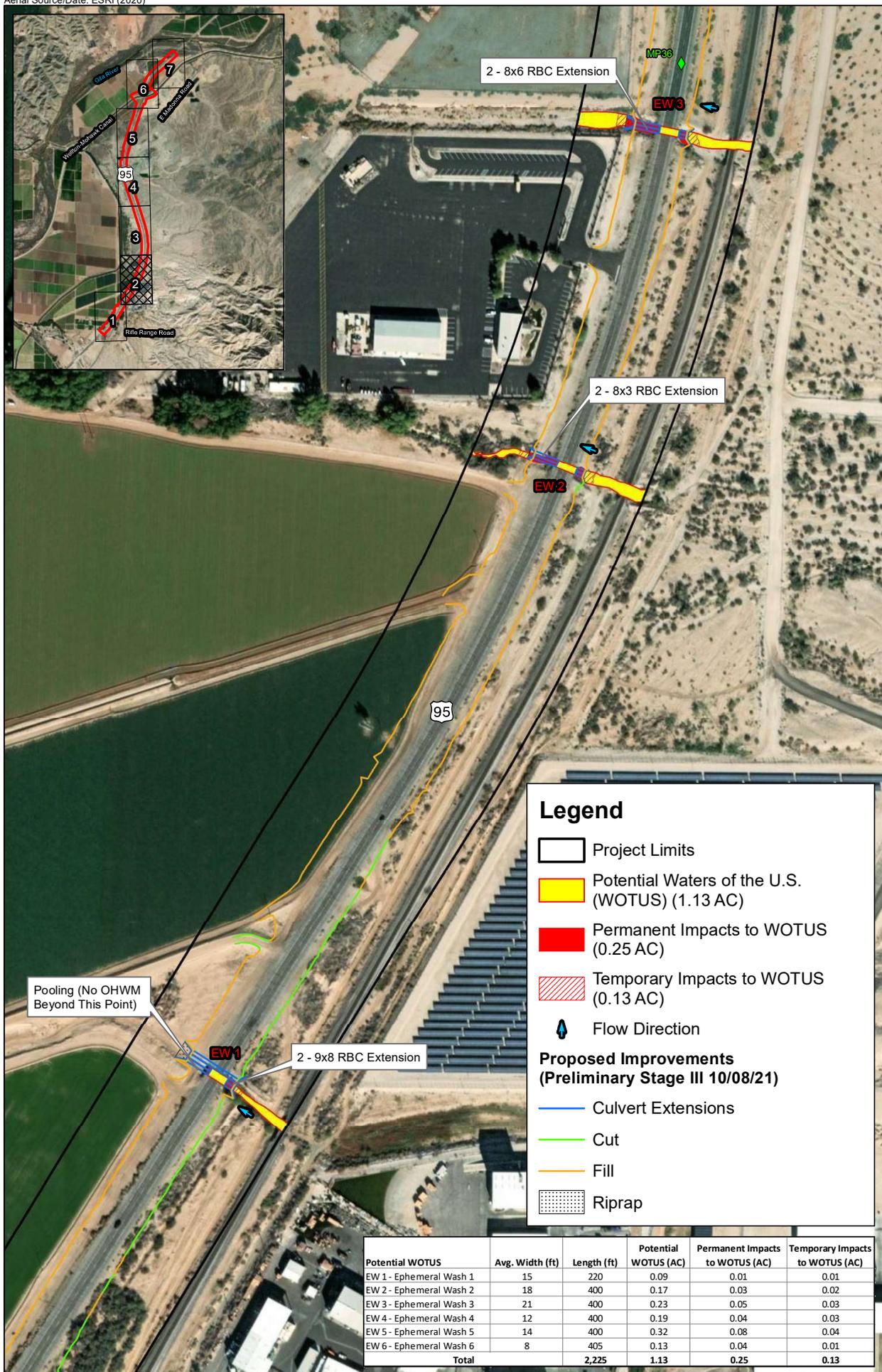
Aerial Source/Date: ESRI (2/20)



Figure 1: Impacts to Potential Waters of the U.S.  
095-B(214)T  
095 YU 035 F0359 01C  
US 95, Rifle Range Road to Wellton-Mohawk Canal

0 100 200 400 Feet  
Scale: 1"= 200'





**Legend**

- Project Limits
- Potential Waters of the U.S. (WOTUS) (1.13 AC)
- Permanent Impacts to WOTUS (0.25 AC)
- Temporary Impacts to WOTUS (0.13 AC)
- Flow Direction

**Proposed Improvements (Preliminary Stage III 10/08/21)**

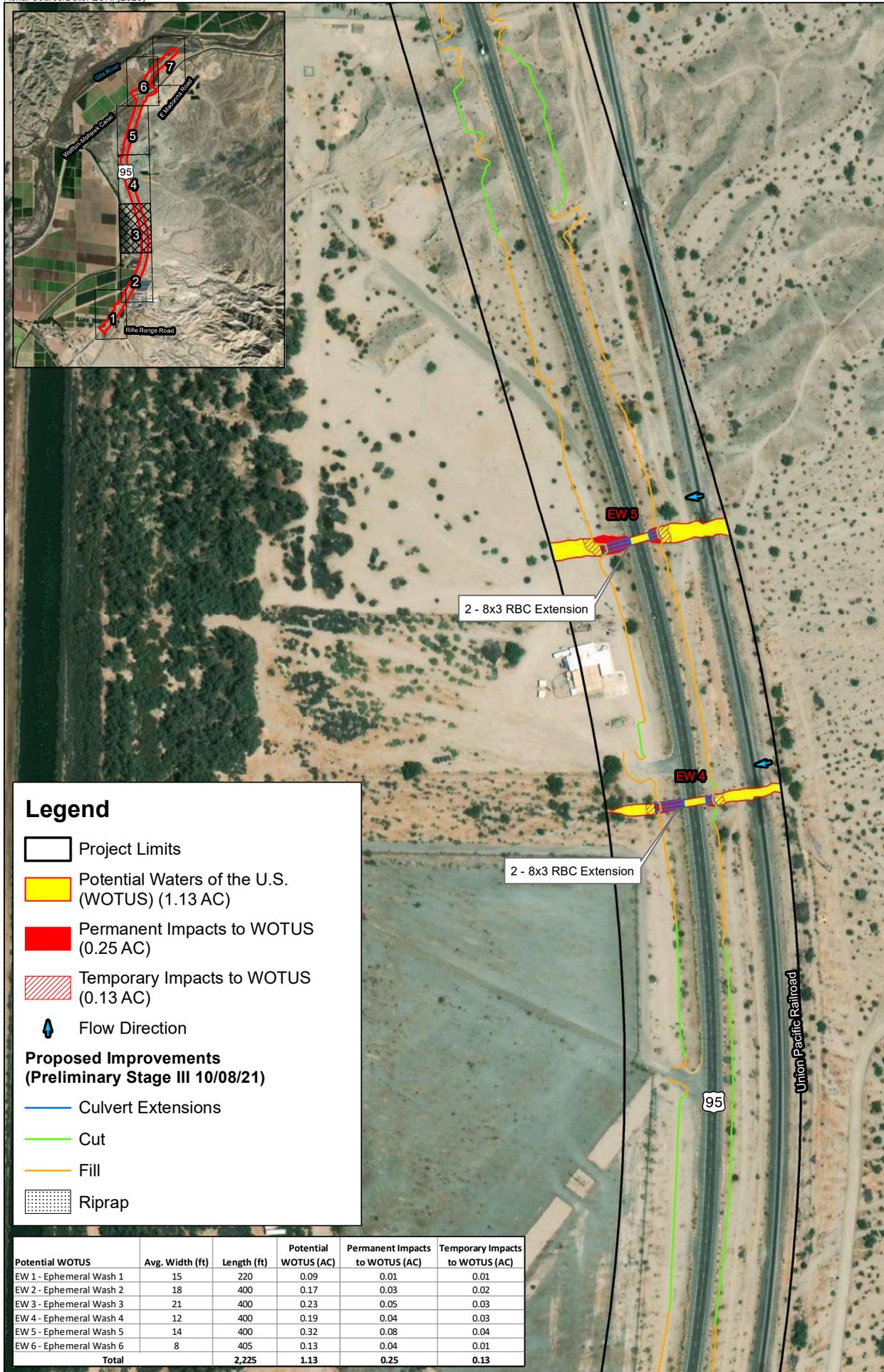
- Culvert Extensions
- Cut
- Fill
- Riprap

Potential WOTUS	Avg. Width (ft)	Length (ft)	Potential WOTUS (AC)	Permanent Impacts to WOTUS (AC)	Temporary Impacts to WOTUS (AC)
EW 1 - Ephemeral Wash 1	15	220	0.09	0.01	0.01
EW 2 - Ephemeral Wash 2	18	400	0.17	0.03	0.02
EW 3 - Ephemeral Wash 3	21	400	0.23	0.05	0.03
EW 4 - Ephemeral Wash 4	12	400	0.19	0.04	0.03
EW 5 - Ephemeral Wash 5	14	400	0.32	0.08	0.04
EW 6 - Ephemeral Wash 6	8	405	0.13	0.04	0.01
<b>Total</b>		<b>2,225</b>	<b>1.13</b>	<b>0.25</b>	<b>0.13</b>

Figure 1: Impacts to Potential Waters of the U.S.  
 095-B(214)T  
 095 YU 035 F0359 01C  
 US 95, Rifle Range Road to Wellton-Mohawk Canal



