APPENDIX F: COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT

- State Historic Preservation Officer (SHPO)
- Arizona Department of Transportation
- Arizona Department of Environmental Quality, Water Quality Division
- Arizona Department of Environmental Quality, Air Quality Division
February 18, 2016

Subject: Concurrence of the State Historic Preservation Officer on the Determination of "No Affect" on the Historic Property for the Gravesite Expansion and Cemetery Improvements U.S. Department of Veteran Affairs (VA) Project 914CM3009, National Memorial Cemetery of Arizona, Phoenix, Arizona

Mr. James Garrison
State Historic Preservation Officer
Arizona State Parks
1300 West Washington Street
Phoenix, Arizona 85007

Dear Mr. Garrison:

The U.S. Department of Veterans Affairs (VA) is initiating consultation with the State Historic Preservation Officer (SHPO) regarding the National Memorial Cemetery of Arizona Gravesite Expansion and Cemetery Improvements, VA Project 914 CM3009, in Phoenix, Arizona. The purpose of this undertaking is to conduct Pre-Design studies and develop a Master Plan update to support future expansion and improvements to the existing National Memorial Cemetery of Arizona (NMCA) to continue meeting the burial needs of veterans in the Phoenix area by providing approximately sixty to one hundred years of burial capacity.

VA is consulting with you in accordance with 36 CFR Part 800 (amended August 5, 2004), regulations implementing Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108 (formerly 16 U.S.C. 470), and the Arizona Historic Preservation Act (SHPA), A.R.S. §41-661 et seq. 36 C.F.R §800.11 of Advisory Council on Historic Preservation publications and policies, National Register Bulletins, SHPO guidance on implementing the SHPA, Arizona State Museum (ASM) rules for implementing the Arizona Antiquities Act (AAA), or A.R.S. §41-841 et seq. are considered for this undertaking. At the present time we are seeking your concurrence on the adequacy of historic property identification efforts associated with the undertaking.

The Proposed Action consists of expansion of approximately 104 acres adjacent to and east of the existing 121-acre cemetery site. The Proposed Action involves developing, operating and maintaining the undeveloped area of about 104 acres. Expansion would occur in approximately nine (9) phases, subject to funding availability. Phase I construction would be initiated sometime in 2016 to 2018, subject to the completion of the Master Plan and design, as well as availability of funding. Phase I expansion would consist of up to 35 acres to accommodate about 2200 pre-placed crypts, 1,200 in ground cremains, and 4,600 Columbarium niches. Excavation of gravesites, trenching and grading would be required in some areas up to a maximum depth of 10 feet. Cut and fill would be balanced on the site.
The Area of Potential Effects (APE) is located in the North ½ of the Northwest ¼ of Section 13, Township 4 North, Range 3 East, Gila and Salt River Baseline and Meridian in the City of Phoenix, Maricopa County, Arizona. It is depicted on the United States Geological Survey (USGS) Union Hills, Arizona (1964) 7.5-minute topographic quadrangle (Enclosure 2). The APE is adjacent to the eastern boundary of the existing National Memorial Cemetery of Arizona, south of East Pinnacle Peak Road, west of North Black Mountain Parkway, and north of an undeveloped lot. The APE map is provided in the Cultural Resources Assessment report and included as Enclosure 2.

The Proposed Action’s APE includes the entire existing NMCA site as well as the planned expansion east of the NMCA. An archaeological pedestrian field survey of the APE was conducted on July 1, 2015. The survey was conducted by walking parallel transects spaced approximately 15-20 meters apart across 100 percent of the APE. Soil exposures, including natural and artificial clearings were carefully inspected for evidence of cultural resources. Prior to fieldwork, a cultural resources records search was conducted for the Proposed Action at the Arizona State Museum, Arizona State University. This included a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and field survey and excavation reports generated from projects located within one mile of the APE. Data from the Arizona State Museum revealed that 16 cultural resource studies have taken place resulting in the recording of eight cultural resources within one-mile of the APE. Of these resources, five were historic-period refuse scatters, one was a historic-period road, one was a historic-period canal, and one was a prehistoric artifact scatter. The nearest cultural resource is a 1940s refuse scatter 1/4 mile north of the APE’s northern boundary. Of the 16 previous studies, none have assessed the APE and no cultural resources have been recorded within the APE’s boundaries.

