



## COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY  
County Administrator

August 16, 2021

I-11 Tier 1 EIS Study Team  
c/o ADOT Communications  
1655 West Jackson Street  
Mail Drop 126 F  
Phoenix, Arizona 85007

*Email to: [I11Study@azdot.gov](mailto:I11Study@azdot.gov)*

**Re: Interstate 11 Corridor Final Tier 1 Environmental Impact Statement Review and Comments by Pima County**

Dear I-11 Tier 1 EIS Study Team:

Pima County appreciates the opportunity to provide comments on the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) Interstate 11 Corridor Tier 1 Final Environmental Impact Statement (FEIS).

We very much appreciate the agencies' consideration of the supplemental information regarding Pima County 4(f) properties that we submitted on December 6, 2019. We are very pleased the agencies have agreed to consider 9 of the 15 parks, recreation areas, and wildlife refuges that were submitted for consideration under Section 4(f), which are listed in Section 4.5.1.2 of the FEIS. We look forward to further consultation with FHWA and ADOT during Tier 2 studies regarding these properties as well as additional discussion regarding the reasons for omitting the other six properties from consideration.

We also want to thank FHWA and ADOT for acknowledging Pima County's role in the management of the Tucson Mitigation Corridor (TMC) and the fact that "any development other than wildlife habitat improvements require agreement by Reclamation, Arizona Game and Fish Department, the U.S. Fish and Wildlife Service, and Pima County." (FEIS Appendix H3, Response ID No. PA-11-4.) Should Tier 2 studies include the west option of the preferred alternative, we look forward to coordinating with FHWA and ADOT on those studies for the TMC, along with the other managing agencies.

As you are aware, the Pima County Board of Supervisors in 2007 passed a resolution in opposition to "any new highways" that would effectively bypass Interstate 10, due to impacts that "could not be adequately mitigated". This resolution, however, supported continuation of studies to bring forth the "full costs of mitigation measures".

Mr. I-11 Tier 1 EIS Study Team

Re: **Interstate 11 Corridor Final Tier 1 Environmental Impact Statement Review and Comments by Pima County**

August 16, 2021

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The Pima County Board of Supervisors today passed a new resolution in opposition to the West Option of the Preferred Alternative due in part to the belief that impacts to the East Option (I-10 corridor) can in fact be mitigated (Attachment 1). This position and additional written comments are provided as Attachment 2 to this letter for the agencies' consideration as they move forward on the Tier 2 studies and draft environmental impact statement.

Sincerely,



C.H. Huckelberry  
County Administrator

Attachments

c: The Honorable and Chairman and Members, Pima County Board of Supervisors  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Ana Olivares, Director for Transportation Department

# ATTACHMENT 1

**RESOLUTION NO. 2021 - \_\_**

**RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS IN OPPOSITION TO CONSTRUCTION OF THE WESTERN OPTION OF AN INTERSTATE 11 HIGHWAY PROPOSAL THAT BYPASSES TUCSON AND TRAVERSES PRISTINE AND INVALUABLE SONORAN DESERT AREAS**

WHEREAS, Pima County in 2007 unanimously adopted a Resolution opposed to the construction of any highway that bypasses Tucson and traverses pristine and invaluable Sonoran Desert areas; and

WHEREAS, Pima County's national award winning landmark Sonoran Desert Conservation Plan and associated Multi-Species Habitat Conservation Plan identifies 44 rare local species of concern, whose areas of habitat and corridors between habitat areas are already under severe threat from development; and

WHEREAS, Pima County in 2017 adopted a Resolution to further Pima County's commitments to climate protection; and

WHEREAS, Pima County has established a Sustainability Program that recognizes the detriment of petroleum fueled car and truck travel because of their greenhouse gas and pollutant emissions, and therefore has caused the County to transition its fleet to use alternative fuels; and

WHEREAS, since 1974 Pima County has brought more than 98,000 acres of land and assumed grazing leases on more than 141,000 acres for open space and wildlife habitat preservation, and to mitigate impacts from development; and

WHEREAS, Pima County updated its Floodplain Management Ordinance in 2010 to avoid and minimize impacts to riparian vegetation along local washes; and

WHEREAS, Pima County adopted an updated county-wide Floodplain Management Plan in 2020 that creates a roadmap to guide the community through a number of steps to evaluate flood hazards, assess exposure to damage, and consider alternatives to address these issues; and