Aerial Source/Date: ESRI (2/20/10)



**Legend**

- Project Limits
- Potential Waters of the U.S. (WOTUS) (1.13 AC)
- Permanent Impacts to WOTUS (0.25 AC)
- Temporary Impacts to WOTUS (0.13 AC)
- ↗ Flow Direction

**Proposed Improvements (Preliminary Stage III 10/08/21)**

- Culvert Extensions
- Cut
- Fill
- Riprap

Potential WOTUS	Avg. Width (ft)	Length (ft)	Potential WOTUS (AC)	Permanent Impacts to WOTUS (AC)	Temporary Impacts to WOTUS (AC)
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EW 6 - Ephemeral Wash 6	8	405	0.13	0.04	0.01
<b>Total</b>		<b>2,225</b>	<b>1.13</b>	<b>0.25</b>	<b>0.13</b>

Figure 1: Impacts to Potential Waters of the U.S.  
 095-B(214)T  
 095 YU 035 F0359 01C  
 US 95, Rifle Range Road to Wellton-Mohawk Canal

0 100 200 400 Feet  
 Scale: 1"= 200'



Aerial Source/Date: ESRI (2/20)

Potential WOTUS	Avg. Width (ft)	Length (ft)	Potential WOTUS (AC)	Permanent Impacts to WOTUS (AC)	Temporary Impacts to WOTUS (AC)
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<b>Total</b>		<b>2,225</b>	<b>1.13</b>	<b>0.25</b>	<b>0.13</b>

### Legend

- Project Limits
- Potential Waters of the U.S. (WOTUS) (1.13 AC)
- Permanent Impacts to WOTUS (0.25 AC)
- Temporary Impacts to WOTUS (0.13 AC)
- Flow Direction
- Proposed Improvements (Preliminary Stage III 10/08/21)**
- Culvert Extensions
- Cut
- Fill
- Riprap

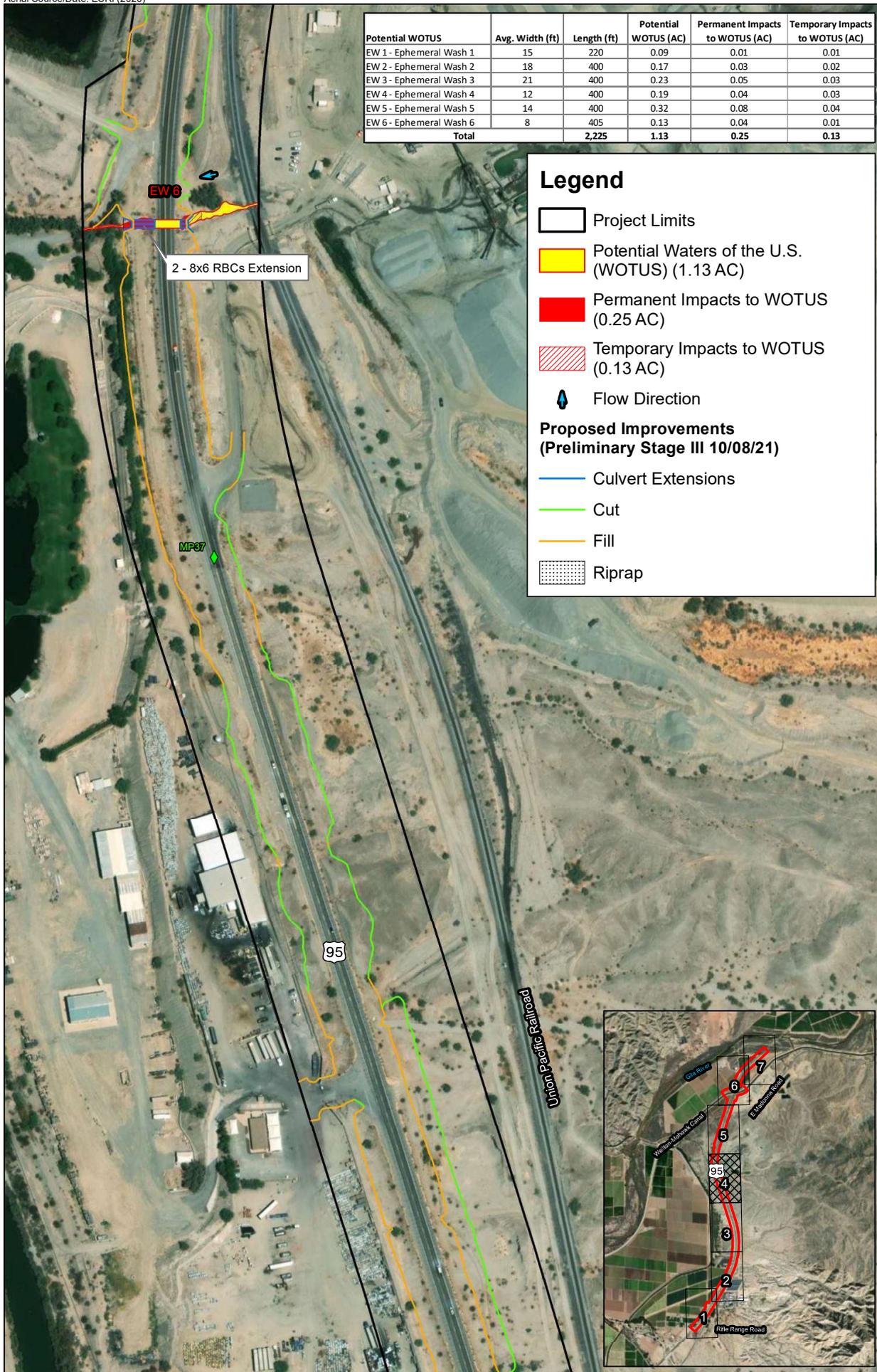


Figure 1: Impacts to Potential Waters of the U.S.  
 095-B(214)T  
 095 YU 035 F0359 01C  
 US 95, Rifle Range Road to Wellton-Mohawk Canal

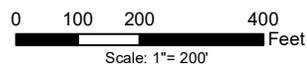




Figure 1: Impacts to Potential Waters of the U.S.  
 095-B(214)T  
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 US 95, Rifle Range Road to Wellton-Mohawk Canal

Aerial Source/Date: ESRI (2/20)



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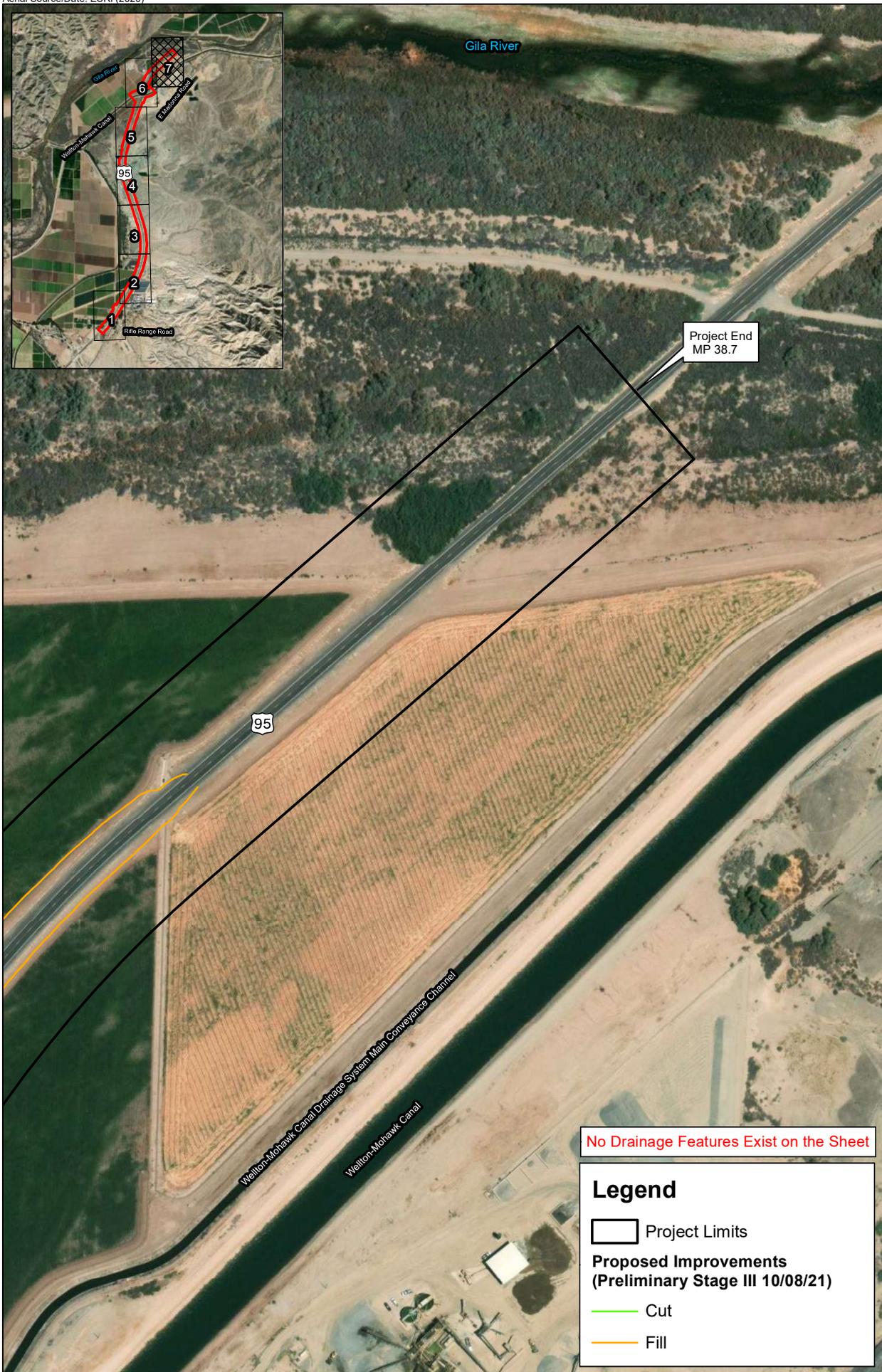


Figure 1: Impacts to Potential Waters of the U.S.  
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095 YU 035 F0359 01C  
US 95, Rifle Range Road to Wellton-Mohawk Canal

0 100 200 400 Feet  
Scale: 1"= 200'





**US Army Corps  
of Engineers.**

# DEPARTMENT OF THE ARMY REGIONAL GENERAL PERMIT NO. 96

## Routine Transportation Activities ARIZONA

### A. General Information

The District Engineer, Los Angeles District, U. S. Army Corps of Engineers hereby reissues Regional General Permit (RGP) No. 96.