The records search and field survey did not identify any cultural resources including prehistoric, historic archaeological sites, or historic-period buildings within the APE. Furthermore, research results combined with surface conditions have failed to indicate sensitivity for buried cultural resources at NMCA or in the area. As a result, no historic properties under Section 106 of the NHPA would be affected. It is also recommended that no additional cultural resources work is necessary during implementation of the Proposed Action. Consultation letters have been sent to sixteen different tribal contacts as identified in the Cultural Resources Assessment. A letter dated December 17, 2015 was received from the Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) indicating that no religious or culturally significant sites are located within the project area, however, they recommend that a Class I (records review) assessment be conducted prior to any ground disturbance occurring for the proposed undertaking.
Although significant cultural resources are not anticipated to occur in the expansion area, in the event that previously unidentified cultural resources or human remains are found during development of the APE, work would cease immediately at that location and reasonable steps would be taken to secure the preservation of those resources. VA, as the responsible federal agency, would be notified so that the find can be addressed as a post-review discovery in accordance with Title 36, Code of Federal Regulations, and Part 800.13. If the discovery includes human remains, VA would also notify the director of the Arizona State Museum in accordance with the Arizona Burial Law (Arizona Revised Statutes 41-865).

The U.S. Department of Veterans Affairs has determined that the proposed work would result in no historic properties affected, and requests initiation of consultation for the proposed undertaking. We are providing, enclosing, or otherwise identifying the following documentation pursuant to 36 CFR Part 800.11(a):

1) Enclosure 1: SHPO Survey Report Summary Form
2) Enclosure 2: Topographic map showing the APE; also included in report, page 2;
3) Enclosure 3: Report entitled, Cultural Resources Assessment Gravesite Expansion and Cemetery Improvements VA Project No. 914 CM3009, dated November 20, 2015 (includes Native American Consultation letters as Appendix B of report);

Based on our review of the cultural resources documentation, the U.S. Department of Veterans Affairs has determined that there are no historic properties listed or eligible for listing within the APE. Preliminary application of Section 106 Criteria for Identification and Evaluation of Historic Properties [36 CFR 800.4(d)] indicates a finding of “NO HISTORIC PROPERTIES AFFECTED” for the undertaking.

The U.S. Department of Veterans Affairs requests your concurrence on the following items:

(1) the adequacy of historic property identification efforts (pursuant to §800.4[b]);
(2) the finding “NO HISTORIC PROPERTIES AFFECTED” for the proposed undertaking (pursuant to §800.4[d][2]).

Please review the enclosed documentation. In accordance with 36 CFR 800.3(g) we are requesting expedited consultation for this project. Accordingly, we would appreciate a response within thirty (30) days of your receipt of this letter.
If we do not receive a response within 30 days, we will presume you do not have additional comments relevant to this project or our “no effect to historic properties” determination. If you have any questions, please contact Ms. Peggy Jensen at (202)632-5895 or email Margaret.Jensen@va.gov. Please provide file number [914-CM3009] in your reply.

Thank you for your review of this document and your consultation efforts.

Sincerely,

MB Jensen
Margaret B. Jensen
Project Manager

No Historic Properties Affected

Arizona State Historic Preservation Office
Arizona State Parks Board

3-2-16
Margaret B. Jensen
U.S. Department of Veteran Affairs
National Cemetery Administration
810 Vermont Ave, NW (438)
Washington, DC 20420
Response to:
State Historic Preservation Office (SHPO), letter dated March 2, 2016

VA concurs with the SHPO determination that there is "no effect to historic properties" through the implementation of the Proposed Action.
Ms. Margaret Jensen, Project Manager  
U. S. Department of Veterans Affairs  
National Cemetery Administration  
Design and Construction Services  
810 Vermont Avenue NW (43B)  
Washington, DS 20420  

Thank you for the notice of draft environmental assessment for the above-captioned proposed development. After review of the cemetery's location, we have determined that the proposed development will have no impact upon highway facilities within the jurisdiction of Arizona Department of Transportation. Thank you for the opportunity to review and comment.  

p.s.; I assume the following information will be of interest to you. Contrary to the statement: “A copy of the draft EA will be posted on the VA’s website starting February 29, 2016, at http://www.cem.va.gov/EA.asp”, a copy was not available in the Public Review Documents section as of March 4, 2016. Bob Patoni-USAF: 1961-1965

Bob Patoni, SR/WA  
Right of Way Project Coordinator  
20S S. 17th Ave. MD: 612E  
Phoenix, AZ 85007  
602-712-6126  
WWW.AZDOT.GOV  

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Response to:
Arizona Department of Transportation (ADOT), email dated March 2, 2016

VA concurs with the ADOT determination that the Proposed Action would have no impact upon highway facilities within the jurisdiction of Arizona Department of Transportation.
The Arizona Department of Environmental Quality, Water Quality Division, does not see any impacts related to water quality that have not been addressed already in the Draft Environmental Assessment. Thank you for the opportunity to participate in the review process.

