Chapter 4: Section 4(f) Evaluation

4.1 Introduction

This chapter serves as the Draft Section 4(f) Evaluation for the Heber Valley Corridor Project in Wasatch County, Utah. It has been prepared to address the requirements of Section 4(f) of the Department of Transportation Act of 1966. Section 4(f) applies to significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges and to significant publicly or privately owned historic properties.

This chapter identifies Section 4(f) resources in the Section 4(f) evaluation area, determines the expected use of those resources, evaluates potential avoidance alternatives and measures to minimize harm where necessary, and describes the coordination efforts made to address Section 4(f) issues and concerns.

Section 4(f) Evaluation Area. The Section 4(f) evaluation area is the area within the right-of-way for the action alternatives plus the parcels that directly border the action alternatives' rights-of-way as generally illustrated in Figure 4.1-1.

What is Section 4(f)?

Section 4(f) of the Department of Transportation Act of 1966 requires a project to avoid the use of (impact to) historic properties and public park and recreation areas that are eligible for listing in the National Register of Historic Places unless there is no feasible and prudent alternative to such use or unless the lead agency determines that the impacts would be *de minimis* (negligible).

If the project cannot avoid use of protected properties, all possible planning must be undertaken to minimize harm to these properties.

4.2 Regulatory Setting

Section 4(f) was enacted in 1966 as part of the Department of Transportation Act, which established the U.S. Department of Transportation. It is now codified in Title 49 *United States Code* (USC) Section 303(c) and appears in 23 USC Section 138. Title 23 *Code of Federal Regulations* (CFR) Part 774 contains the Section 4(f) implementing regulations for the Federal Highway Administration (FHWA), Federal Transit Administration, and Federal Railroad Administration. FHWA has also developed guidance in the form of the *Section 4(f) Policy Paper* (FHWA 2012).

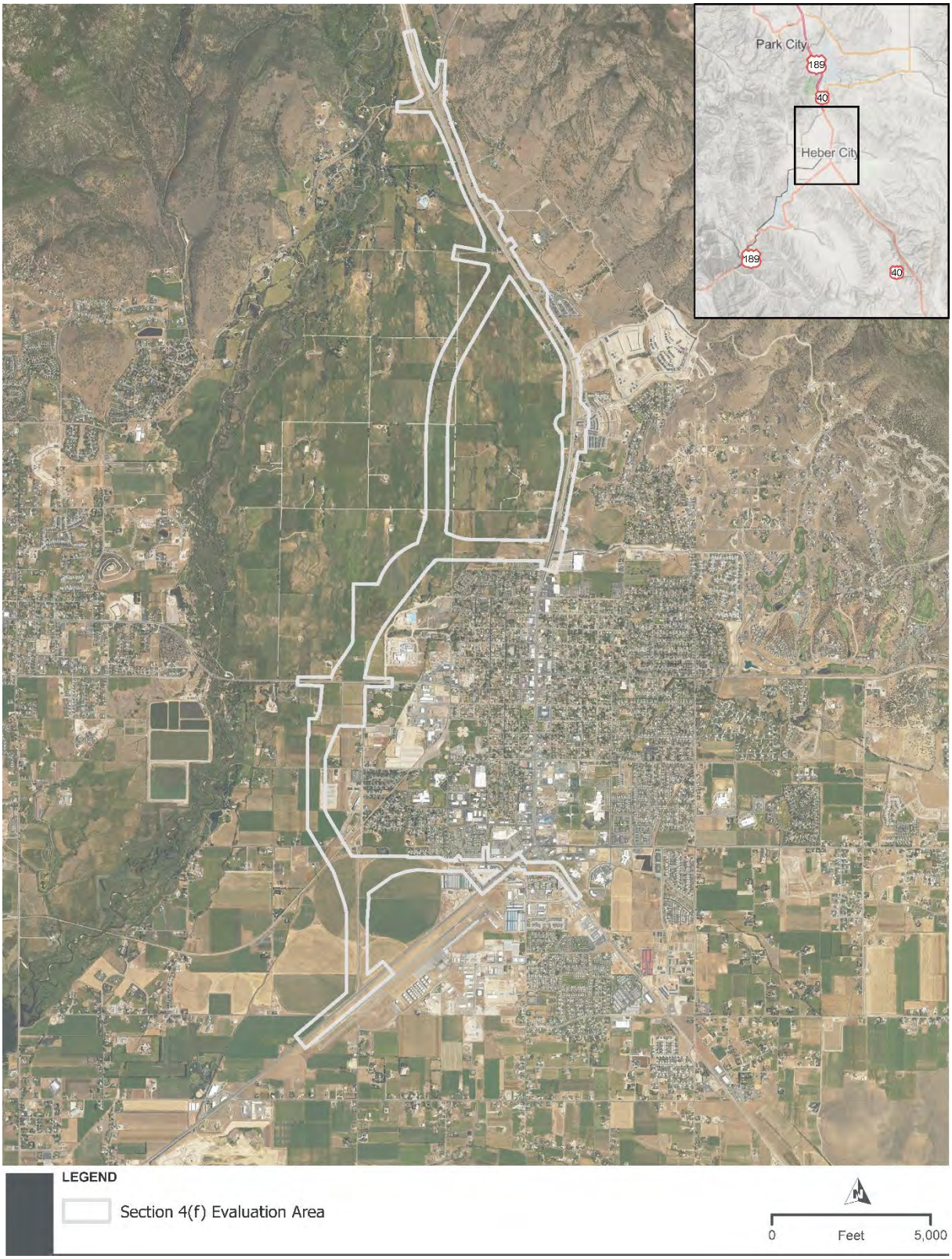
In accordance with 23 CFR Section 774.3, FHWA may not approve the use, as defined in 23 CFR Section 774.17, of Section 4(f) property unless:

