

Document Incomplete

ENVIRONMENTAL STUDY

Project Name: **SR-71; MP 9.7-12.1, Preservation & Raised Medians**
Project No.: **F-0071(49)10**
Prepared By: **Jonathan Dugmore**

PIN: **13223**
Job/Proj: **54549**

For guidance in preparing this environmental study, refer to Chapter 4 of the UDOT Environmental Process Manual of Instruction:

<http://www.udot.utah.gov/go/environmental>

REQUIRED SIGNATURES

I have reviewed the information presented in this Environmental Study and I hereby attest that the document is complete and the details of the document are correct.

Reviewer (Signature):

Date: _____

Reviewer (Printed):

Firm/UDOT Region:

FEDERAL AID PROJECTS

Based upon the information provided in this document and the analysis contained herein, the State has determined that, pursuant to the provisions of 23 CFR 771.117(a), this project has no significant impacts on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the State has determined that the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act per 23 CFR 771.117 c(26). The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated June 30, 2014 executed between the FHWA and the State.

Approved: _____ Date: _____

UDOT Region Environmental Manager

1. Purpose and Need for Action

The section of roadway along SR-71 from approximate milepost (MP) 9.7 to 12.1 in Salt Lake County is recommended for maintenance to address pavement safety concerns and to extend the life of the roadway. Regular maintenance and preservation of existing roadways is more cost effective than reconstruction or replacement. Additionally, based on left-turn crash data, UDOT Traffic and Safety is recommending implementing left-turn access control. The purpose of the project is to address roadway deficiencies and improve overall roadway safety.

2. Description

UDOT is proposing maintenance and left-turn access control along SR-71 for approximately 2.4 miles from approximate milepost (MP) 9.7 to MP 12.1 in Salt Lake County (see exhibit in appendix). The proposed project will include: a rotomill and overlay of the currently paved surfaces with suitable pavement materials; pavement soft spot repair; and replacement of some sidewalk, curbs and gutters. Upgrades or replacements of approximately 56 pedestrian ramps (and the associated pedestrian signals and push-buttons) will also occur throughout the project area in order to improve ADA access and safety. The project will also install raised medians from MP 9.7 to 11.7 to reduce automobile collisions by limiting left-turns while still providing appropriate access to businesses and neighborhoods in the area. The project will also include: minor utility and storm drain modifications; traffic detection upgrades; and installation of pavement markings with bike lanes, roadway signage, and delineators. It is anticipated that this project will require minor right-of-way acquisition and Temporary Construction Easements (TCEs).

DRAFT

3. Public Hearing/Opportunity for Public Hearing

- YES** This project could result in public controversy or substantial impacts to adjacent properties, or substantially changes roadway geometry.
- NO** There are significant social, economic, environmental or other effects. If YES, a Categorical Exclusion is not applicable. Consult with UDOT Central Environmental Services.
- NO** UDOT/FHWA has determined that a public hearing is in the public interest.

If the answer to ANY of the above questions is YES, a public hearing or opportunity for a public hearing is required (attach documentation identifying date and location of hearing, summary of comments, and responses to substantial comments, or include certification of opportunity for hearing.)

The following types of public involvement have been provided:

- NO** Public Hearing in accordance with state and federal procedures
- NO** Opportunity for Public Hearing
- YES** Open House
- NO** Other:
- YES** Documentation is attached identifying the date and location of hearing, summary of comments, and responses to substantial comments; or the Certification of Opportunity for a Hearing is attached.

4. Right-of-Way

- YES** Acquisition of Right-of-Way is required.
 - NO** The right-of-way required is significant because of its size, location, use, or relationship to remaining property and abutting properties. (If the right-of-way required is significant, the project does not qualify as a Categorical Exclusion.)
- Comments:** Five partial parcels have been acquired totaling 692 square feet.

5. Cultural

According to the UDOT Region NHPA/NEPA Specialist and/or the Architectural Historian, the Finding of Effect for the project is one of the following:

- NO** No historic properties affected
- YES** No adverse effect
- NO** Adverse effect

Project documentation for determination of eligibility and finding of effect consists of one of the following and is attached:

- NO** Memo from UDOT Region NEPA/NHPA Specialist and/or Architectural Historian stating a finding of No Historic Properties Affected.
- YES** SHPO concurrence with the Determinations of Eligibility and Finding of Effect AND memo from UDOT Region NEPA/NHPA Specialist and/or Architectural Historian stating a finding of No Adverse Effect or Adverse Effect.
- NO** Have letters for Native American Consultation been sent? Attach letters.
- NO** Have letters for federal and state agencies, CLGs, historical societies, etc. been sent? If so attach letters.
- NO** Do the impacts to historic properties require mitigation?
If YES, a signed Memorandum of Agreement (MOA) is attached.