**Permittee:** RGP 96 applies to Arizona statewide Waters of the U.S. (Waters), occurring within Arizona Department of Transportation (ADOT) right-of-way or easement (including temporary construction easements) (ADOT ROW/EASEMENT) through non-tribal lands and Local Public Agency projects federally funded by Federal Highway Administration (FHWA) that are bid and administered by ADOT (LPA ROW/EASEMENT). Projects that require the acquisition of minor amounts of new ROW or easement directly adjacent to existing ADOT ROW/EASEMENT or LPA ROW/EASEMENT are authorized by this RGP; however, this RGP does not authorize the construction of new alignments or when the activities have been evaluated under an Environmental Impact Statement that was prepared as a part of the National Environmental Policy Act (NEPA) process.

**Permit Number:** SPL-2014-00625

**Issuing Office:** Los Angeles District

**Effective Date:** May 6, 2021

**Expiration Date:** May 6, 2026

**Introduction:** This RGP affords ADOT a means to accomplish categories of activities that are similar in nature and cause minimal individual and cumulative impacts to the aquatic environment while eliminating unnecessary duplication of regulatory control. Certain activities required for crossings of Waters that impact 1 acre or less of Waters, or 0.025 acre or less of special aquatic sites would be eligible for this RGP. For projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. This RGP recognizes ADOT's assumption of responsibility from the Federal Highway Administration (FHWA) for environmental reviews, consultations, and other actions required by applicable Federal laws on certain projects that are Federally Funded.

**Project Location:** Arizona statewide Waters, occurring within ADOT ROW/EASEMENT through non-tribal lands and LPA ROW/EASEMENT.

### Key Sections:

B. Activities Covered by the Regional General Permit.....	2
C. Maximum Limitations .....	5
D. Notification Requirements .....	5
E. Permit Conditions .....	7
F. Further Information .....	13
G. Signatures .....	14
Appendix 1: Definitions .....	16

## B. Activities Covered by the Regional General Permit

This RGP authorizes the following with the associated limitations and requirements (see Notification Requirements in Section D for definitions):

AUTHORIZED ACTIVITIES	NON-NOTIFICATION	PRE-CONSTRUCTION NOTIFICATION
<p><b>Maintain Structure</b> - repair or replacement of an existing structure or fill.</p> <p><b>Sediment/Debris Removal</b> – no greater than 200 linear feet from structure</p> <p><b>Erosion Repair</b> - fill placed within 100 linear feet of structure</p> <p><b>Emergency Activity</b> – repairs must occur within 3 years of the damage caused by a discrete event</p>	<p><b>These activities do not have acreage threshold requirements for notification.</b> However, maximum impact thresholds for authorization under this RGP would apply (See Section C).</p> <p><b>Other notification requirements may apply in the following situations:</b></p> <ul style="list-style-type: none"> <li>• <b>Permanent impacts to intermittent waters</b></li> <li>• <b>Permanent impacts to perennial waters</b></li> <li>• <b>Special Aquatic Sites (wetlands)</b></li> <li>• <b>Proximity to Impaired Waters or Outstanding Arizona Waters (OAWs)</b></li> <li>• <b>Endangered Species Act (ESA)</b></li> <li>• <b>National Historic Preservation Act (NHPA)</b></li> </ul> <p>Refer to the Notification Requirements in Section D below to determine if pre-construction notification (PCN) is required.</p>	
<b>Geotechnical Activities*</b>	Less than 4 samples in each Waters and sampling holes less than 3-feet in diameter and total impacts (i.e. temporary and permanent) less than 0.10 acre (including impacts from access)	Greater than 4 samples and/or 0.10 acre or greater of total impacts (i.e. temporary and permanent) in each Waters and sampling holes greater than 3-feet in diameter, up to 1 acre of total impacts to each Waters (including impacts from access)
<b>Bed Stabilization*</b> - Stream bed stabilization of an existing structure or fill.	Less than 0.10 acre of total impacts (i.e. temporary and permanent) to each Waters	Greater than 0.10 acre up to 1 acre of total impacts (i.e. temporary and permanent) to each Waters
<b>Bank Stabilization*</b> – Permeable Bank Stabilization Methods	Equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the ordinary high water mark (OHWM)	Greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
<b>Bank Stabilization*</b> – Impermeable Bank Stabilization Methods	Equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM	Greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM
<b>Routine Linear Transportation Projects*</b>	Less than 0.10 acre permanent impact to each Waters	Greater than 0.10 acre up to 1 acre permanent impact to each Waters

\* In addition to threshold exceedance, these activities may require notification due to impacts associated with ESA or NHPA; impacts to special aquatic sites, impaired Waters, or OAWs; and permanent impacts to intermittent and perennial Waters. Refer to Section D for notification requirements.

***The following activities do not have acreage threshold requirements for notification. Refer to the Notification Requirements in Section D below to determine if PCN is required. Impact limitations apply to all projects authorized by this RGP; refer to Maximum Impacts in Section C below.***

**Maintain Structure – Repair or replacement of an existing structure or fill**

Activities include the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure or fill to maintain the structural integrity and operational capacity of the previously authorized, currently serviceable structure or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, for adequate drainage, flood hazard reduction, and overall public safety. For the purposes of this RGP, currently serviceable structure or fill is defined as an existing structure and its associated fill. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Because these activities would primarily occur on previously authorized structures or fill, loss of Waters are not anticipated with this activity.

Maintenance activities that include only the cutting and removal of vegetation above the ground (e.g., mowing, rotary cutting, chain sawing, etc.), where the activity does not substantially disturb the root system and does not involve mechanized pushing, dragging, or a similar activity that would redeposit soil, are not regulated activities under Section 404 of the Clean Water Act; therefore notification to the Corps Regulatory Division for these activities is not required.

**Sediment/Debris Removal**

Activities include removal of sediment, debris, woody and herbaceous vegetation, and other obstructions in the vicinity of existing structures which compromise the integrity of the structure and/or impede flows. This activity can be used to re-establish design flow carrying capacity in a watercourse for public safety when flow events do not sufficiently flush those materials completely through the system, which may result in flooding or erosion of adjacent property. Sediment/debris removal may be achieved using a hydrovac system or mechanical equipment (e.g. dozer, backhoe, blade, etc.). The activity shall occur within ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT but no greater than 200 linear feet upstream or downstream of the existing structure. Removed materials shall be removed from the watercourse to an upland site.

**Erosion Repair**

Activities include the removal of accumulated sediment (i.e. fill material) from eroded uplands and/or bank to be utilized for repairing erosion cuts in the banks or bed of Waters. Accumulated sediments used to repair erosion damage in Waters must be placed within 100 feet from where the accumulated sediment is originally removed within Waters. The use of the accumulated sediments to repair erosion damage must occur simultaneously with removal activities and accumulated sediments may only be temporarily stockpiled in the channel while removal/replacement activities are concurrently occurring. All excess material not used within that 100 feet shall be removed from the watercourse to an upland site.

**Emergency Activity - Maintenance activities or repairs within 3 years of a discrete event including repairs of uplands.**

Activities include the emergency repair, rehabilitation, or replacement of those currently serviceable structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within three years of the date of their destruction or damage. For the purposes of this RGP, currently serviceable structure or fill is defined as an existing structure and its associated fill. This activity allows for disturbance to Waters for the emergency repair of uplands damaged by discrete events provided the work is commenced or under contract to commence within three (3) years of the damage.

***The following activities have acreage threshold requirements for notification in addition to what it described in the Notification Requirements in Section D below. Impact limitations apply to all projects authorized by this RGP; refer to Maximum Impacts in Section C below.***

### **Geotechnical Activities**

Activities include core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, test pits, potholing and sampling. Material may be removed offsite or used as backfill if no other state or federal regulation would prohibit that activity. Plugging of bore holes with grout to prevent groundwater contamination is authorized if required by state or local requirements. Temporary access and construction of temporary pads is authorized under this activity. Waters must be restored to its pre-construction elevation upon completion of the work and must not drain Waters. Thresholds for notification would include:

- Non-notification: less than 4 samples and less than 0.10 acres of total impacts (i.e. temporary and permanent) in each Waters and sampling holes less than 3-feet in diameter. Discharges that occur as a result of gaining access to bore sites count toward the acreage threshold.
- PCN: greater than 4 samples and/or 0.10 acres or greater of total impacts (i.e. temporary and permanent) in each Waters and sampling holes greater than 3-feet in diameter, up to 1 acre of temporary impact to each Waters and 0.025 temporary impact to special aquatic sites, such as wetlands. Discharges impacts that occur as a result of gaining access to bore sites count toward the acreage threshold.

