APPENDIX C

CULTURAL RESOURCES COORDINATION

Appendix C
Cultural Resources Coordination

In January 2007, FHWA and ADOT initiated consultations pursuant to Section 106 of the National Historic Preservation (Table C-1). Subsequently, the list of consulting parties was expanded, and additional consultations were conducted in developing the programmatic agreement. The final programmatic agreement was distributed for signatures in December 2008 and, to date, FHWA, ADOT, and the State Historic Preservation Office have signed the agreement. Consultations regarding National Register eligibility of recorded archaeological and historical resources and project effects are ongoing in accordance with the programmatic agreement. Copies of agency and tribal consultation responses and the final programmatic agreement are included in this appendix.

Table C-1
Summary of Federal Highway Administration and Arizona Department of Transportation Section 106 Consultations

		Initial Letter[a]	Draft Programmatic Agreement	Final Programmatic Agreement[g]
1	State Historic Preservation Office	25 January 2007[b]	30 May 2007[e]	16 December 2008[h]
2	Maricopa County Department of Transportation	25 January 2007[b]	30 May 2007[f]	16 December 2008
3	Flood Control District of Maricopa County	25 January 2007	30 May 2007[f]	16 December 2008
4	City of Glendale	25 January 2007[b]	30 May 2007[f]	16 December 2008
5	City of Peoria	25 January 2007	30 May 2007	16 December 2008
6	Ak-Chin Indian Community	25 January 2007	30 May 2007[f]	16 December 2008
7	Fort McDowell Yavapai Nation	25 January 2007	30 May 2007	16 December 2008
8	Gila River Indian Community	25 January 2007	30 May 2007	16 December 2008
9	Hopi Tribe	25 January 2007[b]	30 May 2007	16 December 2008
10	Salt River Pima-Maricopa Indian Community	25 January 2007	30 May 2007	16 December 2008
11	San Carlos Apache Tribe	25 January 2007	30 May 2007	16 December 2008
12	Tohono O'odham Nation	25 January 2007[b]	30 May 2007[f]	16 December 2008
13	Yavapai-Apache Nation	25 January 2007	30 May 2007	16 December 2008
14	Luke Air Force Base	16 April 2007	30 May 2007	16 December 2008
15	City of El Mirage	18 April 2007	30 May 2007	16 December 2008
16	U.S. Army Corps of Engineers	May 2007	30 May 2007	16 December 2008
17	Arizona State Museum	30 May 2007[c]	30 May 2007	16 December 2008
18	Advisory Council on Historic Preservation	19 June 2007[d]		
19	Bureau of Reclamation	16 December 2008		16 December 2008
20	Salt River Project	16 December 2008		16 December 2008

SOURCE: Arizona Department of Transportation files

NOTES:
[a] The initial letter provided information about the project and a copy of a records and literature review, and recommended that a programmatic agreement be prepared pursuant to Section 106.
[b] Responded and concurred with the adequacy of the records and literature review and the plan to prepare a programmatic agreement.
[c] Responded and concurred with the adequacy of the records and literature review and draft programmatic agreement.
[d] Responded on 8 August 2007, indicating that the Council would not participate in the programmatic agreement.
[e] Provided comments on draft programmatic agreement
[f] Concurred with draft programmatic agreement.
[g] The final programmatic agreement, signed by the Federal Highway Administration and Arizona Department of Transportation, was forwarded to the consulting parties for signature.
[h] Signed the programmatic agreement.

SHPO-2007-0261(32005)

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

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JAN 30 2007
ARIZONA STATE PARKS S.H.P.O.

January 25, 2007

In Reply Refer To: HOP-AZ
STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Initial Section 106 Consultation

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
FEB 06 2007

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route (SR) 303 to US Highway 60 (Grand Avenue) in Maricopa County. This project occurs on lands under the jurisdiction of the City of Glendale, the City of Peoria, the Town of El Mirage, and unincorporated Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, State Historic Preservation Office (SHPO), City of Glendale, City of Peoria, Maricopa County Department of Transportation (MCDOT), Flood Control District of Maricopa County (FCDMC), Hopi Tribe, Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Yavapai-Apache Nation, San Carlos Apache Tribe, and Fort McDowell Yavapai Nation.

The scope of this project would involve the construction of a "super street" type of roadway with grade-separated intersections at major cross streets to eliminate traffic signals on the parkway and provide a higher-speed, higher-capacity, east-west route in the central portion of the west valley where no freeways are planned. Traffic signals would be installed on the planned parkway at minor or collector streets at approximately 1-mile intervals. Free-flow traffic connections are planned at freeways.

In conjunction with the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA), five alternate routes (the Northern Alignment, Alternatives A, B, and C, and the Southern Alignment) within the selected corridor are being evaluated. Four of these alternatives were developed to consider options for avoiding conflicts with the ongoing operations of Luke Air Force Base. The fifth alternative (Southern Alignment) would curve south to Glendale Avenue to avoid residential areas along Northern Avenue between 103rd Avenue and 112th Avenue. Because a final design will not be completed until an alternative has been selected, the area of potential

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effects (APE), for impacts which could potentially affect historic properties, is presently defined as including the parcels of property adjacent to the proposed alternative routes.

