

## **APPENDIX Q**

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Responses to Screening Results Comments

Screening FAQ

Responses to Cooperating and Participating Agency Comments

## Heber Valley EIS FAQ for Final Alternatives Screening

The following comment and question themes were frequently submitted to the Utah Department of Transportation (UDOT) during the June 7 to July 22, 2022, conceptual alternatives public comment period for the Heber Valley Corridor Environmental Impact Statement (EIS). The FAQ also addresses questions and comments frequently heard after the screening comment period closed while UDOT was in the process of finalizing the *Alternatives Development and Screening Report*.

### Process

#### 1. Were there any common themes in the comments submitted during the alternatives screening public comment period?

- UDOT received 441 individual comment submissions, including two petitions with multiple signatures, from the public and agencies. Common themes included the following:
  - Statements that the north fields are sacred, and they shouldn't be destroyed
  - Concern for impacts to natural resources (wetlands, creeks, aquifer, wildlife, and the Provo River)
  - Concern for impacts to open space and development of open land
  - Concern for the rate of growth in the valley and its changing character
  - Comments against Alternatives WB3 and WB4 due to impacts in the north fields
  - Support for Alternatives WB3 and WB4 due to planned growth north of 900 North
  - Support for Alternatives WA1 and WB1 because they would be the closest to the urban area
  - Support for no action as the best solution
  - Suggestions for alternative features such as interchanges
  - Concern for the future of Main Street, its character, and its businesses with and without a bypass
  - Concern for truck travel on Main Street with and without a bypass
  - Frustration with the environmental process
- A detailed summary of comments, as well as all comments received, is available in [Appendix P, Screening Results Comments](#).

#### 2. Is UDOT following the proper process for issuing public notices and collecting comments?

- The National Environmental Policy Act (NEPA) requires UDOT to provide meaningful opportunities for public participation. Regulations and guidance allow flexibility regarding the best way to provide opportunities for public involvement. For an EIS, an opportunity for public

input is required during the scoping phase and at publication of the Draft EIS. UDOT has provided more opportunities for public input, and longer comment periods, for the Heber Valley Corridor EIS than what is required or typically provided. All public notifications and comments are documented in report appendices that are available on the project website.

- Opportunities for public comment provided to date include the following:
  - Early Scoping
    - Public meeting August 27, 2020 (virtual due to COVID-19)
    - Public comment period August 27 through October 3, 2020
    - See [Early Scoping Summary Report](#) on the study website
  - Scoping
    - Publication of Notice of Intent to prepare an EIS, Draft Purpose and Need Technical Report, and draft screening criteria
    - Public comment period April 30 through June 14, 2021
    - See [Scoping Summary Report](#) on the study website
  - Alternatives
    - Public meetings October 5, 2021 (virtual), and October 6, 2021 (in person)
    - Public comment period October 5 through November 4, 2021
    - See [Draft Alternatives Development and Screening Report](#) on the study website
  - Alternatives Screening
    - Publication of screening results and *Draft Alternatives Development and Screening Report*
    - Public comment period June 7 through July 22, 2022
    - See ([Final Alternatives Development and Screening Report](#)) on the study website
- Providing a comment period with the release of the screening results is not required by NEPA; however, UDOT chose to take additional public comments at this step and will be considering that input in the Draft EIS on the alternatives that UDOT is considering in detail.
- A public hearing and 45-day public comment period will be provided when the Draft EIS is published (anticipated in summer 2023).

### 3. Is UDOT even listening to the public?

In a word, yes we are.

- UDOT reviews and considers all public input received.
- Many public comments received to date indicate a preference for one alternative over another alternative. These comments can help UDOT understand what issues are important to the

community and are considered in the detailed analysis of alternatives included in the EIS. However, detailed analysis of alternatives is just getting started. Eliminating alternatives based solely on public comment, and before a detailed analysis is conducted, would be premature. It would not result in a full examination of impacts and tradeoffs and would result in a less legally defensible process.

- It is important to recognize that, in the NEPA process, comments are not considered a yes-or-no vote on an alternative or action. Rather, comments provide the project team with input regarding the environmental analysis or other technical factors that UDOT is required to consider when making a final decision.
- To identify a preferred alternative, UDOT will consider an alternative's ability to meet the project's purpose, regulatory requirements, traffic performance, and environmental impacts. Public and agency input from the comment periods is also a consideration used by UDOT to help identify a preferred alternative.

## Alternatives

### 4. Why don't the bypass alternatives follow the corridor that has been preserved by Heber City and Wasatch County?

- The five action alternatives follow the historic preservation corridor where possible.
  - All alternatives include an east-west connection to US-40 at 900 North (north of Muirfield Park) that is aligned with the preservation corridor.
  - All alternatives include an east-west connection to US-189 at 1300 South, then heading southeast (south of the hub intersection) to connect to US-40 at 1500 South, that is aligned with the preservation corridor.
- All five alternatives needed to be moved west of the historic preservation corridor between SR-113 and 1300 South because the historic preservation corridor is not wide enough, and to avoid impacting the new substation and two developments that are in process.
  - The corridor preserved by the City and County is as narrow as 84 feet wide between about 350 South and 900 South. Unfortunately, UDOT would need a 250-foot-wide corridor to accommodate the necessary roadway section (two 12-foot-wide lanes in each direction for a total of four lanes: 12-foot-wide inside and outside shoulders, a 50-foot-wide median, and a clear zone), a trail for nonmotorized transportation, and linear ditches and retention facilities for stormwater conveyance and treatment.
  - UDOT evaluated conceptual alternatives that would not require a 250-foot-wide corridor. However, these lower-speed arterial alternatives did not meet the mobility goals and were eliminated during Level 1 screening.

- If the alternative alignments were to fully follow the preservation corridor, there would be substantial impacts to either the planned Kimball Villas (senior living community) or the Rocky Mountain Power/Heber Light and Power Substation currently under construction. It would also not be possible to avoid the Parkview Place development (currently being developed by the Mountainlands Community Housing Trust with priority given to essential workers) if the alignment were to follow the 84-foot-wide preservation corridor.

**5. Alternatives through the north fields (WD, then WB3 and WB4) were sprung on the public very late in the process and have not received the same level of analysis as traditional routes. Is UDOT giving the Parkway Group preferred treatment?**

No.

- UDOT conducts an open public process as required by the National Environmental Policy Act (NEPA). The department provided multiple opportunities for public input in determining the range of alternatives to be considered. An alternative labeled “Parkway Concept” through the north fields connecting to River Road/SR-32 was suggested during the early scoping comment period in 2020 and again during the formal scoping comment period in spring 2021. Other commenters suggested that the bypass connection to north US-40 should be made farther north (including as far north as SR-32) to avoid traffic conflicts with planned development on the east side of north US-40. This input resulted in Alternative WD, which was presented at the alternatives public meeting in October 2021 and has had the same analysis and consideration as other alternatives.
- New alternatives suggested by the public are evaluated and screened in the same manner as alternatives that have been considered in previous studies. UDOT does not provide preferred treatment for any individual or group submitting comments. Other alternative suggestions were also considered by UDOT (see [Appendix I, Preliminary Evaluation of Alternatives Suggested during Alternatives Comment Period, of the](#) Alternatives Development and Screening Report).
- Following the scoping phase, UDOT received numerous comments during the alternatives public comment period regarding planned development and growth north of Heber City. Again, many people suggested that bypass alternatives should extend farther to the north and connect to US-40 near River Road/SR-32 to avoid conflicts with the planned development and provide a long-term solution.
- During the alternative screening process, Alternative WD was eliminated because it did not meet local mobility criteria. The primary reason it failed to improve local mobility was because it did not provide a connection to US-40 at 900 North. Without access to US-40 at this location, the bypass could not draw enough traffic away from Main Street to effectively reduce congestion.

- Although Alternative WD did not meet local mobility criteria, comments received during scoping and alternatives development obligated UDOT to evaluate whether a bypass connection to US-40 farther north could be a reasonable alternative. UDOT created Alternatives WB3 and WB4 to evaluate how extending a potential corridor northward to US-40 at River Road/SR-32, including a connection at 900 North, would meet the project's purpose. Based on UDOT's traffic modeling, providing a connection to US-40 at River Road/SR-32 has the effect of reducing traffic volumes on US-40 compared to alternatives that provide only a single connection at 900 North.
- UDOT is aware of the value placed on the north fields by the Wasatch Open Lands Board (WOLB) and community. However, because these are technically and economically feasible alternatives that would satisfy the purpose of the project, they should go through the detailed analysis to be conducted in the EIS. It is important for UDOT to fully evaluate the benefits and drawbacks of a full range of alternatives so we can make an informed decision. Prematurely eliminating alternatives based on controversy or political pressure would leave the project open to legal risks and would not allow a full consideration of the trade-offs associated with on-alignment and off-alignment impacts in the north part of the study area.

## **6. Why did all the western alternatives do away with the turbo roundabouts?**

- Only the WD alternatives had turbo roundabouts, because they were submitted by a member of the public as having turbo roundabouts. UDOT included signalized intersections with the other alternatives because signalized intersections generally function better than roundabouts for the class of highway proposed and with the projected traffic volumes and types of vehicles anticipated (that is, trucks).
- Alternative WD was eliminated because it did not meet local mobility criteria. The reason that Alternative WD failed local mobility criteria is related to where the alternative was proposed to connect to US-40, not because of the roundabouts. WD was proposed with connections at SR-32 and College Way but not at 900 North. A connection at 900 North was determined through traffic analysis to be important to provide access from this area to the bypass. Without it, there would not be enough of a reduction in traffic volumes on Main Street to meet local mobility criteria (that is, to solve the traffic congestion problem there).
- There are two types of traffic models used for analysis—an official metropolitan planning organization (MPO) travel demand model and a microsimulation model prepared by UDOT's traffic consultant. The travel demand model is used to estimate traffic volumes on different roadway segments; it is not comprehensive enough to differentiate between details such as roundabouts verses signalized intersections. A microsimulation model (VISSIM) is used for that more refined analysis. It evaluates how well an alternative performs based on the traffic volumes (which are provided by the travel demand model) given inputs such as intersection configuration, traffic signal timing, etc. For the first level of screening, the travel demand model

was used to estimate traffic volumes on the alternatives and on Main Street to gauge how attractive the proposed routes were and how much traffic they pulled off Main Street. The type of intersection is not evaluated at that regional level. If Alternative WD had passed Level 1 local mobility criteria, it would have been analyzed with VISSIM. Because the WD alternative did not solve the local travel needs downtown based on the regional travel model, UDOT did not go to the expense of conducting additional refined traffic analysis.

## 7. What do the frontage road options entail, and how will they function?

- One of the issues UDOT is concerned with on north US-40 is the future function of the highway given the existing and future access onto and off of the highway. US-40 provides an important statewide and regional connection. For this reason, UDOT manages the highway for mobility and higher speeds. Local land use access via driveways and side streets can degrade the operating conditions of the highway and can also affect safety. Currently, the number of driveways and side streets does not meet the access category criteria designated on US-40. Given anticipated growth in the US-40 corridor, UDOT has concerns that the conditions could worsen. Frontage roads provide a means of facilitating local land use access while maintaining the functionality of the highway for regional and statewide mobility. For these reasons, UDOT proposed full or partial frontage roads and the consolidation of access points as part of WA1 and WA2 as a means of maintaining the highway's functionality while also accommodating the land use growth anticipated in the US-40 corridor.
- Local road connections and access will be considered as part of the detailed design refinements for the Draft EIS. There are two different frontage road alternatives considered during screening:
  - Alternative WA1 includes continuous frontage roads on both sides of US-40 between SR-32 and 900 North. US-40 would be classified as access category 3 (according to UDOT's access management rules, [R930-6: Access Management](#)). Vehicles could access US-40 at signalized intersections only (SR-32, North College Way, Wasatch Commons, and Coyote Lane).
  - Alternatives WB1 and WB2 have the same partial frontage road configuration. US-40 would be classified as access category 5; vehicles could access US-40 at signalized and unsignalized intersections and driveways. There would be discontinuous frontage roads in certain locations to provide local access. The locations were determined based on existing accesses on US-40 with frontage roads proposed to be constructed where necessary to meet the minimum spacing requirements per access category 5 (according to UDOT's access management rules, [R930-6: Access Management](#)). Future accesses on US-40 would be permitted by UDOT to maintain access spacing requirements, and developers would need to construct frontage roads to connect their developments to permitted access locations.



- Alternatives WB3 and WB4 do not have frontage roads because these alternatives bypass the area of current and future growth. UDOT would limit access onto and off the bypass to maintain regional mobility. Existing US-40 would be allowed to develop additional future local access points. Having two facilities would allow regional mobility to be maintained on the bypass while allowing local access to high growth areas along the current north US-40 alignment.

**8. Is the 1300 South connection needed if the US-189 stays in its current location?**

- Yes. An east-west connection between a west bypass and US-40 southeast of downtown Heber City is important for reducing traffic on Main Street and reducing congestion. Without an east-west connection at 1300 South, the west bypass alternatives could not draw enough traffic away from Main Street to meet the purpose of the project (that is, without an east-west connection at 1300 South, traffic on US-40 south of Heber City would likely take Main Street).
- In 2006–2007, Wasatch County and Heber City identified an east-west connection on 1300 South for corridor preservation. This corridor has been represented on adopted transportation plans since then. A segment of the corridor has already been built between Industrial Parkway and US-189.

