

RECORD OF DECISION FOR I-15, PAYSON MAIN STREET INTERCHANGE UTAH COUNTY, UTAH PROJECT NO. F-I15-6(214)251

1.0 INTRODUCTION

This document is the Utah Department of Transportation's (UDOT) Record of Decision (ROD) for the proposed Interstate 15 (I-15), Payson Main Street Interchange improvements in the City of Payson, Utah County, Utah.

UDOT has assumed Federal Highway Administration's (FHWA) responsibilities under the National Environmental Policy Act (NEPA) for environmental review and approval of highway projects in Utah. These responsibilities have been assigned in the *Memorandum of Understanding between the FHWA and the UDOT concerning the State of Utah's Participation in the Surface Transportation Project Delivery Program Pursuant to 23 USC 327*, executed on January 17, 2017. As such, the environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by UDOT pursuant to 23 USC 327 and the Memorandum of Understanding (MOU).

This ROD constitutes UDOT's approval of Alternative C1: Braided Ramps (hereafter referred to as Alternative C1) as the Selected Alternative as described in the *I-15, Payson Main Street Interchange Final Environmental Impact Statement (FEIS)*. This decision is based on the information contained in the FEIS and supporting technical documents; the associated project file; and input received from the public and cooperating and participating federal, state and local agencies. UDOT considered the

expected impacts and alternatives under NEPA, Section 4(f) of the Department of Transportation Action of 1966, Section 404(b)(1) of the Clean Water Act, and other applicable laws, thereby balancing the need for safe and efficient transportation with national, state, and local environmental protection goals.

2.0 DECISION

Pursuant to 23 Code of Federal Regulations (CFR) 771.127, UDOT has determined that the requirements of NEPA have been satisfied for the construction and operation of the Selected Alternative.

The basis of this ROD is the DEIS (September 2017), FEIS (November 2018), and supporting reports.

This ROD describes the rationale for UDOT's decision, alternatives that were considered, the environmentally preferred alternative, and mitigation measures that will be implemented for the Selected Alternative. The information summarized herein does not supersede or negate any of the information, descriptions, or evaluations provided in the environmental review documents unless otherwise noted.

UDOT hereby approves the selection of Alternative C1 as identified in the FEIS. This approval constitutes UDOT's acceptance of Alternative C1 as the Selected Alternative and completes the environmental evaluation approval process.

The Selected Alternative, as described in Chapter 2 of the FEIS and shown on Figure 1, includes:

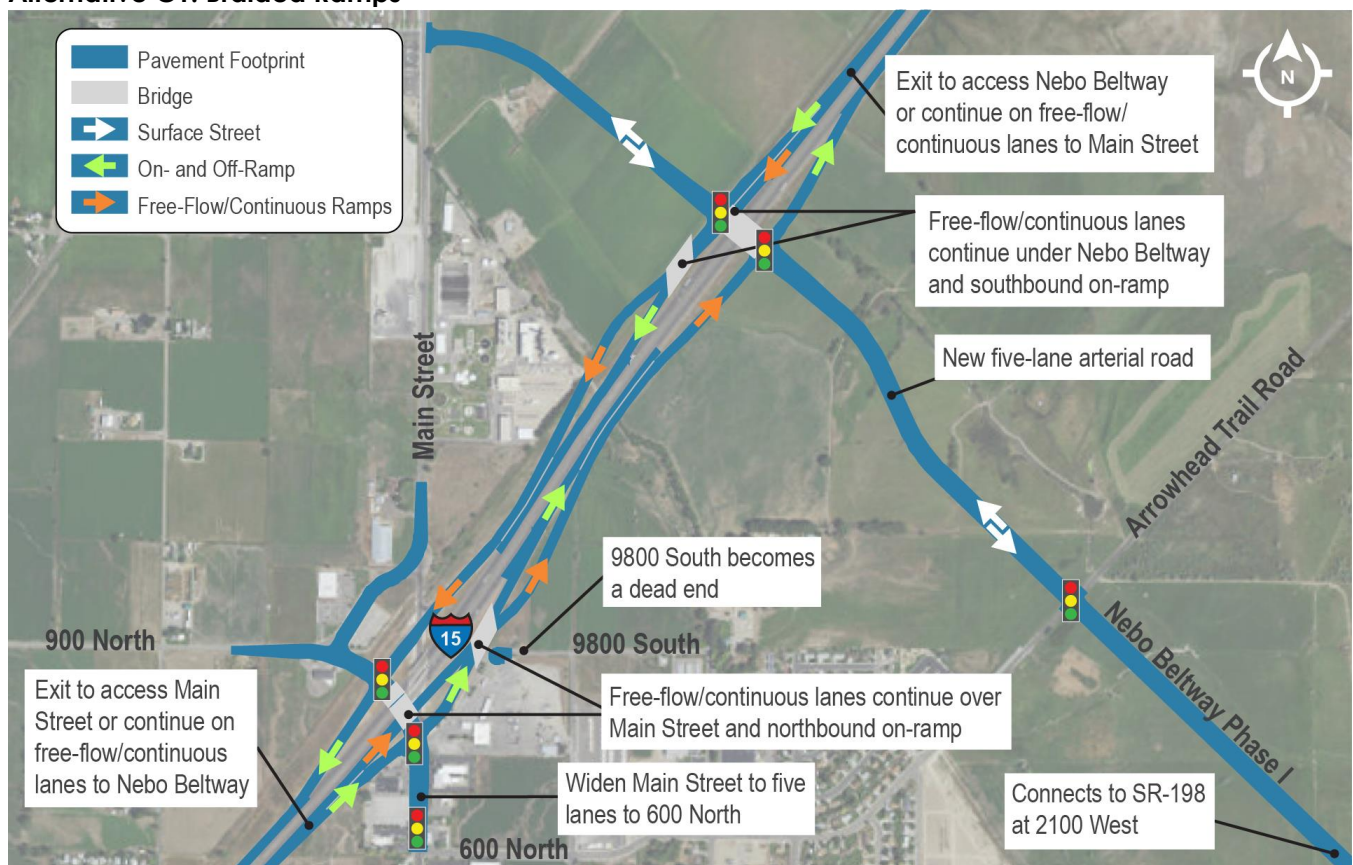
- Constructing the Nebo Beltway interchange, northeast of the existing I-15 Main Street Interchange, and Nebo Beltway Phase I (five lanes) connecting I-15 to Main Street (State Route (SR) 115) and SR-198
- Constructing braided ramps (i.e., ramps that cross over each other) connecting the Main

Street interchange and Nebo Beltway Interchange

- Improving the Main Street interchange by realigning Main Street to connect to 900 North and widening Main Street to five lanes to 600 North
- Realigning the railroad west of I-15 to accommodate interchange improvements and provide grade separation at surface streets

FIGURE 1

Alternative C1: Braided Ramps



3.0 PURPOSE AND NEED FOR THE PROJECT (CHAPTER 1 OF THE FEIS)

The purpose of the project is to achieve the following objectives:

- **Improve traffic operations in Payson by reducing expected roadway congestion at**

the Main Street interchange and on Main Street between approximately 900 North and 100 North: Accommodate future travel demand for automobile and freight traffic by improving Level of Service (LOS) at the interchange and along Main Street compared to the no-build conditions.

- **Address design deficiencies to meet current roadway design standards:** Address the identified safety and operational inadequacies and meet UDOT and American Association of State Highway and Transportation Officials design standards, thereby improving the functionality and safety of the interchange compared to the no-build conditions.

The project is needed for the following reasons:

- The existing infrastructure will not be able to adequately serve the projected transportation demands from a rapidly growing population in and around Payson.
- Existing design deficiencies compromise vehicle safety and limit the overall functionality of the interchange.

4.0 ALTERNATIVES (CHAPTER 2 OF THE FEIS)

4.1 Alternative Development

A wide range of alternatives was developed with the goal of meeting the purpose and need of the project. Conceptual alternatives were developed based on previous studies, including the 2008 *I-15 Corridor Utah County to Salt Lake County EIS* and a concept report commissioned by UDOT in 2011, and comments received from the community and agencies.