Wendy LeStarge
Environmental Rules Analyst
Arizona Department of Environmental Quality
Water Quality Division
(602) 771-4836
Response to: 1
Arizona Department of Environmental Quality (ADEQ),
Water Quality Division, email dated April 4, 2016

VA concurs with the ADEQ determination that the Proposed Action would have no impacts related to water quality.
March 8, 2016

U.S. Department of Veterans Affairs  
ATTN: Ms. Margaret B. Jensen, Project Manager  
National Cemetery Administration  
Design and Construction Service  
810 Vermont Avenue NW (43B)  
Washington, DC 20420

RE: Maricopa County: National Memorial Cemetery of Arizona, Phoenix Project

Dear Ms. Jensen:

The Arizona Department of Environmental Quality Air Quality Division has reviewed your letter dated March 8, 2016, concerning the National Memorial Cemetery of Arizona, Phoenix Project you submitted for a General Conformity Determination with the Arizona State Implementation Plan in accordance with Clean Air Act § 176(c)(1); Title 40 Code of Federal Regulations Part 93, Subpart B §§ 93.150-165; and Arizona Administrative Code R18-2-1438 (approved into the Arizona State Implementation Plan April 23, 1999; effective June 22, 1999). Your project is located within a maintenance area for carbon monoxide (CO), a nonattainment area for 8-hour ozone (O₃), and a nonattainment area for 10-micron particulate matter (PM₁₀).

The Air Quality Division has concluded that a General Conformity Determination is not required for the following reason:

X Project’s total emissions of each identified air pollutant to be emitted from the project would be less than de minimis levels in Title 40 CFR § 51.853(b) [and §93.153(b)] as described or calculated

Disturbance of particulate matter and possible asbestos is anticipated during construction. Considering prevailing winds, to comply with other applicable air pollution control requirements and minimize adverse impacts on public health and welfare, the following information is provided for consideration:

REDUCE DISTURBANCE of PARTICULATE MATTER during CONSTRUCTION

This action, plan or activity may temporarily increase ambient particulate matter (dust) levels. Particulate matter 10 microns in size and smaller can penetrate the lungs of human beings and animals and is subject to a National Ambient Air Quality Standard (NAAQS) to protect public health and welfare. Particulate matter 2.5 microns in size and smaller is difficult for lungs to
expel and has been linked to increases in death rates; heart attacks by disturbing heart rhythms and increasing plaque and clotting; respiratory infections; asthma attacks and cardiopulmonary obstructive disease (COPD) aggravation. It is also subject to a NAAQS.

The following measures are recommended to reduce disturbance of particulate matter, including emissions caused by strong winds as well as machinery and trucks tracking soil off the construction site:

I. Site Preparation and Construction
   A. Minimize land disturbance;
   B. Suppress dust on traveled paths which are not paved through wetting, use of watering trucks, chemical dust suppressants, or other reasonable precautions to prevent dust entering ambient air;
   C. Cover trucks when hauling soil;
   D. Minimize soil track-out by washing or cleaning truck wheels before leaving construction site;
   E. Stabilize the surface of soil piles; and
   F. Create windbreaks.

II. Site Restoration
   A. Revegetate any disturbed land not used;
   B. Remove unused material; and
   C. Remove soil piles via covered trucks.

The following rules applicable to reducing dust from open areas, dry washes or riverbeds, roadways and streets are enclosed:

- Arizona Administrative Code R18-2-604 and R18-2-605
- Arizona Administrative Code R18-2-804

Should you have further questions, please do not hesitate to call me at (602) 771-4858, or Lhamo LeMoine at (602) 771-2373.

Regards,

Marina Mejia, Manager
Air Quality Division, SIP Section

Enclosures (2)

cc: Sherri Zendri, Administrative Counsel
    Lhamo LeMoine, Administrative Secretary
    File No. 353589
B. No person shall cause, suffer, allow, or permit a vacant lot, or
r.18-2-603. Repealed
I. Nothing

Dust shall be kept to a minimum by using an approved
covering, landscaping, continuous wetting, detouring, barricading, or other acceptable means.

A. No person shall cause, suffer, allow, or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals such as horses, without taking reasonable precautions to limit excessive amounts of particulate matter from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

C. No person shall operate a motor vehicle for recreational purposes in a dry, paved, or open area in such a way as to cause or contribute to visible dust emissions which then cross property lines into a residential, recreational, institutional, educational, retail sales, hotel, or business premises. For purposes of this subsection "motor vehicle" shall include, but not be limited to trucks, cars, cycles, buggies and 3-wheeler. Any person who violates the provisions of this subsection shall be subject to punishment under A.R.S. §§ 49-463.

Historical Note

R18-2-605. Roadways and Streets
A. No person shall cause, suffer, allow or permit the use, repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust suppressors, wetting down, detouring or by other reasonable means.

B. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne. Earth or other material that is deposited by trucking or earth moving equipment shall be removed from paved streets by the person responsible for such deposits.