WHEREAS, Pima County is conducting the Brawley Wash Watershed Plan/Environmental Assessment (Plan/EA) to develop and study potential alternatives in creating a long-term plan to reduce flooding and erosion in the Brawley Wash watershed with a strong environmental resource focus; and

WHEREAS, the Federal Highway Administration and the Arizona Department of Transportation (ADOT) have published the Interstate 11 Final Tier 1 Environmental Impact Statement (EIS) and Preliminary Section 4(f); and

WHEREAS, the EIS has advanced to the point of identifying two alternatives for the Preferred Alternative in Pima County; and

WHEREAS, the “West Option” Preferred Alternative through Avra Valley would degrade the Sonoran Desert, sever wildlife corridors identified by the ADOT sponsored “Arizona Wildlife Linkages Assessment,” impede washes and sheet-flooding flow ways, promote sprawl by opening new areas to intense residential and commercial development far from existing urban centers, thus encouraging more car and truck travel at a time when climate change and air pollution are growing concerns; and

WHEREAS, the Bureau of Reclamation’s Tucson Mitigation Corridor (TMC) is a wildlife mitigation property established in 1990 to provide for wildlife movement across the Central Arizona Project (CAP) aqueduct; and

WHEREAS, the Avra Valley alternative is not consistent with the TMC Cooperative Agreement and Master Management Plan and would defeat the initial purpose of the TMC’s acquisition as identified in 16 USC 663(d); and

WHEREAS, the West alternative through Avra Valley negatively impacts Tucson Mountain Park, Saguaro National Park, Ironwood Forest National Monument, Bureau of Reclamation’s Central Arizona Project Canal Mitigation Corridor, and important elements of the County’s Sonoran Desert Conservation Plan by slicing through sensitive areas, severing wildlife movement corridors and linkages between important habitat areas, and disturbing an unknown number of archaeological sites; and

WHEREAS, the cost of building a new highway would be enormous, requiring the acquisition of thousands of acres of new rights of way, expenditures of already high and rapidly increasing costs of concrete and asphalt, putting a tremendous burden on taxpayers and future highway users; and

WHEREAS, the production of the millions of tons of concrete and asphalt for this massive construction project would cause significant air pollution and greenhouse gas emissions, as would the operation of heavy machinery in the construction process; and

WHEREAS, a new highway near or through Pima County on any new route, would promote urban sprawl, causing local governments to incur large financial responsibilities for new infrastructure costs, and force major changes to existing county land-use and zoning designations; and

WHEREAS, a new controlled access highway bypass would divert cars and trucks away from existing businesses that are dependent upon commerce generated from traffic on existing highways; and

WHEREAS, the State of Arizona could reduce highway traffic congestion, reduce the cost of highway maintenance, and save on the costs of rights of way purchases and concrete and asphalt production and installation – while reducing air pollution and greenhouse gas emissions – by instead expanding capacity and developing multi-modal transportation facilities in existing transportation corridors to sustainably accommodate projected increases in freight while providing for much-needed passenger rail traffic.

**NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors:**

Opposes the construction of the Preferred Alternative – West Option in Pima County that has the stated purpose of bypassing the existing Interstate 10 because ADOT erroneously believed that the environmental, historic, archaeological, and urban form impacts could not be adequately mitigated.

**PASSED AND ADOPTED** by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_ day of August, 2021.

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Sharon Bronson  
Chair, Pima County Board of Supervisors

ATTEST:

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Julie Castañeda  
Clerk of the Board

APPROVED AS TO FORM:



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Lesley M. Lukach  
Deputy County Attorney

# ATTACHMENT 2

**Pima County Comments**  
**Interstate 11 Corridor Final Tier 1 Environmental Impact Statement**  
**August 10, 2021**

**AGENCIES' RESPONSES TO DRAFT EIS COMMENTS**

Response ID PA-11-9

In our comments on the Draft Environmental Impact Statement (DEIS), Pima County noted that the agencies' assumption that impacts to historic 4(f) properties in downtown Tucson are immitigable is incorrect and contrary to federal law. FHWA and ADOT failed to respond to this comment, providing only a global comment that says, "detailed environmental and engineering studies will be done in Tier 2." The FEIS repeats this assumption twice – first on page 6-1 ("[Option D] avoids immitigable impacts to communities as well as historic districts and structures (Section 4(f) resources in downtown Tucson).") and again on page 6-20 ("the east option through Tucson would result in immitigable Section 4(f) impacts."). The FEIS should explain and substantiate why these impacts are "immitigable" or remove these references to "immitigable" impacts to historic properties in downtown Tucson from the FEIS prior to executing the Record of Decision.