Comments: Consultation letters were not submitted for this project since the APE is within an urban setting with previous surface ground disturbance from road construction and has very low potential for cultural resources. In addition, resurfacing projects are excluded from consultation as per programmatic agreements between UDOT and the Confederated Tribes of the Goshute Indian Reservation, the Indian Peaks Band of Paiute Indians, and the Cedar Band of Paiute Indians (2008).

6. Paleontological

YES This project is one of the 16 types of projects listed in Stipulation III of the Memorandum of Understanding (MOU) with the Utah Geological Survey (UGS) that has no effect on paleontological resources and does not require notification to the UGS. If YES, a memo from the UDOT Region NEPA/NHPA Specialist is attached (can be included in cultural memo).

For all other projects, the UGS has been notified and has responded with the following (attach UGS letter and memo from the UDOT Region NEPA/NHPA Specialist):

- N/A** There are no known paleontological localities in the area of potential effects and the formations in the project area have a low potential for containing fossil remains (Class 1 or 2).
- N/A** Fossil-bearing formations (Class 3-5) and/or known paleontological localities are present in the area of potential effects, but the UDOT Region NEPA/NHPA Specialist (or paleontologist) has determined that they will not be affected by the project.
- N/A** Fossil-bearing formations (Class 3-5) and/or known paleontological localities are present in the area of potential effects and may be affected by construction activities. A survey and/or monitoring by a qualified paleontologist is required.

7. Threatened, Endangered, or Candidate Species

For Federally or State-Funded Projects:

- YES** Project will have **"no effect"** to T&E species, or their critical habitats, protected under the Endangered Species Act. If YES, attach **"no effect"** memo or review/comments (in the case of local government projects) from UDOT's Wildlife Biologist.
- NO** Project **"may affect, but is not likely to adversely affect"** T&E species, or their critical habitats, protected under the Endangered Species Act. If YES, attach BA and "concurrence" from the U.S. Fish and Wildlife Services (USFWS). List all mitigation/conservation measures.
- NO** Project **"may affect, and is likely to adversely affect"** threatened and endangered species, or their critical habitats, protected under the Endangered Species Act. If YES, attach BA and USFWS BO. List all mitigation/conservation measures.
- NO** The USFWS has issued a **"jeopardy"** opinion regarding this project. If YES, attach BA and BO as above. This project cannot go forward without being reconsidered.

8. Wildlife

- NO** Project has the potential to affect state-sensitive species, important wildlife habitat, big game migration routes, habitat connectivity, migratory birds, or fish spawning habitat or fish passage.

Memo from UDOT Wildlife Biologist is attached.

9. Invasive Species

If the project involves earthwork, grading or landscaping, there is potential to introduce or spread invasive weed species.

- NO** Based upon location, this project has the potential to introduce or spread invasive species included on the noxious weed list of the State of Utah and the county noxious weed lists.

10. Noise

Projects that may affect noise levels to adjacent receptors include changes in roadway alignment, roadway widening and the addition of traffic lanes.

- NO** This project has the potential to increase noise to adjacent receptors.

N/A A noise study is attached.

DRAFT

11. Wetlands, Water Resources, Storm Water, and Floodplains

Wetlands and Water Resources

- YES** The project is a type that does not have the potential to affect or cross Waters of the United States. If YES, no concurrence letter is needed.
- N/A** Project affects waters of the United States (e.g. wetlands, mudflats, lakes, or perennial or ephemeral streams). If NO, have a UDOT Landscape Architect provide a concurrence letter stating they agree with the determination. In order to indicate "NO" on this question, answers to the following statements must also be "NO".
- N/A** Project impacts perennial, intermittent, or ephemeral streams that have a riparian vegetation component. If YES, a Programmatic General Permit 40 (PGP40), also known as a Stream Alteration Permit, from the Utah Division of Water Rights will be required.
- N/A** Project exceeds the impact limitations for streams or washes identified in the PGP40. If YES, both a PGP40 and a separate Department of the Army permit will be required.
- N/A** Project impacts an ephemeral wash not captured under PGP40 that has an ordinary high water mark (OHWM) with a connected flow to a downstream Traditional Navigable Water and the impact below the OHWM exceeds 1/10 of an acre per crossing. If YES, a Department of the Army permit will be required.
- N/A** Project impacts a perennial or intermittent stream below the OHWM less than 1/10 of an acre per crossing. If YES, notification to the U.S. Army Corps of Engineers will be required.
- N/A** Project impacts navigable waters of the United States (Lake Powell, Flaming Gorge Reservoir, Bear Lake, Green River - mouth to 20 miles above Green River Station, Colorado River - mouth of Castle Creek to Cataract Canyon - 4.5 miles below mouth of Green River) below the OHWN. If YES, a Section 10 Department of the Army permit will be required.
- N/A** Project impacts jurisdictional wetlands. If YES, a Department of Army Nationwide Permit (NWP) will be required for wetland impacts under the 1/2 acre threshold; a Letter of Permission (LOP) will be required for wetland impacts between 1/2 and 1 acre; an Individual Permit (IP) will be required for impacts greater than 1 acre.
- N/A** Project impacts non-jurisdictional wetlands. If YES, wetland mitigation may still be required under the federal policy of "no net loss." Consult UDOT Environmental Section.