No-Build Alternative

The No-Build Alternative assumes 2040 traffic conditions without improvements to the existing interchange or Main Street. This alternative assumes the completion of all other projects proposed in the Mountainland Association of Governments' (MAG) long-range transportation plan, *TransPlan40*, which includes:

- Widening of SR-198 to four lanes

- Capacity improvements at the SR-164 (8000 South) interchange
- Capacity improvements at the SR-178 (Payson 800 South) interchange
- Extension of Elk Ridge Drive from SR-198 to SR-164 (8000 South)
- Construction of Nebo Beltway Phase II

TransPlan40 also identifies in the Vision, or last phase of the long-range transportation plan, an extension of Nebo Beltway that would be outside of the study area. This extension could be a four-lane arterial road through Elk Ridge and Spanish Fork.

Transportation System Management Alternative

The Transportation System Management (TSM) Alternative would optimize signal timing at the existing interchange and along Main Street. No other improvements, such as adding lanes at the interchange, would be included.

Transit Alternative

This alternative would improve the public transit system in Payson. Under this alternative, the planned Utah Transit Authority FrontRunner commuter rail station would be moved from 800 South to Main Street, north of the interchange. An enhanced bus route with 30-minute headways would be added to run from the Payson FrontRunner station along SR-198 to the Spanish Fork FrontRunner station. A new local bus route with 15-minute headways would begin at the Payson FrontRunner station, continue south on Main Street to SR-198, continue south until turning west onto 800 South, and turn north after crossing over I-15. Ridership at the FrontRunner station would increase by 1,480 people per day more than the planned station location at 800 South, and a daily ridership of 1,800 people in 2040. Bus ridership along the enhanced bus route to Spanish Fork would be 240 people per day and the local bus route would have 410 people per day in 2040.

Existing transit services in the study area would remain and be supplemented by the proposed transit improvements.

Build Alternatives

Four categories of conceptual build alternatives were developed—each attempts to address future travel demand differently as described below.

Improve Existing Interchange (“I”) Alternatives: The I alternatives would address the future traffic needs by improving the existing interchange in its current location. This would direct all traffic to and from I-15 onto Main Street, and would require widening Main Street to five lanes between I-15 and SR-198. Twelve I alternatives were developed.

Relocate Interchange (“R”) Alternatives: The R alternatives would accommodate the future traffic needs by relocating the interchange northeast along I-15, close to its current location. This would eliminate direct access to Main Street, and direct all traffic onto a new arterial road (Nebo Beltway Phase I). Main Street would not need to be widened. Two R alternatives were developed.

Combination of Improve Existing Interchange and Relocate (“C”) Alternatives: The C alternatives would provide additional capacity at two locations—the existing Main Street interchange and a new interchange to the northeast. The new interchange would connect to Nebo Beltway Phase I, drawing some traffic away from Main Street. Main Street would still have direct access to and from I-15, and would need to be widened to five lanes to 600 North. Six C alternatives were developed.

Add New Interchange (“A”) Alternative: The A alternative would provide additional capacity by adding a new interchange farther north, and keep the existing Main Street interchange open. One A alternative was developed.

4.2 Alternative Screening Process

The alternative screening process and criteria were developed through coordination with the cooperating and participating agencies and the stakeholder working group to determine which alternatives to carry forward for detailed study. The screening process was divided into the following levels:

- Level 1: Assessed the alternative’s ability to meet the purpose and need
- Level 2: Compared select impacts of each alternative

As alternatives progressed through the screening process, they were eliminated for the following primary reasons:

- The alternative did not satisfy the purpose and need (Level 1: address safety deficiencies and provide LOS D or better at the interchange and along Main Street in 2040).
- The alternative did not comply with FHWA’s *Interstate Access Policy* (Level 1).
- The alternative’s design and performance (i.e., its ability to reduce congestion) was similar to another reasonable alternative, but the alternative had comparatively greater or similar environmental impacts (Level 2 alternative screening).

The TSM, Transit, and A alternatives did not pass through Level 1 screening. None would meet the purpose and need because they would not provide LOS D or better on Main Street.

4.3 Candidate Build Alternatives

After Level 2 screening, the following alternatives were carried forward for detailed study.

Alternative I1: Long Span Structure

Alternative I1: Long Span Structure is the most similar alternative to the existing interchange. Unlike the C alternatives, Alternative I1 does not include an

additional interchange that would connect to Nebo Beltway. Instead, Alternative I1 would improve and add capacity at the existing interchange and Main Street by widening Main Street to five lanes between the interchange and SR-198. The I-15 bridge over Main Street would be lengthened to accommodate five lanes.