**9. Can truck traffic be restricted on Main Street? What if a bypass route is designated as US-40 and Heber City takes jurisdiction of Main Street?**

- US-40 is included in the National Network, which is a network of approved state highways and interstates for commercial truck drivers in the United States. It is not possible to restrict truck traffic on a road that is included in the National Network.
- UDOT does not have the authority to restrict truck traffic on US-40 to nighttime hours or to require trucks to use an alternate route.
- If a bypass route is selected as the preferred alternative, it is unknown whether there would be a jurisdictional transfer. The decision to designate a future potential bypass as US-40 and transfer jurisdiction of Main Street to Heber City is not part of this EIS process. The decision to designate the bypass as US-40 would be made by FHWA, not UDOT.
- UDOT does not want to preclude a jurisdictional transfer. All action alternatives being evaluated in detail in the EIS would meet the design standards necessary to be designated as a U.S. highway and included in the National Network.
- However, if a bypass route is constructed and if the jurisdiction of Main Street is transferred from UDOT to Heber City, Heber City might be able to enact some policies that would make Main Street less appealing to truck traffic, such as slower speed limits, speed bumps, narrower lanes, etc. These are policies that UDOT cannot enact on a regional road.



## Alternatives Screening

### 10. What is the difference between alternatives screening and detailed evaluation of alternatives?

- The alternatives screening process is the methodology for deciding which alternatives are reasonable and warrant detailed environmental analysis. It involves identifying a full range of potential alternatives and then applying evaluation criteria to eliminate alternatives that do not solve the problems (that is, do not meet the project's purpose) or are otherwise found to be unreasonable and infeasible.
- For the Heber Valley Corridor EIS, UDOT conducted a three-level screening evaluation of 23 alternatives.
  - Two alternatives were eliminated with a preliminary evaluation because they had fatal flaws, were not technically feasible, and/or could not meet the project's purpose or were otherwise unreasonable.
  - Fifteen alternatives were eliminated in Level 1 screening because they could not meet the project's purpose.
  - One alternative was eliminated in Level 2 screening because it would perform similarly with respect to the project's purpose but would result in more impacts to key resources without additional benefit.
  - Five alternatives remain after the screening process and will move forward for detailed evaluation in the Draft EIS.
- During alternatives screening, impact analysis is considered only at a high level, and only for resources protected by prescriptive laws that would make those alternatives impossible to permit or select. Section 404 of the Clean Water Act and Section 4(f) of the Department of Transportation Act of 1966 are prescriptive laws that provide legal direction as to which alternatives can or cannot be permitted and selected.
  - The U.S. Army Corps of Engineers is responsible for determining compliance with the Clean Water Act Section 404(b)(1) Guidelines and may permit only the least environmentally damaging practicable alternative (LEDPA). Alternatives that do not meet the purpose of and need for a project are not practicable. UDOT eliminated one alternative during Level 2 screening that was clearly not the LEDPA. The Draft EIS will include a detailed evaluation of impacts to aquatic resources for alternatives that passed through screening. UDOT will need to demonstrate that the preferred alternative is also the LEDPA in order to comply with Section 404(b)(1) Guidelines.
  - No alternatives were eliminated during the screening process due to impacts to Section 4(f) resources. The Draft EIS will include a Section 4(f) Evaluation of the alternatives that passed through screening.

- During the detailed evaluation of alternatives, additional engineering is conducted and impact analysis is considered in more detail and for more resources. It is during this more detailed evaluation that impacts to land use (including open space), farmland, water quality, wildlife, visual resources, social and community resources, economics, and other resources are evaluated. A list of resources that are commonly evaluated in EISs for highway projects is available at this link: [FHWA Technical Advisory T 6640.8A, Guidance for Preparing and Processing Environmental and Section 4\(f\) Documents](#). This detailed analysis will be included in the Draft EIS and will allow a comparison of alternatives, including the No-action Alternative, to help inform a decision on the preferred alternative.

## 11. Why does screening include Heber City's vision for downtown?

- The project's purpose is to improve regional and local mobility on US-40 from SR-32 to US-189 and provide opportunities for nonmotorized transportation while allowing Heber City to meet their vision for the historic town center (underline added for emphasis).
- UDOT is solving a transportation problem on US-40, which includes existing and increasing state highway traffic and congestion that is no longer compatible with the character and vision for Heber City's downtown. Part of the project's purpose focuses on the vision for downtown Main Street because that is where the transportation issues are. Additionally, locally adopted plans have identified a conflict between increasing volumes of highway traffic using US-40 and local land use and development.
- UDOT relies on planning documents that have been adopted by local governments to evaluate the consistency of alternatives with their vision for their future. The criteria used for Heber City's vision for the historic town center are derived from the *Heber City Envision 2050* general plan adopted March 17, 2020. This guiding principle for downtown is excerpted from p. 35:
  - *Downtown, Heber [City]'s historic center, will develop into an even stronger center and remain the heart of the community. Main Street, together with surrounding blocks, is a local and regional destination.*
    - *Heber [City] preserves, enhances, and improves access to its valued places and buildings on Main Street.*
    - *Heber [City] improves pedestrian and bike accessibility, parking, and traffic conditions along Main Street.*
  - *Heber City Envision 2050 identifies existing issues and envisions a better future for Main Street.*
    - *The traditional feel of Heber [City]'s Main Street has been disrupted by increases in traffic volume and especially by the impact of oil tanker trucks. It is difficult to hear conversations while trying to enjoy restaurants and gathering areas along the street,*

*and pedestrian crossings feel unsafe due to traffic and wide street width. Yet, Main Street retains much of its historic character and charm, and it provides an identifiable landmark for the community. (p. 36)*

- *When a western bypass route is finalized and constructed, Main Street will see a significant reduction in large trucks and a reduction in vehicle traffic. A western bypass, where UDOT responsibility is shifted from Main Street to the new bypass, creates opportunities for Main Street to become a destination for business to grow and for placemaking to foster a pleasant street atmosphere. (p. 62)*
- UDOT is aware that *Heber City Envision 2050* also envisions protection of farmlands, open spaces, and rural character, including the north fields. The plan's vision for these areas is equally important. However, that vision is not included in the purpose and need statement for this project because that area is not experiencing or contributing to the transportation problems being solved.
- The Draft EIS includes analysis and measurement of impacts to the other resources listed in the Heber City vision document, such as open space and natural resources. The alternatives carried forward for detailed evaluation in the Draft EIS will be reviewed for their compatibility with all planning direction and vision in *Heber City Envision 2050* and other adopted planning documents for Wasatch County and neighboring municipalities. UDOT's selection of the preferred alternative will take into account the planning visions for these areas and the impacts of the alternatives with regard to both city and county plans.

**12. What specific criteria did UDOT use to evaluate Heber City's vision for the historic town center? What are the valued places, and how did UDOT determine which downtown buildings are historic?**

- *Heber City Envision 2050* mentions valued places in a guiding principle, "Heber [City] preserves, enhances and improves access to its valued places and buildings on Main Street."
  - The *Heber City Parks, Trails and Open Space Master Plan* (adopted January 5, 2021) identifies three urban gathering places on Main Street: Tabernacle Square, Main Street Park, and the Public Safety Property. These were considered valued places for Level 1 screening.
  - Historic buildings used for Level 1 screening were identified in *Cultural Resources Scoping for the Heber Valley Parkway Project* (Certus 2020). Historic buildings were identified based on desktop research and review of available data including Utah State Historic Preservation Office (SHPO) Historic Utah Buildings (HUB) database, Wasatch County Recorder and Assessor records, and Google Earth Streetview. The SHPO HUB data for previously documented properties are clustered in the core plat area of Heber City.

### **13. Why didn't UDOT use screening criteria about Wasatch County's Vision?**

- UDOT is solving a transportation problem on US-40, which includes existing and increasing highway traffic and congestion on a state and federal route that is no longer compatible with the character and vision for Heber City's downtown. Part of the project's purpose focuses on the vision for downtown Main Street in Heber City because that is where the transportation issues are.
- UDOT is aware of the value placed on the north fields by Wasatch County, Heber City, Midway City, the community, and in adopted planning documents. However, plans covering the north fields do not identify transportation problems. The value the community places on the north fields and the impacts to that area will be evaluated in detail in the Draft EIS and considered in UDOT's selection of the preferred alternative. Consistency with local plans (including the direction those plans provide regarding topics such as open space and natural resources) is one of the topics that will be expressly evaluated in the EIS.

### **14. Why didn't UDOT use open space in the north fields as a screening criterion?**

- Level 2 screening criteria are focused on impacts to key resources, primarily waters of the United States and Section 4(f) resources. Section 404 of the Clean Water Act and Section 4(f) of the Department of Transportation Act of 1966 are prescriptive laws that provide legal direction as to which alternatives can or cannot be permitted and selected. None of the alternatives that passed through screening are seen as being unpermissible due to Section 404 or unselectable due to Section 4(f).
- Laws, regulations, and guidance covering other resources (for example, land use, farmland, and visual resources) require UDOT to consider and disclose impacts to those resources and to make reasonable efforts to avoid, minimize, or mitigate adverse impacts. However, they are not prescriptive as to which alternative can be permitted or selected. That is why they are evaluated after the screening process. Eliminating alternatives based on these resources before they are evaluated could jeopardize the legal sufficiency of the EIS.

### **15. Why were the one-way couplets eliminated when they handle local mobility?**

- Two one-way-couplet alternatives were considered—Alternative 40F on Main Street and 100 West and Alternative G on 100 West and 100 East. Both couplet alternatives would meet local mobility criteria on US-40. However, both couplet alternatives were eliminated in Level 1 screening because they would not allow Heber City to meet their vision for the historic town center.
- To meet local mobility criteria on US-40, the parallel road (100 West or 100 East) would need to have three travel lanes. The existing roadway widths of 100 West and 100 East are wide, but

not wide enough to accommodate three travel lanes, shoulders, curb, gutter, and sidewalk per UDOT standards.

- The couplets would not allow Heber City to meet their vision for the historic town center primarily due to historic building impacts. Alternative 40F would potentially remove 15 historic buildings, and Alternative 40G alternative would potentially remove 36 historic buildings. These historic buildings are located less than 15 feet from the proposed right-of-way needed for the alternatives.
- Another factor related to Heber City's vision for the historic town center is commercial truck traffic. Neither couplet alternative would reduce commercial truck traffic downtown.
- In addition, neither of these alternatives would reduce traffic in the town center, and both would create a barrier to east-west travel. The couplets would further divide the city, and drivers would need to wait at additional traffic signals as they travel east-west. Because neither couplet met criteria for Heber City's vision for the historic town center, travel time for regional mobility was not analyzed. However, regional mobility would be hampered by lower speed limits through town (35 mph) and friction associated with driveways and intersections.

**16. Why are you still looking at alternatives through the north fields (Alternatives WB3 and WB4) when you have heard from the community that they should be protected?**

- The National Environmental Policy Act (NEPA) process requires agency decision makers (UDOT in this case) to make informed decisions. It requires that UDOT evaluate a reasonable range of alternatives and provide an opportunity for public input on those alternatives.
- It is important to recognize that, for any NEPA transportation study, comments are not considered a yea-or-nay vote on an alternative or action. Rather, comments provide the project team with input regarding the environmental analysis or other factors that UDOT should consider in making a final decision.
- UDOT received comments on both sides of this issue. Many commenters view the north fields as a treasure and don't want to see any changes. Other commenters are concerned with the development on the north side of Heber City and want to see a bypass that would extend beyond the planned development for a long-term transportation solution.
- Alternatives WB3 and WB4 passed Level 1 screening because they perform well with respect to the purpose of the project. They would result in the quickest travel time on US-40 and a shorter vehicle queue length at 500 North compared to most alternatives. They would also result in the quickest travel time on the bypass compared to other alternatives, with the exception of Alternative WA3 (freeway to SR-32).
- Only by evaluating a reasonable range of alternatives can UDOT make an informed decision that will result in the best solution overall. Ignoring potential alternatives or dismissing them

prematurely because of political or local pressure would not result in a full examination of impacts and tradeoffs and would result in a process that was less legally defensible.

- Alternatives WB3 and WB4 passed through screening based on objective criteria and therefore warrant full evaluation in the Draft EIS. This is when detailed impacts to open space, visual resources, water quality, wildlife, community impacts, and so on, will be evaluated (see question 10). UDOT can't eliminate alternatives for impacts to these resources during screening because the detailed analysis has not been completed yet.
- By evaluating bypass alternatives that extend all the way to SR-32 as well as alternatives that make improvements on the existing US-40 corridor, UDOT can understand and compare the benefits, impacts, and tradeoffs of both on-alignment and off-alignment options. UDOT will also compare these alternatives against doing nothing (the No-action Alternative) in the Draft EIS. The results of this detailed evaluation will inform UDOT's selection of a preferred alternative.
- To identify a preferred alternative, UDOT will consider an alternative's ability to meet the project's purpose, regulatory requirements, and the technical analysis of traffic performance and environmental impacts. Public and agency input from the comment periods is also a consideration used by UDOT to help identify a preferred alternative.

**17. Why was the Provo River Restoration Project (PRRP) not identified as a Section 4(f) resource and considered in screening?**

- Identification of the Provo River Restoration Project (PRRP) property as a Section 4(f) resource during the alternatives screening comment period is an example of why public and agency input are important to the environmental process. UDOT received comments from the Utah Reclamation, Mitigation, and Conservation Commission (URMCC) and the public that PRRP lands should be considered a Section 4(f) resource and considered in Level 2 screening. It is through this input that UDOT became aware of the potential for the PRRP to fall under Section 4(f) requirements and consequently updated its screening analysis.
- All alternatives would avoid direct impacts to the Provo River. UDOT initially believed that all alternatives would avoid direct impacts to PRRP lands as well. However, on closer inspection of geographic information systems (GIS) shapefiles provided by URMCC after draft screening was conducted, it became clear that some alternatives would impact PRRP lands.
- Based on the provided input, UDOT determined that PRRP lands qualify for protection under Section 4(f) as a significant wildlife and waterfowl refuge and should be considered in Level 2 screening. As a result, UDOT updated the screening analysis.
- Alternatives that extend through the north fields (WA3, WB3, and WB4) would impact PRRP lands. They would require realigning driveways to two public access sites off River Road, where River Road is proposed to be realigned to tie into the bypass instead of into US-40.