Storm Water Runoff

- NO** Project disturbs 1 acre or more of ground surface.

If YES, a UPDES Storm Water Discharge Permit for Construction Activities is required from the Utah Division of Water Quality.

Floodplains

- NO** This project requires new construction or alteration of existing structures within the FEMA designated 100-year flood plain.

If YES, a Development Permit is required from the local permit official.

12. Hazardous Waste

- NO** Has a visual inspection of the project area found substances that may be hazardous to human health and/or the environment?
- NO** This project involves excavation beyond or below the existing roadway footprint.
If YES to either question 1 or 2, then site investigations and coordination with DEQ may be necessary.

13. Prime, Unique, Statewide, or Locally Important Farmland

Projects in areas whose land use maps indicate no current or future farming activities would not usually affect farmlands.

- NO** This project MAY affect Prime, Unique, Statewide, or Locally Important Farmlands.
- N/A** The Natural Resource Conservation Service letter and Form AD1006 are attached.

14. Air Quality

- NO** This project has the potential to increase particulate matter due to construction activities.
- NO** This project adds or alters roadway capacity or will result in increased traffic volumes at signalized intersections.

If YES, the Air Quality Supplement is attached.

15. Relocations

NO There may be relocations of residences or businesses as a result of this project.

16. Land Use/Urban Policy

NO This project may affect land use or urban policy.

17. Section 4(f) Properties

YES Section 4(f) properties are impacted.

NO An Individual Section 4(f) Evaluation AND written concurrence from UDOT Environmental Services on the Individual Section 4(f) determination is attached.

NO A Programmatic Section 4(f) Evaluation AND written concurrence from UDOT Environmental Services on the Programmatic Section 4(f) determination is attached.

YES The 4(f) property(s) is an historic property and the impact is considered **de minimis**.

YES SHPO has concurred in writing on UDOT's "**no adverse effect**" determination to historic properties and has been notified of the intent to make a **de minimis** finding. Attach letter to SHPO and **de minimis** agreement letter.

NO The 4(f) property(s) is a park, recreational area, wildlife or waterfowl refuge and the impact is considered **de minimis**.

N/A The official(s) with jurisdiction have concurred, in writing, that the project will "**not adversely affect**" the activities, features, and attributes that qualify the resource for protection under Section 4(f) and have been notified of the intent to make the **de minimis** impact finding. Letters are attached.

N/A The project sponsor has provided public notice and opportunity for public review and comment. Describe public involvement efforts in the comments below.

N/A Written concurrence from UDOT Environmental Services is attached.

18. Other Environmental Factors Considered

This Project, except as noted and explained in attachments, will have no disproportionate, serious or lasting effect on the following:

- NO** Visual
- NO** Social/Economic
- NO** Title VI and/or Environmental Justice
- NO** Natural Resources
- NO** Construction
- NO** Energy
- NO** Geology/Soils
- NO** Wild/Scenic Rivers
- NO** Ecology

19. Conclusion

- NO** This project may have substantial controversy or significant impacts.

DRAFT

MITIGATION COMMITMENTS

CONSTRUCTION

Responsible

Cultural

UDOT Standard Spec 01355, Parts 3.7 and 3.8

Contractor

DRAFT

Environmental Commitments Signature Page

Project Name: SR-71; MP 9.7-12.1, Preservation & Raised Medians
Project Number: F-0071(49)10
PIN: 13223

The purpose of this page is to ensure the environmental commitments that are made while following the environmental process are reasonable and feasible to those divisions they will affect. Frequently, as in maintenance preservation projects, UDOT Standard Specifications will provide the mitigation necessary for potential environmental impacts and only require review by the Environmental Manager. However, if special commitments exist that cannot be mitigated by current UDOT Specifications, then additional review is required from both the Project Manager and Resident Engineer. This signature page is required to be included on all UDOT environmental documents regardless of type.