URS Corporation (URS) recently completed a records and literature review to support the initial stage of evaluating the five alternative routes from a cultural resource perspective. The survey results are reported in *"Cultural Resource Records and Literature Review for the Proposed Northern Parkway"* (Erickson and Rogge 2006). The report is enclosed for your review and comment. The records and literature review summarizes the archaeological and historic resources that have been recorded within the APE for each of the proposed alignments; however, the extent of potential adverse effects does not differ substantially among the alternatives being considered. Previously recorded cultural resources located during the literature review are listed in the following table:

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Quass Pueblo AZ T:7:25 (ASM)	Village site	Northern Alignment; middle segment	Colonial period Hohokam
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William Weigold	Vernacular/Queen	Northern Alignment;	Euroamerican

House MPAEXP-10228	Anne Cottage-style residence	eastern segment	(1910)
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Please review the enclosed report and the information provided in this letter. If you find the report adequate and agree with FHWA's recommendation for the development of a PA, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact Maggie Bowler at (602) 712-8636 or email mbowler@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for SHPO Concurrence

2 FEB 07
Date

Enclosure

cc: Maggie Bowler, ADOT

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 25, 2007

In Reply Refer To: HOP-AZ
STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Initial Section 106 Consultation

07 MAR -6 PM 3:07

Steve ___
Sharon ___
File ___

Mr. Brian Kenny
Maricopa County Department of Transportation
2901 West Durango Street
Phoenix, Arizona 85009

Dear Mr. Kenny:

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for MCDOT Concurrence

Brian W. Kenny

February 25, 2007
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 25, 2007

In Reply Refer To: HOP-AZ
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ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
MAR 05 2007
2007 MAR -2 PM 3:28

Mr. Ron Short, Deputy Planning Director
City of Glendale
5850 West Glendale Ave.
Glendale, Arizona 85301

Dear Mr. Short:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route (SR) 303 to US Highway 60 (Grand Avenue) in Maricopa County. This project occurs on lands under the jurisdiction of the City of Glendale, the City of Peoria, the Town of El Mirage, and unincorporated Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, State Historic Preservation Office (SHPO), City of Glendale, City of Peoria, Maricopa County Department of Transportation (MCDOT), Flood Control District of Maricopa County (FCDMC), Hopi Tribe, Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Yavapai-Apache Nation, San Carlos Apache Tribe, and Fort McDowell Yavapai Nation.

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for City of Glendale Concurrence

02/28/07
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 25, 2007

In Reply Refer To: HOP-A
STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Initial Section 106 Consultation

Mr. Leigh Kuwanwisiwma
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwisiwma:

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BUCKLE UP AMERICA

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Please review the enclosed report and the information provided in this letter. If you find the report adequate and agree with FHWA's recommendation for the development of a PA, please indicate your concurrence by signing below. At this time, FHWA is also inquiring whether you have any concerns regarding historic properties of religious or cultural importance to your community within the project area. If you have such concerns, any information you might provide within 30 days of receipt of this letter would be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address any concerns. However, such consultation would not necessitate a reconsideration of this determination of project effect. If you have any questions or concerns, please feel free to contact Maggie Bowler at (602) 712-8636 or email mbowler@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

2007 FEB -2 11 2:48

Signature for Hopi Concurrence

1/30/07
Date

Enclosure

U.S. Department of Transportation
Federal Highway Administration

Arizona Division
400 East Van Buren Street
One Arizona Center Suite 410
Phoenix, Arizona 85004-0674

January 25, 2007

In Reply Refer To: HOP-AZ
STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Initial Section 106 Consultation

Mr. Peter Steere, Program Manager
Mr. Joe Joaquin, Cultural Resource Specialist
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

MAY 23 2007

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route (SR) 303 to US Highway 60 (Grand Avenue) in Maricopa County. This project occurs on lands under the jurisdiction of the City of Glendale, the City of Peoria, the Town of El Mirage, and unincorporated Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, State Historic Preservation Office (SHPO), City of Glendale, City of Peoria, Maricopa County Department of Transportation (MCDOT), Flood Control District of Maricopa County (FCDMC), Hopi Tribe, Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Yavapai-Apache Nation, San Carlos Apache Tribe, and Fort McDowell Yavapai Nation.

The scope of this project would involve the construction of a "super street" type of roadway with grade-separated intersections at major cross streets to eliminate traffic signals on the parkway and provide a higher-speed, higher-capacity, east-west route in the central portion of the west valley where no freeways are planned. Traffic signals would be installed on the planned parkway at minor or collector streets at approximately 1-mile intervals. Free-flow traffic connections are planned at freeways.

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Sincerely yours,

Robert E. Hollis
Division Administrator

Signature for Tohono O'odham Concurrence

May, 18, 2007
Date

Enclosures

2007 MAY 22 PM 2:32

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 30, 2007

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Dr. Jacobs

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

_____ _____
Signature for SHPO Concurrence Date

Enclosure

c: SThomas (FHWA)

"Managing and conserving natural, cultural, and recreational resources"

Arizona State Parks

June 4, 2007

Maggie Bowler
Historic Preservation Specialist
Environmental Planning Group
Arizona Department of Transportation
205 South 17th Avenue, Room 213E/MD 619E
Phoenix, AZ 85007-3212

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUN 07 2007

RE: Project No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Parkway Project, SR 303-US 60 [Grand Avenue]
Continuing Section 106 Consultation
SHPO-2007-0261 (33203)

Janet Napolitano
Governor

State Parks Board Members

Chair
William C. Cordasco
Flagstaff

Arlan Colton
Tucson

William C. Scalzo
Phoenix

Reese Woodling
Tucson

Tracey Westerhausen
Phoenix

William C. Porter
Kingman

Mark Winkleman
State Land Commissioner

Kenneth E. Travous
Executive Director

Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

Tel & TTY: 602.542.4174
www.azstateparks.com

800.285.3703 from
(520 & 928) area codes

General Fax:
602.542.4180

Director's Office Fax:
602.542.4188

Dear Ms. Bowler:

Thank you for consulting with the State Historic Preservation Office (SHPO) pursuant to Section 106 of the National Historic Preservation Act regarding plans to construct a regional transportation parkway project extending from State Route 303 to US Highway 60 [Grand Avenue] in Maricopa County, Arizona, and submitting a draft Programmatic Agreement [PA] for review and comment. We have reviewed the submitted draft PA and offer the following comments.

The draft PA lists FHWA as the lead agency and one of the signatories, and two other federal entities [US Army Corps of Engineers and Luke Air Force Base] appear as concurring parties. If a federal permit or federal land is involved, there should be some reconsideration of the concurring party status of those two federal entities. Additionally, if facilities associated with Salt River Project or the Bureau of Reclamation are involved, these entities should be included in the PA.

There seems to be a mismatch between the ten year sunset clause in Stipulation XIV and the stated phased construction of components estimated to occur between the years 2010 and 2030. Under Stipulation VII(3) and (4), the "48 hours" should be "two work days"? The "48 hours" seems unrealistic if the discovery occurs on an extended weekend or during the holidays.