Response ID PA-11-11

In our DEIS comments Pima County noted that the TMC is federally-mandated, legally-binding mitigation for the Central Arizona Project (CAP) and that proposing to use it for another federal project despite its current status as legally-binding mitigation would undermine public trust in FHWA and ADOT's mitigation commitments moving forward. The response that "All mitigation identified in the Record of Decision is legally binding" does not address the core issue raised here and does not alleviate the County's concerns. The agencies continue to propose that I-11 be routed through TMC regardless of the fact that the TMC is legally binding mitigation for another federal agency and project, and has yet to address this significant contradiction in a way that will reassure the public that FHWA and ADOT take federally mandated, legally-binding mitigation seriously. At a minimum, the agencies need to directly address this issue and explain to the public why they can use legally-binding mitigation that was set aside for another federal project and at the same time ensure that mitigation for this project will not be similarly compromised in the future.

Response ID 5

In our DEIS comments, Pima County noted that the agencies must consider Pima County's Preserve System an "affected resource" likely to be impacted by this project and must consider mitigation for those impacts. The agencies responded that "More detailed assessments of the potential impact to CLS lands and mitigation will occur during the Tier 2 studies." This response incorrectly conflates the Maeveen Marie Behan Conservation Lands System (CLS) with the County's Preserve system. While there is some overlap, the County's Preserve System and the CLS are two entirely different reserve systems established under different processes using different criteria. Some of the County's Preserves qualify for 4(f) protection and,



again, we appreciate the agencies' willingness to consider our supplemental submittal on this topic. However, in the event any of the County Preserves identified in that separate submittal are ultimately found to not qualify for 4(f) protections, the agencies are still obligated to consider the County's Preserve system as an "Affected Resource" and examine potential impacts and mitigation measures in their NEPA documents, per NEPA regulations.

### **FEIS CHAPTER 3 – AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

#### **Section 3.4 Recreation**

- Impacts to the Juan Bautista de Anza National Historic Trail at the Santa Cruz River crossing north of Marana (Recommended Alternative) are missing from this chapter.
- Note that a new trailhead has been constructed by Pima County Natural Resources, Parks and Recreation at the end of San Joaquin Road next to the west option. The trailhead serves a trail in Tucson Mountain Park leading to Gilbert Ray campground. Trail access and enjoyment would be indirectly affected by the west option.

#### **Section 3.12 Geology**

- 3.12.4. The east option of the Preferred Alternative will encounter fewer earth fissures and less prime and unique farmland than the west option. This is supported by the statement in 3.12.5 lines 36-37.
- 3.12.4. With regard to references to bedrock earth fissures, the EIS text does not make sense since earth fissures are by definition alluvial features, and seldom extend into bedrock.
- 3.12.6.1 The mitigation commitments in the following section cannot be met if there is no effort to identify land subsidence and earth fissures. The Tier 2 Analysis Commitments must include a commitment to gather the necessary information to examine these issues. Interferometer and extensometer data are available, as are earth fissure maps from AZGS.

#### **Section 3.10 Air quality**

- Nitrogen deposition onto soils may be one factor that is favoring the growth of certain invasive grasses. Changes in geochemistry of the soils along the route due to atmospheric deposition may ultimately affect wildlife habitat values. This should be looked at in Tier 2 for road and rail.
- The Tucson metropolitan area is close to the ozone concentration limits. Tier 2 should examine the east and west alternatives, and road vs rail for their implications for ozone compliance, and their effects on acid deposition, ozone and visibility at Saguaro National Park. We endorse the specific recommendations of Department of the Interior for air analyses that would elucidate these effects. We also support the Coronado National Forest's request to account for the induced travel effect in transportation models.

## **FEIS CHAPTER 4 – 4(f) ANALYSIS**

### **Section 4-5-1-1 Properties Preliminarily Determined Not Protected by Section 4(f)**

Pima County shares the concern of the state and federal agencies that that the following parks and/or wildlife refuges have been incorrectly precluded from Section 4(f) protection. We discuss our concerns in more detail below.

*Publicly-owned Portions of Tucson Mountains Wildlife Area:* Pima County disagrees with the draft determination that the publicly owned portions of Tucson Mountain Wildlife Area (TMWA) do not qualify as a 4(f) property. The Arizona Game and Fish Department (AGFD) has repeatedly requested that FHWA and ADOT consider the publicly-owned portions of TMWA as a 4(f) refuge, including those portions of the TMWA that lie within Saguaro National Park and Tucson Mountain Park. In response to AGFD's request, the agencies responded, "the documentation provided to FHWA and ADOT confirms that the TMWA is a mix of publicly-owned properties that are open to the public and privately-owned properties that are not open to the public. Therefore, the TMWA is not protected by Section 4(f)."