- The environmental commitments in the document can be mitigated by following current UDOT specifications. (Environmental Manager Review and Signature Required)

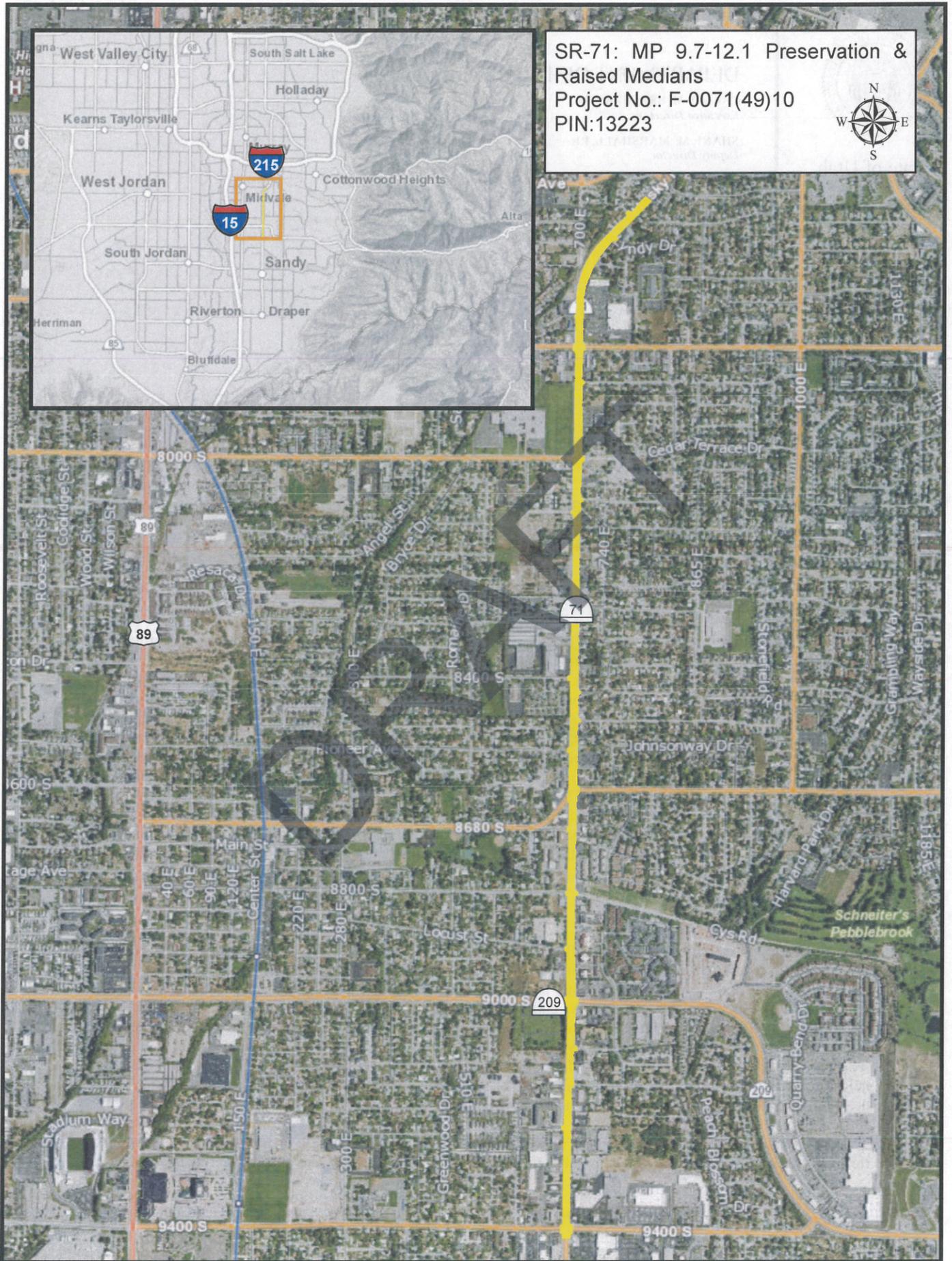
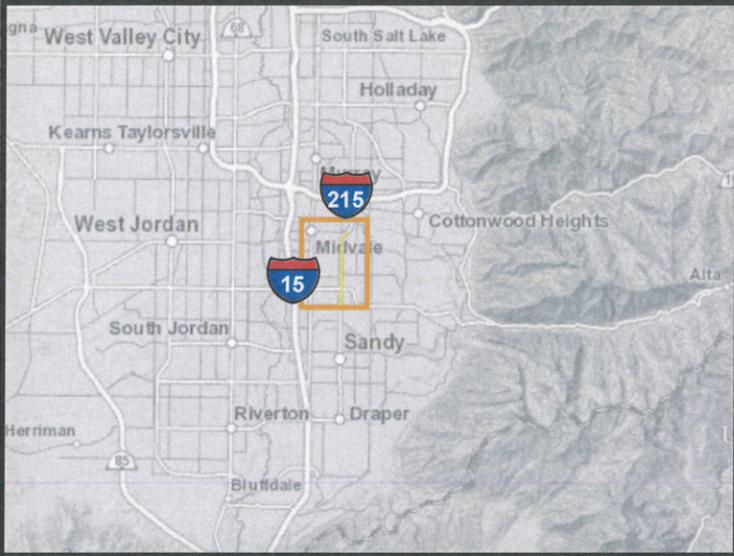
UDOT Environmental Manager