We appreciate your cooperation with this office in considering the potential impacts of development on cultural resources situated in Arizona. If you have any questions or comments, please contact me at (602) 542-7140 or electronically at djacobs@azstateparks.gov.

Sincerely,

David Jacobs
Planner/Archaeologist
State Historic Preservation Office

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 30, 2007

Mr. John Madsen
Associate Curator of Archaeology
Permits Administration
Arizona State Museum
University of Arizona
PO Box 210026
Tucson, AZ 85721-0026

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

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Please review the records and literature review, the information in this letter, and the enclosed draft PA. If you find the draft PA adequate, please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Signature for Arizona State Museum Concurrence

06/13/07
Date

Enclosures

c: SThomas (FHWA)

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUN 18 2007

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

RECEIVED
JUN 4 2007

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
JUN 18 2007

May 30, 2007

Mr. Brian Kenny
Maricopa County Department of Transportation
2901 W. Durango Street
Phoenix, AZ 85009

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Mr. Kenny:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Signature for MCDOT Concurrence

06-13-07
Date

Enclosure

c: SThomas (FHWA)

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 30, 2007

Mr. Robert Stevens
Environmental Program Manager
Flood Control District of Maricopa County
2801 W. Durango Street
Phoenix, AZ 85009

IN ... OF TRANSPORTATION
... SPORTATION DIVISION
... MANAGEMENT GROUP
... 0 2007

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Mr. Stevens:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Signature for FCDMC Concurrence
Environmental Program Manager

6-13-07
Date

Enclosure

c: SThomas (FHWA)

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

RECEIVED JUN 01 2007 BY

May 30, 2007

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP
JUL 19 2007

Mr. Ron Short
Deputy Planning Director
City of Glendale
5850 W. Glendale Ave.
Glendale, AZ 85301

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Mr. Short:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Signature for City of Glendale Concurrence

07/13/07
Date

Enclosure

c: SThomas (FHWA)

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 30, 2007

Ms. Delia M. Carlyle, Chair
Ak-Chin Indian Community
42507 W. Peters & Nall Road
Maricopa, AZ 85239

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Chairperson Carlyle:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Miriam Campe 7-6-07

Signature for Ak-Chin Indian Community Concurrence Date

c: Ms. Caroline Antone, Cultural Resource Manager (w/enclosure)
SThomas (FHWA)

Arizona Department of Transportation

Intermodal Transportation Division

206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Janet Napolitano
Governor

Victor M. Mendez
Director

Sam Elters
State Engineer

May 30, 2007

Mr. Peter Steere
Mr. Joe Joaquin
Cultural Affairs Office
Tohono O'odham Nation
PO Box 837
Sells, Arizona 85634

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUN 05 2007

RE: Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Continuing Section 106 Consultation

Dear Messrs. Steere and Joaquin:

As you are aware, the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route 303 to US Highway 60 (Grand Avenue) in Maricopa County. Previous consultation with the Arizona State Historic Preservation Office (SHPO) recommended a Programmatic Agreement (PA) be developed to address the effects of the project as they become known. SHPO concurred with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007).

At this time, ADOT, on behalf of FHWA, is submitting a draft PA for your review and comment. Please review the enclosed draft PA. If you find it adequate please sign below to indicate your concurrence. If you have any comments or changes to request, please respond in writing. If you have any questions or concerns, please feel free to contact me at (602) 712-8636 or by e-mail at mbowler@azdot.gov.

Sincerely,

Maggie R. Bowler

Maggie R. Bowler
Historic Preservation Specialist
Environmental Planning Group
205 S 17th Avenue, Room 213E / MD 619E
Phoenix, AZ 85007

Peter T. Steere

Signature for Tohono O'odham Nation Concurrence

6-4-07

Date

Enclosure

c: SThomas (FHWA)

U.S. Department
of Transportation
**Federal Highway
Administration**

ARIZONA DIVISION

400 East Van Buren Street,
Suite 410
Phoenix, Arizona 85004-0674
602-379-3646

June 19, 2007

In Reply Refer To:
HOP-AZ

STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Avenue; US 60 to 303L
Council Notification

ARIZONA DEPT. OF TRANSPORTATION
INTERMODAL TRANSPORTATION DIVISION
ENVIRONMENTAL & ENHANCEMENT GROUP

JUN 21 2007

Ms. Carol Legard
FHWA Liaison
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Ms. Legard:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning a regional transportation parkway project that would extend for 12.5 miles from State Route (SR) 303 to US Highway 60 (Grand Avenue) in Maricopa County. This project occurs on lands under the jurisdiction of the City of Glendale, the City of Peoria, the Town of El Mirage, and unincorporated Maricopa County. As this project is qualified for federal funding, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the Arizona State Historic Preservation Office (SHPO), City of Glendale, City of Peoria, City of El Mirage, Maricopa County Department of Transportation (MCDOT), Flood Control District of Maricopa County (FCDMC), Luke Air Force Base (LAFB), United States Army Corps of Engineers, Arizona State Museum, Hopi Tribe, Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Tohono O'odham Nation, Yavapai-Apache Nation, San Carlos Apache Tribe, and Fort McDowell Yavapai Nation.

The scope of this project would involve the construction of a "super street" type of roadway with grade-separated intersections at major cross streets to eliminate traffic signals on the parkway and provide a higher-speed, higher-capacity, east-west route in the central portion of the west valley where no freeways are planned. Traffic signals would be installed on the planned parkway at minor or collector streets at approximately 1-mile intervals. Free-flow traffic connections are planned at freeways.

In conjunction with the preparation of an Environmental Assessment (EA) pursuant to the National Environmental Policy Act (NEPA), five alternate routes (the Northern Alignment, Alternatives A, B, and C, and the Southern Alignment) within the selected corridor are being evaluated. Four of these alternatives were developed to consider options for avoiding conflicts with the ongoing operations of LAFB. The fifth alternative (Southern Alignment) would curve south to Glendale Avenue to avoid

MOVING THE
AMERICAN
ECONOMY

residential areas along Northern Avenue between 103rd Avenue and 112th Avenue. Because a final design will not be completed until an alternative has been selected, the area of potential effects (APE), for impacts which could potentially affect historic properties, is presently defined as including the parcels of property adjacent to the proposed alternative routes.