To improve the skew of the existing interchange, the on- and off-ramps would be extended away from I-15, and the turning radius at each ramp also would be increased.

Alternative R1: Relocate Near

Alternative R1: Relocate Near would close the existing Main Street interchange and replace it with a new diamond interchange approximately 0.21 miles northeast of its current location. Under Alternative R1, Nebo Beltway Phase I would become the predominant travel route, instead of Main Street, thereby avoiding and reducing congestion at Main Street and the existing interchange. Motorists exiting at the new interchange would turn east onto Nebo Beltway Phase I towards SR-198 or west towards Main Street.

To comply with UDOT signalized intersection spacing standards, north of I-15, Main Street would be shifted west, away from Nebo Beltway Phase I interchange, to provide adequate spacing between traffic signals. Main Street would be three lanes and taper to its current configuration south of 600 North.

Alternative R2: Relocate Far

Alternative R2: Relocate Far would close the existing Main Street interchange and replace it with a new diamond interchange approximately 0.68 miles northeast of its current location. Under Alternative R2, Nebo Beltway Phase I would become the predominant travel route, instead of Main Street, thereby avoiding and reducing congestion at Main Street and the existing interchange. Motorists exiting at the new interchange would turn east onto Nebo

Beltway Phase I towards SR-198 or west towards Main Street. A new three-lane arterial road east of I-15 would provide access between Main Street and Nebo Beltway Phase I.

Main Street would not be widened under Alternative R2; however, the predominant traffic movement along Main Street would be redirected onto the new arterial road to Nebo Beltway Phase I, instead of its current north-south direction under I-15.

Alternative C1: Braided Ramps

Alternative C1 would provide a free-flow connection between the Main Street interchange and a new interchange connecting to the proposed Nebo Beltway Phase I. Braided ramps (i.e., ramps that cross over each other) would connect the two interchanges. From the new interchange, motorists would travel on Nebo Beltway Phase I until it intersects with SR-198 at 2100 West, thereby avoiding and reducing congestion at Main Street and the existing interchange.

Main Street would be widened to five lanes at the interchange and taper to its current configuration south of 600 North. Main Street would also be realigned to connect to 900 North, instead of maintaining its current north-south alignment to improve the skew.

Alternative C3: Frontage Road Ramps

Similar to Alternative C1, Alternative C3: Frontage Road Ramps would include an additional interchange approximately 0.72 miles northeast of Main Street. However, frontage roads would connect the two interchanges instead of free-flow ramps. Motorists traveling on I-15 in either direction would exit I-15 and stop at the first signalized interchange (i.e., Main Street for northbound motorists or Nebo Beltway Phase I for southbound motorists) or continue on the frontage road to the next interchange. Motorists entering I-15 from Main Street (northbound) or Nebo Beltway Phase I (southbound) would utilize the

frontage road to the next interchange and proceed through the signalized intersection to the respective on-ramp. From the new interchange, motorists would travel on Nebo Beltway Phase I until it intersects with SR-198 at 2100 West, thereby avoiding and reducing congestion at Main Street and the existing interchange.

Main Street would be widened to five lanes at the interchange and taper to its current configuration south of 600 North. Main Street would also be realigned to connect to 900 North, instead of maintaining its current north-south alignment to improve the skew.

Alternative C4: Split Diamond

Alternative C4: Spit Diamond would function the same as Alternative C3, with frontage roads connecting the Main Street interchange to an additional interchange approximately 0.15 miles northeast of Main Street (compared to 0.72 miles under Alternative C3)

Nebo Beltway Phase I

Nebo Beltway Phase I is an arterial road associated with the R, C, and A alternatives. *TransPlan40* divides Nebo Beltway into three phases: Phase I, Phase II, and Vision. The segment of Nebo Beltway that is associated with the R, C, and A alternatives is included in Phase I. The purpose of Nebo Beltway Phase I is to alleviate congestion on Main Street by providing an alternate route for traffic to access I-15. As such, Nebo Beltway Phase I is an essential component of the R, C, and A alternatives. Under these alternatives, some traffic would be diverted from Main Street to the proposed Nebo Beltway Phase I, which would connect I-15 to SR-198. Main Street would not be widened to SR-198 under these alternatives because enough traffic would be diverted onto Nebo Beltway Phase I.