- The *Final Alternatives Development and Screening Report* has been revised to include PRRP lands in Level 2 screening (see Tables 3-11, 3-13, and 3-15). The addition of these impacts, however, did not change the overall results of the screening process.

## Detailed Evaluation of Alternatives

### 18. Why are the wetlands impacts different between the draft and final alternatives screening reports? Does UDOT have accurate wetlands data in the north fields?

- The wetlands delineation for the Draft EIS was conducted over two seasons (2021 and 2022). The 2021 survey delineated areas south of about 1200 North. The 2022 delineation added areas around the alternatives all the way to River Road/SR-32. The delineation for both seasons will be compiled into one report for the EIS. UDOT will ask the U.S. Army Corps of Engineers for a verification of this delineation.
- The *Draft Alternatives Development and Screening Report* was published on June 7, 2022, before the 2022 delineation data was available. UDOT relied on National Wetlands Inventory (NWI) data for the draft report where delineation data was not yet available.
- The north fields wetlands delineation was completed in the summer and fall of 2022, and the new data were used to update the wetlands impacts for all west bypass alternatives in the final report. The 2022 delineation data show more wetlands in the north fields than do the NWI data.
- Based on new delineation data, UDOT shifted the alignments of Alternatives WB3 and WB4 to minimize impacts to wetlands. Even with efforts to minimize impacts, the Level 2 wetlands impacts increased between the draft and final reports because there are more wetlands in the north fields based on delineation data compared to NWI data.
- Although Level 2 wetlands impacts increased with the use of delineation data compared to NWI data, the overall results of the screening process did not change. Alternatives WB3 and WB4 passed Level 2 screening even with greater impacts to waters of the United States because they perform better with respect to meeting the purpose of the project (see question 16).
- The delineation data will be used for detailed analysis in the Draft EIS. UDOT expects the wetland impacts to change again between the *Final Alternatives Development and Screening Report* and the Draft EIS. The reasons for anticipating the impacts to change include:
  - It is possible that wetlands boundaries will change based on agency review.
  - It is likely the alternatives footprints will change due to refined engineering designs. The alternatives that pass through screening are designed in more detail to address non-motorized transportation components, drainage design and stormwater management, access and connectivity to local road networks, conflict with major infrastructure and utilities, and avoidance or minimization of impacts to key resources.



## 19. Will bypass alternatives increase cut-through traffic in Midway, Charleston, and Daniel?

- UDOT conducted a trip trace analysis with the region's travel demand model to predict how drivers may travel through the Heber Valley. In the travel demand model, hypothetical drivers can choose routes (links) based on distance, speed, and delay. The analysis traced the trips of drivers traveling through a point on US-189 just west of SR-113 in Charleston Town, estimated to be about 27,000 trips per day in 2050.
- UDOT focused on tracing trips on two routes where they heard concerns about cut-through traffic:
  - SR-113 and River Road through Charleston Town and Midway City (for drivers heading from US-189 to northbound US-40 toward Park City)
  - 3000 South through Daniel Town (for drivers heading from US-189 to southbound US-40 toward Duchesne)
- UDOT looked at all five western bypass alternatives that passed through screening. The trip trace analysis showed that, across all alternatives, less than 1% of the total trips passing through a point on US-189 west of SR-113 are predicted to use either route cut-through.

## 20. How are you evaluating impacts to open space?

- Impacts to open space will be evaluated in the land use section of the Draft EIS.
- Undeveloped land is not considered open space unless it is held in a conservation easement or zoned as open space. Impacts to undeveloped land will be evaluated in the Draft EIS in various sections including land use, farmland, ecosystem resources, water quality and water resources, floodplains, and visual resources.
- UDOT wants to avoid impacts to land that is held in a conservation easement. None of the alternatives being evaluated in the Draft EIS would impact land that is currently held in a conservation easement.
- UDOT is aware of ongoing efforts by the Wasatch Open Lands Board (WOLB) to place land in conservation.
  - The expansion of Muirfield Park to include two additional parcels to the north, is currently in progress. The right-of-way corridor for all five bypass alternatives would be located north of these parcels. UDOT is currently refining the design of these alternatives to address drainage and stormwater management and will make efforts to avoid impacts to these parcels.
  - WOLB provided UDOT information regarding about 200 acres of land on six parcels where the landowner has submitted a notice of interest (NOI) to place their land in conservation. A NOI is the first step and does not guarantee conservation. WOLB must go through a process to determine how to allocate conservation funds.

- At the November 14, 2022, meeting, WOLB notified UDOT of two additional landowners who submitted a NOI to place their land in conservation. WOLB agreed to provide UDOT with the location of these parcels once they get permission from the property owners (the NOI was discussed in closed session).
- UDOT will work with WOLB to continue to identify land that is currently in conservation or in progress as the Draft EIS is prepared. UDOT will analyze impacts based on information provided by WOLB. If property is placed into a conservation easement, UDOT would make efforts to avoid or minimize impacts if possible.

**21. How will evaluating alternatives in the north fields affect Wasatch County's \$10 million open-space bond?**

- UDOT is striving to understand concerns that evaluating alternatives in the north fields would jeopardize WOLB funds. Concerns expressed to UDOT include the following:
  - Landowners might be more tempted to develop the land than conserve it if a road is planned on or near their land.
  - The greatest impact would be to parcels bisected by a road (planned or constructed). The impact would be less for parcels adjacent to a road and would decrease with distance.
  - A road could result in changes to conservation values (for example, agricultural, ecological, viewshed, historical significance, or hydrology) which could affect the ability of certain lands to meet criteria for Internal Revenue Service (IRS) and funding donors.
  - A road in the north fields could make agricultural operations more difficult; it would be more difficult to transport livestock or agricultural equipment if a road changes access.
  - The closer a planned road gets to the Provo River, the more concerning it is.
  - Alternatives that stay close to the urban development are preferable to alternatives that extend through the north fields away from urban development.
- UDOT encourages landowners and WOLB to continue efforts to preserve and protect these open spaces and continue to provide UDOT with information as parcels are considered or approved for conservation funds.
- In the Draft EIS, UDOT will evaluate impacts to lands that are currently held in conservation or in progress for conservation in the land use section. If an alternative jeopardizes the applicability of certain lands for open-space bond funds, UDOT will disclose those potential impacts. The Draft EIS will evaluate impacts to agricultural operations, ecosystem resources, viewsheds, cultural resources, water resources and water quality in other sections (see question 10).

**22. How would a bypass impact businesses in downtown Heber City, and how is induced economic development evaluated?**

- Economic impacts and impacts to businesses will be evaluated in the Draft EIS.
- Direct impacts to businesses will be disclosed and quantified for each of the five action alternatives evaluated in detail. Direct impacts include changes in access, partial acquisition, or full acquisition with relocation.
- Some businesses are destination businesses, meaning that people will drive to get to these businesses regardless of their location. Other businesses are convenience businesses, which generate business as people drive past them. For convenience businesses, it's less likely that people would drive out of their way to get to these businesses, and changes in traffic levels can have an economic effect. Both categories of businesses will be reviewed in the Draft EIS.
- Local governments control land use through zoning. Wasatch County and Heber City have the authority to determine whether commercial development is allowed on a bypass alternative. All of the alternatives would be designated as limited-access roads that would have connections only at specific locations. This designation, combined with local land use decisions, can have a great influence on how the area might or might not develop. UDOT will coordinate with Heber City and Wasatch County planners to discuss changes in land use and the potential for induced growth associated with each alternative. This information will feed into the economic analysis and the effects disclosed in the Draft EIS.

**23. How will agricultural protection affect the EIS?**

- UDOT is aware of Wasatch County's vote to establish a formal process to designate Agriculture Protection Areas (APAs) and to designate APAs on the land in the south and north fields in the locations of the five western bypass alternatives. UDOT is also aware of the County's preference that a potential bypass use the historic preservation corridor. (For more information about the limitations of the historic preservation corridor, see the response to Question 4.)
- The designation of an APA does not preclude UDOT from considering or analyzing an alternative on that land for the EIS. UDOT is actively preparing the Draft EIS and will consider all lands designated as APAs and agricultural operations on APAs as part of the analysis if designations are received in time to include them in the Draft EIS. UDOT will also analyze impacts to farmland, open space, land use, and other resources as part of the Draft EIS.
- The process to designate an APA from a proposal by a landowner to a decision by the Agriculture Protection Area Advisory Board takes time. This process cannot start until the County has established an Agriculture Protection Area Advisory Board and its membership to oversee the process. UDOT does not anticipate that any APA will be designated in time to be considered for the Draft EIS; however, some might be designated for consideration in the Final EIS (anticipated in 2024). UDOT will work with the County as they formalize this process in

order to stay informed about the parcels where landowners have submitted requests for their land to be designated as an APA.

July 21, 2022

**EPA COMMENTS**

SUBJECT: Heber Valley Corridor – Draft Alternatives Development & Screening Report

FROM: Matt Hubner, NEPA Project Lead; Chris Razzazian, Air and Radiation Division; and Nolan Hahn, CWA 404 Program

TO: Naomi Kisen, Environmental Program Manager, UDOT and Craig Hancock, Project Manager, UDOT

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The following are comments for your consideration pertaining to the request for input on the Draft Alternatives Development & Screening Report for the Heber Valley Corridor Draft EIS. We appreciate the opportunity review the document and are providing comments based on our review of the provided information and discussions from the June 6 cooperating agencies meeting. If you have questions or would like to discuss these comments, please contact me at (303) 312-6500, or by email at [hubner.matt@epa.gov](mailto:hubner.matt@epa.gov).

**Water/Wetlands**

- One of our primary concerns regarding this project is the potential for eliminating alternatives that would be less likely to impact waterbodies and wetland complexes than alternatives retained for detailed analysis. We appreciate the elimination of Alternative WA3, which appears to have the greatest direct impact to wetlands. However, only the least environmentally damaging practicable alternative (LEDPA) may be permitted under Clean Water Act (CWA) Section 404, and so we continue to voice concern that sole focus on the western alternatives, which would be expected to result in greater direct and indirect wetland impacts than the eastern alternatives, could result in an EIS that is inadequate for 404 permitting purposes. For instance, the report indicates the eastern bypasses were screened out because they did not meet the criterion to increase local mobility by 2050 yet met other screening criteria. It may be possible that eastern bypass and other alternatives may pass the mobility screening criterion if other feature were included as components of the alternatives. For example, the report screened out increased public transit as an individual alternative. We recommend evaluating public transit as a component of all alternatives as a local traffic reducer, especially since the report identifies that the dominant sources of traffic congestion are local in origin. Providing alternative modes of local transportation may open other alternatives to be evaluated in the EIS and ensure that the LEDPA is identified concurrently as part of the NEPA process. Further, evaluating local transportation in all alternatives is consistent with Executive Order 14008 (*Tackling the Climate Change Crisis at Home and Abroad*) and will be beneficial to all resources evaluated in the EIS, including air quality and resources important for environmental justice (EJ), as discussed below.
- We identified in scoping that utilizing cost as an alternatives screening criterion for this project raises concerns due to the already-acquired land on the west side of Heber City. We appreciate

the discussion on cost and inclusion of the tables identifying the costs of the rights of way (ROW) acquisitions necessary for the western alternatives. We would like to reiterate that under CWA Section 404, alternatives that may have a lower cost may not be the LEDPA. For an alternative to be practicable, it must be reasonably available or obtainable and may include options beyond the authority of the lead agency. Under the Guidelines, cost is not primarily considered according to whether the cost of one alternative is more or less than other alternatives. Rather, practicability in terms of cost is based on whether the cost of an alternative is within the range of costs for similar projects or industry norms. By not including the cost of ROWs for other alternatives, such as the eastern bypass alternatives, it is difficult to discern the factor of cost. We recommend including cost values for all alternatives to ensure that the analysis is adequate for 404 purposes.

### **Environmental Justice**

- We recommend that UDOT evaluate communities with EJ concerns that may be impacted by the alternatives before final screening is completed. Utilizing EPA's [EJScreen](https://www.epa.gov/ejscreen) tool (<https://www.epa.gov/ejscreen>), we identified that the west and northwest side of Heber City, as well as south of the City, in Daniel, appear to have communities with socioeconomic and health disparities that should be evaluated when considering and screening alternatives. Addressing EJ considerations prior to identifying final alternatives will ensure that appropriate steps may be taken to engage the communities that may be most impacted and lead to the ultimate goal of identifying alternatives that do not disproportionately affect already overburdened communities. This is especially pertinent since the report puts forward alternatives that all have some level of impact to these communities.

### **Air Quality**

- The report does not discern differences in air quality impacts among the identified and screened alternatives. We recommend giving consideration to the location of potential receptors (occupied areas) in relation to the projected emissions from changed traffic patterns as part of the alternatives development process. We further recommend evaluating changes in road-side pollution for alternatives that would result in lower or failing Level of Service (LOS) compared to alternatives that are projected to perform at a higher LOS. Additionally, we recommend calculating emissions for the alternatives utilizing the latest version of MOVES (currently MOVES3.0.3). Understanding the increases or decreases of emissions that would occur under each alternative is a valuable component of screening and identifying alternatives as well as identifying their impacts in the EIS.