The mere presence of private property within the TMWA does not preclude the agencies from designating the publicly-owned areas of the TMWA as a 4(f) refuge. The non-private portions of the TMWA are in fact a wildlife refuge as defined for the purposes of 4(f). The agencies were provided with copious information on the history of the TMWA in AGFD's 2017 letter, and the Bureau of Reclamation (BOR) provided supporting info discussing the importance gene flow to the TMC in their 2018 comments. These comments have yet to be addressed by FHWA and ADOT, nor have the agencies provided any explanation for their cursory dismissal of this information.

The continued omission of the TMWA in the 4(f) analysis does not recognize the wildlife value of the TMC as a movement corridor across the barrier presented by the CAP Canal and the wildlife value of the much larger landscape (the TMWA) served by the TMC. Loss of wildlife connectivity to the TMWA as a result of the CAP canal was central to the designation of TMC. It is not just noise, vibration and light, but also the physical blocking of wildlife movement, additional roadkill and additional loss of habitat all along the I-11 corridor that would impair the wildlife values of Saguaro National Park, Tucson Mountain Park, and the state trust lands within the TMWA.

The rejection of the publicly owned lands within the TMWA as a 4(f) refuge severely limits the scope of the Tier 2 analysis, leading to the omission of any analysis regarding the state highway's diminishment of the value of wildlife habitat in these areas. Visual and wilderness impacts alone are insufficient to address indirect impacts to recreation that is based on wildlife viewing. Indirect impacts to recreation in TMC will also occur as a result of impairments due to blighted soundscapes, traffic and changes in physical access to trails and parking areas. Users will tend to choose less heavily trafficked areas for recreation, increasing the use on areas more distant from a freeway potentially introducing further negative impacts to wildlife.

The agencies state it will follow up on "commitments to coordinate with NPS and Pima County, and to identify and develop specific mitigation measures for the Project that address visual and potential construction vibration impacts," but there is no commitment to identify and develop mitigation to address the ecological damage done by shutting off other areas outside the TMC that are essential for wildlife habitat and wildlife movement to and from the portions of the Tucson Mountain Wildlife Area managed by NPS and Pima County.

The agencies should defer to the AGFD on this issue and designate the publicly-owned areas of the TMWA as a 4(f) property. At a minimum, the agencies must provide a meaningful explanation for why the presence of private property precludes the publicly-owned property within the TMWA from being considered a 4(f) property, as required by NEPA regulations.

*Ironwood Forest National Monument:* Pima County disagrees with the determination that the Ironwood Forest National Monument (IFNM) does not qualify for 4(f) status. The dismissal of IFNM is based on a comparison of the 4(f) definition to a statement in the Resource Management Plan. The statement itself provides no logical basis for rejecting 4(f) protection, nor is any discussion provided as to how the statement rules out a significant park, recreation or wildlife function, particularly as the quotation refers to protection of biological values for future generations.

The rejection of IFNM as a significant recreation destination is inconsistent with the comments submitted by BLM dated July 9, 2019. It stated, “it is incorrect to state that these national monuments do not function as or [are] designated as a “significant recreation area”” given the IFNM RMP at Line 26.” And as the BLM pointed out in their comments dated January 2, 2020, FHWA and ADOT’s treatment of the Vulture Mountains area is inconsistent with the treatment of IFNM.

The IFNM is managed much like Saguaro National Park and Tucson Mountain Park, and is a similar tourist destination for hiking and hunting. More specifically, in terms of being a wildlife refuge, the presidential proclamation noted that “the monument is home to species federally listed as threatened or endangered, including the Nichol’s Turks head cactus and the lesser long-nosed bat, and contains historic and potential habitat for the cactus ferruginous pygmy-owl. The desert bighorn sheep in the monument may be the last viable population indigenous to the Tucson basin.”

The agencies should defer to the BLM on this issue and designate the IFNM as a 4(f) property. At a minimum, the agencies must provide a meaningful explanation for why it is treating the IFNM differently than other similarly situated public lands and provide more than just a conclusory statement without any basis or evidence, as required by NEPA regulations.