- The environmental commitments in this document require mitigation beyond what is provided by following current UDOT specifications. Special commitments are believed to be designable, financially feasible, constructible, and maintainable (Project Manager and Resident Engineer Review and Signature Required)

Project Manager

Resident Engineer

SR-71: MP 9.7-12.1 Preservation &
Raised Medians
Project No.: F-0071(49)10
PIN:13223



16-1092



DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

July 28, 2016

Mr. Cory Jensen
Senior Historic Preservation Specialist
Utah Division of State History
300 Rio Grande
Salt Lake City, UT 84101-1182

RE: UDOT Project No. F-0071(49)10, SR-71: MP 9.7-12.1 Preservation and Raised Medians, Sandy City, Salt Lake County, Utah (PIN 13223).
Determination of Eligibility and Finding of No Adverse Effect.

Dear Mr. Jensen:

The Utah Department of Transportation (UDOT) is preparing to undertake the subject federal-aid project. In accordance with Stipulation II, Part A and Appendix B of the *Memorandum of Understanding, State Assumption of Responsibility for Categorical Exclusions (23 USC § 326)* (executed June 30, 2011), the UDOT assumes responsibility, assigned by the Federal Highway Administration (FHWA), for ensuring compliance with Section 106 of the NHPA and with Section 4(f) of the DOT Act of 1966, as amended. In accordance with the *Second Amended Programmatic Agreement Among the Federal Highway Administration, the Utah Department of Transportation, the Utah State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah* (executed June 3, 2013), Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 et seq.), and U.C.A.9-8-404, the UDOT has taken into account the effects of this undertaking on historic properties, and is affording the Advisory Council on Historic Preservation (ACHP) and the Utah State Historic Preservation Officer (SHPO) an opportunity to comment on the undertaking. Additionally, this submission is in compliance with Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. § 138 (as amended) and 49 U.S.C. § 303 (as amended).

PROJECT DESCRIPTION

This project proposes maintenance and left-turn access control along SR-71 for approximately 2.4 miles from approximate milepost (MP) 9.7 to MP 12.1 in Salt Lake County (see exhibit in appendix). The proposed project will include: a rotomill and overlay of the currently paved surfaces with suitable pavement materials; pavement soft spot repair; and replacement of some sidewalk, curbs and gutters. Upgrades or replacements of approximately 56 pedestrian ramps (and the associated pedestrian signals and push-buttons) will also occur throughout the project area in order to improve ADA access and safety. The project will also install raised medians from MP 9.7 to 11.7 to reduce automobile collisions by limiting left-turns while still providing appropriate access to businesses and neighborhoods in the area. The project will also include: minor utility and storm drain modifications; traffic detection upgrades; and installation of pavement markings with bike lanes, roadway signage, and delineators.

The area of potential affects (APE) has been defined as the roadway prism along SR-71 for approximately 2.4 miles from approximate MP 9.7 to MP 12.1 in Salt Lake County. The APE has been surveyed by Certus Environmental

Solutions, under State Antiquities Project Number U16HY0536p, and the results are reported in *A Selective Reconnaissance-Level Historic Structures Assessment for the SR-71; MP 9.7-12.1 Pavement Preservation and Raised Medians Project, Salt Lake County, Utah, July 14, 2016* (see enclosed report). A selective reconnaissance-level pedestrian survey was conducted to record architectural properties. An archaeological survey was not conducted at this time due to the heavily urbanized location of the project and lack of previously established archaeological sites.