### **Bed Stabilization - Stream bed stabilization of an existing structure or fill**

Activities for bed stabilization include construction of new bed stabilization adjacent to an existing structures/fill to maintain the structural integrity and operational capacity of the structures/fill for adequate drainage, flood hazard reduction, and overall public safety. Examples of bed stabilization include stabilized piers, scour pads and cutoff walls (i.e. culvert outlets and outfalls). Temporary access, and temporary fill associated with the construction of bed stabilization is authorized under this activity. Thresholds for notification would include:

- Non-notification: less than 0.10 acre of total impacts (i.e. temporary and permanent) to each Waters
- PCN: greater than 0.10 acre up to 1 acre of total impacts (i.e. temporary and permanent) to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

### **Bank Stabilization**

Activities would include construction of new bank stabilization. Bank stabilization may be constructed of permeable materials such as riprap, gabion mattresses, and bioengineered techniques (or equivalent) or impermeable materials such as shotcrete, concrete, or cement stabilized alluvium (or equivalent). Thresholds for notification would include:

#### a. Permeable Bank Stabilization Methods

- Non-notification: equal to and less than 1,000 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- PCN: greater than 1,000 linear feet up to 3,000 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

#### b. Impermeable Bank Stabilization Methods

- Non-notification: equal to and less than 600 linear feet total impact and up to an average of 2 cubic yards of material per running foot below the OHWM
- PCN: greater than 600 linear feet up to 2400 linear feet total impact or greater than 2 cubic yards of material per running foot below the OHWM

### **Routine Linear Transportation Projects**

Activities would include the construction of new transportation facilities or modifications to existing facilities within existing ADOT ROW/EASEMENT and/or LPA ROW/EASEMENT. Examples include new construction, replacement, or modifications of bridge piers and shafts, culverts, ditches, erosion protection measures, bridge scour retrofit, or roadway fill. Projects that require the acquisition of minor amounts of new ROW or easement directly adjacent to existing ADOT ROW/EASEMENT or LPA ROW/EASEMENT are authorized; however, the RGP does not authorize the construction of new alignments. Bridge scour retrofit activities would include stockpiling of native material to be backfilled below the OHWM, without impeding flows. Thresholds for notification would include:

- Non-notification: less than 0.10 acre permanent impact to each Waters
- PCN: greater than 0.10 acre up to 1 acre permanent impact to each Waters and 0.025 permanent or temporary impact to special aquatic sites, such as wetlands

### **C. Maximum Limitations**

Activities authorized by this RGP can be combined on a single and complete project provided the maximum impact thresholds are not exceeded by a single and complete project. For projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of RGP authorization. Geotechnical activities that occur before design are also considered a single and complete project. The following impact limitations apply to all projects authorized by this RGP:

- 1 acre permanent impact to Waters per drainage crossing
- 0.025 acre total impacts (i.e. permanent and temporary) to special aquatic sites, such as wetlands
- 1 acre total impacts (i.e. temporary and permanent impact) to Waters from geotechnical activities
- 1 acre total impacts (i.e. temporary and permanent) to each Waters impacted by bed stabilization
- 3,000 linear feet total impact from permeable bank stabilization methods
- 2,400 linear feet total impact from impermeable bank stabilization methods

### **D. Notification Requirements**

This RGP 96 authorizes non-notification for simple, limited transportation activities, and PCN for large routine transportation activities or those activities which have potential to result in more than minimal direct and cumulative impacts. Any activity which exceeds the PCN threshold for any covered activity shall require a Section 404 individual permit unless authorized by another general permit.

**Non-Notification** - Requires no advance notification to the Corps prior to commencement of the activity. Does not allow any work to occur in Special Aquatic Sites, within certain distances of impaired waters or OAWs, or allow permanent impacts to intermittent or perennial waters (See PCN requirements below). Those limited transportation projects would be typified by removal of sediment from a culvert to restore its design flow carrying capacity, the removal of storm debris, or the replacement of small amounts of rock rip rap to repair or arrest erosion damages. Usually the removal of partially buried storm debris or culvert cleaning projects requires manual labor to dig out the accumulated material from the culvert and then a second step to properly dispose of that material. These types of projects, although often labor intensive, do not usually involve much equipment activity (if any) in the watercourse and only the temporary presence of small quantities of trans-located sediments. This could include hydro vacuuming as long as the impact is temporary. Small additions of rock riprap to address erosion issues are often initiated from outside of the watercourse. Refer to Section B for a full description of the non-notifying activities authorized by this permit.

**Endangered Species Act (ESA):** ADOT has been delegated responsibility by the FHWA for environmental reviews, consultations, and other actions required by federal law for federally funded projects. This delegation and assumption of responsibility is documented in a memorandum of understanding between ADOT and FHWA pursuant to 23 USC 326 and 23 USC 327 (commonly known as NEPA assignment). Therefore, any federally funded, non-notification project which may affect any threatened or endangered species or modify any designated critical habitat of a threatened or endangered species may proceed under non-notification after ADOT follows its procedures for compliance with the ESA. If the project is state funded, the applicant shall provide a PCN to the Corps and shall not begin work on the activity until notified by the Corps that the requirements of the ESA have been satisfied and that the activity is authorized.

**National Historic Preservation Act (NHPA):** ADOT has been delegated responsibility by the FHWA for environmental reviews, consultations, and other actions required by federal law for federally funded projects. This delegation and assumption of responsibility is documented in a memorandum of understanding between ADOT and FHWA pursuant to 23 USC 326 and 23 USC 327 (commonly known as NEPA assignment). Furthermore, ADOT has been designated to act as the lead federal agency for the Corps through a state-wide programmatic agreement for Section 106 compliance on federally funded projects. Therefore, any federally funded activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places (NRHP) is allowed to proceed under non-notification after ADOT follows its procedures for compliance with Section 106 of the NHPA. If the project is state funded, the applicant shall provide PCN to the Corps and shall not begin work on the activity until notified by the Corps that Section 106 requirements have been satisfied and that the activity is authorized.

**Pre-Construction Notification (PCN) -** Requires advance notification to the Corps prior to commencement of the activity. The RGP 96 Notification Form shall be completed and emailed to the local Corps regulatory representative. The Corps shall attempt to complete the verifications for PCN projects within 30 days from the date the notification is complete but may extend this as warranted by other requirements such as Section 7 of the ESA or Section 106 NHPA consultations. In these situations, work may not commence until the Corps has received consultation documentation from ADOT when the project is federally funded, or until the Corps has consulted with the USFWS and the State Historic Preservation Office (SHPO).

A PCN is required for the following:

- Impacts exceeding non-notification thresholds listed in Section B
- Permanent impacts in intermittent or perennial waters
- Impacts in special aquatic sites (e.g. wetlands), up to 0.025 acre of cumulative impact (i.e. permanent and temporary) per drainage crossing.
- Impacts in waters designated by the Arizona Department of Environmental Quality as 303(d) impaired surface waters, within 1 mile upstream and/or 1/2 mile downstream of a designated impaired surface water, and on tributaries to impaired waters within 1 mile of the impaired waters
- Impacts in waters designated by the Arizona Department of Environmental Quality as an Outstanding Arizona Water (OAW), within 1 mile upstream and/or 1/2 mile downstream of a designated OAW, and on tributaries to OAWs within 1 mile of the OAW
- State funded activities which may affect any threatened or endangered species or modify any critical habitat of a species listed under the ESA.
- State-funded activities which may affect a historic

Refer to Special Conditions 1 and 2 for a description of the information required for a complete PCN.

## E. Permit Conditions

### General Conditions:

1. Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. Permittee must undertake the activities authorized by this permit in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the existing structure/facility/fill in Waters is abandoned. Should the Permittee wish to cease to maintain the existing structure/facility/fill or should Permittee desire to abandon it without a good faith transfer, a modification must be obtained from this permit from this office, which may require restoration of the area.
3. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the new permittee shall sign on the Transferee block located on the signature page of this permit. By signing the signature block, the Transferee acknowledges being provided a complete copy of this permit and agrees to comply with all terms and conditions of this permit.
4. The Permittee shall allow representatives from this office to inspect the authorized activities at any time deemed necessary to ensure that it is being or has been accomplished with the terms and conditions of this permit.
5. The permittee shall comply with all requirements and conditions in the letter of Clean Water Act Section 401 Certification from the Arizona Department of Environmental Quality issued on March 12, 2021. These certifications demonstrate that the permittee has complied with Section 401(a) of the Clean Water Act. A copy of the letter is enclosed.