Nebo Beltway Phase I was analyzed as a five-lane facility to be consistent with *TransPlan40* and Phase II recommendation described in the *Provo to Nebo*

Corridor Study. Bike lanes were included on Nebo Beltway Phase I in accordance with UDOT policy to improve active transportation opportunities on state facilities where feasible. In addition, a goal of the Payson City General Plan is to develop an effective multi-use trail system that connects to regional trails, and the Mountainland Association of Governments *Transplan40* acknowledges there will be a greater need for nonmotorized transportation facilities, including bike lanes, as the population increases. *Transplan40* includes the Highway 198 Connector Trail, which would connect to the proposed bike lanes on Nebo Beltway Phase I.

4.4 Identification of the Selected Alternative

UDOT considered the following factors to select the preferred alternative:

- Purpose and need
- Design and operational considerations
- Environmental impacts
- Community and economic considerations
- Cost
- Public and agency input

After considering all of these factors, UDOT selected Alternative C1 as the Preferred Alternative. Alternative C1 would perform best with respect to the project purpose and need—it would result in the lowest average daily vehicle delay in the study area. From a design and operations perspective, it would provide the combined benefits of two interchange connections and an optimal Nebo Beltway Phase I alignment. It would avoid greater than *de minimis* impacts to Section 4(f) resources. Although it would result in greater impacts to wetlands and other Waters of the United States (WOUS) compared to some alternatives, UDOT does not believe those impacts, after mitigation, are so severe as to outweigh the other factors. Finally, Alternative C1 has the greatest support from the community.

4.5 Environmentally Preferred Alternative

Identification of the Environmentally Preferred Alternative

The Council on Environmental Quality has stated that the environmentally preferred alternative causes, in general, the least damage to the biological and physical environment, and best protects, preserves, and enhances historic, cultural, and natural resources (40 CFR 1500-1508; *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*).

The process for identifying the environmentally preferred alternative considered impacts each build alternative would have on the natural and cultural environment. This differed from the process for selecting the preferred alternative wherein UDOT also considered the degree to which each alternative met the purpose and need (i.e., traffic performance),

constructability and operation considerations, costs, and public and agency comments.

Through the environmentally preferred alternative identification process, it became apparent that cultural resources (i.e., historic properties) and natural resources (i.e., wetlands) presented a unique challenge. Alternatives that had fewer impacts to cultural resources had more impacts to natural resources and vice versa.

From a natural environment perspective, Alternative I1 is environmentally preferable because it would have the fewest wetland impacts (0.54 acres); however, it would result in an adverse effect to 20 historic properties—the most of all build alternatives—rendering it the least desirable from a cultural resources perspective.

The remaining alternatives—C1, C3, C4, R1, and R2—would have varying benefits to the cultural environment at the relative expense to the natural environment, as shown in Table 1.

TABLE 1
Factors Considered for Selection of the Environmentally Preferred Alternative

Resource	I1	C1	C3	C4	R1	R2
Natural Resources						
Wetlands (acres)	0.54	3.98	5.39	2.38	1.81	3.91
Ditches (linear feet)	1,749	2,823	4,665	3,114	2,657	3,413
Beer Creek (acres)	0	0	0.06	0	0	0
Ute ladies'-tresses Suitable habitat (acres)	0.43	3.77	5.18	2.35	1.71	3.7
Cultural Resources						
Historic Properties (adverse impact)	21	0	0	2	2	0

UDOT identified Alternative R1 as the Environmentally Preferred Alternative because it would have the least overall impact to cultural and natural resources. In particular, Alternative R1 would have the least impacts to wetlands and Ute ladies'-tresses suitable habitat, excluding Alternative I1.

Rationale for Not Selecting the Environmentally Preferred Alternative

In accordance with 40 CFR 1505.2(b), the following explains the rationale for not choosing the Environmentally Preferred Alternative as the selected alternative.

Section 4(f) requires UDOT to avoid the use of publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites. The use of these resources may not be approved unless a determination has been made that there is no feasible and prudent alternative that avoids these resources (other than *de minimis*). The FEIS determined that there are feasible and prudent avoidance alternatives; therefore, Alternative C1 was selected over Alternative R1 because it would avoid the use of Section 4(f) properties.