Previous consultation has involved the submittal of a records and literature review, conducted by URS Corporation (URS), to all consulting agencies in order to support the initial stage of evaluating the five alternative routes from a cultural resource perspective. The survey results are reported in *"Cultural Resource Records and Literature Review for the Proposed Northern Parkway"* (Erickson and Rogge 2006), a copy of which is enclosed to assist you in your review. The records and literature review summarizes the archaeological and historic resources that have been recorded within the APE for each of the proposed alignments; however, the extent of potential adverse effects does not differ substantially among the alternatives being considered. Previously recorded cultural resources located during the literature review are listed in the following table:

Site Name/Number	Site Description	Location/Vicinity	Cultural Affiliation
US Highway 60/89 (Grand Avenue) AZ I:3:10 (ASM) AZ V:2:101 (ASM)	Part of the Historic State Highway System	Northern Alignment; eastern segment	20th century Euroamerican
Santa Fe, Prescott, and Phoenix Railroad AZ N:3:32 (ASM)	Railroad	Northern Alignment; eastern segment	Euroamerican (1895)
Beardsley, El Mirage spur lines of Atchison, Topeka & Santa Fe Railway	Railroad	Northern Alignment; western segment	Euroamerican (circa 1941)
AZ T:7:12 (ASM)	Lithic scatter, pottery sherds, possible structures, bones	Northern Alignment; middle segment	Hohokam
AZ T:7:13 (ASM)	Hohokam lithic scatter, pottery sherds, possible houses/canals; historical canals	Northern Alignment; middle segment	Hohokam; Euroamerican
Quass Pueblo AZ T:7:25 (ASM)	Village site	Northern Alignment; middle segment	Colonial period Hohokam
AZ T:7:33 (ASU)	Lithic scatter, pottery sherds, possible village site	Northern Alignment; middle segment	Hohokam
AZ T:8:147 (ASM)	Concrete foundation, artifact scatter	Northern Alignment; eastern segment	Euroamerican, (post 1940's)
AZ T:7:174 (ASM)	Lithic scatter, pottery sherds, possible buried pit houses	Northern Alignment; middle segment	Hohokam
Price Quesenberry House MPAEXP-10224	Vernacular/Queen Anne Cottage-style residence	Northern Alignment; eastern segment	Euroamerican (1919)
Ray Weigold House MPAEXP-10227	Vernacular/Queen Anne Cottage-style residence	Northern Alignment; eastern segment	Euroamerican (1910)

William Weigold House MPAEXP-10228	Vernacular/Queen Anne Cottage-style residence	Northern Alignment; eastern segment	Euroamerican (1910)
Triple R Sales MPAEXP-9443	Industrial-style cotton gin warehouse	Northern Alignment; eastern segment	Euroamerican, (date unknown)
William J. Schrantz House MPAEXP-10220	Vernacular/Colonial Revival-style residence	Northern Alignment; eastern segment	Euroamerican, (circa 1900)
C. Turner Rushing House MPAEXP-10221	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1912-1923)
Charles H. Gilbert House MPAEXP-10222	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1912-1923)
J. Lynn Gilbert House MPAEXP-10223	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1922)
H.G. Behrman House MPAEXP-10225	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1924-1930)
Charles W. Hircock House MPAEXP-10226	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1920)
House at 7148 N. 61st Avenue MPAEXP-10230	Bungalow/Minimal Traditional-style residence	Northern Alignment; eastern segment	Euroamerican, (1930-1937)
House at 6145 W. Myrtle MPAEXP-10231	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1924-1930)
House at 6116 W. Myrtle MPAEXP-10232	Bungalow-style residence	Northern Alignment; eastern segment	Euroamerican, (1912-1923)
AZ T:7:197 (ASM)	Historic trash dump	Southern Alignment; middle segment	20th century Euroamerican
AZ T:7:198 (ASM)	Home site/artifact scatter	Southern Alignment; middle segment	20th century Euroamerican

URS is currently developing an historic buildings/district assessment report that will address, in more detail, the eligibility status of historic properties in each of the five proposed alternatives. This report will supplement the records and literature review, and act as a tool by FHWA for determining Section 4(f) applicability. In addition, the historic building assessment report will be used to identify measures to avoid or minimize harm to historic properties.

The project proponents anticipate completing construction of the western and central segments of the project in 2013. The historic period for that part of the project is defined as 1963 and earlier (which would include properties that meet the 50-year-old criterion for the NRHP at the time of project completion). The eastern part of the project is not scheduled for completion until 2025. The historic period for that part of the project is defined as 1975 and earlier. Therefore, these are the dates being used in the evaluation of structures and buildings within the project area. Arizona Historic Building Inventory forms will be completed for all historic-age properties in order to determine their NRHP eligibility.

The records and literature review indicates that it is unlikely that the project would be able to avoid all historic properties. Therefore, FHWA recommended that a Programmatic Agreement (PA) be developed

to address procedures for continuing inventory and effect determination, and to develop measures to avoid, minimize, or mitigate any adverse effects that may result from the project. SHPO agreed with this recommendation (Jacobs [SHPO] to Hollis [FHWA]; February 2, 2007. SHPO letter enclosed).

The purpose of this letter is to notify the Advisory Council on Historic Preservation and to determine Council participation pursuant to 36 CFR § 800.6(1). Attached to this letter is documentation specified in § 800.11. Please review the draft PA, the records and literature review, and the information in this letter. If the Council plans to participate in consultation, please inform FHWA within 15 days of receipt of this notice. If there is any additional information you require for this project or if you have any questions or comments, please contact Maggie Bowler at (602) 712-8636 or e-mail mbowler@azdot.gov.