## Comment Response Matrix

<b>Document Title</b>		Draft Alternatives Development and Screening Report for the Heber Valley Corridor Draft EIS		<b>Preparer</b>	
<b>Document Date</b>				<b>Organization</b>	
<b>Commenters</b>		Matt Hubner, Chris Razzazian, and Nolan Hahn, EPA			
Item	Page	Section	Comment	How Addressed	
1			<p><b><u>Water/Wetlands</u></b></p> <p>One of our primary concerns regarding this project is the potential for eliminating alternatives that would be less likely to impact waterbodies and wetland complexes than alternatives retained for detailed analysis. We appreciate the elimination of Alternative WA3, which appears to have the greatest direct impact to wetlands. However, only the least environmentally damaging practicable alternative (LEDPA) may be permitted under Clean Water Act (CWA) Section 404, and so we continue to voice concern that sole focus on the western alternatives, which would be expected to result in greater direct and indirect wetland impacts than the eastern alternatives, could result in an EIS that is inadequate for 404 permitting purposes. For instance, the report indicates the eastern bypasses were screened out because they did not meet the criterion to increase local mobility by 2050 yet met other screening criteria. It may be possible that eastern bypass and other alternatives may pass the mobility screening criterion if other feature were included as components of the alternatives. For example, the report screened out increased public transit as an individual alternative. We recommend evaluating public transit as a component of all alternatives as a local traffic reducer, especially since the report identifies that the dominant sources of traffic congestion are local in origin. Providing alternative modes of local transportation may open other alternatives to be evaluated in the EIS and ensure that the LEDPA is identified concurrently as part of the NEPA process. Further, evaluating local transportation in all alternatives is consistent with Executive Order 14008</p>	<p>The only alternatives that meet the project’s purpose are western bypass alternatives, as described in Section 3.3.2, <i>Level 1 Screening</i>. All eastern alternatives were eliminated in Level 1 screening because they did not meet the purpose of the project—in other words, they did not solve the problem. None of the eastern alternatives could attract enough traffic away from Main Street to improve local mobility.</p> <p>Western bypass alternatives are forecasted to carry more traffic volumes than eastern bypass alternatives. One of the key contributing factors in this pattern is the considerably higher travel demand to and from U.S. 189 (which connects to Provo and other highly populated locations) compared to south U.S. 40 (which connects primarily to the Uinta Basin and other rural, low-density areas). For example, in 2019 just south of the hub, on U.S. 189 there were 19,000 vehicles per day, while on U.S. 40 there were only 6,000 vehicles per day (3 times less). This pattern is similar to existing conditions, in which there are 17,000 vehicles per day on U.S. 189 and 6,200 vehicles per day on U.S. 40 south of Main Street. Future traffic differences are projected to be similar. Traffic volumes on U.S. 189 immediately south of Main Street for 2050 No Build conditions are projected to be about 25,000 vehicles per day, whereas volumes on U.S. 40 south of Main Street are projected to be about 16,000 vehicles per day. Thus, there is more potential travel demand to use a bypass on the west side of Heber City than the east side.</p> <p>To reach bypass alternatives on the east side, this heavier west-side traffic would need to travel out of direction, which would add additional travel time to the trip. As a result, many of those vehicles would continue to use Main Street instead of traveling out of direction to use an eastern bypass. Although eastern bypass options might be better for the traffic on U.S. 40 southeast of the hub, there is not enough demand from that direction to reduce the congestion problem on Main Street because the travel times for the U.S. 189 traveler would not be benefitted sufficiently due to the out-of-direction travel.</p> <p>The project team did consider transit. However, there would not be enough mode shift to reduce the traffic volumes on Main Street and meet the</p>	



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<b>Commenters</b>		Matt Hubner, Chris Razzazian, and Nolan Hahn, EPA			
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			<i>(Tackling the Climate Change Crisis at Home and Abroad)</i> and will be beneficial to all resources evaluated in the EIS, including air quality and resources important for environmental justice (EJ), as discussed below.	<p>purpose of the project. The recommended future transit service identified in the Wasatch County Transit Study (October 2020) is predicted to attract an average of about 122 passengers per hour during the peak (winter) season (derived from Table IX-1, page 60). A mode shift of 122 passengers per hour, dispersed across Wasatch County, would not significantly reduce Main Street traffic. Therefore, transit treatments, whether a standalone alternative or combined with other alternatives, would not solve the problems, would not reduce traffic on Main Street, and are not reasonable. Adding transit to every alternative would not alter the results of the alternatives screening.</p> <p>UDOT will consider potential permit requirements under Clean Water Act Section 404 in the NEPA process. Impacts to waters of the United States, including direct and indirect effects, will be evaluated in detail in the Draft EIS.</p>	
2			We identified in scoping that utilizing cost as an alternatives screening criterion for this project raises concerns due to the already-acquired land on the west side of Heber City. We appreciate the discussion on cost and inclusion of the tables identifying the costs of the rights of way (ROW) acquisitions necessary for the western alternatives. We would like to reiterate that under CWA Section 404, alternatives that may have a lower cost may not be the LEDPA. For an alternative to be practicable, it must be reasonably available or obtainable and may include options beyond the authority of the lead agency. Under the Guidelines, cost is not primarily considered according to whether the cost of one alternative is more or less than other alternatives. Rather, practicability in terms of cost is based on whether the cost of an alternative is within the range of costs for similar projects or industry norms. By not including the cost of ROWs for other alternatives, such as the eastern bypass alternatives, it is difficult to discern the factor of cost. We recommend including cost values for all	<p>UDOT conducted a three-level screening evaluation that is consistent with the Clean Water Act Section 404 Guidelines. The process started with a preliminary (fatal-flaw) evaluation of concepts to determine whether the concepts were technically and economically feasible and could potentially meet the project objectives. Tunneling under or bridging over U.S. 40 and transit were eliminated because they either are not practicable, considering cost and available technology, and/or cannot meet the project's purpose.</p> <p>Next, Level 1 screening was used to determine whether an alternative would meet the purpose of the project. Level 1 screening criteria measured the ability of an alternative to improve local and regional mobility on U.S. 40 through 2050 and to allow Heber City to meet their vision for the historic town center. An alternative that does not meet the project purpose (that is, does not solve the transportation problems) is not reasonable or practicable and can be eliminated in the screening process. The eastern bypass alternatives were eliminated in Level 1 screening because they would not solve the transportation problems, primarily because they would not attract enough traffic away from U.S. 40 to improve mobility (as discussed above).</p> <p>Finally, Level 2 screening was used to eliminate alternatives that perform similarly with respect to the project purpose but would have additional impacts to key resources or costs without additional benefits. Alternatives</p>	

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			alternatives to ensure that the analysis is adequate for 404 purposes.	<p>that made it to Level 2 screening were designed in enough detail to estimate a footprint for impact analysis and to estimate a cost. In this Level 2 analysis, cost did not end up being a meaningful factor, and no alternatives were eliminated based on their cost. It is important to note that right-of-way reserved by the City on the west side did not factor into the screening decisions because it was not wide enough to accommodate the projected traffic needs—and so there would be no appreciable cost savings due to those past City right-of-way reservations.</p> <p>It would not be a prudent use of public funds to refine the designs and develop cost estimates for alternatives that would not meet the purpose of the project.</p>	
3			<p><b><u>Environmental Justice</u></b></p> <p>We recommend that UDOT evaluate communities with EJ concerns that may be impacted by the alternatives before final screening is completed. Utilizing EPA’s <a href="https://www.epa.gov/ejscreen">EJScreen</a> tool (<a href="https://www.epa.gov/ejscreen">https://www.epa.gov/ejscreen</a>), we identified that the west and northwest side of Heber City, as well as south of the City, in Daniel, appear to have communities with socioeconomic and health disparities that should be evaluated when considering and screening alternatives. Addressing EJ considerations prior to identifying final alternatives will ensure that appropriate steps may be taken to engage the communities that may be most impacted and lead to the ultimate goal of identifying alternatives that do not disproportionately affect already overburdened communities. This is especially pertinent since the report puts forward alternatives that all have some level of impact to these communities.</p>	<p>At your suggestion, we reviewed the EJScreen tool and considered whether it would provide meaningful results for screening. The scale of the data used in the EJScreen tool is not sufficiently refined to aid in the alternatives analysis. As you stated, the EJScreen tool shows wide swaths west and northwest of Heber City as EJ low-income or minority populations, including areas where no one lives or where the density of housing is extremely low. It is not possible to avoid these broad areas with reasonable alternatives. However, note that the routing of alternatives was carefully chosen to try to avoid impacts to all communities, and minimizing property acquisition has been a key consideration in the routing done to date.</p> <p>UDOT has and will continue to take steps to identify and engage potential EJ communities, including translating materials into Spanish, coordinating with the Mountainlands Community Housing Trust and the Wasatch Community Housing Authority, reaching out to nonprofit organizations that support underserved communities, and engaging with underserved communities identified in the study area.</p> <p>UDOT visited the Royal Coachman Mobile Home Park, which houses an underserved community, to speak with residents and obtained contact information for the office manager and co-owner. UDOT learned that most residents own their home but rent the lot from the property owners. The residents stated that mailers translated in both Spanish and English would be the best format to reach out to them since most residents are Spanish-</p>	

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				<p>speaking. And, some residents do not have access to email or computers; therefore, digital methods of outreach might not be very successful.</p> <p>Separate efforts to talk to staff at the Christian Center of Park City, who works with populations in Wasatch County and might understand the services that are commonly accessed, at the Peoples Health Clinic, which is a nonprofit for those without insurance and who are underinsured, and at the Park City Community Foundation will be scheduled in the future prior to the completion of the Draft EIS.</p> <p>It is important to note that the alternatives are not final at this stage of development, and UDOT will take additional steps to identify low-income and minority populations that could be affected by alternatives carried forward in the Draft EIS. UDOT will also seek ways to refine the reasonable alternatives to avoid, minimize, or mitigate impacts with the goal of not disproportionately affecting EJ communities. The Draft EIS will include a section on EJ that will evaluate impacts to any low-income and minority populations identified. EPA's EJScreen tool will be reviewed as part of the EJ evaluation.</p>	
4			<p><b><u>Air Quality</u></b></p> <p>The report does not discern differences in air quality impacts among the identified and screened alternatives. We recommend giving consideration to the location of potential receptors (occupied areas) in relation to the projected emissions from changed traffic patterns as part of the alternatives development process. We further recommend evaluating changes in road-side pollution for alternatives that would result in lower or failing Level of Service (LOS) compared to alternatives that are projected to perform at a higher LOS. Additionally, we recommend calculating emissions for the alternatives utilizing the latest version of MOVES (currently MOVES3.0.3). Understanding the increases or decreases of emissions that would occur under each alternative is a valuable</p>	<p>The screening report does not discern differences in air quality impacts among screened alternatives because air quality is not included in the screening criteria. Given the traffic volumes forecasted, the reduction in congestion anticipated, and the good air quality of the Heber Valley, an air quality analysis would not result in meaningful information to aid in screening. UDOT will evaluate impacts to air quality for alternatives carried forward in the Draft EIS.</p> <p>Transportation conformity is required under Clean Air Act Section 176(c) to ensure that federally supported transportation activities are consistent with ("conform to") the purpose of a state implementation plan (SIP). Transportation conformity requirements apply in areas that either do not meet or previously have not met National Ambient Air Quality Standards (NAAQS) for ozone (O<sub>3</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), or nitrogen dioxide (NO<sub>2</sub>). These areas are known as nonattainment areas and maintenance areas, respectively.</p>	

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			component of screening and identifying alternatives as well as identifying their impacts in the EIS.	The Heber Valley project is located in Wasatch County, which is an attainment area for all of the above-mentioned pollutants. Since it is an attainment area, transportation conformity requirements do not apply, and quantitative modeling of mobile-source emissions is not required. Emissions will be discussed qualitatively in the Draft EIS.	



Utah Reclamation Mitigation & Conservation Commission  
230 South 500 East Suite 230 Salt Lake City, UT 84102-2045  
Phone: (801) 524-3146 – Fax: (801) 524-3148

COMMISSIONERS  
Brad T. Barber, Chair  
Robert L. Morgan  
Gene Shawcroft

July 21, 2022

Utah Department of Transportation  
Heber Valley Corridor EIS  
c/o HDR, Inc.  
2825 W Cottonwood Parkway #200  
Salt Lake City, UT 84121

Subject: Heber Valley Corridor Screening Report Comments

Dear Heber Valley Corridor EIS Team:

The Utah Reclamation Mitigation and Conservation Commission (Mitigation Commission) appreciates the opportunity to be a participating agency in the preparation of the Heber Valley Corridor (Project) Environmental Impact Statement (EIS). The comments below are offered as follow up to a June 7, 2021 comment letter, comments that Mitigation Commission staff offered during the agency scoping meeting held on April 29, 2021, and a comment letter submitted by the Mitigation Commission in September 2020.

As you are aware, the Mitigation Commission and the U.S. Bureau of Reclamation manage over 1,500 acres of land in Wasatch County adjacent to the Provo River between Jordanelle and Deer Creek reservoirs. This property is known as the Provo River Restoration Project (PRRP). The land was acquired, and the Provo River restored through this corridor, as partial mitigation for fish and wildlife impacts from the Central Utah Project. As identified in the PRRP Final Environmental Impact Statement (FEIS), the PRRP purposes are habitat restoration, biodiversity, and fish and wildlife conservation. Please consider the following comments as you work to finalize your draft screening analysis and report.

1. Information shared at the Project's April 2021 agency scoping meeting indicated that the planned highway corridor would avoid any direct impacts to the PRRP lands. Despite those previous indications, we are concerned that the Project's screening report does not formally identify the PRRP area in the 4(f) properties evaluation and that the screening criteria did not identify the potential direct, indirect, and cumulative impacts that could occur on PRRP lands as a result of the alignment alternatives being considered for the project.