The survey has resulted in the identification of 12 architectural properties. Of these, 2 architectural properties are eligible to the National Register of Historic Places (NRHP) which also need ROW acquisition. No known traditional cultural properties or paleontological resources are located in the APE. The Determinations of Eligibility and Findings of Effects (for both Section 106 and Section 4(f)) are provided in Table 1 for architectural properties. Please see attached notification letter regarding Section 4(f) *de minimis* impacts.

ARCHITECTURAL PROPERTIES

Table 1. Determinations of Eligibility and Findings of Effect for Architectural Properties.

Address	Date	Style	NRHP Eligibility/ SHPO Rating	Finding of Effect	Section 4(f) Use
7985 S. 700 E.	1965	Post- WWII/Other	Eligible/EC	No Adverse Effect	<i>de minimis</i>
8767-8777 S. 700 E.	1924	Clipped Gable Cottage	Eligible/EC	No Adverse Effect	<i>de minimis</i>

For all identified properties, the current legal boundaries for each parcel represent either the original historical boundaries or the sole remaining component of the original boundary as it is associated with the primary building. As such, current legal property boundaries were used to define the boundaries the historic buildings in the APE.

Description of Effects: The amount of ROW acquired totals 692 square feet. The acquisitions and associated construction affect a relatively small portion of each corner section for pedestrian ramp improvements and will not substantially impact or alter any contributing elements of the properties or any of the character-defining features for which each were determined eligible for the NRHP. Thus, the proposed project will result in a finding of No Adverse Effect and a Section 4(f) *de minimis* impact for each historic property.

CONSULTATION EFFORTS

Consultation letters were not submitted for this project since the APE is within an urban setting with previous surface ground disturbance from road construction and has very low potential for cultural resources. In addition, resurfacing projects are excluded from consultation as per programmatic agreements between UDOT and the Confederated Tribes of the Goshute Indian Reservation, the Indian Peaks Band of Paiute Indians, and the Cedar Band of Paiute Indians (2008).

SUMMARY

To summarize, the project will result in a finding of **No Adverse Effect** and Section 4(f) *de minimis* use for 2 architectural properties. Therefore, the Finding of Effect for the proposed UDOT Project No. R-0071(49)10, SR-71; MP 9.7-12.1 Preservation and Raised Medians, Sandy City, Salt Lake County, Utah, is **No Adverse Effect**.

Please review this document and, providing you agree with the findings contained herein, sign and date the signature line at the end of this letter. Should you have any questions or need additional information, please feel free to contact Liz Robinson at 801-910-2035 or lizrobinson@utah.gov, or Elizabeth Giraud at 801-965-4917 or egiraud@utah.gov.

Sincerely,



Liz Robinson, M.A. RPA
Cultural Resources Program Manager
UDOT Central Environmental

Elizabeth
Giraud

Digitally signed by Elizabeth
Giraud
DN: cn=Elizabeth Giraud
Date: 2016.08.30 10:04:50
-06'00'

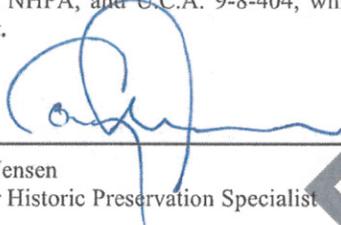
Elizabeth Giraud, AICP
Architectural Historian
UDOT Central Environmental

Enclosures:

Section 4(f) *de minimis* impacts letter
Property impacts map

cc: Steve Quinn, Project Manager
Craig Bown, Environmental Manager

Regarding UDOT Project No. F-0071(49)10, SR-71: MP 9.7-12.1 Preservation and Raised Medians, Sandy City, Salt Lake County, Utah, I concur with the Determination of Eligibility and Finding of Effect, submitted to the Utah State Historic Preservation Office in accordance with the Second *Amended Programmatic Agreement*, Section 106 of the NHPA, and U.C.A. 9-8-404, which states that the UDOT has determined that the finding is **No Adverse Effect**.



Cory Jensen
Senior Historic Preservation Specialist

9/1/2016
Date



U.S. Department
Of Transportation
Federal Highway
Administration

Utah Division
2520 West 4700 South, Ste. 9A
Salt Lake City, UT 84118-1847

Statewide
programmatic
agr.