Sincerely yours,

Robert E. Hollis
Division Administrator

Enclosures

cc:
SThomas
MBowler (619E)
SDThomas:cdm

Margaret R. Bowler

From: Carol Legard [clegard@achp.gov]
Sent: Wednesday, August 08, 2007 5:42 AM
To: Margaret R. Bowler
Subject: RE: Programmatic Agreement for ADOT Northern Parkway project

Maggie, I set the file aside because the survey report was not in the file. I was going to check to see if it had somehow gotten displaced here, then give you a call if I couldn't find it. I got busy with other things and didn't get back to it. Since our 15 days has long since passed, you may assume we are not going to participate. So, unless there are issues that are not getting resolved without us, I'll send a letter declining to participate. Sorry about the delay, Carol

Carol Legard
FHWA Liaison
Advisory Council on Historic Preservation
202-606-8522
clegard@achp.gov

From: Margaret R. Bowler [mailto:MBowler@azdot.gov]
Sent: Tuesday, August 07, 2007 4:16 PM
To: Carol Legard
Subject: Programmatic Agreement for ADOT Northern Parkway project
Importance: High

Federal Aid No. STP-MMA-0(034)A
TRACS No. 0000 MA MMA SS593 01C
Northern Parkway Project [State Route 303 to US Highway 60(Grand Avenue)]

Hi Carol,

I was getting ready to finalize the PA for this project, and was wondering if the ACHP was planning on participating in this agreement or choosing to decline. Copies of the draft PA and consultation letters were sent to you, via FHWA, on June 19th, 2007. I was just wondering if I should include ACHP in the final version of the PA. Thanks very much.

Sincerely,

Maggie R. Bowler
Historic Preservation Specialist
ADOT Environmental Planning Group
1611 W. Jackson Street, Mail Drop EM02
Phoenix, AZ 85007
Phone: (602) 712-8636 Fax: (602) 712-3066
E-mail: mbowler@azdot.gov

Please note new address and mail drop

PROGRAMMATIC AGREEMENT

AMONG

FEDERAL HIGHWAY ADMINISTRATION
ARIZONA STATE HISTORIC PRESERVATION OFFICE
ARIZONA DEPARTMENT OF TRANSPORTATION
MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
FLOOD CONTROL DISTRICT OF MARICOPA COUNTY
SALT RIVER PROJECT
BUREAU OF RECLAMATION
LUKE AIR FORCE BASE
ARIZONA STATE MUSEUM
CITY OF GLENDALE
CITY OF PEORIA
CITY OF EL MIRAGE
UNITED STATES ARMY CORPS OF ENGINEERS
FORT MCDOWELL YAVAPAI NATION
GILA RIVER INDIAN COMMUNITY
AK-CHIN INDIAN COMMUNITY
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
HOPI TRIBE
YAVAPAI-APACHE NATION
SAN CARLOS APACHE NATION
TOHONO O'ODHAM NATION

REGARDING THE NORTHERN PARKWAY PROJECT [STATE ROUTE 303 TO US HIGHWAY 60 (GRAND AVENUE)]
FEDERAL AID NO. STP-MMA-0(034)A
TRACS NO. 0000 MA MMA SS593 01C
MARICOPA COUNTY, ARIZONA

WHEREAS, the City of Glendale, the City of Peoria, the City of El Mirage, and the Maricopa County Department of Transportation (MCDOT) (collectively referred to as the proponents) are planning the Northern Parkway Project (Project), a regional "super-street" (defined as a higher-speed, higher-capacity roadway with grade-separated intersections at major cross streets) that would extend approximately 12.5 miles between State Route (SR) 303 and US Highway 60 (Grand Avenue); and

WHEREAS, the area of potential effect (APE), for impacts that could potentially affect historic properties, is defined as including the parcels of property adjacent to the proposed alternative routes; and

WHEREAS, project construction will occur on lands under the jurisdiction of the City of Glendale, the City of Peoria, the City of El Mirage, and unincorporated Maricopa County; and

WHEREAS, the proposed project may have an adverse effect upon historic properties, which are defined as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such property or resource" (National Historic Preservation Act [NHPA] 16 U.S.C. 470w, Title III, Section 301 [5]; and

WHEREAS, the Federal Highway Administration (FHWA) is providing technical and financial assistance for development of the Project, will assume lead responsibilities for compliance under Section 106 of the NHPA, and has consulted with, and will continue to consult with, the Arizona State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800 of the regulations implementing Section 106 of the NHPA (16 U.S.C. 470f) as revised in August 2004; and

WHEREAS, the Arizona Department of Transportation (ADOT), acting as agent for FHWA has participated in consultation and has been invited to be a signatory to this Programmatic Agreement (Agreement); and

WHEREAS, SHPO is authorized to enter this Agreement to fulfill the role of advising and assisting federal agencies in carrying out Section 101 and 106 responsibilities under 16 U.S.C. § 470a and 16 U.S.C. § 470f of the NHPA, pursuant to 36 CFR § 800.2(1); and

WHEREAS, the Advisory Council on Historic Preservation (Council) has been consulted pursuant to 36 CFR § 800.9, and has been invited to participate in this Agreement; and

WHEREAS, MCDOT, will have lead responsibility for final design and construction of the Project, and has been invited to participate in this Agreement; and

WHEREAS, the Project will be within rights-of-way held by the City of Glendale, the City of Peoria, and the City of El Mirage, they have been invited to participate in this Agreement; and

WHEREAS, a Clean Water Act Section 404 permit is required, the U.S. Army Corps of Engineers (USACE) has been invited to participate in this Agreement; and

WHEREAS, portions of the proposed parkway corridors cross undeveloped floodplains of New River and Agua Fria River, the Flood Control District of Maricopa County (FCDMC) has been invited to participate in this Agreement; and

WHEREAS, for testing and/or data recovery necessitated by the Project, the Arizona State Museum (ASM) has authority and responsibility for issuing permits and implementing the Arizona Antiquities Act (A.R.S. § 41-841 through § 41-847) on state lands (defined as land owned or controlled by state agencies and institutions, counties, and municipal corporations), and has been invited to participate in this Agreement; and