The screening document states that there are no applicable refuges in the Heber Valley needs assessment study area. However, based on the study area boundary maps in Figure 3-1, it appears that your study area either crosses into or directly borders the PRRP area. We recommend that the screening report formally identify the PRRP area as a 4(f) property that is a publicly owned wildlife refuge of state and local significance that is open to the public. Please

contact our office if you would like copies of GIS shapefiles or PRRP documentation to help better understand land ownership boundaries of the PRRP area and how the lands are being managed for wildlife conservation and public use. In addition, we recommend that the PRRP be included in your evaluation as a Section 4(f) resource with the appropriate analysis for direct, indirect, and cumulative impacts (as reported Tables 3-11, 3-13, and 3-15) associated with the Project's alignment alternatives. See below for specific comments on additional requested analysis.

2. Although the screening report provides analysis of impacts to water of the U.S. based on the potential footprints of the project alternatives it does not provide analysis on indirect and cumulative impacts to surrounding wetlands and watercourses. Any highway alternative that has direct impacts to wetland areas, perennial, intermittent, or ephemeral streams, or canal or ditches that return flow back to the Provo River would likely result in negative impacts to water quality and quantity in the Provo River.

We recommend that impacts to waters of the U.S. have a more thorough evaluation to better understand the potential for changes in local hydrology that could impact PRRP resources directly, indirectly, and cumulatively. The potential impacts that should be evaluated and incorporated into screening criteria include increases in stormwater runoff into areas that eventually flow into the Provo River, changes in groundwater and surface water hydrology that result from a new highway restricting or redirecting water flow, and impacts on the areas adjacent to the waters of the US, such as uplands that provide buffers for the wetlands and waterways upstream of the PRRP area. Any wetland impacts upstream of the PRRP area would have both direct and indirect impacts that should be evaluated in more detail and included in screening criteria. The cumulative impact of wetland loss in the Heber Valley also should be evaluated for all West Bypass alternatives.

3. The screening report cites the Heber City Envision 2050 General Plan and several vision statements of the Plan including for economic and commercial development, housing, culture, education, and transportation to justify, in part, the need for the proposed highway development. However, the screening report leaves out a key component of the Plan's vision statements including **Open Space & Rural Character** which states that "Heber City draws a clear distinction between what is city and what is country, maintaining a distinct city that is surrounded by open land, valuable for its beauty, ecology and agricultural function." The riparian area and riverine system that compose the PRRP area arguably provide some of the most important ecological systems in Heber Valley. In addition, riparian areas comprise one of the rarest habitats in the State of Utah and the PRRP area provides a matchless riparian habitat and ecological system not only for the Heber Valley but also for the State of Utah. As such, we recommend that any mention of the Heber City Envision 2050 General Plan include all the visioning criteria from the plan including those that point out the importance of open lands, ecological systems, and their ecological function.
4. NEPA regulations and court precedent prohibit the practice of segmenting a project for separate NEPA review if each action does not have independent utility. The screening document current depicts a new interchange at US-40/SR-32 as a future project that will be evaluated in an independent EIS. However, this new interchange is currently connected to the WB3 and WB4 alternatives and as depicted would likely result in direct and indirect effects to the PRRP area. A new roadway and interchange have the potential to negatively affect surface and groundwater conveyance and fish and wildlife resources of the PRRP, as well as the PRRP user experience. In

addition, the potential for increases in highway noise, light pollution, and water contamination are concerns as well. As such, we recommend that the direct, indirect, and cumulative impacts to PRRP natural resources be evaluated for each highway alternative as well as for the US-40/SR-32 interchange. Likewise screening criteria for natural resource impacts should be included in your analysis to better convey the effects from each highway alternative on the PRRP area.

In general, we again voice concern regarding the importance of protecting and preserving the property and natural resources in and around the PRRP corridor. We request that PRRP area be formally identified as a 4(f) property and that the appropriate analysis for potential impacts to the property be included in your screening analysis and future EIS. We appreciate the opportunity to provide comments on the draft screening report for this NEPA process. Please contact me at the letterhead address if you have any questions.

Sincerely,

Michael D. Mills  
Executive Director

cc: Commissioners Brad Barber and Robert Morgan  
Gene Shawcroft, Central Utah Water Conservancy District  
Reed Murray, Central Utah Project Completion Act Office  
Kent Kofford, U.S. Bureau of Reclamation, Provo Area Office  
Heber City Council  
Doug Smith, Wasatch County Planner  
Jason Vernon, Utah Division of Wildlife Resources  
Jordan Nielson, Trout Unlimited



## Comment Response Matrix

<b>Document Title</b>		Heber Valley Corridor EIS Draft Alternatives Development and Screening Report		<b>Preparer</b>	
<b>Document Date</b>				<b>Organization</b>	HDR
<b>Commenter</b>		Michael Mills, URMCC			
Item	Page	Section	Comment	How Addressed	
1			<p>Information shared at the Project's April 2021 agency scoping meeting indicated that the planned highway corridor would avoid any direct impacts to the PRRP lands. Despite those previous indications, we are concerned that the Project's screening report does not formally identify the PRRP area in the 4(f) properties evaluation and that the screening criteria did not identify the potential direct, indirect, and cumulative impacts that could occur on PRRP lands as a result of the alignment alternatives being considered for the project.</p> <p>The screening document states that there are no applicable refuges in the Heber Valley needs assessment study area. However, based on the study area boundary maps in Figure 3-1, it appears that your study area either crosses into or directly borders the PRRP area. We recommend that the screening report formally identify the PRRP area as a 4(f) property that is a publicly owned wildlife refuge of state and local significance that is open to the public. Please contact our office if you would like copies of GIS shapefiles or PRRP documentation to help better understand land ownership boundaries of the PRRP area and how the lands are being managed for wildlife conservation and public use. In addition, we recommend that the PRRP be included in your evaluation as a Section 4(f) resource with the appropriate analysis for direct, indirect, and cumulative impacts (as reported Tables 3-11, 3-13, and 3-15) associated with the Project's alignment alternatives. See below for specific comments on additional requested analysis.</p>	<p>The Heber Valley Corridor EIS alternatives would avoid direct impacts to the Provo River. UDOT initially believed that the alternatives would avoid direct impacts to PRRP lands as well. However, upon closer inspection of shapefiles provided by URMCC after screening was conducted, it is clear that some alternatives would impact PRRP land including direct impacts to the driveways to two public access sites off River Road, where River Road would be realigned to tie into the bypass instead of into U.S. 40.</p> <p>UDOT determined that PRRP lands qualify for protection under Section 4(f) as a significant wildlife and waterfowl refuge. Level 2 screening criteria include impacts to Section 4(f) resources. The <i>Final Alternatives Development and Screening Report</i> has been revised to include direct impacts to PRRP lands in Level 2 screening. Tables 3-11, 3-13, and 3-15 have been updated to include impacts to PRRP lands.</p> <p>As recommended, any direct, indirect, and cumulative impacts to PRRP lands will be evaluated in detail in the EIS.</p>	
2			Although the screening report provides analysis of impacts to water of the U.S. based on the potential footprints of the project alternatives it does not	The indirect and cumulative effects mentioned will be evaluated in the EIS for all alternatives that pass screening.	

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<b>Commenter</b>		Michael Mills, URMCC			
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			<p>provide analysis on indirect and cumulative impacts to surrounding wetlands and watercourses. Any highway alternative that has direct impacts to wetland areas, perennial, intermittent, or ephemeral streams, or canal or ditches that return flow back to the Provo River would likely result in negative impacts to water quality and quantity in the Provo River.</p> <p>We recommend that impacts to waters of the U.S. have a more thorough evaluation to better understand the potential for changes in local hydrology that could impact PRRP resources directly, indirectly, and cumulatively. The potential impacts that should be evaluated and incorporated into screening criteria include increases in stormwater runoff into areas that eventually flow into the Provo River, changes in groundwater and surface water hydrology that result from a new highway restricting or redirecting water flow, and impacts on the areas adjacent to the waters of the US, such as uplands that provide buffers for the wetlands and waterways upstream of the PRRP area. Any wetland impacts upstream of the PRRP area would have both direct and indirect impacts that should be evaluated in more detail and included in screening criteria. The cumulative impact of wetland loss in the Heber Valley also should be evaluated for all West Bypass alternatives.</p>	<p>Impacts to waters of the United States, water resources, and water quality will be more thoroughly evaluated for all alternatives that pass screening. Detailed impact evaluation will include the following:</p> <ul style="list-style-type: none"> <li>• Direct impacts to waters of the United States and water resources</li> <li>• Increases in stormwater runoff for areas where infiltration best management practices (BMPs) are not used</li> <li>• Changes in surface water hydrologic and hydraulic routing</li> <li>• Indirect effects</li> <li>• Cumulative effects</li> </ul> <p>Designs for stormwater management will be refined, and changes to infiltration BMPs changes to surface flows, and interactions between surface and groundwater flows will be evaluated through final design. Final design will include development of a Stormwater Pollution Prevention Plan (SWPPP) to document how construction stormwater BMPs will be selected, installed, and maintained during construction to minimize the discharge of pollutants outside the project area.</p>	
3			<p>The screening report cites the Heber City Envision 2050 General Plan and several vision statements of the Plan including for economic and commercial development, housing, culture, education, and transportation to justify, in part, the need for the proposed highway development. However, the screening report leaves out a key component of the</p>	<p>UDOT is evaluating solutions to a transportation problem on U.S. 40, which in part involves growing state highway traffic and congestion that is no longer compatible with the character and vision for Heber City's downtown. The project purpose and need focus on the downtown guidance from the general plan because that is where the transportation issues are. The screening is intended to first identify alternatives that solve the transportation problems—that is, satisfy the transportation purpose and</p>	

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			Plan's vision statements including Open Space & Rural Character which states that "Heber City draws a clear distinction between what is city and what is country, maintaining a distinct city that is surrounded by open land, valuable for its beauty, ecology and agricultural function." The riparian area and riverine system that compose the PRRP area arguably provide some of the most important ecological systems in Heber Valley. In addition, riparian areas comprise one of the rarest habitats in the State of Utah and the PRRP area provides a matchless riparian habitat and ecological system not only for the Heber Valley but also for the State of Utah. As such, we recommend that any mention of the Heber City Envision 2050 General Plan include all the visioning criteria from the plan including those that point out the importance of open lands, ecological systems, and their ecological function.	<p>needs. Alternatives that don't solve the problem do not need to be studied further. The components of the plan mentioned in URMCC's comment do not relate to the transportation problem to be solved. That is not to say they are not important or will not be studied. For those alternatives that solve the problem, these additional aspects of the plan will be studied in detail in the EIS.</p> <p>UDOT acknowledges and recognizes the wide scope of the vision for the valley; specifically, that there are multiple vision statements in <i>Heber City Envision 2050</i>. Additional analysis will be conducted in the Draft EIS; other vision statements will be referenced where applicable. Each alternative that passes screening will be evaluated in the Draft EIS for consistency with <i>Heber City Envision 2050</i>. The detailed evaluation will include impacts to multiple resources, including the following:</p> <ul style="list-style-type: none"> <li>• Land use (including open space and development)</li> <li>• Farmland</li> <li>• Water resources and water quality</li> <li>• Visual and aesthetic resources</li> <li>• Ecosystems</li> <li>• Economic conditions</li> </ul>	
4			NEPA regulations and court precedent prohibit the practice of segmenting a project for separate NEPA review if each action does not have independent utility. The screening document current depicts a new interchange at U.S. 40/SR-32 as a future project that will be evaluated in an independent EIS. However, this new interchange is currently connected to the WB3 and WB4 alternatives and as depicted would likely result in direct and indirect effects to the PRRP area. A new roadway and interchange have the potential to negatively affect surface and groundwater conveyance and fish and wildlife resources of the PRRP, as well as the PRRP user experience. In addition, the potential for increases in highway noise,	<p>The Federal Highway Administration (FHWA) regulations outline three general principles at 23 CFR Section 771.111(f) that are to be used to frame a highway project. Any action evaluated under NEPA must:</p> <ol style="list-style-type: none"> <li>1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;</li> <li>2. Have independent utility or independent significance, that is, be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and</li> <li>3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.</li> </ol> <p>The Heber Valley Corridor bypass alternatives and the potential future interchange on State Route (S.R.) 32 have stand-alone logical termini, have</p>	

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<b>Commenter</b>		Michael Mills, URMCC			
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			light pollution, and water contamination are concerns as well. As such, we recommend that the direct, indirect, and cumulative impacts to PRRP natural resources be evaluated for each highway alternative as well as for the U.S. 40/SR-32 interchange. Likewise screening criteria for natural resource impacts should be included in your analysis to better convey the effects from each highway alternative on the PRRP area.	<p>discrete independent utility, and do not restrict the consideration of other reasonably foreseeable transportation improvements. The bypass is planned as a Phase 2 project (2031 to 2040), and the interchange is planned as a Phase 3 project (2041 to 2050). Even if no bypass is constructed, there would be a need for an interchange at S.R. 32 to accommodate future travel demand (that is, it has independent utility). Similarly, with or without an interchange at S.R. 32, there is still a need for the bypass.</p> <p>The interchange at S.R. 32 is assumed as part of the 2050 No-action Alternative, just as are all other planned transportation projects (see Section 4.1.4 in the <a href="#">Purpose and Need Technical Report</a>). From a traffic analysis standpoint, an interchange at S.R. 32 is also assumed for each action alternative for two reasons: (1) the design horizon is 2050, and the interchange is planned to be constructed by then, and (2) an at-grade intersection would create a bottleneck that would prevent fully testing the traffic performance of alternatives.</p> <p>All action alternatives carried forward for detailed evaluation in the Draft EIS would tie into the intersection of U.S. 40 and S.R. 32. Alternatives WA1, WB1, and WB2 would tie into the south leg (these alternatives would improve U.S. 40). Alternatives WB3 and WB4 would tie into this intersection from the west (the bypass alternatives would become the west leg, and River Road would be realigned to tie into the bypass).</p> <p>The EIS alternatives are designed to be compatible with the S.R. 32 intersection with and without an interchange. They have been designed to not restrict the consideration of interchange types and alignments and to minimize the amount of reconstruction that would be needed when the S.R. 32 intersection is converted to an interchange.</p> <p>As suggested in the comment, the direct, indirect, and cumulative impacts to PRRP natural resources will be evaluated for each highway alternative. Furthermore, because an interchange is a reasonably foreseeable future action, the expected impacts from a U.S. 40/S.R. 32 interchange on PRRP will be identified and disclosed as part of the cumulative impacts analysis.</p>	