a) [FHWA] determines that:
   1) There is no feasible and prudent avoidance alternative, as defined in 23 CFR Section 774.17, to the use of land from the property; **and**
   2) The action includes all possible planning, as defined in 23 Section CFR 774.17, to minimize harm to the property resulting from such use;

   OR…

b) [FHWA] determines that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant, will have a *de minimis* impact, as defined in 23 CFR Section 774.17, on the property.

Figure 4.1-1. Section 4(f) Evaluation Area



NEPA Assignment. Pursuant to 23 USC Section 327, the Utah Department of Transportation (UDOT) has assumed FHWA's responsibilities under the National Environmental Policy Act (NEPA) and all or part of the responsibilities of the Secretary of the U.S. Department of Transportation for environmental review, consultation, or other actions required or arising under federal environmental laws, including Section 4(f), with respect to the review or approval of highway projects in the state. Therefore, where the law and regulations refer to FHWA or the Secretary of Transportation, UDOT has assumed those responsibilities. Under Section 4(f), there is an exception to UDOT's assumption of FHWA's responsibilities if a constructive use determination is made for a Section 4(f) property [proximity impact that substantially impairs the Section 4(f) activities, features and attributes]. Constructive use determinations are very rare because "substantial impairment" is a very high bar. FHWA's headquarters office would be involved if a constructive use determination appears applicable.

4.3 Proposed Action

UDOT is proposing improvements to enhance existing and future mobility in the Heber Valley in Wasatch County, Utah, through 2050. The Heber Valley Corridor Project considers improvements to and/or an alternative route to the west of existing U.S. Highway 40 (US-40) between River Road/State Route (SR) 32 north of Heber City and U.S. Highway 189 (US-189) south of Heber City.

4.3.1 Need for the Project

Needs are the problems to be solved by a project. UDOT determined the need for the Heber Valley Corridor Project by reviewing previous planning studies and general plans, through public and agency input, and by quantifying the change in anticipated travel demand that was existing at the start of scoping for the existing (2019) and future (2050) conditions. Chapter 1, *Purpose and Need*, of the environmental impact statement (EIS) provides additional details regarding the need for the project.

