APPENDIX D – COMMENTS AND RESPONSES

NEPA regulations at 40 CFR 1503.1 require the lead agency to solicit public comments on a Draft Environmental Impact Statement (DEIS) prior to preparing a Final EIS. This includes Federal, State and local agencies, Native American tribes, and any persons interested in or affected by the proposed action.

The public comment period for the I-15 DEIS extended from November 23, 2007 to January 11, 2008 (49 days). The FHWA extended an extra week to the Environmental Protection Agency (EPA) and United States Army Corps of Engineers (COE). During that time, comments were invited through mail, email, through the project website, at two public hearings, and at a neighborhood meeting called by the Grandview Hill neighborhood in Provo. A total of 476 comments were received during the public comment period, in the varied formats described above.

This appendix presents every comment received during the public comment period. Many of the comments are repetitive, and so the same response may pertain to more than one comment. In same cases, sections of the EIS have been revised, in other cases readers are referred to existing text. Each comment is presented in Table D.1, at the end of this appendix. Table D.1 also refers readers to the appropriate section or text.

Federal and State agency letters and responses are in sections D.1 and D.2. City and MPO letters and responses are in Section D.3. Comments from the public are presented in Section D.4. Table D.1 presents all comments and responses.

D.1 Federal Agencies

D.1.1 U.S. Army Corps of Engineers (January 21, 2008)

Comment COE-1: The Corps concurs with the primary project purpose stated in the document, and will utilize this project statement to evaluate the project corridor under our Section 404 regulatory authority.

> Response: Comment noted.

Comment COE-2: The five secondary purposes or objectives identified in the document appear to be redundant, and, in some instances they are integral parts of the primary project purpose. Therefore, to simplify our environmental analysis the Corps will only utilize the primary project purpose statement contained in the DEIS to evaluate Section 404 regulatory issues.

> Response: The secondary purposes described in the EIS are goals that helped refine and compare alternatives, and help keep the project consistent with the MPO's and locally adopted land use plans. They were not used to screen alternatives, and do not need to be used to evaluate 404 regulatory issues.

Comment COE-3: The Corps concurs with (and appreciates) the alternatives screening process, since it eliminates all alternatives and options that don't meet the primary purpose (though they may meet one of FHWA's secondary project purposes or objectives)

> Response: Comment noted.

Comment COE-4: In the Provo/Orem area, there would not be a substantial increase in level of service (LOS) between the options with the frontage roads and the non-frontage roads options. In general, it appears that the highway segments with frontage roads (Options A and B) would only improve by one LOS versus the Option C and Option D configurations (without frontage roads). Interchanges between the frontage road options and non-frontage road options would display minimal improvements in LOS, with one exception. The Sandhill Road/University Parkway intersection would range from LOS D under Option A to LOS F under Option D. Additionally, based on the project LOS for highway segments, it appears that the proposed 800 South interchange in Orem would actually decrease LOS through the segment, (e.g. in Option A).

Response: Between the DEIS and FEIS, the traffic analysis was updated to version 6.0 of the WFRC/MAG travel model. The FEIS presents the most up-to-date traffic data available. With the new analysis, there is no difference in the mainline LOS between the options in the Provo/Orem area. The Sandhill Road & University Parkway intersection operates at LOS E in Option A and at LOS F in the other three options.

Comment COE-5: Per the last comment, in order to better understand the LOS in the Orem area and the effects of the 800 South interchange, the Corps recommends that the EIS team simulate LOS of the segments between University parkway and the proposed 800 South interchange, and between 800 South and Orem Center Street.

Response: Since publication of the DEIS, FHWA and UDOT have decided on Option D as their Preferred Alternative. Therefore, the new interchange at Orem 800 South is no longer being considered. However, during the DEIS process, the EIS Team prepared Conceptual Access Justification Reports for potential new accesses that included simulation analyses.

Comment COE-6: In comparing the LOS for American Fork Main Street - Option A with the other Options, it appears that one LOS would be gained at the intersection of 600 West and American Fork Main Street for Options B and C.

Response: Between the DEIS and FEIS, the traffic analysis was updated to version 6.0 of the WFRC/MAG travel model. The FEIS presents the most up-to-date traffic data available. With the updated analysis, this statement is still true.

Comment COE-7: The Corps is concerned about secondary wetland impacts that would result from induced growth and changes in land use around the proposed new interchanges. We are especially concerned with induced growth around the American Fork Main Street interchange. This interchange would eventually tie into the proposed East-West Connector roadway running along 10th South in Lehi. We are very concerned about the development that would occur as a result of these roadway improvements, especially in the areas currently under agricultural land use. Many of these areas contained farmed wetlands that may fall under the Corps' jurisdiction.