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<b>Commenter</b>		Michael Mills, URMCC			
Item	Page	Section	Comment	How Addressed	
				<p>Regarding the suggestion to add additional screening criteria for natural resource impacts, it is important to note that alternatives screening is different from the detailed environmental analysis that will be presented in the Draft EIS. The alternatives screening process was used to eliminate alternatives that do not meet the project purpose, or are not technically or economically feasible, or that would meet purpose but would have impacts to resources protected by prescriptive laws that would make those alternatives unpermissible or unselectable. Section 404 of the Clean Water Act and Section 4(f) of the Department of Transportation Act of 1966 are prescriptive laws that provide legal direction as to which alternatives can or cannot be permitted and selected.</p> <p>Laws, regulations, and guidance covering other resources (for example, land use and open space, farmland, and visual resources) require UDOT to consider and disclose impacts to those resources and to make reasonable efforts to avoid, minimize, or mitigate adverse impacts. However, they are not prescriptive as to which alternative can be permitted or selected. That is why they are evaluated after the screening process. Eliminating alternatives based on these resources could jeopardize the legal sufficiency of the EIS.</p>	

**WASATCH COUNTY  
RESOLUTION NO. 22-09**

**A RESOLUTION SUBMITTING COMMENTS TO UDOT ON THE HEBER VALLEY  
CORIDOR EIS DRAFT ALTERNATIVE DEVELOPMENT SCREENING REPORT**

**WHEREAS**, the Wasatch County supports the design and construction of road improvements to reduce traffic congestion on U.S. 40 in Heber City; and,

**WHEREAS**, the Wasatch County Council desires to raise public awareness of options being explored by UDOT; and,

**WHEREAS**, the Wasatch County Council desires to submit an official comment during the current comment period on the selection process of alternatives; and,

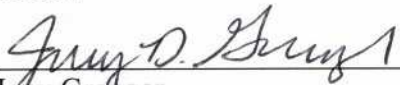
**WHEREAS**, Wasatch County Council is united in its concern about factors related to three of the options advancing through the screening process; and,

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Wasatch County Council as follows:

The Wasatch County Council submits the attached document (exhibit A) as an official comment to UDOT on the Heber Valley Corridor Environmental Impact Statement.

**APPROVED and PASSED** this 13 day of July, 2022.

Attest:

  
Joey Granger  
Wasatch County Clerk / Auditor

WASATCH COUNTY COUNCIL:

  
Mark Nelson, Chair  
Wasatch County Council

**VOTE**

Mark Nelson, Chair	<u>y</u>
Kendall Crittenden	<u>y</u>
Steve Farrell	<u>y</u>
Jeff Wade	<u>—</u>
Danny Goode	<u>y</u>
Marilyn Crittenden	<u>y</u>
Spencer Park	<u>—</u>

## **EXHIBIT A**

### **Section I: Heber Valley Corridor EIS Draft Alternatives Development and Screening Report Feedback**

1. Included in the criteria for the report are the following two directives:
  - a. Clean Water Act:
    - i. Wasatch County Feels that the North Fields, specifically the Provo River corridor, qualify as a special aquatic site under the clean water Act.
    - ii. Option WA1 would significantly impact the water flow of properties located on the south and east of the route and affect historic flows into the special aquatic site.
    - iii. Because option WB3 and WB4 discharge into this special aquatic site, both options should account for this adverse impact.
  - b. Department of Transportation Section 4(f):
    - i. Wasatch County Feels that the North Fields qualifies as a Historic site of significant value and as such WB3 and WB4 adversely impact this site.
    - ii. The North Fields qualifies for this designation under the grounds that it represents broad patterns of Wasatch County's agricultural heritage and rural character; properties included in the north fields include those of locally significant historical persons; and the North Fields represents a collectively distinguishable entity valued by the public as being of locally significant historical value.

### **Section II: Wasatch County and Heber City General Plans Protections on the North Fields**

1. Wasatch County feels that the value the community places on the North Fields and the impacts to that area were not adequately considered in the selection of options WB3 and WB4. Public statements and official documents on the importance of this area are as follows:
  - a. In the Heber City General Plan:
    - i. "Preserve the beautiful open lands that surround us" (pg. 5).
    - ii. Heber shows future land use in the north fields (pg. 18) and shows the north fields as part of the city. The zoning is AP (Agricultural Preservation).
    - iii. "Heber actively works with neighboring communities and the County on strategies to implement the permanent protection of farmlands, natural open spaces and rural character to maintain distinct separation between communities". (GP, Ch. 6 pg. 49)
    - iv. "Maintain open space between Heber and surrounding communities". It is the second most important feature that defines "small town" for Heber residents (according to a recent survey completed as a part of the City's visioning process). Residents want to preserve larger open spaces that provide a rural feel and promote a distinct identity for each community in the Heber Valley. (GP, Ch. 6, pg. 50)
    - v. Promote a Countywide effort to retain the open spaces between communities through such techniques as clustering and agricultural 20-acre lot zoning. (GP Ch. 6, Pg. 51)
    - vi. Consider bonding as an important open space preservation strategy. (GP. Pg. 76)



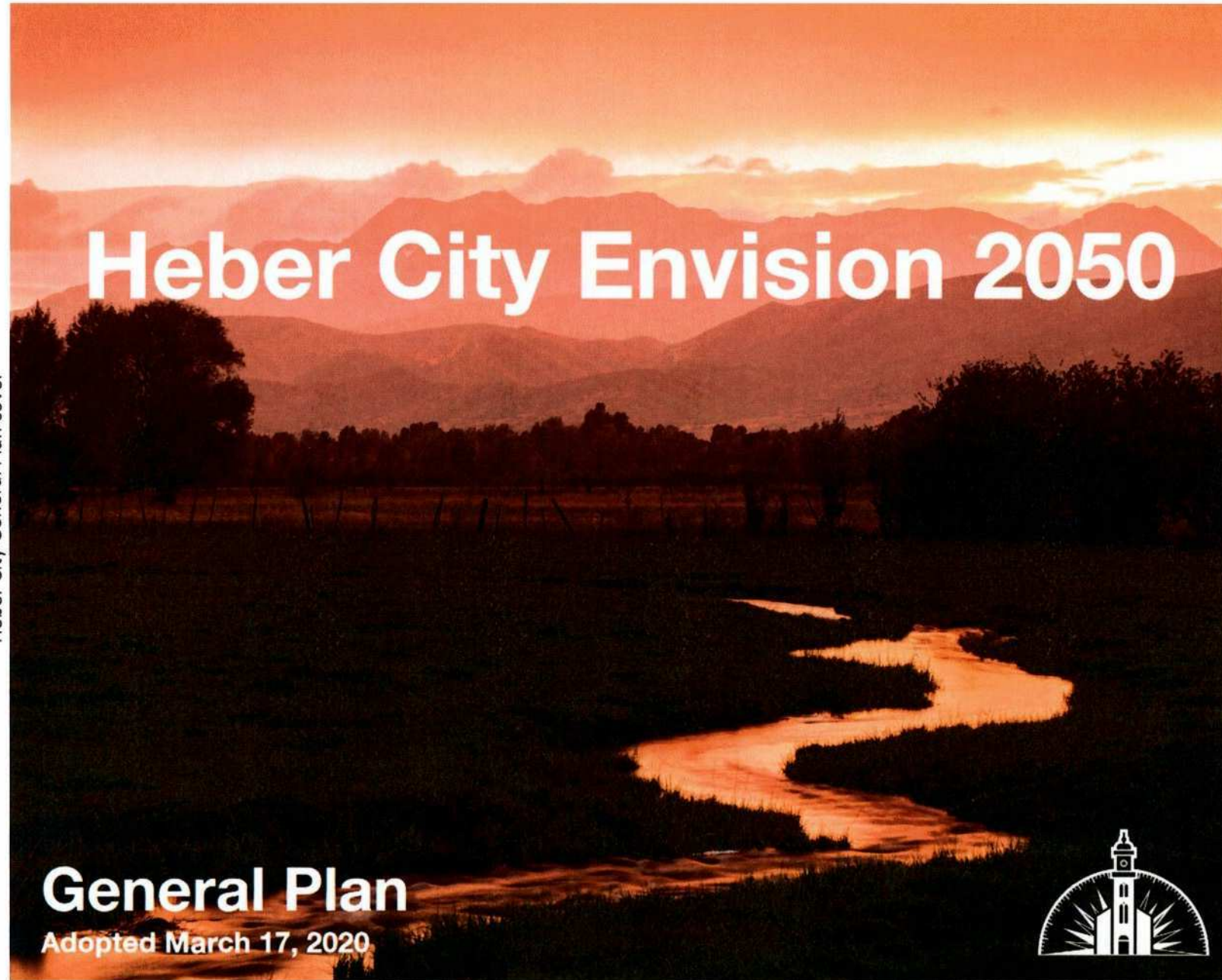
- vii. Partner with non-profits, such as Utah Open Lands to preserve open space. (GP. Pg. 76)
- viii. Envision Heber City 2050 "Big Ideas". The number 1 big idea was; "preservation of Open space/rural preservation". (GP. Pg. 187)
- ix. Envision Heber City 2050 "Big Ideas". Number 6 big idea was: Small town character by separating towns with open space. (GP. Pg. 199)
- x. Preferred approach to conserving the North Fields? Almost half want to permanently protect the North Fields by purchasing land or development rights, and there's a lot of support for maintaining 20-acre zoning. (GP. Pg. 13)
- xi. Heber currently enjoys highly visible open spaces. The North Fields provide a strong rural feel when coupled with the mountainside on the east side of US 40. (GP. Pg. 49)

b. In the Wasatch County General Plan

- i. A major impact to the green belt area between Heber City and Midway will be the construction of the Heber City truck route which would allow trucks to bypass Heber City's Main Street. Care must be taken to see that this road is constructed as close to Heber City as possible. (GP. Ch. 4. Pg. 167)
- ii. 9.1.1 POLICY: Establish the alignment of the Heber City bypass route and oppose proposals that encourage incompatible development within the corridor. (Ch.3, Pg. 6). The alignment was adopted and made part of the GP.
- iii. GOAL: Protect the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.
- iv. Both Heber City and Wasatch County have passed resolutions of support (2007-05 and 06-04 respectively) for the bypass and the bypass alignment shown on Maps 32 and 20A.
- v. 1.1.1 POLICY: Preserve a greenbelt between Heber City and Midway to maintain the agricultural heritage of the area.
- vi. The County should adopt a general sales tax and/or bonding as a way to fund the purchase of development rights or the fee title to land that has been identified as having a public benefit as open space. (Ch. 6 GP)
- vii. The Central Planning Area (North Fields) is highly prized by many local residents of Heber Valley as open space. This area's scenic value contributes significantly to the real value of all land within the Heber Valley area. Therefore, the following strategies should assist the county in preserving some of this area as open space at the same time providing property owners with a reasonable value for the removal of development rights from their property. (GP. Ch. 4, Pg. 167)
- viii. Land within the Central Planning Area has been identified as having a public benefit as open space. In this area while development may occur at the underlying zone of one unit per 20 acres if a suitable area can be identified, an increase in transferable density credit for
- ix. he is area should be allowed. (GP. Ch. 4, Pg. 167)
- x. The County should adopt a general sales tax and/or bonding as an additional ways to fund the purchase of development rights and/or fee title to land identified as having a public benefit as open space. (GP. Ch. 4, Pg. 167)

- xi. The preservation of open space in the Central Planning Area will also provide for a desired green belt separation between Heber City and Midway. The Development code should ensure that any development along SR 113 is set well back from the road and the rural character along this road is maintained. (GP. Ch. 4, Pg. 167)
- xii. The Soil Survey of the Heber Valley Area further identifies that many of the soils shown on Map 24 have severe limitations for roads, foundations for dwellings and septic tank absorption field. These severe conditions are a result of the high ground water table and high potential for frost action. While these limitations may be overcome with proper engineering, the cost is considerably higher and should be considered when it comes to the maintenance and operation of a public infrastructure. (GP, Ch. 4, Pg. 153)
- xiii. The physical constraints of the Central Planning (North Fields) Area by themselves will likely ensure that the historical land use pattern for this planning area will largely be maintained. Therefore, as a matter of public policy, the Central Planning Area is to be maintained in its historical land use pattern of open meadows, and river and small stream riparian habitat. The use of this area for housing and other types of development is discouraged due to the physical constraints and the higher costs of providing governmental services. GP. Ch. 4, Pg. 167)
- xiv. Land within the Central Planning Area (North Fields) has been identified as having a public benefit as open space. In this area while development may occur at the underlying zone of one unit per 20 acres if a suitable area can be identified, an increase in transferable density credit for the area should be allowed. (GP. Ch. 4. Pg. 167)







## WASATCH COUNTY, UTAH

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### *Our Vision*

Wasatch County is recognized as a desirable destination to live, work and play. We are dedicated to honoring & protecting the heritage and rural character of our community, and are committed to creating a unique sense of place.