In the Heber Valley, US-40 presents challenges for regional and local mobility today and in the future, particularly during peak traffic periods. The growth and mix of regional and local traffic on Heber City's Main Street have outgrown the design and capacity of the transportation system. When traffic levels were low, one facility could accommodate the transportation needs of both regional and local travel. As Heber City and the surrounding region have grown, US-40/Main Street (US-40 turns into Main Street through Heber City's downtown) no longer functions well for either regional or local transportation, as demonstrated by increasing congestion levels and long travel times. With the Heber Valley Corridor Project, UDOT intends to improve conditions related to the following transportation needs through the project's design year (2050):

What is the National Highway System?

The National Highway System consists of roads important to the nation's economy, defense, and mobility. It includes the interstate highway system as well as other important roads such as US-40 and US-189. In the project area, US-40/Main Street is part of the National Highway System.

- The **regional mobility** and functionality of the National Highway System are hampered through downtown Heber City by increasing traffic, numerous traffic signals, and friction with side streets and driveways, resulting in congestion and long travel times. These conditions will get worse as population and the resulting traffic grow. Future regional mobility on US-40 north of Heber City is threatened by extensive ongoing and planned development.

- **Local mobility** is hampered by regional traffic on downtown streets. Heavy traffic and long lines of vehicles create congestion and make local trips along and across Main Street inefficient. Public comments indicate a high level of frustration in the community with increasing congestion and the need for improvements.
- Heber City has a **planned vision**, and part of that vision includes redeveloping their historic downtown to be a more walkable and bicycle-friendly destination. The downtown setting is adversely affected by regional traffic, which includes many oil tankers and other trucks, and congestion. The capacity needs of the National Highway System limit Heber City's ability to redevelop the streetscape to include wider sidewalks and bike facilities as envisioned in Heber City's general plan. There is not enough space to provide wider sidewalks or bike facilities without either impacting historic structures that are important to Heber City's historic center or removing or narrowing travel lanes, which are needed for mobility. Heber City's vision for the historic town center is taken from the *Heber City Envision 2050 General Plan* (Heber City 2023). For more information, see Section 1.1.3.3, *Local Planning*, in Chapter 1, *Purpose and Need*, of the EIS.

What is mobility?

In general terms, mobility is the ability to move freely and easily. In terms of this project, local mobility is ability to move freely and easily when making local trips using US-40, and regional mobility is the ability to move freely and easily when making regional trips on US-40 (including driving through Heber City).