Relocating the interchange from Main Street could have unintended and irreversible economic and social consequences as the result reducing traffic volumes on Main Street. Traffic volumes on Main Street south of I-15 would be 22,000 vehicles per day under the No-Build Alternative, 18,000 under the Selected Alternative, and 14,700 under the Environmentally Preferred Alternative. This represents a 33.2 percent decrease from the No-Build Alternative.

Because the Environmentally Preferred Alternative would not fully acquire all businesses on Main Street, those remaining would operate at a disadvantage and could close as new businesses near the relocated interchange benefit from more convenient access to the interstate. Although other businesses on Main Street, SR-198, and in downtown Payson are less dependent on freeway traffic, they still benefit from the convenience of the existing Main Street interchange. Closing the existing Main Street interchange could potentially lead to blight and threaten redevelopment prospects. This could diminish the appearance of the built environment and the community's connection to Payson, and reduce property tax revenue. The Selected Alternative would keep the Main Street interchange open, thereby avoiding these effects.

Although the Selected Alternative would have more wetland impacts compared to Alternative R1, UDOT determined this was not a substantial enough

difference to justify the selection of the Environmentally Preferred Alternative as the preferred alternative after considering traffic operations and the social and economic impacts of both alternatives. Similarly, the impact differential to Ute-ladies'-tresses habitat is negligible.

5.0 SECTION 4(F) (CHAPTER 3 OF THE FEIS)

The Selected Alternative is a feasible and prudent avoidance alternative that would not result in a greater than *de minimis* use of Section 4(f) properties. It would, however, have seven *de minimis* impacts resulting from the partial acquisition of eligible historic properties.

6.0 ENVIRONMENTAL IMPACTS AND MEASURES TO MINIMIZE HARM (CHAPTER 3 OF THE FEIS)

Environmental impacts under the Selected Alternative were evaluated qualitatively and quantitatively, as documented in Chapter 3 of the FEIS. The Selected Alternative will result in short-term (construction) and long-term (operation) impacts. UDOT will ensure that all practical measures to avoid or minimize adverse impacts related to the construction and operation of the Selected Alternative will be implemented. Table 2 summarizes the appropriate mitigation measures. UDOT will administer implementation of all the mitigation measures and will ensure that they are properly executed and enforced according to the monitoring and enforcement program discussed in Section 7.0.

In accordance with 40 CFR 1505.2(c), all practicable measures to minimize environmental harm have been incorporated into the decision.

TABLE 2
Summary of Mitigation Measures

Environmental Resource	Mitigation Measures
Land Use and Farmland	To the extent possible, the contractor will be required to ensure irrigation systems remain intact and fully functional. Construction contractor will be required to maintain fencing and gate operations during construction. Construction sequencing and activities will be coordinated with emergency service providers to minimize delays and response times during construction.
Social Environment	<p>UDOT and the construction contractor will develop and implement a traffic management plan to ensure access to residences, businesses, community facilities and services, and local roads.</p> <p>A public involvement plan will be developed prior to construction to notify area residents and commuters regarding traffic delays, rerouting, and temporary lane closures. Public involvement activities will include door-to-door visits to business owners along the affected routes, distribution of fliers throughout the project area, development of a project website providing up-to-date construction information, and maintenance of project hotline.</p>
Land Acquisition and Relocations	<p>Temporary construction easements will be regraded and revegetated when construction is complete or when the use of the property is no longer required. Relocation assistance will be provided under federal and state uniform relocation policies.</p> <p>Access will be maintained during construction.</p>
Air Quality	Dust suppression techniques would be applied during construction in accordance with the UDOT <i>Standard Specifications for Road and Bridge Construction, Section 01355 Environmental Protection, Part 3.5 Fugitive Dust</i> .
Noise	<p>In accordance with UDOT Noise Abatement Policy, benefited receptors will be balloted during the final design phase to determine the viewpoints of property owners and residents (non-owners). Noise abatement (i.e., noise barrier) is recommended if 75 percent of the returned votes (75 percent of the ballots must be returned) support the proposed noise abatement.</p> <p>The construction contractor will adhere to UDOT <i>Standard Specifications for Road and Bridge Construction, Section 01355 Environmental Protection, Part 3.6 Noise Control</i>.</p>
Water Quality, Water Resources, and Flood plains	<p>If unknown groundwater wells are affected and need to be relocated, UDOT will either purchase the water right or negotiate an agreement with the owner to replace the well.</p> <p>A Utah Pollutant Discharge Elimination System (UPDES) permit and Storm Water Pollution Prevention Plan (SWPPP), consistent with UDOT <i>Standard Specifications for Road and Bridge Construction, Section 01355 Environmental Protection, Part 3.3 Water Resource Permits</i> are required.</p>
Noxious Weeds	The contractor will follow UDOT <i>Special Provision 02924S, Invasive Weed Control</i> to minimize construction impacts.
Wetland and Other Waters of the U.S.	The project proposes permittee-responsible compensatory mitigation to mitigate for wetland impacts. Wetland mitigation for unavoidable impacts will be determined in consultation with the USACE as part of the Section 404 permitting process.