June 12, 2007

File: Section 4(f) *De Minimis*

Mr. Wilson Martin
State Historic Preservation Officer
Division of State History
300 South Rio Grande Street
Salt Lake City, Utah 84101

Subject: Section 4(f) De Minimis Determination; Pursuant to SAFETEA-LU Section 6009
In Conjunction with Section 106 Programmatic Agreement Among the Federal Highway
Administration, the Advisory Council on Historic Preservation, the Utah State Historic
Preservation Officer, and the Utah Department of Transportation

Dear Mr. Martin:

This letter was prepared in response to the FHWA December 13, 2005 Guidance regarding Section 6009 (a) of the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (SAFETEA-LU) Act Pub. L. 109-59. Section 6009 allows increased flexibility with respect to minor transportation impacts to Section 4(f) properties, including historic properties. It simplifies the processing and approval of federally funded transportation projects that have a *de minimis* impact on lands protected by Section 4(f). For historic properties, a finding of *de minimis* impact on a historic site may be made by the FHWA when Section 106 consultation results in the *written* concurrence of the SHPO with the determination of "no adverse effect" or "no historic properties affected."

Public Law 109-59 (SAFETEA-LU) has no new Section 106 implications other than the requirement for written SHPO concurrence with Section 106 findings of effect for individual Section 4(f) properties. It does require FHWA to notify the SHPO of FHWA's intent to utilize the finding of "no historic properties affected" or "no adverse effect" for individual Section 4(f) properties as a basis for making a Section 4(f) *de minimis* use finding.

The December Guidance offers two specific points of relevant direction:

Question B. How should the concurrence of the SHPO and/or THPO, and ACHP if participating in the Section 106 determination, be documented when the concurrence will be the basis for a *de minimis* finding?

Answer: Section 4(f) requires that the SHPO and /or THPO, and ACHP if participating, must concur in writing in the Section 106 determination of "no adverse effect" or "no historic properties affected." The request for concurrence in the Section 106 determination should include a statement informing the SHPO or THPO, and ACHP if participating, that the FHWA or FTA intends to make a *de minimis* finding based upon their concurrence in the Section 106 determination.

**MOVING THE
AMERICAN
ECONOMY**



Under the Section 106 regulation, concurrence by a SHPO and/or THPO may be assumed if they do not respond within a specified timeframe, but Section 4(f) explicitly requires their written concurrence. It is recommended that transportation officials share this guidance with the SHPOs and THPOs in their States so that these officials fully understand the implication of their concurrence in the Section 106 determinations and the reason for requesting written concurrence.

Question C. Certain Section 106 programmatic agreements (PAs) allow the lead agency to assume the concurrence of the SHPO and/or THPO in the determination of "no adverse effect" or "no historic properties affected" if response to a request for concurrence is not received within a period of time specified in the PA. Does such concurrence through non-response, in accordance with a written and signed Section 106 PA, constitute the "written concurrence" needed to make a *de minimis* finding?

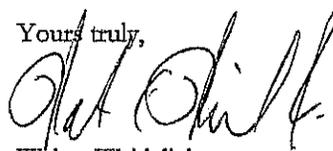
Answer: In accordance with the provisions of a written and signed programmatic agreement, if the SHPO and/or THPO does not respond to a request for concurrence in the Section 106 determination within the specified time, the non-response together with the written agreement, will be considered written concurrence in the Section 106 determination that will be the basis of the *de minimis* finding by FHWA or FTA.

FHWA or FTA must inform the SHPOs and THPOs who are parties to such PAs, in writing, that a non-response that would be treated as a concurrence in a "no adverse effect" or "no historic properties affected" determination will also be treated as the written concurrence for purposes of the FHWA or FTA *de minimis* use finding. It is recommended that this understanding of the parties be documented by either appending the written notice to the existing PA, or by amending the PA itself.

According to 2005 Guidance, by transmittal of this letter, the FHWA is notifying your office of FHWA's intent to make the Section 4(f) *de minimis* use finding for properties where a determination of no historic properties affected (no effect), or no adverse effect have been concurred in by your office or when your office has not replied within the appropriate timeframe with written concurrence.

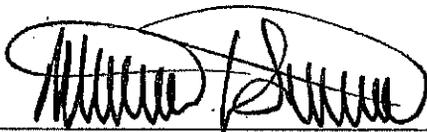
By the following signature, the SHPO acknowledges it has been notified of the intent of the FHWA to make a *de minimis* finding based on Section 106 determinations of effect for specific properties.

Your truly,



Walter Waidelich
Division Administrator

Concurrence:



Wilson Martin, State Historic Preservation Officer

7/19/07

Date

**Matthew T. Seddon, RPA
Deputy State Historic
Preservation Officer**

Memorandum



To: Jon Dugmore, M.A.A.
UDOT Region 2

From: Paul W. West, Wildlife/Wetlands Biologist
UDOT, Environmental Services

P.W.W.