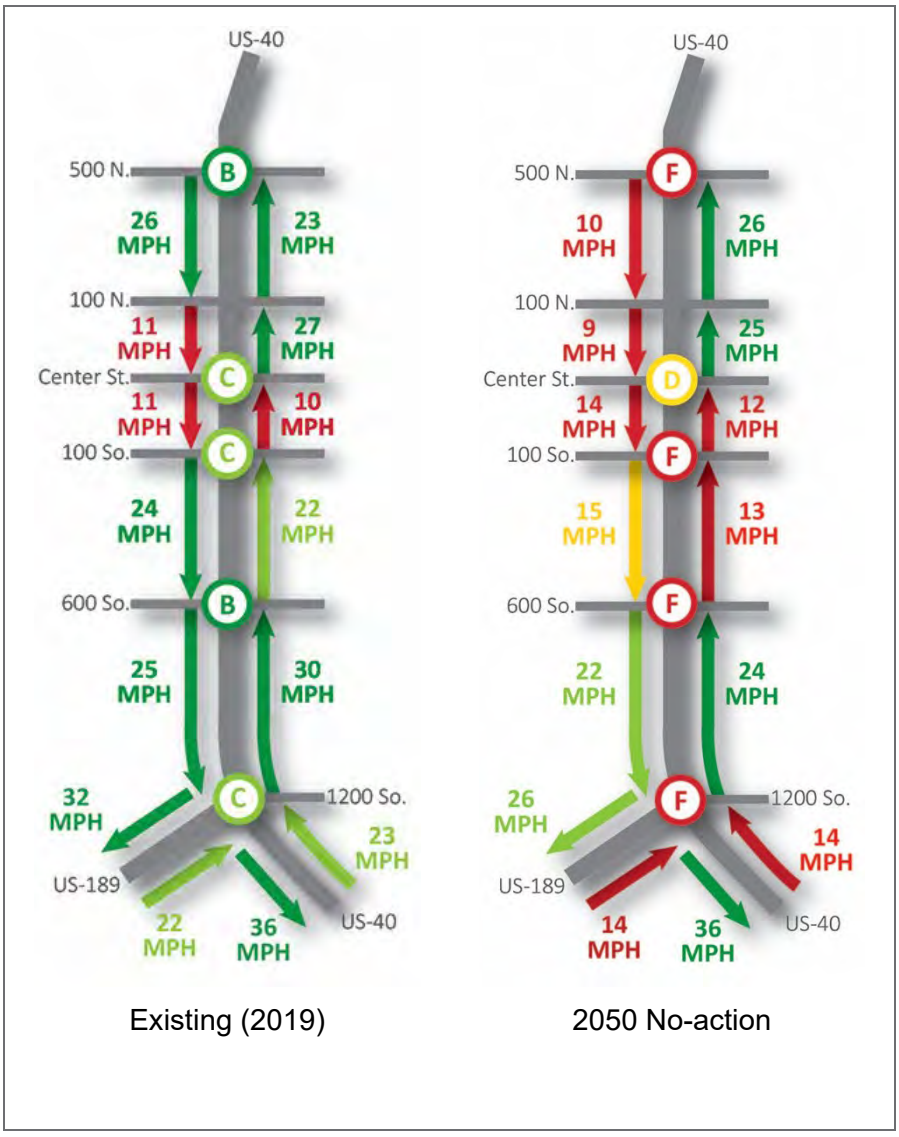
As the primary principal arterial in the Heber Valley, US-40 presents challenges for mobility today due to existing traffic congestion issues and in the future because both population and traffic are expected to increase, thereby exacerbating the existing congestion issues. The deficiencies that have been identified in the needs assessment evaluation area are summarized as follows. For more detailed information, see Chapter 1, *Purpose and Need*, and Appendix 2C, *Action Alternatives Traffic Memo*, of the EIS.

1. The character and function of US-40 changes from a 65-miles-per-hour (mph) limited-access freeway north of Heber City to a 35-mph Main Street in Heber City with signalized intersections. Throughput on US-40 is traded for increased access within Heber City's historic core, resulting in congestion and delay as well as compromised pedestrian comfort and safety.
2. Traffic volumes on US-40 are forecasted to increase by 89.4% north of downtown Heber City and by 44.8% in downtown Heber City by 2050.
3. As shown in Figure 4.3-1, US-40 is currently operating at failing conditions (level of service F) from 100 North to 100 South during the PM (afternoon) peak hour, and these conditions will continue to get worse by 2050.

What is level of service?

Level of service refers to how well a section of road or an intersection functions from A through F. The letter designations are like grades on a report card; A is the most desirable and F is failing. A level of service of D or better is considered acceptable.