Response: The project by itself is not expected to cause any more growth than what is already projected by the Governor's Office of Planning and Budget, and that is incorporated in city plans and long range plans. The project may, however, affect the pace of projected growth and influence the nature of development. Many of the indirect impacts that could result from such a transportation project are a combination of social, economic influences that are independent of transportation facilities. Indirect effects are expected to be controlled by local-land-use policy as reflected in general zoning plans.

The Preferred Alternative also requires a small re-alignment of American Fork Main Street. The remainder of the project is along well-developed and long-established corridor, where minimal indirect environmental impacts can be expected.

The permitting requirements associated with Section 404(b)(1) guidelines governing the U.S. Army Corps of Engineers' permit are limited to requiring mitigation for indirect impacts that are specific and predictable in terms of location and degree. More generalized indirect impacts such as those associated with possible future growth in a region do not require mitigation by FHWA or UDOT. In the event that future development results in wetland impacts, the proponent of the development is required to mitigate those impacts.

Comment COE-8: As the team is aware, the Corps must consider other public interest review factors besides those issues pertaining to the Clean Water Act. We are concerned that the 800 South interchange would result in up to 94 housing unit relocations (per Table S-2 in the DEIS). In our permit decision, the Corps must be able to justify these potential relocations by tying them back to the project purpose. However, based on the project LOS at 800 South interchange and surrounding interchanges (i.e., the University Parkway and Orem Center Street interchanges) the 800 South interchange would not provide an appropriate increasing in LOS.

Response: Since publication of the DEIS, the FHWA and UDOT have decided on a Preferred Alternative that includes Option D in this area. This alternative entirely avoids the apartment complex that produced 77 of the residential relocations described in the DEIS.

Comment COE-9: In the affected environment, could the EIS team please explain how stormwater runoff is managed on bridges? Of particular interest are hydrocarbon runoff and de-icing runoff from the project area bridges.

> Response: As a design-build project, final designs will not be completed until after the environmental document is finished. However, UDOT will ensure that no untreated water will be allowed to enter streams or other watercourses, from bridges or elsewhere.

Comment COE-10: Adjacent is defined as neighboring, bordering or contiguous, per 33 CFR 328.3(c). Neighboring, bordering or contiguous wetlands are all included in the concept of "adjacent" wetlands per the Corps' regulation.

> Response: Section 3.14.1.1 has been simplified to reflect the appropriate use of the term.

Comment COE-11: Interchange locations need to be displayed on the wetlands figures so locations of waters of the U.S. are more readily identifiable.

> Response: Figures 3.14-1 to 3.14-4 have been revised to illustrate interchange locations and numbers. The interchange numbers can be used to find the appropriate interchange in Volume II for closer inspection.

Comment COE-12: The vast majority of wetland impacts in the common areas of Alternative 4 would occur in Category 3 wetlands (i.e. those wetlands that provide wetland functions, but that occur in highly disturbed areas).

> Response: Comment noted.

Comment COE-13: Approximately 9 acres of additional wetlands impacts would result in the construction of Provo/Orem Option A or C. Impacts throughout the Provo/Orem area would primarily occur in Category 3 wetlands.

> Response: The majority of additional impacts in the Provo/Orem area result from frontage roads and an Orem 800 South interchange. Since publication of the DEIS, the FHWA and UDOT have decided on Option D through this area, so that Preferred Alternative that avoids frontage roads, and avoids a majority of those wetland impacts.

Comment COE-14: The American Fork Main Street Interchange area contains a higher percentage of Category 2 wetlands relative to the rest of the study area. Category 2 wetlands can provide habitat for sensitive plants or animals, function at high levels for fish and wildlife habitat, and/or exhibit high ratings for functions assessed using UDOT's Wetland Functional Assessment Method (2006). The American Fork Street Main Street Interchange – Option A would have the least impact to waters of the U.S.

> Response: Since publication of the DEIS, UDOT has refined the design of Option C at the American Fork Main Street interchange because it had the highest wetland impacts. In doing so, impacts were reduced to 5.25 acres, slightly less than the 5.28 acres impacted by Option A.

Comment COE-15: The Corps has examined the waters of the U.S. within the EIS study area through our field review and subsequent verification of the delineation. We have also thoroughly examined potential impacts under the No Build Alternative (Alt 1) and the Build Alternative (Alt 4) and its various options. We have examined these wetland impacts as they relate to the primary project purpose and other social and environmental factors (mentioned in the comments below).

There are several metrics that have been used throughout this EIS to quantify the improvements to Interstate 15, including Traffic Volumes, Level of Service, Crash Analysis, etc. In the Corps' view, these metrics successfully demonstrate the need to construct the Build Alternative. After accounting for the Utah Transit Authority's FrontRunner commuter rail project, and the positive effects it will have in reducing 2030 peak-hour congestion through the project area, we realize that I-15 improvements are still necessary throughout Utah County and south Salt Lake County. We believe that expanding the existing I-15 corridor is the least environmentally damaging alternative (as opposed to designating a new corridor somewhere else through Utah Valley).

> Response: Comment noted.