WHEREAS, Luke Air Force Base abuts approximately 2 miles of one of the proposed alternative alignment corridors, and has been invited to participate in this Agreement; and

WHEREAS, the Bureau of Reclamation and Salt River Project have been invited to participate in this Agreement to address potential impacts to canals within the proposed parkway corridors; and

WHEREAS, any testing and/or data recovery necessitated by the Project, that may be located on Federal land, must be permitted through an Archaeological Resources Protection Act (ARPA) permit and/or an Antiquities Act permit; and

WHEREAS, the FHWA has consulted with American Indian tribes that may attach religious or cultural importance to affected properties, including Fort McDowell Yavapai Nation, Gila River Indian Community, Ak-Chin Indian Community, Salt River Pima-Maricopa Indian Community, Hopi Tribe, Yavapai-Apache Nation, San Carlos Apache Nation, and Tohono O'odham Nation, hereafter referred to as the Tribes; and will be invited to participate in consultation [pursuant to 36 CFR § 800.2 (c)(2)(ii)(A-F)], and have been invited to be concurring parties in this Agreement; and

WHEREAS, by their signature all parties agree that the regulations specified in the ADOT document, "ADOT Standard Specifications for Road and Bridge Construction" (Section 104.12, 2000) will account for the cultural resources in potential material sources used in project construction; and

WHEREAS, an agreement regarding the treatment and disposition of Human Remains, Associated Funerary Objects, Sacred Objects and Objects of Cultural Patrimony would be developed for the Arizona State Museum (ASM) for state and private land, pursuant to A.R.S. § 41-844 and 41-865; and

WHEREAS, an agreement regarding the treatment and disposition of Graves and Human Skeletal Material would follow the Archaeological Resources Protection Act of 1979 (ARPA; Section 4.b.3 and 4.c) for federal land; and

WHEREAS, Human Remains, Associated/Unassociated Funerary Objects, Sacred Objects and Objects of Cultural Patrimony recovered will be treated in accordance with the Native American Graves and Protection Repatriation Act (NAGPRA) for federal land; and

NOW, THEREFORE, all parties agree that upon FHWA's decision to proceed with the Project, FHWA shall ensure that the following stipulations are implemented and take into account the effects of the Project on historic properties, and that these stipulations shall govern the Project and all of its parts until this Agreement expires or is terminated.

STIPULATIONS

The planning and development of the Project is being pursued in several phases-a) evaluation of alternative design concepts and routes, b) phased development of final designs (including geotechnical investigations) for different components of the Project, and c) phased construction of components of the Project estimated to occur between the years 2010 and 2030. The implementation of the following stipulations shall be coordinated with the phases of planning and construction.

FHWA will ensure that the following measures are carried out.

I. GEOTECHNICAL INVESTIGATIONS

As geotechnical investigation may adversely impact historic properties within the project's corridor, FHWA proposes that historic properties would be avoided by geotechnical investigations wherever possible. In the event that historic properties cannot be avoided, FHWA, in consultation with the consulting parties, shall determine appropriate treatment for the historic properties. Data recovery at geotechnical investigation locations requires a Work Plan, as described below, to be developed. Geotechnical investigations outside the boundaries of historic properties may proceed prior to the completion of any data recovery required at other locations.

II. INVENTORY, EVALUATION, AND EFFECT DETERMINATION

A. FHWA, represented by ADOT, in consultation with all parties to this Agreement shall ensure that new inventory surveys of additional rights-of-way and temporary construction easements will include determinations of eligibility that are made in accordance with Section 106 for all historic properties, including any added staging or use areas. Should any party to this Agreement disagree with FHWA regarding eligibility, the SHPO shall be consulted and resolution sought within 20 calendar days. If FHWA and SHPO disagree on eligibility, FHWA shall request a formal determination from the Council.

B. FHWA, represented by ADOT, will ensure that archaeological site areas needing testing, according to 36 CFR § 800.4(b)(2), will be investigated in a manner to evaluate them for eligibility for the NRHP. FHWA will develop a plan of work for Eligibility Testing (Testing Plan) for such areas, for submittal to all parties of the Agreement for review and comment prior to implementation of the Testing Plan. The review and comment of the Testing Plan will be consistent with the time frames specified in Stipulations III (A) and (B) below. The results of the testing will be detailed in an Archaeological Testing Report that will be reviewed and evaluated per Stipulations III (A) and (B) below.

C. FHWA, represented by ADOT, has consulted with and will continue to consult with the Tribes, to help identify potential properties of religious and cultural significance within any additions to the APE, in any staging or use areas.

D. FHWA, represented by ADOT, in consultation with SHPO, and other agencies with jurisdiction, shall apply the criteria of Adverse Effect in 36 CFR § 800.5 to all historic properties within the Project APE, including any area proposed for geotechnical testing or staging or use areas.

E. If FHWA, SHPO, and agencies with jurisdiction over affected land agree (per Stipulations IV A and B) that a portion of the undertaking shall have no effect or no adverse effect on listed or eligible properties, FHWA may provide authorization to proceed with construction in that area, subject to obtaining any necessary permits and the conditions of any Monitoring or Discovery Plan developed for the Project, provided that construction does not preclude options for avoidance of historic properties in other segments.

III. DEVELOPMENT OF A DATA RECOVERY TREATMENT PLAN

A. To the extent feasible, FHWA, as represented by ADOT, will avoid adverse effects to historic properties that are identified in the APE through project redesign or implementation of protective measures. Where avoidance is not feasible, FHWA, in consultation with SHPO, and other consulting parties, shall ensure that a data recovery treatment plan (Data Recovery Plan) is developed for the mitigation of anticipated effects on historic properties that will result from the Project and any related uses and activities.

B. The Data Recovery Plan will be submitted by ADOT, on behalf of FHWA, to all parties of the Agreement for 30 calendar days' review. The Data Recovery Plan shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44716-44742) and the Council's Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites (64 FR 95:27085-27087). Unless any signatory or concurring party objects to the Data Recovery Plan within 30 calendar days after receipt of the plan, FHWA shall ensure that it is implemented prior to construction.