### *Our Purpose*

In cooperation with the community and local governments, Wasatch County will address public needs, deliver quality services, and provide responsive decisions.

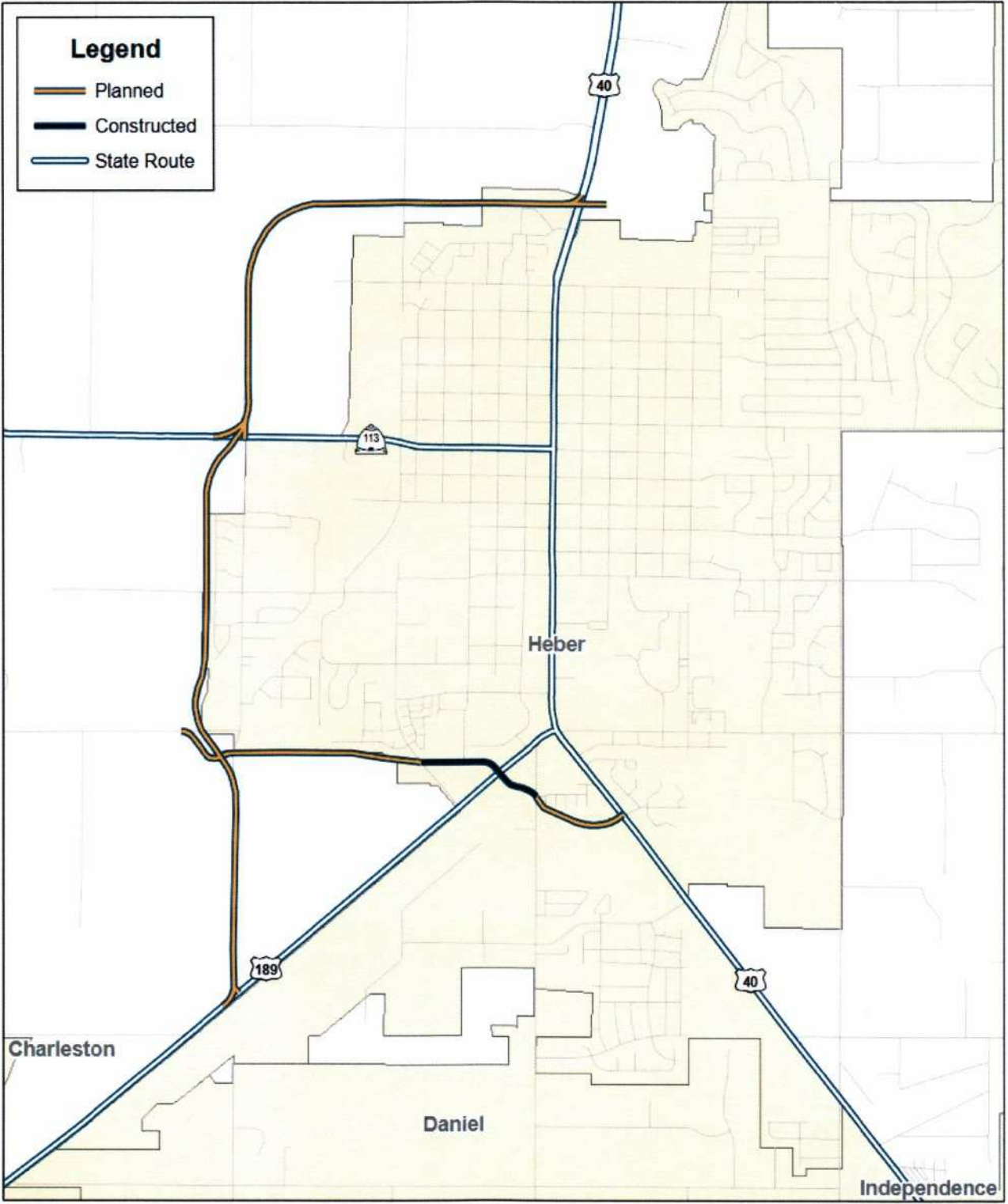
Through thoughtful planning and zoning that manages the impacts of growth, the County strives to balance the preservation of the area's highly valued rural and agricultural character with the promotion of clean and sustainable economic, residential, recreational, and tourism development opportunities.

### *Our Values*

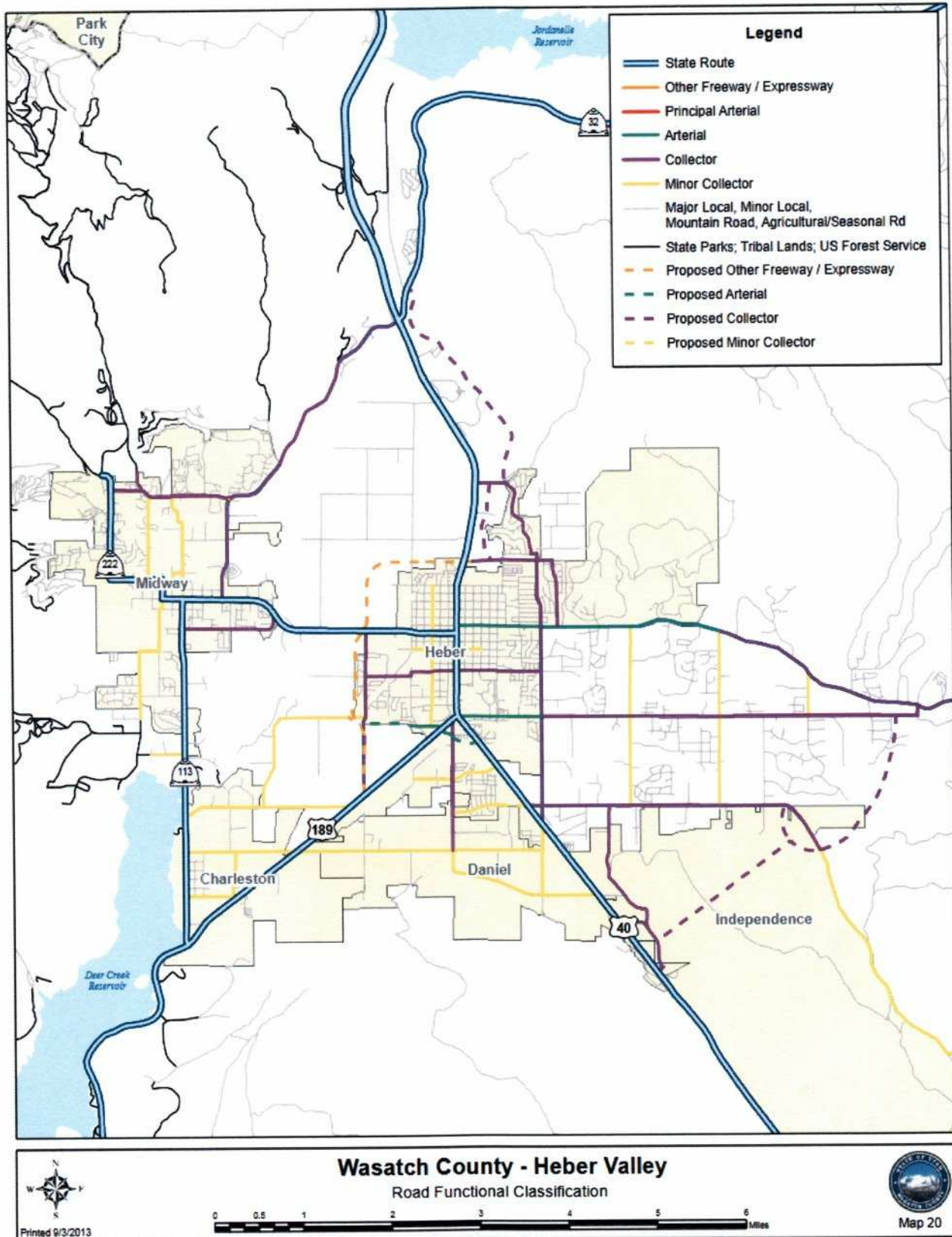
We manage and communicate our affairs in a fiscally sound and transparent manner while enforcing state and county ordinances consistently to promote a sense of trust between the county and its citizens. All county departments and employees are focused on good governance which includes professionalism, respect, ethics, integrity, transparency, and accountability to all of its citizens.

Revised April 2012  
Photo: Courtesy of Bryan Rowland





Wasatch County General Plan map 20





## **Open Space: 100% of Maps**

**North Fields: 95%**

- **No development on North Fields (68%)**
- **Preserve through maintaining 20-acre lots (28%)**

**Other Open Space Areas:**

- **South Fields: 36%**

**Jordanelle Moutains: 28%**

**Flat land east of Hwy 40: 12%**

**Jordanelle vista: 12%**



**RESOLUTION NO. 06-04**

**A RESOLUTION SUPPORTING THE ESTABLISHMENT OF  
A TRANSPORTATION CORRIDOR CONNECTING SR 189 AND US 40  
IN A MANNER THAT WILL BYPASS THE BUSINESS DISTRICT  
OF HEBER CITY'S MAIN STREET.**

**WHEREAS** SR 189 and US 40 are the principal thoroughfares through Wasatch County and Heber City; and

**WHEREAS** the traffic on SR 189 and US 40 in Wasatch County has increased dramatically over recent years due to increased recreational opportunities in the County, improved roads leading to the County, and a variety of other reasons; and

**WHEREAS** the increased traffic through Heber City's Main Street, which occupies US 40 for a distance of approximately two miles, has resulted in congestion, inconvenience, and safety concerns for local citizens and visitors to the area; and

**WHEREAS** Wasatch County and Heber City both recognize the need for an alternate traffic corridor (hereafter "Bypass Road") through the County that can relieve the traffic on Heber City's Main Street; and

**WHEREAS** such Bypass Road, in order to be effective, must connect SR 189 and US 40 in a convenient and efficient manner, including exit lanes, merge lanes, overpasses and limited access as necessary so that by-pass traffic may access and use said road without being stopped; and

**WHEREAS** Wasatch County has recently enacted an ordinance establishing a Transportation Corridor Preservation Fee for the purpose of raising funds to preserve an appropriate alternate traffic corridor for such a Bypass Road; and

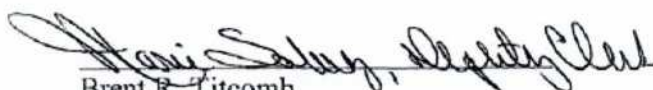
**WHEREAS** it is essential that Heber City and Wasatch County agree, as soon as possible, on an appropriate route for a Bypass Road corridor so that the corridor can be preserved.


**NOW, THEREFORE, BE IT RESOLVED** that the Wasatch County Council hereby expresses its support and endorsement for the adoption of the Bypass Road corridor described on the map that is attached hereto. *Non stop intersection @ north & south ends*

**APPROVED and PASSED** this 9<sup>th</sup> day of August, 2006.

**ATTEST:**

**WASATCH COUNTY COUNCIL**

  
Brent R. Titcomb  
Wasatch County Clerk / Auditor

  
Jay Price, Chair



**Resolution 2007-05**

**A RESOLUTION SUPPORTING THE ESTABLISHMENT OF A TRANSPORTATION CORRIDOR CONNECTING STATE ROAD 189 AND US HIGHWAY 40 IN A MANNER THAT WILL BYPASS THE BUSINESS DISTRICT OF HEBER CITY'S MAIN STREET.**

**WHEREAS** SR 189 and US 40 are the principal thoroughfares through Wasatch County and Heber City; and

**WHEREAS** the traffic on SR 189 and US 40 in Wasatch County has increased dramatically over recent years due to increased recreational opportunities in the County, improved roads leading to the County, and a variety of other reasons; and

**WHEREAS** the increased traffic through Heber City's Main Street, which occupies US 40 for a distance of approximately two miles, has resulted in congestion, inconvenience, and safety concerns for local citizens and visitors to the area; and

**WHEREAS** Wasatch County and Heber City both recognize the need for an alternate traffic corridor (hereafter "Bypass Road") through the County that can relieve the traffic on Heber City's Main Street; and

**WHEREAS** such Bypass Road, in order to be effective, must connect SR 189 and US 40 in a convenient and efficient manner, including exit lanes, merge lanes, overpasses and limited access as necessary so that by-pass traffic may access and use said road without being stopped; and

**WHEREAS** Wasatch County has recently enacted an ordinance establishing a Transportation Corridor Preservation Fee for the purpose of raising funds to preserve an appropriate alternate traffic corridor for such a Bypass Road; and

**WHEREAS** it is essential that Heber City and Wasatch County agree, as soon as possible, on an appropriate route for a Bypass Road corridor so that the corridor can be preserved.

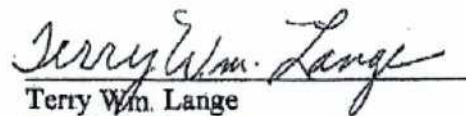
**NOW, THEREFORE, BE IT RESOLVED** that the Heber City Council hereby expresses its support and endorsement for the adoption of the Bypass Road corridor described on the map that is attached hereto.