TABLE 2
Summary of Mitigation Measures

Environmental Resource	Mitigation Measures
	Design features, such as culverts, would be considered during final design to minimize impacts to bisected wetlands. Wetland fencing, in addition to the best management practices described under Water Quality, will be implemented.
Wildlife & Threatened & Endangered Species, Wildlife, and Utah Sensitive Species	No mitigation required for Threatened & Endangered Species. If project activities begin between mid-March and August, then a survey for migratory bird nests will be conducted. If an active raptor nest is discovered during the survey, UDOT will coordinate with the USFWS and/or Utah Division of Wildlife Resources (UDWR).
Cultural Resources	Temporary construction easements will be regraded and revegetated when construction is complete or when the use of the property is no longer required. Relocation assistance will be provided under federal and state uniform relocation policies. In the case of an inadvertent discovery during construction, activities in the area of discovery will be immediately stopped and procedures outlined in UDOT <i>Standard Specification for Road and Bridge Construction, Section 01355 Environmental Protection, Part 3.8 Discovery of Historical, Archaeological, or Paleontological Objects, Features, Sites or Human Remains</i> followed.
Hazardous Materials	During the final design phase of the project, UDOT will coordinate with Division of Environmental Response and Remediation (DERR) and/or the Environmental Protection Agency (EPA), the construction contractor, and the appropriate property owners to determine the status of the sites of concern at the time of construction and identify the nature and extent of remaining contamination, if any, to minimize the risk to all parties involved. During final design, UDOT will identify the potential to affect newly discovered sites by reviewing DERR records and determine the need for Phase I environmental site assessments at suspect properties to further evaluate the potential for encountering hazardous materials within the right-of-way. If the assessments determine that contamination is still present, the remedial measures will be determined based on the nature and extent of contamination through coordination with DERR and/or the EPA.

7.0 MONITORING AND ENFORCEMENT PROGRAM

This ROD represents a commitment to monitor and enforce the measures described in Section 6.0, to minimize harm to the surrounding environment. All of the mitigation measures listed in Section 6.0 and identified in the EIS will be incorporated into the contract(s), plan(s), and specifications and will be monitored according to the construction/post-

construction monitoring plans. Enforcement of the contract provisions and monitoring of the project is the responsibility of UDOT and of the selected UDOT Project Manager.

8.0 COMMENTS ON THE FEIS

The UDOT Environmental Memorandum of Instruction (revised September 2018) requires the inclusion of substantive comments received on the

FEIS and appropriate responses to these comments in the ROD.

Two agencies—the U.S. Army Corps of Engineers (USACE) and U.S. Environmental Protection Agency (EPA)—and six members of the public commented on the FEIS. The public comments generally expressed support for the Selected Alternative; one commenter expressed concern that the Selected Alternative would bisect their property. Only the comments received from the agencies were considered substantive and, therefore, are addressed in greater detail in this ROD.

8.1 Agency Comments on the FEIS

USACE and EPA comments on the FEIS are summarized below, followed by UDOT's responses. Both USACE and EPA suggested the following concerns could be addressed in the ROD or during the Clean Water Act Section 404 permitting process.