### Special Conditions:

The following list is comprised of proposed Permit Special Conditions, which are required of similar types of projects:

### Project Planning Requirements

1. **Preconstruction Notification.** The activities described in Section B that require Preconstruction Notification (PCN) shall be submitted to the Corps Regulatory Division at least 30 days prior to initiation of construction or maintenance activity. Verification from the Corps must be received prior to initiation of the activity. The PCN shall include the following for the Corps Regulatory Division to determine if the proposed activities comply with the terms and conditions of this permit:
  - a. A complete Request for Jurisdictional Determination (JD) or an aquatic resource delineation. This includes: project location (i.e., latitude/longitude coordinates of the approximate center point of the project in degrees/minutes/seconds format); U.S.G.S. 7.5 minute quadrangle name, location maps and delineation maps prepared using the South Pacific Division's Updated Map Standards (<https://www.spd.usace.army.mil/Missions/Regulatory/Public-Notices-and-References/Article/651327/updated-map-and-drawing-standards/>), wetland delineation report (if applicable), and any other site condition documentation. Per Regulatory Guidance Letter (RGL) 16-01, the Corps will only provide a JD when one is requested; For JD requests, RGL 16-01 Appendix 1 (Request for Corps JD)

should be provided. Otherwise a complete aquatic resource delineation may be provided with the PCN if a JD is not being requested.

- b. The RGP 96 Notification Form shall be used and include the following:
  - i. A narrative description of the stream. This should include known information on: volume and duration of flow; the approximate length, width, and depth of the waterbody and observed characteristics associated with an OHWM (e.g. bed and bank, wrack line, or scour marks); a description of the adjacent vegetation community and a statement regarding the wetland status of the associated vegetation community (i.e. wetland, non-wetland); surrounding land use; water quality; issues related to cumulative impacts in the watershed, and; any other relevant information.
  - ii. A brief description of the existing design features of the structure/facility/fill, proposed activities in Waters, an estimate of temporary impacts, an estimate of permanent impacts and permanent loss (if any), an estimate of excavation/fill quantities (in cubic yards), and type of materials proposed to maintain or repair the structure/facility/fill. Permanent and temporary impacts may be provided in acres, square feet, or linear feet (for bank protection).
  - iii. A narrative or drawings of the methods to divert water/dewater.
  - iv. A brief analysis of the proposed impacts to the waterbody which would include a written statement describing how the activity has been designed to avoid and minimize adverse effects, both temporary and permanent, to Waters. Refer to 40 CFR 230, Subparts C-F for the examples of adverse effects which may be associated with a discharge.
  - v. Drawings and or plans (when available) clearly depicting the location, size, and dimensions of the proposed activity as well as the location of delineated Waters on the site.
  - vi. Measures taken to avoid and minimize losses, including other methods of constructing the proposed project.
  - vii. A description of post-construction site restoration/revegetation.
  - viii. A statement of the proposed activities potential to affect cultural resources and a description of compliance with applicable federal regulations which protect these resources. See Special Condition 2a.
  - ix. A statement of the proposed activities potential to affect federally listed endangered or threatened species or designated critical habitat. See Special Condition 2b.
  - x. A mitigation plan describing how the unavoidable losses are proposed to be compensated, in accordance with 33 CFR Part 332. Alternatively, a statement may be submitted describing why mitigation should not be required.

2. **Preconstruction Notification Requirements for Activities which may affect Historic Properties or Endangered Species.** Pursuant to 23 USC 326-327 and a Memorandum of Agreement dated April 16, 2019 between the permittee and the Federal Highway Administration, the permittee has assumed responsibility for the environmental review and consultation required by applicable environmental laws for federally funded transportation projects (commonly known as NEPA assignment). Recognizing the permittee's assumption of this responsibility, the following conditions will apply for ESA and Section 106:
  - a. **Historic Properties:** No activity is authorized under this RGP which may have the potential to cause effect to properties listed, or be eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (Section 106) have been satisfied.

For federally funded projects, the Permittee has been designated as the lead agency for Section 106 Compliance under NEPA assignment and the *Programmatic*

*Agreement Pursuant to Section 106 of the National Historic Preservation Act Regarding Implementation of Federal-Aid Transportation Projects in the State of Arizona.* For projects subject to these agreements, the Permittee will follow their own procedures for compliance with Section 106 and a PCN is not required for covered activities unless triggered by other requirements of this RGP. If a PCN is required, the Permittee shall provide Section 106 compliance documentation in the submittal for the Corps to review.

For state funded projects, a PCN must be submitted for any project which may have the potential to effect historic properties listed (or be eligible for listing) on the NRHP. Prior to the submittal of a PCN, the applicant shall conduct a Phase I (Class III) Survey of the project site in accordance with all applicable standards and requirements. This survey shall be provided as an attachment to the required PCN. The Permittee should request approval via email of their scope of work prior to initiation of the survey. If, based on the review of this information by the Corps, it is determined that the project has the potential to impact a property that is listed or eligible for listing on the NRHP, the Corps will complete all coordination required by Section 106 of the NHPA prior to making a decision as to whether the project can proceed under this RGP 96.

- b. **Endangered Species:** No activity is authorized under this RGP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or species proposed for such designation, as identified under the ESA, or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. See 50 CFR 402.02 for the definition of “effects of the action” for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding “activities that are reasonably certain to occur” and “consequences caused by the proposed action.” In order to legally take a listed species, separate authorization under the ESA (e.g. Section 10 permit, or a Biological Opinion under Section 7, with "incidental take" provisions with which you must comply) is required. No activity is authorized under this RGP until the requirements of the Endangered Species Act are met.

For federally funded projects, the Permittee has been designated the lead agency for the Corps for compliance with Section 7 of the ESA pursuant to NEPA assignment and any programmatic consultations which may be applicable to the activity. For federally funded/covered projects where the Permittee is the lead agency, the Permittee shall follow their own procedures for complying with the requirements of the ESA and a PCN is not required unless triggered by other requirements of this RGP. If a PCN is required for a federally funded project, the Permittee shall provide Section 7 Consultation documentation in the submittal for the Corps to review.

For state funded projects, a PCN must be submitted for any project which may effect a threatened or endangered species (or species proposed for listing) or designated or proposed critical habitat. The permittee shall include with the PCN the results from the U.S. Fish and Wildlife Service’s Information for Planning and Consultation (IPaC) Report, results from the Arizona Game and Fish Online Environmental Review Tool, and/or a biological evaluation which references these items. If, based on the review of this information by the Corps, it is determined that the project has the potential to affect a listed species or critical habitat, the Corps will complete Section 7 consultation with the U.S. Fish and Wildlife Service.

3. **Activities Affecting Structures or Works Built by the United States.** If an activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a federally authorized Civil Works project (a "Corps project"), the prospective permittee must submit a PCN. An activity that requires section 408 permission and/or review is not authorized until the Los Angeles District issues the section 408 permission or completes its review to alter, occupy, or use the Corps project, and the district engineer issues an authorization to the permittee. Reference the Los Angeles District Permitting Webpage (<https://www.spl.usace.army.mil/Missions/Permitting/>) to determine if a project authorized by this RGP may require Section 408 Permission.
4. **Mitigation.** Routine transportation activities authorized under this permit are expected to involve temporary impacts to Waters, including special aquatic sites, and adjacent riparian areas, and permanent impacts may occur. Temporary and permanent impacts to Waters and special aquatic sites, if not avoided or minimized, shall be mitigated in accordance with the Corps Mitigation Rule (33 CFR 332, April 2008). Temporary and permanent mitigation proposals shall be approved by the Corps Regulatory Division prior to initiating routine transportation activities in Waters.
5. **Use of Multiple Permits.** This RGP cannot be combined with other Section 404 authorizations including Nationwide Permits, other RGPs, or individual permits to increase scope of work, the area of impacts to Waters, or the limits to the discharge of fill material at a specific or proximal location for a single and complete project. Geotechnical activities (i.e. survey activities), when required for project design, are considered a single and complete project.
6. **Permit Availability.** The Permittee shall provide a copy of this permit to all field staff, contractors, subcontractors, and equipment operators. Copies of this permit shall always be readily available at the work site during periods of active work and shall be presented to any Corps Regulatory Division personnel upon request.

#### **Project Implementation:**

7. **Project Boundaries.** Prior to initiating construction activities in Waters, the Permittee shall clearly mark the work area limits by at a minimum marking the four corners of the OHWM with flagging or similar measures to ensure mechanized equipment and personnel do not enter Waters, special aquatic sites and adjacent riparian areas outside of permitted work area for the duration of routine transportation activities in or adjacent to Waters. Such impacts could result in permit suspension and revocation, administrative, civil or criminal penalties, and/or substantial compensatory mitigation requirements.
8. **Sediment Removal.** Sediment removal activities authorized under this RGP 96 shall not occur more than once annually per location unless severe flow events result in a public safety issue. The applicant shall provide a written justification to the Corps with the appropriate notification level due to acreage impacts if public safety issues exceed this condition. All sediment removal activities shall be completed within 90 calendar days of onset of the activity at a specific location.
9. **Suitable Materials.** No debris, soil, sand, bark, slash, sawdust, rubbish, cement or washings thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from routine transportation activities and associated activities shall be allowed to enter or be placed where it may be washed by rainfall or runoff into Waters. Secured features and structures that are intended for shoring or control of erosion and sediment may remain in Waters for the necessary duration of project activities. When project activities are completed, all excess materials, and/or debris shall be removed from the work area to an approved off-site disposal area, outside of Waters.