Figure 4.3-1. Intersection and Arterial Level of Service on Main Street during the Weekday PM Peak Hour (Existing and 2050 No-action)

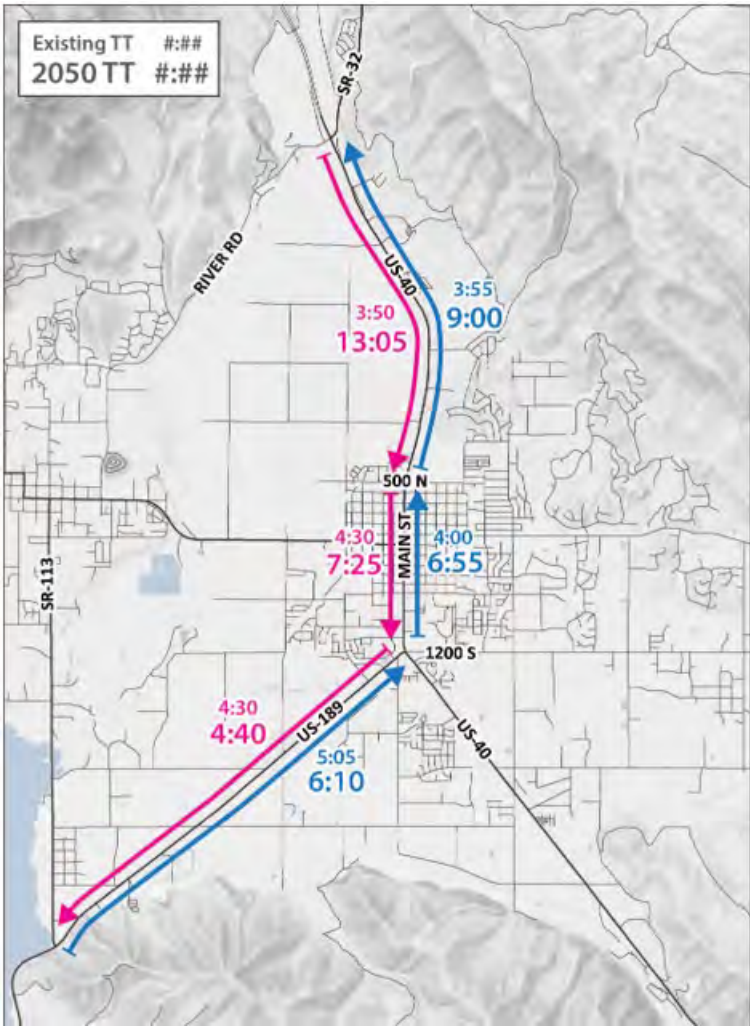


4. All signalized intersections on US-40 between River Road/SR-32 and US-189 are currently operating at acceptable conditions, but seven intersections are expected to operate at failing or near-failing conditions during the PM peak hour by 2050 if no improvements are made.
5. As shown in Figure 4.3-2, the average southbound travel time during the PM peak hour on US-40 between River Road/SR-32 and 500 North is anticipated to increase from 3 minutes 50 seconds to over 13 minutes over this 3.2-mile segment by 2050. The total PM peak-hour travel time from River Road/SR-32 to US-189 is expected to more than double from 8 minutes 20 seconds to 20 minutes 30 seconds by 2050.

What is the PM peak hour?

The PM peak hour is the 1-hour period of the afternoon (PM) during which there is the greatest number of vehicles on the road system. For the Heber Valley Corridor Project, the PM peak hour is from 5 to 6 PM.

Figure 4.3-2. Travel Time between SR-32 and SR-113 (Existing and 2050 No-action)