**APPROVED and PASSED** this 21<sup>st</sup> day of June, 2007.

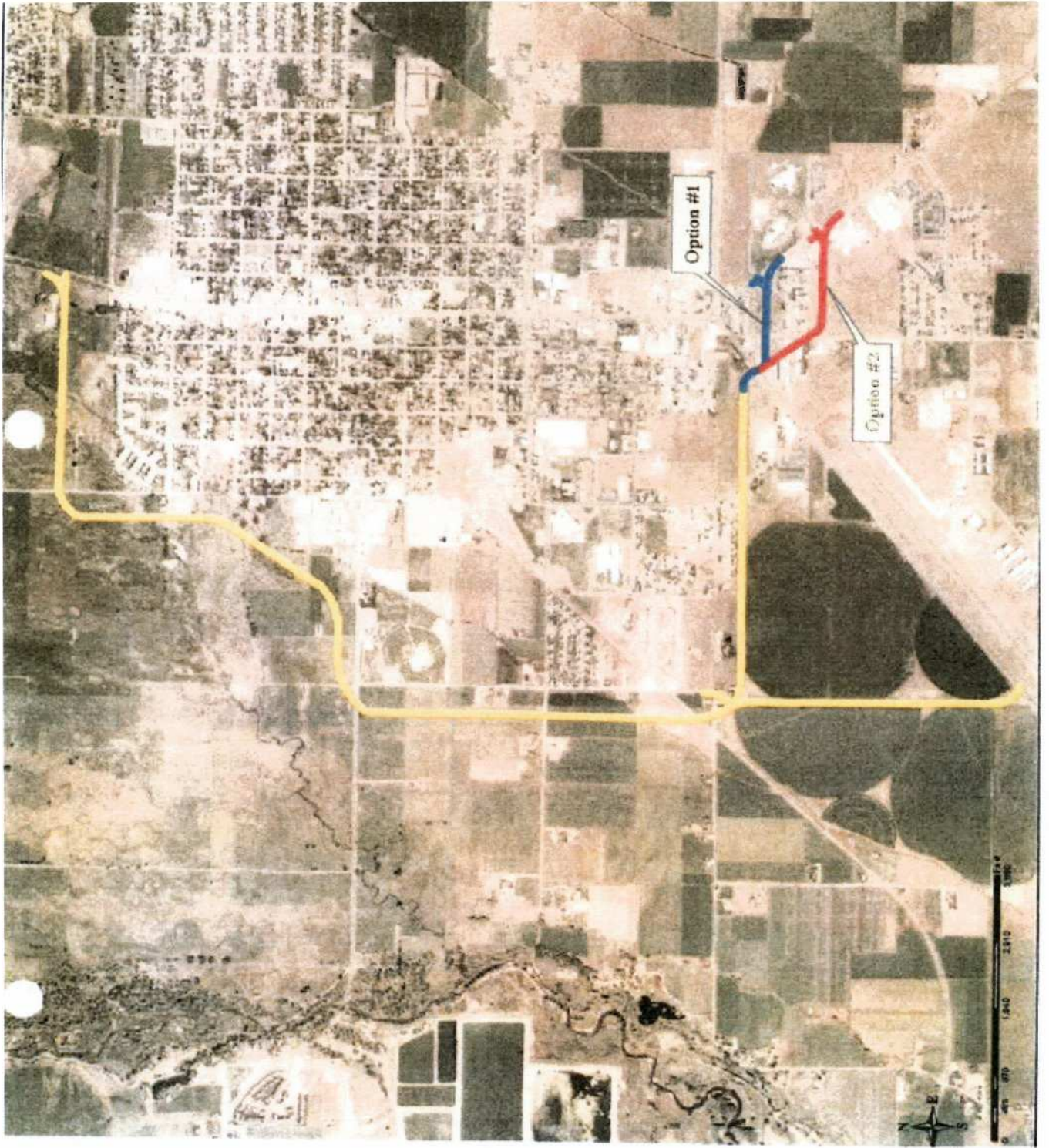
**ATTEST:**

**HEBER CITY COUNCIL**

  
Paulette Thurber  
City Recorder

  
Terry Wm. Lange  
Mayor Pro Tempore





## Comment Response Matrix

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Document Date				Organization	HDR
Commenter		Wasatch County Council			
Item	Page	Section	Comment	How Addressed	
Section I: Heber Valley Corridor EIS Draft Alternatives Development and Screening Report Feedback					
Clean Water Act:					
1.			Wasatch County feels that the North Fields, specifically the Provo River corridor, qualify as a special aquatic site under the Clean Water Act.	Title 40, Part 230, of the Code of Federal Regulations provides the Clean Water Act Section 404(b)(1) Guidelines' (Guidelines) requirements for considering alternatives as part of the evaluation process for Clean Water Act Section 404 permit applications. Special aquatic sites are identified in Subpart E of the Guidelines as designated sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs, and riffle and pool complexes.  The north fields in general do not meet the definition for special aquatic sites under the Clean Water Act. However, jurisdictional wetlands delineated in the project study area qualify as special aquatic sites. The Provo River would not be directly affected, but indirect effects such as potential changes to drainage patterns will be evaluated in the EIS.	
2.			Option WA1 would significantly impact the water flow of properties located on the south and east of the route and affect historic flows into the special aquatic site.	Level 2 screening criteria included impacts to wetlands and other potential waters of the United States (WOUS) at a high level (direct impacts to wetlands, creeks, canals, and ditches). A detailed analysis of impacts to WOUS will be included in the Draft EIS for all alternatives that pass the screening process.	
3.			Because option WB3 and WB4 discharge into this special aquatic site, both options should account for this adverse impact.	A detailed analysis of impacts to WOUS and water quality will be included in the Draft EIS for all alternatives that pass the screening process.  The Draft EIS will detail the existing conditions of and the expected impacts to riparian areas and aquatic resources such as wetlands from the five project action alternatives. UDOT, to the extent practical, is required to evaluate stormwater best management practices that minimize impacts to water quality from the discharges of additional stormwater runoff from the Heber Valley Corridor project alternatives.	
Department of Transportation Section 4(f):					
4.			Wasatch County feels that the North Fields qualifies as a historic site of significant value and as such WB3 and WB4 adversely impact this site.	A historic building inventory and archaeological inventory were conducted for the EIS. Several archaeological sites and historic agricultural structures in the north fields were identified and recommended as eligible for the	

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			The North Fields qualifies for this designation under the grounds that it represents broad patterns of Wasatch County’s agricultural heritage and rural character; properties included in the North Fields include those of locally significant historical persons; and the North Fields represents a collectively distinguishable entity valued by the public as being of locally significant historical value.	National Register of Historic Places (NRHP). Eligibility recommendations are considered draft until UDOT makes a determination of eligibility with concurrence from the State Historic Preservation Office. UDOT acknowledges these identified archaeological sites, historic buildings, and historic use in this agricultural area. We are currently evaluating the north fields area as a historic property and would appreciate Wasatch County’s input regarding locally significant historical persons to include in the evaluation. UDOT will consider any preservation overlay or formal historic designations that reflect the valued historic resources of this area. A detailed analysis of impacts to eligible historic properties and Section 4(f) resources will be included in the Draft EIS for all alternatives that pass the screening process.	
Section II: Wasatch County and Heber City General Plans Protections on the North Fields					
5.			Wasatch County feels that the value the community places on the North Fields and the impacts to that area were not adequately considered in the selection of options WB3 and WB4. Public statements and official documents on the importance of this area are as follows:	The project team is aware of the value placed on the north fields by Wasatch County, Heber City, Midway City, and the community, and in adopted planning documents. UDOT assures you that effects on the community associated with impacts from Alternatives WB3 and WB4 will be evaluated in detail in the Draft EIS, and community values will be considered in our selection of the preferred alternative.  UDOT is required to rigorously explore and objectively evaluate all reasonable alternatives that meet the project purpose. Each of the 23 alternative concepts was evaluated using the same criteria at all levels of screening. Based on this data-driven process, UDOT has determined that Alternatives WB3 and WB4 are reasonable. Eliminating them at this stage in the EIS development would be premature and could result in a process that is less legally defensible.  It is important to note that alternatives screening is different from the detailed environmental analysis that will be presented in the Draft EIS. The alternatives screening process was used to eliminate alternatives that do not meet the project purpose, or are not technically or economically feasible, or that would meet purpose but would result in impacts to resources protected by prescriptive laws that would make those alternatives unable to be permitted or unselectable. Section 404 of the Clean Water Act and Section	

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				4(f) of the Department of Transportation Act of 1966 are prescriptive laws that provide legal direction as to which alternatives can or cannot be permitted and selected.  Laws, regulations, and guidance covering other resources (for example, land use and open space, farmland, and visual resources) require UDOT to consider and disclose impacts to those resources and to make reasonable efforts to avoid, minimize, or mitigate adverse impacts. However, they are not prescriptive as to which alternative can be permitted or selected. That is why they are evaluated after the screening process. Eliminating alternatives based on these resources could jeopardize the legal sufficiency of the EIS.	
In the Heber City General Plan:					
6.			“Preserve the beautiful open lands that surround us” (pg. 5).  Heber [City] shows future land use in the North Fields (pg. 18) and shows the North Fields as part of the city. The zoning is AP (Agricultural Preservation).  “Heber [City] actively works with neighboring communities and the County on strategies to implement the permanent protection of farmlands, natural open spaces and rural character to maintain distinct separation between communities”. (GP, Ch. 6 pg. 49)  “Maintain open space between Heber and surrounding communities”. It is the second most important feature that defines “small town” for Heber residents (according to a recent survey completed as a part of the City’s visioning process). Residents want to preserve larger open spaces that provide a rural feel and promote a distinct identity for each community in the Heber Valley. (GP, Ch. 6, pg. 50)	The National Environmental Policy Act (NEPA) process requires that UDOT evaluate a reasonable range of alternatives and provide an opportunity for public input on those alternatives. UDOT received numerous comments from the public regarding the north fields. Many commenters view the north fields as a treasure and don’t want to see any changes. Other commenters are concerned with the development on the north side of Heber City and want to see a bypass that would extend beyond the planned development for a long-term transportation solution.  By evaluating bypass alternatives that extend to S.R. 32 as well as alternatives that make improvements on the existing U.S. 40 corridor, UDOT can understand and compare the benefits, impacts, and tradeoffs. UDOT will also compare these alternatives against doing nothing—that is, a no-action scenario in the Draft EIS.  Only by evaluating the full range of alternatives can UDOT make an informed decision that will result in the best solution overall. Ignoring potential alternatives or dismissing them prematurely because of political or local pressure would not result in a full examination of impacts and tradeoffs and would leave the process open to legal risk.  Regarding one of the aspects of the plan you mention below, the project team has proposed bypass routes in the area between Heber City and Midway to be as close to Heber City as reasonable, taking into account	

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			<p>Promote a Countywide effort to retain the open spaces between communities through such techniques as clustering and agricultural 20-acre lot zoning. (GP Ch. 6, Pg. 51)</p> <p>Consider bonding as an important open space preservation strategy. (GP. Pg. 76)</p> <p>Partner with non-profits, such as Utah Open Lands to preserve open space. (GP. Pg. 76)</p> <p>Envision Heber City 2050 “Big Ideas”. The number 1 big idea was; “preservation of Open space/rural preservation”. (GP. Pg.187)</p> <p>Envision Heber City 2050 “Big Ideas”. Number 6 big idea was: Small town character by separating towns with open space. (GP. Pg. 199)</p> <p>Preferred approach to conserving the North Fields? Almost half want to permanently protect the North Fields by purchasing land or development rights, and there’s a lot of support for maintaining 20-acre zoning. (GP. Pg. 13)</p> <p>Heber [City] currently enjoys highly visible open spaces. The North Fields provide a strong rural feel when coupled with the mountainside on the east side of US 40. (GP. Pg.</p>	<p>proposed high school development, wetlands, right-of-way, historic properties, proposed conservation easements, and design criteria. The right-of-way reserved by the City west of Southfield Road is not wide enough to accommodate projected traffic needs.</p> <p>Regarding the other goals, policies, and activities you mention, UDOT appreciates the County’s guidance related to these important aspects of the comprehensive plan related to the north fields and will be sure to consider your guidance in the detailed analysis of impacts in the Draft EIS. We will continue to coordinate with you to make sure we accurately reflect your planning and land management expertise in the impact analysis.</p>	
<i>In the Wasatch County General Plan:</i>					
7.			<p>A major impact to the green belt area between Heber City and Midway will be the construction of the Heber City truck route which would allow trucks to bypass Heber City’s Main Street. Care must be taken to see that this road is constructed as close to Heber City as possible. (GP. Ch. 4. Pg. 167)</p>	<p>See response to #6 above.</p>	

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			<p>9.1.1 POLICY: Establish the alignment of the Heber City bypass route and oppose proposals that encourage incompatible development within the corridor. (Ch. 3, Pg. 6). The alignment was adopted and made part of the GP.</p> <p>GOAL: Protect the rural agricultural economy of the County by establishing agricultural operations as a priority use of the land, protect existing and future agricultural operations, and encourage farmers and ranchers to stay on the land.</p> <p>Both Heber City and Wasatch County have passed resolutions of support (2007-05 and 06-04 respectively) for the bypass and the bypass alignment shown on Maps 32 and 20A.</p> <p>1.1.1 POLICY: Preserve a greenbelt between Heber City and Midway to maintain the agricultural heritage of the area.</p> <p>The County should adopt a general sales tax and/or bonding as a way to fund the purchase of development rights or the fee title to land that has been identified as having a public benefit as open space. (Ch. 6 GP)</p> <p>The Central Planning Area (North Fields) is highly prized by many local residents of Heber Valley as open space. This area's scenic value contributes significantly to the real value of all land within the Heber Valley area. Therefore, the following strategies should assist the [C]ounty in preserving some of this area as open space at the same time providing property owners with a reasonable value for the removal of development rights from their property. (GP. Ch. 4, Pg. 167)</p>		

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			<p>Land within the Central Planning Area has been identified as having a public benefit as open space. In this area while development may occur at the underlying zone of one unit per 20 acres if a suitable area can be identified, an increase in transferable density credit for [this] area should be allowed. (GP. Ch. 4, Pg. 167)</p> <p>The County should adopt a general sales tax and/or bonding as an additional ways to fund the purchase of development rights and/or fee title to land identified as having a public benefit as open space. (GP. Ch. 4, Pg. 167)</p>		