10. **Management of Water Flows.** Appropriate measures, including but not limited to temporary dewatering practices and temporary diversion dams, must be taken to maintain near normal downstream flows and to minimize flooding only during project activities in Waters. Flows shall not be diverted outside of the OHWM of any Waters unless approved by the Corps on a case-specific basis. Fill materials must be of a type, and be placed in a manner, which will not result in erosion by high flows.
11. **Staging and Stockpiling.** Staging and storage areas for equipment and construction materials shall be located in uplands and where possible, a minimum of 100 feet from Waters. Storage areas located less than 100 feet from Waters shall be approved by the Corps Regulatory Division, and these areas shall be shown on construction plans. Temporary stockpiling in Waters is authorized only where it is specifically stated in the covered activities; all temporary stockpiling shall be removed within two weeks of completion of the activity (i.e. erosion repair and bridge scour retrofits).
12. **Temporary Fills in Special Aquatic Sites.** Temporary fills in special aquatic sites are not allowed unless specifically authorized by the Corps Regulatory Division. Following completion of the routine transportation activity, temporary fills must be entirely removed to an upland location, outside Waters, and the affected area must be restored to the pre-project condition in accordance with the provision of the Corps Mitigation Rule (33 CFR 332).
13. **Sediment and Erosion Control.** The Permittee is authorized perform the work described in this RGP 96 provided that upstream and downstream Waters are not degraded by such activities. Routine transportation activities may include, but are not limited to, the repair of bridge piers, bridge abutments, and repair or replacement of inlet and outlet structures. Where temporary water diversion, grading, filling, or excavation occurs as part of the repair or replacement, the Permittee shall ensure standard Best Management Practices are in place to minimize turbidity within the affected waterbody. Standard BMPs are provided in the *ADOT Erosion and Pollution Control Manual for Highway Design and Construction*, available on the ADOT website.
14. **Low Flow Conditions.** Work in streams or rivers with ephemeral or intermittent flows shall be performed during periods when the channel is dry or flows are absent or minimal. Work within waterways with perennial flow shall be performed during the driest period of the year and during low flow conditions, generally April through June. When work in flowing or standing water is unavoidable, standard best management practices shall be implemented to minimize turbidity within the affected waterbody, and appropriate measures must be taken to minimize flooding and erosion on adjacent properties. Equipment working in wetlands shall be placed on mats (or equivalent) to minimize soil disturbance and compaction.

**Resource Protection:**

15. **Discovery of Previously Unknown Artifacts or Remains.** Pursuant to 36 C.F.R. Section 800.13, if previously unidentified archaeological or architectural properties are discovered, or unanticipated effects to known properties occur during construction, the Permittee shall immediately suspend all work in any area(s) where potential cultural resources are discovered. The Permittee shall not resume work in the area surrounding the potential cultural resources until the Corps re-authorizes project activities if the project is State Funded. If the project is Federally Funded, per 23 USC 326 and 23 USC 327 please contact the ADOT Historical Preservation Team and do not commence work until you have been so authorized. In addition, the following procedures shall be followed for State Funded projects:

- a. If the discovery is on state, county, municipal, or private lands, and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120 and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours. If the discovery is on state, county, or municipal land, ADOT shall also notify the Director of the Arizona State Museum (ASM) per ARS § 41-844.
  - b. If the discovery is on state, county, municipal, or private lands, and does include human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the Director of ASM, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours, and shall follow the requirements of ARS § 41-844. The Permittee shall also notify the state agency or local government with jurisdiction, if any.
  - c. If the discovery is on federal land and does not include human remains, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855) within 24 hours.
  - d. If the discovery is on federal land and includes human remains or objects of national or Tribal patrimony, the Permittee shall notify the State Historic Preservation Office at 602-542-7120, the federal land manager, and the Corps of Engineers' Archaeology Staff (Danielle Storey (213) 452-3855), and shall follow the provisions of any Native American Graves and Repatriation Act (NAGPRA) Plan of Action (POA) that is in effect.
16. **Vegetation Removal.** Native trees with a diameter at breast height (dbh) of six inches or greater shall not be removed unless they are no longer upright, present a significant flow obstruction or a safety hazard.
17. **Migratory Bird Treaty Act.** This permit does not authorize you to take any migratory birds pursuant to the Migratory Bird Treaty Act. Vegetation shall not be removed from 1 March to 31 August to avoid impacts to nesting birds unless the results of a pre-project bird survey by a qualified biologist indicates no nesting birds are present in the project area. If vegetation clearing will occur during the migratory bird breeding season (1 March – 31 August), Pre-project surveys shall be conducted within two weeks of the proposed vegetation removal. If nesting birds are present, no work shall occur until the young have fledged and would no longer be impacted by the project or the nest is relocated by a permitted individual holding a US Fish and Wildlife Service Migratory Bird Treaty Act Special Purpose permit.
18. **Invasive and Noxious Plant Species.** Invasive and noxious plant species removed during routine transportation activities shall be disposed at an approved off-site location, outside Waters Plants to be controlled shall include those listed in the State and Federal Noxious Weed and the State Invasive Species list in accordance with State and Federal Laws and Executive Orders.
19. **Water Quality.** Work undertaken by this project shall not cause more than minimal degradation of water quality, more than minimal changes to the flow characteristics of the stream or increase flooding on adjacent properties or downstream of the proposed routine transportation activity. Any work undertaken shall not excavate, fill, or grade in the watercourse outside of the minimum area needed to accomplish the activity and shall not exceed the limits provided by this RGP 96.
20. **Hazardous Material Spills.** The Corps Regulatory Division project manager shall be notified within 12 hours of detection of any accidental spill of hazardous materials to Waters. Notification may be in the form of an electronic mail message, telephone, or facsimile. Notification shall include the reason for the spill, the exact location of the spill, the type and approximate quantity of the materials spilled, and the extent of measures taken to

control and clean up the spilled materials. The permittee shall perform immediate scoop and remove of any accidental spill of hazardous materials to Waters without prior permit authorization

**Other Requirements:**

- 21. **Permit Expiration.** If on the expiration date of this permit you have commenced or are under contract to commence the permitted activity you will have an additional twelve (12) months to complete the activity under the present RGP 96 terms and conditions. However, if the Corps discovers noncompliance or unauthorized activities associated with the permitted activity the Corps may request the use of discretionary authority in accordance with procedures in 33 CFR § 330.4(e) and 33 CFR § 330.5(c) or (d) to modify, suspend, or revoke this specific verification at an earlier date.
  
- 22. **Annual Reporting.** Within three months of permit issuance, ADOT shall develop and maintain an internal tracking system that includes all completed non-notification construction and maintenance activities in Waters, or special aquatic sites, covered by this permit. Maintenance project documentation shall include activity description, the start and end dates of the work, and project coordinates. Construction project documentation shall include that listed above for maintenance plus temporary and permanent impact amounts, site restoration/revegetation activities and date installed, if applicable, at least one before and one after photo of the construction and revegetation area, and a brief discussion of any problems and corrective measures taken. Due to extended project durations and variability in scheduling, construction projects will be reported on a cumulative basis. Due to extended project durations and variability in scheduling, construction projects will be reported on a cumulative basis (i.e. the summary and status of all previously completed and ongoing construction projects will be carried over to each subsequent year's report). Beginning in 2021, ADOT shall provide a copy of the tracking system report to Corps Regulatory Division once per year, by September 30 for the period July 1 through June 30.

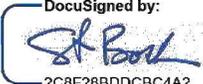
**F. Further Information**

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1314).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
  
- 3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

- d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. Failure to comply with the terms and conditions of this permit.
  - b. The information provided by the Permittee in support of the permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - b. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  - c. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measure ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
6. Extensions. Work/activities authorized under RGP 96 expire on the date noted in Section A. It is expected that the RGP can be reissued for an additional five years by sending the Corps a letter and requesting reissuance. To reissue the RGP, the Corps must determine if individual and cumulative impacts were and are expected to remain minimal.

**G. Signatures**

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

DocuSigned by:  
  
 2C8E28BDDC8C4A2

---

Steve Boschen  
 Infrastructure Delivery and Operations Director  
 Arizona Department of Transportation (ADOT)

5/7/2021

---

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



---

David J. Castanon  
 Chief, Regulatory Division  
 (for the District Engineer)

10 MAY 2021

---

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEE)

\_\_\_\_\_  
(DATE)

## APPENDIX 1: DEFINITIONS

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction

Discharge: The term “discharge” means any discharge of dredged or fill material into waters of the United States (Waters).

Ephemeral stream: An ephemeral stream has flowing water only during, and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year- round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s) but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR Part 60)

Intermittent stream: An intermittent stream has surface water flowing continuously during certain times of the year and more than in direct response to precipitation (e.g., seasonally when the groundwater table is elevated or when snowpack melts).

LPA ROW/EASEMENT: Local Public Agency projects federally funded by Federal Highway Administration that are bid and administered by Arizona Department of Transportation.

Ordinary High Water Mark: An ordinary high water (OHWM) mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow

Permanent Impact: Waters that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of permanent impacts to Waters is a threshold measurement of the impact to Waters for determining whether a project may qualify for the RGP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions

and services. Permanent impacts to stream bed include the linear feet of stream bed that is filled or excavated. Waters temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of permanent impact. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating permanent impacts to Waters.

*Permanent Loss:* A type of permanent impact which results in the conversion of a Water to dry land or complete loss of aquatic functions. Examples include placement of road fill which converts a wetland to dry land or the piping/enclosure of a stream for considerable distances.

*Permanent Mitigation:* Compensatory mitigation that is purchased once to attain permanent water.

*Special Aquatic Sites:* A waterbody that is identified as a special aquatic site under subpart E of the 404(b)1 guidelines. Special aquatic sites covered by this RGP include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, and riffle and pool complexes. They are geographic areas, large or small, possessing special ecological characteristics of productivity, habitat, wildlife protection, or other important and easily disrupted ecological values. These areas are generally recognized as significantly influencing or positively contributing to the general overall environmental health or vitality of the entire ecosystem of a region.