Date: June 7, 2016

Re: F-0071(49)10 – SR-71, MP 9.7-12.1, Preservation & Raised Medians, Salt Lake County
(PIN 13223)

CC: Craig Bown – UDOT, Region 2
Ashley Green – UDWR, Headquarters
Mark Farmer – UDWR, Central Region
Matt Howard – UDWR, Central Region
Lloyd Neeley – UDOT, Maintenance
File

Encl:

I understand the Utah Department of Transportation (UDOT) is proposing maintenance and left-turn access control along SR-71 for approximately 2.4 miles from approximate milepost (MP) 9.7 to MP 12.1 in Salt Lake County (see exhibit in appendix). The proposed project will include:

- a rotomill and overlay of the currently paved surfaces with suitable pavement materials;
- pavement soft spot repair; and
- replacement of some sidewalk, curbs and gutters.

Upgrades or replacements of approximately 56 pedestrian ramps (and the associated pedestrian signals and push-buttons) will also occur throughout the project area in order to improve ADA access and safety. The project will also install raised medians from MP 9.7 to 11.7 to reduce automobile collisions by limiting left-turns while still providing appropriate access to businesses and neighborhoods in the area. The project will also include:

- minor utility and storm drain modifications;
- traffic detection upgrades; and
- installation of pavement markings with bike lanes, roadway signage, and delineators.

It is anticipated that this project will require minor right-of-way acquisition and Temporary Construction Easements (TCEs).

A review of the Utah Division of Wildlife Resources, Utah Natural Heritage Program (UDWR/UNHP) 2015 database indicates that no federally listed, threatened, endangered or candidate species, or any critical habitat would be affected by this project.

In accordance with the U.S. Fish and Wildlife Service memo dated January 27, 2006, we are not required to obtain concurrence letters from them for "no-effect" determinations. Therefore, I am issuing this memo in-lieu of their concurrence for your environmental documentation.

In addition, I have evaluated the above-referenced project with regard to Greater Sage Grouse (*Centrocercus urophasianus*) and migratory birds as required in the UDOT Environmental Manual of Instruction and by the Conservation plan for Greater Sage-grouse MOU between UDWR and UDOT.

Based on the "UDWR/UNHP 2015 database and Greater Sage Grouse 2015 mapping," it is my opinion that his project should not negatively affect Greater Sage Grouse or migratory birds.

If you have any questions, please call me at (801) 633-8747, or email me at paulwest@utah.gov.

DRAFT

PUBLIC NOTICE - PUBLIC HEARING

East Sandy Elementary School
UDOT Project No. 13223

The Utah Department of Transportation (UDOT) is proposing to make roadway improvements to address safety issues, improve the roadway surface and pedestrian/bicycle travel along 700 East between 7400 South and 9500 South. Proposed improvements include raised medians, repaved roadway surface and bike lanes on both shoulders to reduce impacts to property owners and businesses. The public should be involved in this project because the raised medians will limit left turns across 700 East, effectively changing access into surrounding business and residential areas.

A Draft Categorical Exclusion (CE) has been prepared which assess the project's effects on the quality of human health and the environment in accordance with the provisions of the National Environmental Policy Act of 1969. The Draft CE will be available for public review on the project website (www.udot.utah.gov/go/700eastsafety beginning DATE and at the Public Hearing (see details below).

PUBLIC HEARING (OPEN HOUSE FORMAT)

A Public Hearing in an Open House format to present the Draft CE and receive public comments will be held as follows:

DATE: September 22, 2016

LOCATION: East Sandy Elementary School Cafeteria 8295 South 865 East, Sandy, UT 84094

SCHEDULE: Public Open House
5:00 p.m. – 7:00 p.m.

ORAL AND WRITTEN COMMENTS

Persons wishing to provide comments on the Draft CE will have thirty (30) days to do so from the first publication of the legal notice. Comments will be accepted orally and/or in writing at the Public Hearing, or by providing written comments by the comment deadline.

Written statements and other exhibits may be filed in place of or in addition to oral statements made at the Public Hearing. Written statements will be accepted at the Hearing and until the comment deadline of DATE. Written statements must be postmarked no later than DATE addressed to:

Leah Jaramillo (UDOT Consultant)
c/o Somers-Jaramillo & Associates
2159 South 700 East, Suite 210
Salt Lake City, UT 84106

Comments received during the thirty-day comment period will be addressed in the Final Categorical Exclusion.

In accordance with Americans with Disabilities Act, please advise Ms. Jaramillo (contact information listed above) by DATE if you require a sign language interpreter, assistive listening system, translator, or any other accommodation(s) to facilitate your participation in the Public Hearing.

For any additional questions or concerns, please contact Leah Jaramillo at 888-556-0232 or via email at 700eastsafety@utah.gov.