Historical Note

R18-2-606. Material Storing
No person shall cause, suffer, allow or permit the storing of any materials that are likely to give rise to airborne dust without taking reasonable precautions, such as wetting, applying dust suppressants, or covering the load, to prevent particulate matter from becoming airborne.

Historical Note
Section R18-2-605 renumbered from R18-2-405 effective November 15, 1993 (Supp. 93-4).

R18-2-607. Storage Piles
A. No person shall cause, suffer, allow or permit organic or inorganic dust producing material to be stacked, piled, or otherwise stored without taking reasonable precautions such as chemical stabilization, wetting, or covering to prevent excessive amounts of particulate matter from becoming airborne.

B. Stacking and reclaiming machinery utilized at storage piles shall be operated at all times with a minimum fall of material and in such manner, or with the use of spray bars and wetting agents, as to prevent excessive amounts of particulate matter from becoming airborne.

Historical Note
Section R18-2-607 renumbered from R18-2-407 effective
ARTICLE 8. EMISSIONS FROM MOBILE SOURCES (NEW AND EXISTING)

R18-2-801. Classification of Mobile Sources
A. This Article is applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations.
B. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

Historical Note
Adopted effective February 26, 1988 (Supp. 88-1).
Amended effective September 26, 1990 (Supp. 90-3).
Amended effective February 3, 1993 (Supp. 93-1).
Former Section R18-2-801 renumbered to Section R18-2-901, new Section R18-2-808 renumbered from R18-2-601 effective November 15, 1993 (Supp. 93-4).

R18-2-802. Off-road Machinery
A. No person shall cause, allow or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
B. Off-road machinery shall include trucks, graders, scrapers, rollers, locomotives and other construction and mining machinery not normally driven on a completed public roadway.

Historical Note
Adopted effective February 26, 1988 (Supp. 88-1).
Amended effective September 26, 1990 (Supp. 90-3).
Former Section R18-2-802 renumbered to Section R18-2-902, new Section R18-2-803 renumbered from R18-2-602 effective November 15, 1993 (Supp. 93-4).

R18-2-803. Heater-planer Units
No person shall cause, allow or permit to be emitted into the atmosphere from any heater-planer operated for the purpose of reconstructing asphalt pavements smoke the opacity of which exceeds 20%. However, these three minutes' upset time in any one hour shall not constitute a violation of this Section.

Historical Note
Adopted effective February 26, 1988 (Supp. 88-1).
Amended effective September 26, 1990 (Supp. 90-3).
Former Section R18-2-803 renumbered to Section R18-2-903, new Section R18-2-804 renumbered from R18-2-603 effective November 15, 1993 (Supp. 93-4).

R18-2-804. Roadway and Site Cleaning Machinery
A. No person shall cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than 10 consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first 10 minutes.
B. In addition to complying with subsection (A), no person shall cause, allow or permit the cleaning of any site, roadway, or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions may include applying dust suppressants. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources
Except as provided in R18-2-904 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of July 1, 2006, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mall Stop SSOP, Washington D.C. 20402-9328.

Historical Note
Adopted effective February 26, 1988 (Supp. 88-1).
Amended effective September 26, 1990 (Supp. 90-3).
Former Section R18-2-901 renumbered to Section R18-2-905, new Section R18-2-908 renumbered from R18-2-605 effective November 15, 1993 (Supp. 93-4).

ARTICLE 9. NEW SOURCE PERFORMANCE STANDARDS

R18-2-901. Standards of Performance for New Stationary Sources
Except as provided in R18-2-904 through R18-2-905, the following subparts of 40 CFR 60, New Source Performance Standards (NSPS), and all accompanying appendices, adopted as of July 1, 2006, and no future editions or amendments, are incorporated by reference as applicable requirements. These standards are on file with the Department and shall be applied by the Department. These standards can be obtained from the U.S. Government Printing Office, Superintendent of Documents, Mall Stop SSOP, Washington D.C. 20402-9328.

4. Subpart Db - Standards of Performance for Industrial-Commercial- Institutional Steam Generating Units.
5. Subpart Dc - Standards of Performance for Small Institutional-Commercial- Institutional Steam Generating Units.
6. Subpart Dd - Standards of Performance for Indicators.
8. Subpart Da - Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which
U.S. Department of Veterans Affairs
ATTN: Ms. Margaret B. Jensen, Project Manager
National Cemetery Administration
Design and Construction Service
810 Vermont Avenue NW (43B)
Washington, DC 20420
VA concurs with the determination that a General Conformity Determination is not required. In addition, VA acknowledges the recommendations for reducing disturbance of particulate matter during construction. These recommendations have been addressed in the EA (see page 24 in Section 3.2 Air Quality, and/or section 5.0 Best Management Practices of the EA).