*Stream bed:* The substrate of the stream channel between the OHWMs. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the OHWM, are not considered part of the stream bed

*Structure:* An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, , permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

*Temporary Impact:* Waters temporarily affected by filling, flooding, excavation, or drainage because of the regulated activity. Temporary impacts include discrete impacts that may occur only once or occasionally during construction and extended temporary impacts that may occur for the duration of construction. Waters affected by temporary impacts are restored to pre-construction contours and elevations after construction.

*Temporary Mitigation:* Compensatory mitigation must be purchased on an annual basis

*Tribal lands:* Any lands title to which is either: (1) Held in trust by the United States for the benefit of any Indian tribe or individuals; or (2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.

*Waterbody:* For purposes of this RGP 96, a waterbody is a jurisdictional Waters. If a wetland is adjacent to a waterbody determined to be a Waters, that waterbody and any adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.



Douglas A. Ducey  
Governor

ARIZONA DEPARTMENT  
OF  
ENVIRONMENTAL QUALITY



Misael Cabrera  
Director

March 12, 2021

Arizona Department of Transportation  
Steve Boschen, Director, Infrastructure Delivery and Operations  
1801 W. Jefferson Street, Suite 120  
Phoenix, Arizona 85007

Re: Clean Water Act §401 Water Quality Certification for the proposed reissuance of  
Regional General Permit No. 96 (RGP96) for Routine Transportation Activities;  
U.S. Army Corps of Engineers File No.: SPL-2014-00625

Dear Mr. Boschen:

The Arizona Department of Environmental Quality (ADEQ) has reviewed the Arizona Department of Transportation (ADOT) certification request dated December 1, 2020 and the U.S. Army Corps of Engineers (USACE) public notice dated December 29, 2020 for the reauthorization of Regional General Permit No. 96 (RGP96). Based on the activities and conditions contained within these documents, ADEQ certifies the RGP96 with the request that ADEQ receives notification if the proposed activity will occur within the ordinary high water mark of an outstanding Arizona water, an impaired or not-attaining water, or a lake. Information on these waters can be found on ADEQ's website at [www.azdeq.gov](http://www.azdeq.gov), keywords "monitoring and assessment" or using ADEQ's EMAPS.

Sincerely,

  
Trevor Baggione (Mar 15, 2021 11:23 PDT)

Trevor Baggione, Director  
Water Quality Division

electronic copies: ADOT – Attn.: Israel Garcia  
USACE, Regulatory Branch – Attn: Jesse Rice  
USEPA, Wetlands Regulatory Office

## **Attachment F**

### USDA Farmland Conversion Impact Rating Form

U.S. DEPARTMENT OF AGRICULTURE  
Natural Resources Conservation Service

NRCS-CPA-106  
(Rev. 1-91)

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>3/3/22</b>	4. Sheet 1 of _____
1. Name of Project <b>F0359 US95</b>		5. Federal Agency Involved <b>ADOT</b>	
2. Type of Project <b>Right of Way Easement</b>		6. County and State <b>Yuma, AZ</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>3/8/22</b>	2. Person Completing Form <b>Emily Yulga</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		4. Acres Irrigated <b>910883</b>	Average Farm Size <b>1369</b>
5. Major Crop(s) <b>Cotton, forage, wheat.</b>	6. Farmable Land in Government Jurisdiction Acres: _____ %		7. Amount of Farmland As Defined in FPPA Acres: _____ %
8. Name Of Land Evaluation System Used <b>WebSoilSurvey NCCPI Overall Average</b>	9. Name of Local Site Assessment System		10. Date Land Evaluation Returned by NRCS <b>3/22/22</b>

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
	<b>Corridor A</b>	<b>Corridor B</b>	<b>Corridor C</b>	<b>Corridor D</b>
A. Total Acres To Be Converted Directly	<b>0.81</b>			
B. Total Acres To Be Converted Indirectly, Or To Receive Services	<b>0.81</b>			
C. Total Acres In Corridor	<b>0.81</b>			
<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland	<b>0.81</b>			
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
<b>PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)</b>	<b>3.15</b>			
<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	<b>Maximum Points</b>			
1. Area in Nonurban Use	15	<b>15</b>		
2. Perimeter in Nonurban Use	10	<b>10</b>		
3. Percent Of Corridor Being Farmed	20	<b>0</b>		
4. Protection Provided By State And Local Government	20	<b>0</b>		
5. Size of Present Farm Unit Compared To Average	10	<b>0</b>		
6. Creation Of Nonfarmable Farmland	25	<b>0</b>		
7. Availability Of Farm Support Services	5	<b>5</b>		
8. On-Farm Investments	20	<b>0</b>		
9. Effects Of Conversion On Farm Support Services	25	<b>0</b>		
10. Compatibility With Existing Agricultural Use	10	<b>0</b>		
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	<b>30</b>	<b>0</b>	<b>0</b>
<b>PART VII (To be completed by Federal Agency)</b>				
Relative Value Of Farmland (From Part V)	100	<b>3.15</b>	<b>0</b>	<b>0</b>
Total Corridor Assessment (From Part VI above or a local site assessment)	160	<b>30</b>	<b>0</b>	<b>0</b>
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	<b>33.15</b>	<b>0</b>	<b>0</b>
1. Corridor Selected: <b>US 95 MP 34.9 to MP 38.7</b>	2. Total Acres of Farmlands to be Converted by Project: <b>0.81</b>	3. Date Of Selection: <b>10/19/06</b>	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

5. Reason For Selection:

**The alternative was selected in the 2006 Environmental Assessment (EA) because it would meet the purpose and need. Level of Service would improve, passing opportunities would increase, and the delays would be minimized. Furthermore, the selected alternative would have less impact on environmental resources, including cultural resources and farmland. This farmland impact conversion rating is being completed for the EA Re-evaluation.**

Signature of Person Completing this Part:

DATE

Cheyenne J. Herzog

**4/5/22**

NOTE: Complete a form for each segment with more than one Alternate Corridor

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## CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

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

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points  
90 to 20 percent - 14 to 1 point(s)  
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points  
90 to 20 percent - 9 to 1 point(s)  
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points  
90 to 20 percent - 19 to 1 point(s)  
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points  
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)  
As large or larger - 10 points  
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points  
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)  
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points  
Some required services are available - 4 to 1 point(s)  
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points  
Moderate amount of on-farm investment - 19 to 1 point(s)  
No on-farm investment - 0 points

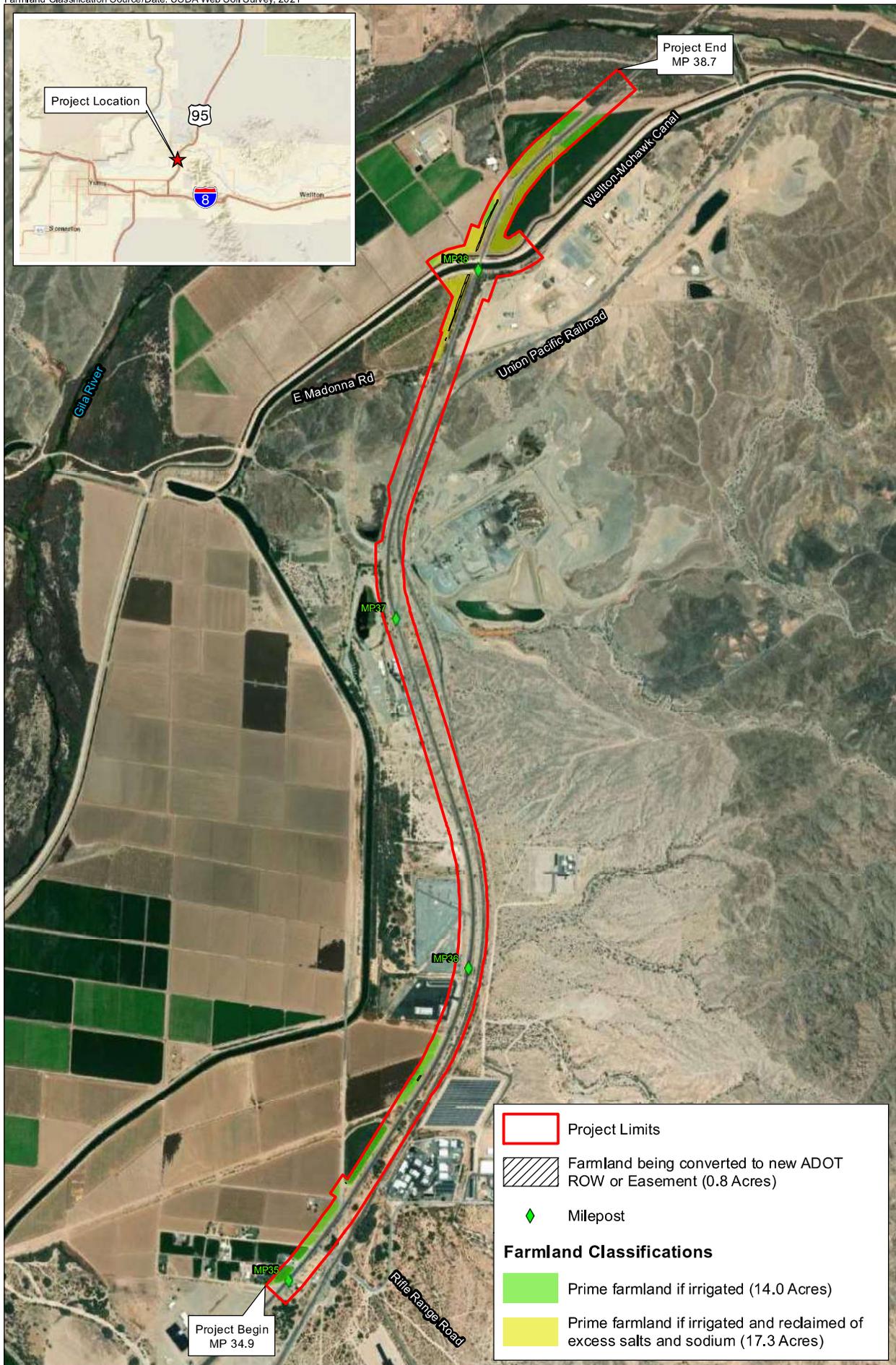
(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points  
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)  
No significant reduction in demand for support services if the site is converted - 0 points