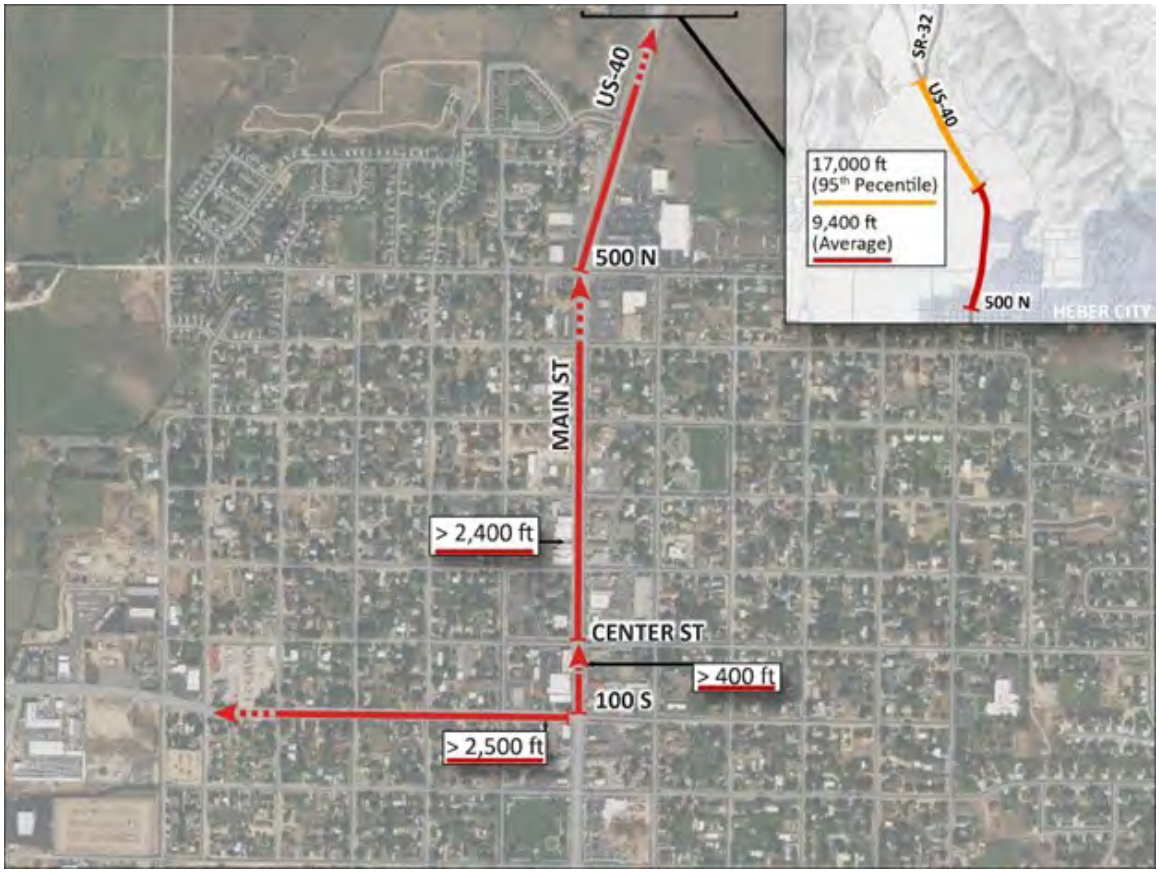


6. As shown in Figure 4.3-3, vehicle queue lengths (length of the line of vehicles backed up waiting to get through an intersection) in downtown Heber City during the PM peak hour will increase. For example, for drivers approaching the 500 North intersection in the southbound direction, the average vehicle queue length would extend 9,400 feet (1.8 miles back to about Wasatch Commons), and the 95th-percentile queue would extend about 17,000 feet (3.2 miles back to the intersection with River Road/SR-32) during the weekday PM peak hour. In this situation, stopped vehicles would back up on US-40 in an area where the posted speed limit is 55 mph, resulting in safety concerns.

What is the 95th-percentile queue?

The queue length is the length of a line of vehicles backed up waiting to get through an intersection. The 95th percentile represents the typical longest vehicle queue during the PM peak hour. There is a 5% probability that this vehicle queue length would be exceeded during the PM peak hour.

Figure 4.3-3. Vehicle Queue Lengths at Key Intersections in the Needs Assessment Evaluation Area during the Existing Weekday PM Peak Hour



7. There is limited designated infrastructure and lack of connectivity with existing infrastructure for nonmotorized transportation in the Heber Valley. This lack of accommodations creates a low-comfort experience for all but the most confident pedestrians and bicyclists (see Section 3.8, *Pedestrian and Bicyclist Issues*, of the EIS).