C. The Data Recovery Plan shall minimally specify the following:

1. It will identify the historic properties to be affected by the Project as a whole and the nature of those effects. Identification and description of the traditional and/or religious significance of traditional cultural properties identified with Tribes may be done only with the permission of the appropriate Tribe(s).

2. A Research Design will contain research questions and goals applicable to the Project area as a whole, which will be addressed through data recovery, along with an explanation of their relevance and importance. These research questions and goals shall reflect the concept of historic contexts as defined in National Register Bulletin 16, and shall take into consideration any such historic contexts established for the Project area.

3. Field and analysis methods and strategies applicable to the Project area will be developed along with an explanation of their relevance to the research questions.

4. The methods to be used in analysis, data management, and dissemination of data to the professional community and the public.

5. A protocol for the treatment of human remains, in the event that such remains are discovered, describing methods and procedures for the recovery, inventory, treatment, and disposition of Human Remains, Associated Funerary Objects, and Objects of Cultural Patrimony. This protocol will reflect concerns and/or conditions identified as a result of consultation among parties to this agreement, and will be consistent with any Burial Agreement developed for this project.

6. Monitoring procedures will be included to ensure that other potential historic properties are not affected by construction-related activities. These procedures shall specify the location of all identified properties and the means by which they

will be marked and avoided if construction or other ground-disturbing activities are allowed in nearby portions of the APE.

7. A Discovery Plan will be included to ensure adequate treatment of unanticipated discoveries taking into account the provisions of 36 CFR § 800.13 and A.R.S. § 41-844.

8. A proposed schedule for submission of progress, summary, and other reports to parties of this Agreement, as well as a proposed schedule for field work.

IV. COMMENTS ON TREATMENT PLANS FOR TESTING AND DATA RECOVERY

A. Upon receipt of draft Treatment Plans acceptable to FHWA, as represented by ADOT, FHWA will then submit such drafts concurrently to all consulting parties to the Agreement for review. All parties will have 30 calendar days from receipt to review and provide comments to FHWA. Lack of comment within the review period may be taken as concurrence with the Treatment Plans.

B. If revisions to the Treatment Plans are needed, all parties to this Agreement have 20 calendar days from receipt to review and comment on the revisions. If no comments are received within this period, FHWA may assume that the reviewer concurs with the revisions.

C. Once the Treatment Plans have been determined adequate by all parties, FHWA shall issue authorization to proceed with the implementation, subject to obtaining all necessary permits.

V. REVIEW AND COMMENT ON PRELIMINARY REPORT OF FINDINGS

Such Preliminary Reports shall minimally contain the following:

1. Within two weeks following completion of fieldwork, the institution, firm, or consultant responsible for the work will prepare and submit a brief Preliminary Report of Findings that will demonstrate that the specifications of the consulted upon data recovery plan have been met.

2. Upon receipt of a draft of the Preliminary Report of Findings, FHWA, represented by ADOT, will review and subsequently submit such documents concurrently to all consulting parties for review. All consulting parties will have 30 calendar days from receipt to review and provide comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

3. If revisions to the Preliminary Report of Findings are made, all consulting parties have 20 calendar days from receipt to review the revisions and provide comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

4. Once the Preliminary Report of Findings has been accepted as a final document, FHWA, represented by ADOT, will notify appropriate project participants that construction may proceed.

VI. REVIEW AND COMMENT ON DATA RECOVERY REPORT

1. Within 180 days of completion of data recovery, a report will be prepared incorporating all appropriate data analyses and interpretations, and the report will be submitted to signatories and concurring parties who will be provided with 30 calendar days to review and comment upon the data report.

2. Upon receipt of the data recovery report, FHWA, represented by ADOT, will review and subsequently submit such documents concurrently to all remaining consulting parties for review. All consulting parties will have 30 calendar days from receipt to review and provide comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

3. If revisions to the data recovery report are made, all consulting parties will have 20 calendar days from receipt to review the revisions and provide comments to ADOT. Lack of response within this review period will be taken as concurrence with the report.

4. Once the data recovery report has been accepted as a final document, FHWA, represented by ADOT, will notify appropriate project participants that construction may proceed.

VII. DISCOVERIES

If potential historic or prehistoric archaeological materials or properties, or human remains are discovered after construction begins, the person in charge of the construction shall require construction to immediately cease with the area of the discovery, take steps to protect the discovery, and promptly report the discovery to the ADOT Historic Preservation Specialist, representing FHWA. The ADOT Historic Preservation Specialist, representing FHWA, shall notify and consult with appropriate agencies.

1. If the discovery, occurring on State or private land, appears to involve human remains or remains as defined in ASM rules implementing A.R.S. § 41-844 and 41-865, the Director of ASM shall be notified. In consultation with the Director, FHWA, represented by ADOT, and the person in charge of construction shall ensure that the discovery is treated according to the burial agreement.

2. If the discovery is located on Federal land and involves graves or human remains as defined in ARPA Section 3.1, the Federal Land Manager shall also be informed. In consultation with FHWA, represented by ADOT, the person in charge of construction shall immediately take steps to secure and maintain preservation of the discovery. FHWA, represented by ADOT, shall ensure that the discovery is treated according to the burial agreement.

3. If remains are not involved, and the discovery is located on state land, FHWA, represented by ADOT, shall notify ASM as required under A.R.S. § 41-844. ADOT, on behalf of FHWA in consultation with the Director and SHPO, if appropriate, shall determine if the Plan previously approved by ASM according to Stipulation II-B is appropriate to the nature of the discovery. If appropriate, the Plan shall be implemented by ADOT, on behalf of FHWA. If the Plan is not appropriate to the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed and circulated to the consulting parties, who will have two working days to review and comment upon the alternate plan. FHWA shall consider the resulting comments, and shall implement the alternate plan once a project specific permit has been issued.