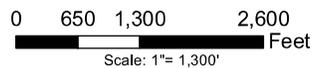
(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points  
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)  
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

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Farmland Conversion Map  
 095-B(214)T  
 095 YU 035 F0359 01C  
 US 95, Rifle Range Road to Wellton-Mohawk Canal



**Attachment G**

Biological Evaluation re-evaluation Signature



Audrey  
Navarro

Digitally signed by  
Audrey Navarro  
Date: 2021.11.30  
09:13:15 -07'00'

**Biological Evaluation Re-Evaluation Memorandum**

**To:**

Audrey Navarro  
Biologist  
ADOT Environmental Planning

**Date:**

November 19, 2021  
Submittal 3

**From:**

Jennifer Simpkins  
Senior Biologist  
Kimley-Horn

**Subject:**

095-B(214)T  
095 YU 035 F0359 01C  
US 95, Rifle Range Road to Wellton-Mohawk  
Canal

The Arizona Department of Transportation (ADOT) is designing a roadway widening project on US 95 from Rifle Range Road to the Wellton-Mohawk Canal approximately 10 miles northeast of the City of Yuma in Yuma County, Arizona. The project limits extend from milepost (MP) 34.9 to MP 38.7 (**Figures 1 and 2**). A Biological Evaluation (BE) was completed for the US 95, Avenue 9E to Aberdeen Road project (H4599, approved by ADOT 12/10/2013). The project limits included US 95 between MP 31.8 to MP 47.3. The current project falls within the previously studied project area; therefore, the data in the previously approved BE was utilized in this re-evaluation to the extent practicable. The 2013 BE concluded that there would be "no effect" to the cactus ferruginous pygmy-owl (*Glaucidium brasilanum cactorum*), razorback sucker (*Xyrauchen texanus*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), bald eagle (*Haliaeetus leucocephalus*), flat-tailed horned lizard (*Phrynosoma mcallii*) or any of the listed species habitat.

The scope of work for this project includes:

- Remove existing pavement and reconstruct the asphaltic concrete roadway to provide two lanes in both the northbound (NB) and southbound (SB) directions, a two-way left turn lane, and shoulders from Rifle Range Road to 0.6 miles north of the Wellton-Mohawk Canal
- Install asphaltic concrete friction course on US 95
- Remove the existing bridge and construct a new bridge over the Wellton-Mohawk Canal
- Extend and/or realign/reconstruct the existing siphon at the Wellton-Mohawk return drainage channel
- Reconstruct the maintenance access roads at the Wellton-Mohawk Canal to tie into the reconstructed US 95
- Remove and reconstruct existing turnouts along US 95, as needed
- Realign the Avenue 12E turnout to create perpendicular intersection and combined access
- Extend and/or remove and reconstruct existing pipe culverts along US 95, as needed
- Extend existing concrete box culverts along US 95, as needed
- Install roadside barriers as needed
- Construct noise barriers along US 95 if needed, per recommendations from the noise analysis

**Attachment H**  
PISA Signature Page



**Arizona Department of Transportation**

**Environmental Planning**

**Preliminary Initial Site Assessment**

**US 95, Rifle Range Road to Wellton-Mohawk Canal**

**095-B(214)T**

**095 YU 035 F0359 01C**

Approved  
Ed Green  
29 Jun 21

A handwritten signature in blue ink that reads "Ed Green".

No additional assessment for Hazardous  
Material recommended under current project

**June 18, 2021** scope,

**Submittal Number 1**

NESHAP MM will be required during  
project.

*All information contained in this document is the property of ADOT. ADOT approval is required prior to reproduction or distribution.*

**Attachment I**

ACM/LBP Signature Page



**Arizona Department of Transportation**

**Environmental Planning**

**Asbestos and Lead-based Paint  
Sampling and Analysis**

**US 95, Rifle Range Road to Wellton-Mohawk Canal**

**Federal Project No. 095-B(214)T  
ADOT Project No. 095 YU 035 F0359 01C**

Approved  
Ed Green  
13 Dec 21

A handwritten signature in black ink, appearing to read 'Ed Green', is written over a horizontal line.

**December 10, 2021**

**Submittal Number 1**

No ACM detected  
NESHAP MM recommended for  
demolition of the structure.

No LBP detected

No LBP detected  
No LBP MM's recommended

*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 dated April 16, 2019, and executed by the Federal Highway Administration and ADOT.*

**Attachment J**

Soil Sampling Report Signature Page



**Archaeological Consulting Services – A Commonwealth Company**  
**424 West Broadway Road, Tempe, AZ 85282-1339**  
**(480) 894-5477**

---

December 10, 2021  
ACS Project No. 20-163/AZ-0207

Mr. Ed Green  
Hazardous Materials Coordinator  
Arizona Department of Transportation  
Environmental Planning Group  
1611 West Jackson Street, Mail Drop EM02  
Phoenix, Arizona 85007

Approved  
Ed Green  
13 Dec 21

Re: Agricultural Field Soil Sampling and Analysis  
095-B(214)  
095 YU 035 F0359 01C  
US 95, Rifle Range Road to Wellton-Mohawk Canal

• Agricultural pesticides, herbicides  
, or metals were not detected above  
their NR SRLs for this project;

Dear Mr. Green:

Archaeological Consulting Services (ACS-CHG), a Commonwealth Heritage Group, Inc. Company (ACS-CHG) is providing this letter report to document the results of environmental sampling conducted to determine the presence and concentrations of chlorinated herbicides, organochlorine pesticides, organophosphorus pesticides, and Resource Conservation and Recovery Act (RCRA) metals in soil for the right-of-way acquisition within the above-referenced project limits.

ADOT is designing a roadway widening project on US 95 from Rifle Range Road to the Wellton-Mohawk Canal approximately 10 miles northeast of the City of Yuma in Yuma County, Arizona. The project limits extend from milepost (MP) 34.9 to MP 38.7.

ACS sampled soil from the agricultural fields at the following locations in support of this project:

- 1252 sample location (Rnick Family Ltd. Partnership LLP) - One composite sample consisting of three discrete sampling locations from Assessor Parcel Number (APN) 182-09-003, 182-09-008, 182-09-009, west of US 95, north of East Madonna Road near MP 37.8 to MP 38
- 1253 sample location (Wellton Mohawk Irrigation and Drainage District) - One sample location, northwest of US 95 and the reinforced corrugated metal pipe culvert (RCMP) north of the Wellton-Mohawk Canal, near MP 38.1; and
- 1254 sample location (McPhaul Ranch LLC) - One composite sample consisting of two discrete sampling locations from APN-182-09-007, west of US 95 near MP 38.2 to MP 38.4.

See Figure 2 in Attachment 1 for soil sampling locations. Project area photographs can be found in Attachment 2.

US 95, Rifle Range Road to Wellton-Mohawk Canal, June 28, 2021  
095 YU 035 F0359 01C, Page 2

- Install erosion control, as needed

Right-of-way (ROW), easements, and temporary construction easements (TCEs), will be obtained as needed. Temporary lane closures and/or lane shifts would be necessary during construction. Temporary signing would be utilized to alert the travelling public of the upcoming traffic changes. Traffic would be controlled to minimize impacts on motorists, pedestrians, and construction personnel as necessary. Access to residences and businesses would be maintained throughout construction. One lane in each direction would be maintained on US 95 throughout construction. Staging areas have yet to be determined and would be the responsibility of the contractor. Construction is anticipated to begin in the fall of 2022 and the construction duration is anticipated to be approximately 15 months.

This letter serves as our agency's invitation to review the proposed project based upon the scope of work outlined above. If you or others in your agency have any specific concerns, suggestions or recommendations pertaining to this specific project, please let us know. This may include information of future development, general plans, or capital improvement projects that would be affected, to name a few.

Please submit your comments or concerns by July 28, 2021 to ADOT c/o Kimley-Horn, Attn: Jennifer Simpkins, via mail 7740 North 16th Street, Suite 300, Phoenix, Arizona 85020, or email [Jennifer.Simpkins@kimley-horn.com](mailto:Jennifer.Simpkins@kimley-horn.com). Thank you for your time and assistance.

Sincerely,



Morgan Ghods  
Environmental Planner  
ADOT Environmental Planning

Enclosures: Figure 1. State Map  
Figure 2. Vicinity Map

ecc: Jennifer Simpkins, Kimley-Horn

*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 dated April 16, 2019 and executed by FHWA and ADOT.*