Comment: Evaluate adjustments to the alignment of Nebo Beltway, including terminus at SR-198, to further avoid and minimize wetland impacts (USACE, EPA).

Response: Throughout the course of the project, UDOT sought to balance local and regional planning efforts with environmental impacts. The terminus at SR-198 was selected through coordination with Payson City to be consistent with the *Payson City Street Master Plan, TransPlan40, and Provo to Nebo Corridor Study*, and connect with future phases of Nebo Beltway. UDOT will refine the alignment of Nebo Beltway to further reduce wetland impacts, where possible, during final design and Section 404 permitting process.

Comment: Alternative C1 does not appear to represent the Least Environmentally Damaging and Practicable Alternative (LEDPA). Other alternatives—C4 and R1—would have lesser impacts to Waters of the U.S. Further justification would be necessary to demonstrate that Alternative C1 is the LEDPA. It is not evident that

impacts to Section 4(f) properties would make an alternative not practicable under the Clean Water Act Section 404 implementing regulations (USACE, EPA).

Response: Alternatives C4 and R1 would use two historical properties protected under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f) requires UDOT to determine that a feasible and prudent avoidance alternative does not exist before it can approve the use of a Section 4(f) property. UDOT may only select an alternative that uses a Section 4(f) property after applying six factors to an avoidance alternative, one of which includes a determination that after reasonable mitigation there are still severe impacts to environmental resources protected under other federal statutes. If there are still severe impacts under the avoidance alternative, UDOT may select the alternative that uses a Section 4(f) property.

UDOT determined the Waters of the U.S. impacts under Alternative C1 were not, after mitigation, severe enough to justify the use of Section 4(f) properties that would occur by selecting Alternative C4 or Alternative R1. UDOT has committed to permittee-responsible mitigation to mitigate wetland impacts. Wetland mitigation will be determined in consultation with USACE as part of the Section 404 permitting process. It is anticipated that the mitigation requirements will offset the impacts to Waters of the U.S.

UDOT acknowledges that the USACE and EPA may require additional information to understand why Alternative C1 is the LEDPA. UDOT will provide this information through consultation with the USACE and EPA during the Section 404 permitting process.

Comment: The FIES does not provide an estimate (i.e., acres or square feet) of aquatic resource impacts within a 300-foot buffer (USACE, EPA)

Response: There is currently no requirement to quantify wetland impacts within 300 feet of the a project; however, UDOT will work with the USACE and EPA during the Section 404 Permitting Process to disclose the indirect impacts to aquatic resources in greater detail.

Comment: The FEIS did not include an evaluation of the number of lanes needed on Nebo Beltway Phase I to meet the purpose and need for this project (EPA).

Response: The number of lanes on Nebo Beltway Phase I was based on recommendations from the *Provo to Nebo Corridor Study* and *TransPlan40*, both of which ultimately recommended five lanes; however, the *Provo to Nebo Corridor Study* indicated Nebo Beltway Phase I could be developed in two phases. The first phase would consist of two lanes, and the second phase would consist of five lanes and two transit lanes (which were not included in this project). Timeframes for each phase were not determined. UDOT assumed five lanes on Nebo Beltway Phase I to identify a conservative impact footprint in the EIS. During final design, UDOT may reevaluate the need for five lanes on Nebo Beltway Phase I. If the traffic analysis shows that five lanes are not needed at the time of construction or in the immediate future, UDOT may consider reducing the width of Nebo Beltway Phase I.

which judicial review of the federal agency action is allowed.

9.0 LIMITATIONS ON CLAIMS NOTICE (23 USC 139(L)(1))

FHWA, on behalf of UDOT, will publish a notice in the Federal Register, pursuant to 23 USC 139(l)(1), indicating that one or more federal agencies has taken final action on permits, licenses, or approvals for this transportation project. After the notice is published, claims seeking judicial review of those federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the federal laws pursuant to

10.0 CONCLUSION

The selection of Alternative C1: Braided Ramps as the Selected Alternative along with all measures to minimize harm is hereby approved.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being or have been carried-out by UDOT pursuant to 23 USC 327 and a Memorandum of Understanding dated January 17, 2017 and executed by FHWA and UDOT.

Original Signed by:



TeriAnne S Newell
Deputy Director
Utah Department of Transportation

2/8/2019

Date

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