4. If remains are not involved and the discovery is located on private land, FHWA, represented by ADOT, shall evaluate the discovery, and SHPO shall be notified as appropriate. The ADOT Historic Preservation Specialist, on behalf of FHWA, shall determine if the plan previously approved according to Stipulation II-B is appropriate to the nature of the discovery. If appropriate, the Plan shall be implemented by ADOT, on behalf of FHWA. If the Plan is not appropriate to the discovery, FHWA shall ensure that an alternate plan for the resolution of adverse effect is developed and circulated to the consulting parties, who will have two working days to review and comment upon the alternate plan. FHWA shall consider the resulting comments, and shall implement the alternate plan once a project specific permit has been issued.

5. If the discovery is located on federal land, FHWA, represented by ADOT, shall determine if the discovery classifies as an "archaeological resource" as defined in Section 3.1 of ARPA, or determine if the discovery classifies as an historical resource or resource with tribal significance, and the Federal Land Manager must then be contacted.

VIII. CHANGES IN CONSTRUCTION CORRIDORS AND ANCILLARY AREAS

Any changes or additions in construction corridors, staging areas, or use areas will be handled in a manner consistent with Stipulations I-IV.

IX. STANDARDS FOR MONITORING AND DATA RECOVERY

All historic preservation work carried out pursuant to this Agreement shall be carried out by, or under the supervision of, a person, or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739).

X. CURATION

All materials and records resulting from the data recovery program conducted within the Project area shall be curated in accordance with either ASM or ARPA.

1. For materials and records located on state or private land, curation shall take place in accordance with standards outlined in A.R.S. § 41-844, and guidelines generated by ASM. The repository for materials either will be ASM or one

located in Maricopa County that meets those standards and guidelines. Materials subject to repatriation under A.R.S. § 41-844 and A.R.S. § 41-865 shall be maintained in accordance with the burial agreement.

2. Archaeological Resources excavated or removed from federal land will be preserved by a suitable university, museum, or other scientific or educational institution (ARPA, Section 4.b.3). Resources having religious or cultural importance shall be maintained in accordance with the burial agreement until any specified analyses, as determined following the consultation with the appropriate Indian tribes and individuals, are complete and the resources are returned.

XI. DISPUTE RESOLUTION

Should any signatory or concurring party to this Agreement object within 30 days to any plan or report provided for review or to any aspect of this undertaking related to historic preservation issues, FHWA shall consult with the objecting party to resolve the objection. If the objection cannot be resolved, FHWA shall request further comments from the SHPO with reference only to the subject of the dispute; FHWA's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

XII. CONFIDENTIALITY

The distribution of sensitive information about the locations and nature of inventoried historic properties shall be limited as provided for by Section 304 of the NHPA, Section 9(a) of ARPA, and ARS § 39-125. Pursuant to this stipulation, the participants to this Agreement agree to appropriately control the distribution of any confidential information they may receive as a result of their participation in this Agreement.

XIII. AMENDMENT

This Agreement may be amended by the signatories pursuant to 36 CFR § 800.6 (c)(7). FHWA shall file any amendments with the Council and provide notice to the parties.

XIV. TERMINATION

This Agreement shall be null and void if its terms are not carried out within 10 years from the date of initial project design plans, unless the consulting parties agree in writing to an extension for carrying out its terms. Any consulting party may terminate this Agreement by providing written notice within 30 calendar days to the other parties, provided that the parties will consult during that period to seek agreement on amendments or other actions that would avoid termination. In the event of termination or expiration, FHWA, represented by ADOT, shall either execute a new Agreement under 36 CFR § 800.7(a).

XV. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

In the event that the terms of this Agreement are not accomplished, federal agencies shall comply with 36 CFR § 800.3 through § 800.6 with regard to individual actions covered by this Agreement.

Execution and implementation of this Agreement is evidence that FHWA, represented by ADOT, has afforded the Council an opportunity to comment on the Northern Avenue Parkway project extending 12.5 miles from SR 303 to US Highway 60 (Grand Avenue) in Maricopa County, and its effect on historic properties. In so doing, FHWA, and SHPO have therefore satisfied the Section 106 responsibilities for all individual actions of this undertaking and have taken into account the effects of the undertaking on historic properties. Participation in this Agreement also satisfies the State Historic Preservation Act responsibilities of ADOT for this undertaking pursuant to A.R.S. § 41-864.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

By Mary E. Fryer Date 12-12-2008

Title Environmental Coordinator

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By James Garrison Date 12/23/08

Title AZSHPO

INVITED SIGNATORIES

ARIZONA DEPARTMENT OF TRANSPORTATION

By Shaz Anderson Date 12-11-08

Title Manager

MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION

By _____ Date _____

Title _____

CONCURRING PARTIES

ARIZONA STATE MUSEUM

By Bill Spinell Date Dec 23, 2008

Title

CITY OF GLENDALE

By Date

Title

CITY OF PEORIA

By Date

Title

CITY OF EL MIRAGE

By Date

Title

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

By Date

Title

LUKE AIR FORCE BASE

By Date

Title

U.S. ARMY CORPS OF ENGINEERS

By Date

CONCURRING PARTIES

ARIZONA STATE MUSEUM

By_____ Date_____

Title_____

CITY OF GLENDALE

By_____ Date_____

Title_____

CITY OF PEORIA

By _____ Date_____

Title _____

CITY OF EL MIRAGE

By_____ Date_____

Title_____

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

By_____ Date_____

Title_____

LUKE AIR FORCE BASE

By_____ Date_____

Title_____

U.S. ARMY CORPS OF ENGINEERS

By Mark Durham Date 22 Dec 2005

Title_____

SALT RIVER PROJECT

By_____ Date_____

Title_____

BUREAU OF RECLAMATION

By_____ Date_____

Title_____

FORT MCDOWELL YAVAPAI NATION

By Dr. Clinton M. Pattea Date 1-12-09

Title President

GILA RIVER INDIAN COMMUNITY

By_____ Date_____

Title_____

AK-CHIN INDIAN COMMUNITY

By_____ Date_____

Title_____

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

By_____ Date_____

Title_____

HOPI TRIBE

By_____ Date_____

Title_____

YAVAPAI-APACHE NATION

By_____ Date_____

Title_____

SAN CARLOS APACHE NATION

By_____ Date_____

Title_____

TOHONO O'ODHAM NATION

By_____ Date_____

Title_____