#### Section 4.5.2 Historic Sites

The following historic site qualifies for protection under Section 4(f) and must be evaluated as such as the agencies move forward in the I-11 planning process.

*Tucson Mountain Park Historic District:* The Tucson Mountain Park Historic District was listed on the National Register of Historic Places (NHRP) on July 8, 2021. The District includes all of the original (1932) park, currently consisting of a large portion of the County managed Tucson Mountain Park property, and almost all of Saguaro National Park West managed by the National Park Service. The Historic District was listed as a Historic Park Landscape based on its association with the Civilian Conservation Corps, and was determined to meet Criteria A and C. This property therefore meets the criteria as an historic property subject to 4(f) evaluation.

#### **FEIS CHAPTER 6 – PREFERRED ALTERNATIVE**

- Alignment C was eliminated from consideration, but the chapter does not state the basis for the decision. The FEIS must explain the basis for agency decisions.

## **OTHER PARTICIPATING AGENCY COMMENTS**

### **Tumamoc Globeberry and Pima Pineapple Cactus**

We concur with the US Fish and Wildlife Service (USFWS) that the Pima pineapple cactus be included in surveys and field studies in suitable habitat in all of the corridor options prior to Tier 2 and that globeberry assessment and mitigation strategies be developed for the C and D corridor options. Take of both species due to activities of Pima County and the Regional Flood Control District, as well as some private development permitted by Pima County, is covered by the County's Multi-Species Conservation Plan and Section 10(a)1(B) Incidental Take Permit issued under the Endangered Species Act. The Pima pineapple cactus is found primarily in the portions of Pima County that are traversed by the west option. The biological opinion for our Section 10(a)1(b) permit would likely have to be revised if the west route is chosen, due to its additional impacts on the species. A jeopardy ruling on further take of Pima pineapple cactus is not out of the question, particularly in light of the fact that mitigation cannot be exacted for impacts to this species under Section 404 of the Clean Water Act in Avra and Altar Valleys.

### **Wetland and Floodplain Avoidance**

No explanation given to why neither alternative avoids the wetland upstream of Sasco Road. These are the biggest wetlands on the Santa Cruz River system downstream of Tubac. The floods here spread out over a large area and reduce their velocity, dropping nutrient-rich sediments that support cattail wetlands, floodplain grasslands, Goodding's willow forests, and mesquite bosques. The flood storage capacity of the area should not be reduced, nor the wetlands diminished by encroachment or channelization.

## **GENERAL COMMENTS**

### **Changed Circumstances since Draft Tier 1 EIS**

Despite use of an updated (2018) travel-demand model for this EIS, many economic, technological and environmental changes have occurred since the Draft Tier 1 EIS. The most recent model predates remarkable changes that occurred during the 2020 pandemic and subsequent socio-economic shifts, including important and potentially fundamental changes in the way Americans conduct their labor, choose their place of living and make their capital investments. Likewise, supply chains and logistics technologies are rapidly evolving in ways that may accelerate the needs, or require different modes of transport. Coupled with that, and entirely unrecognized in this EIS is the emerging systemic shortages of water derived from the Colorado River. This seems likely to affect the land cover and land use of much of the study area in ways that are not entirely foreseeable. And finally, fundamental changes in the way the federal government interprets the Clean Water Act and other laws in Arizona were made since the EIS was finalized. This last change affects not only the jurisdiction of the U. S. Army Corps of Engineers, but also the state's authority to regulate water pollution, and the federal government's ability to exact mitigation for impacts to federally listed species and cultural resources.

It is too early to discern the durability or significance of any of these changes, but decision-makers will be wise to consider these and other transformative events when funding new projects and the Tier 2 studies that may reference this EIS. Likewise, the purpose and need for I-11-related projects will need to be reconsidered. It may be that there are better ways to address regional mobility and economic development in light of these and other changes.

### Recommended Alternative and Preferred Alternative

The nomenclature “Recommended” and “Preferred” is confusing. While the Introduction and Readers Guide provides a cursory explanation of these terms and the difference between the two, in light of the fact that “recommended” and “preferred” are literal synonyms the average reader is likely to be confused at their repeated and seemingly interchangeable use throughout the FEIS. The National Environmental Policy Act (NEPA) implementing regulations state, “Environmental impact statements shall be written in plain language and may use appropriate graphics so that decision makers and the public can readily understand them.” We recommend that the agencies use clearer nomenclature moving forward to better distinguish the different alternatives under consideration; ideally the agencies would use different terms for the different alternatives to clearly delineate them for the reader.