In addition, *Heber City Envision 2050 General Plan* identifies the following deficiencies:

> The community has relied on US-40 to handle major traffic flows to destinations beyond and within City boundaries. Over the years, traffic on US-40 has grown significantly with rapidly expanding development in Wasatch and Summit Counties. In addition, the oil industry in the Vernal and Duchesne areas to the southeast has brought oil tankers to Main Street, exacerbating congestion and increasing noise levels. (page 72)

In summary, the existing and growing congestion, characterized by unacceptable levels of service, hinders both regional and local mobility, adversely affects nonmotorized travel downtown (by creating an environment in which bicyclists and pedestrians do not feel comfortable or safe), and creates a downtown with streets clogged by vehicles (including large trucks and diesel vehicles), all of which conflict with the vision of a walkable, bikeable historic Main Street setting.

4.3.2 Purpose of the Project

The purpose of the Heber Valley Corridor Project is to improve regional and local mobility on US-40 from River Road/SR-32 to US-189 and provide opportunities for nonmotorized transportation while allowing Heber City to meet their vision for the historic town center.

4.3.3 Alternatives Evaluated in the EIS

Chapter 2, *Alternatives*, of the EIS provides additional details regarding the alternatives analysis for the Heber Valley Corridor Project. The alternatives carried forward for detailed study in the EIS are the No-action Alternative and two action alternatives: Alternative A and Alternative B.

4.3.3.1 No-action Alternative

The No-action Alternative serves as a baseline so that decision-makers can compare the environmental effects of the action alternatives. For the No-action Alternative, UDOT assumed that all funded roadway projects in the *Utah Long-range Transportation Plan 2023–2050* (UDOT 2023) would be in place except for the west bypass improvements that are being evaluated in the EIS. In addition, to accommodate planned development, four new traffic signals would be added on US-40 in the future in accordance with the corridor agreement executed by UDOT, Wasatch County, and Heber City. These signals would be added at University Avenue, Commons Boulevard, Coyote Canyon Parkway, and 900 North (UDOT, Wasatch County, and Heber City 2018, 2023a, 2023b).

If no action is taken, UDOT would continue to make safety and minor maintenance improvements on US-40 such as rehabilitating pavement, maintaining drainage facilities, approving accesses to US-40 as applicable to the corridor agreement, installing traffic signals, and making minor operational improvements such as signal timing.

Overall, with the No-action Alternative, the basic layout of US-40 would remain the same, and the operation and function of the highway would deteriorate as planned developments are constructed and traffic volumes increase. Congestion would cause travel times to more than double, roads and intersections would operate at unacceptable levels of service, and long queues of vehicles would back up at traffic signals even with the new traffic signals and other planned projects in place.

4.3.3.2 Action Alternatives

Two free-flow western corridor concepts made it through the alternatives screening and refining process to become the two action alternatives that are studied in detail in the Draft EIS: Alternative A and Alternative B. Both action alternatives would provide a freeway-type facility with a combination of bridges, directional ramps, and grade-separated interchanges so that drivers would not be required to stop once they are on the Heber Valley Corridor. The action alternatives are the same throughout their alignments except between Potter Lane/College Way and 900 North. In this area, the action alternatives differ as follows:

- **Alternative A (on US-40 alignment)** is located on the North US-40 segment of the Heber Valley Corridor.
- **Alternative B (off US-40 alignment)** is located on a new road (the North Fields Extension segment of the Heber Valley Corridor).

The two action alternatives are described below in terms of the five segments shown in Figure 4.3-4. An overview of Alternative A is shown in Figure 4.3-5, and an overview of Alternative B is shown in Figure 4.3-6. The term “Heber Valley Corridor” refers to the entire alternative (either Alternative A or Alternative B). Access to the Heber Valley Corridor would be permitted only at interchanges or directional ramps.

Figure 4.3-4. Naming Conventions for Segments of the Action Alternatives

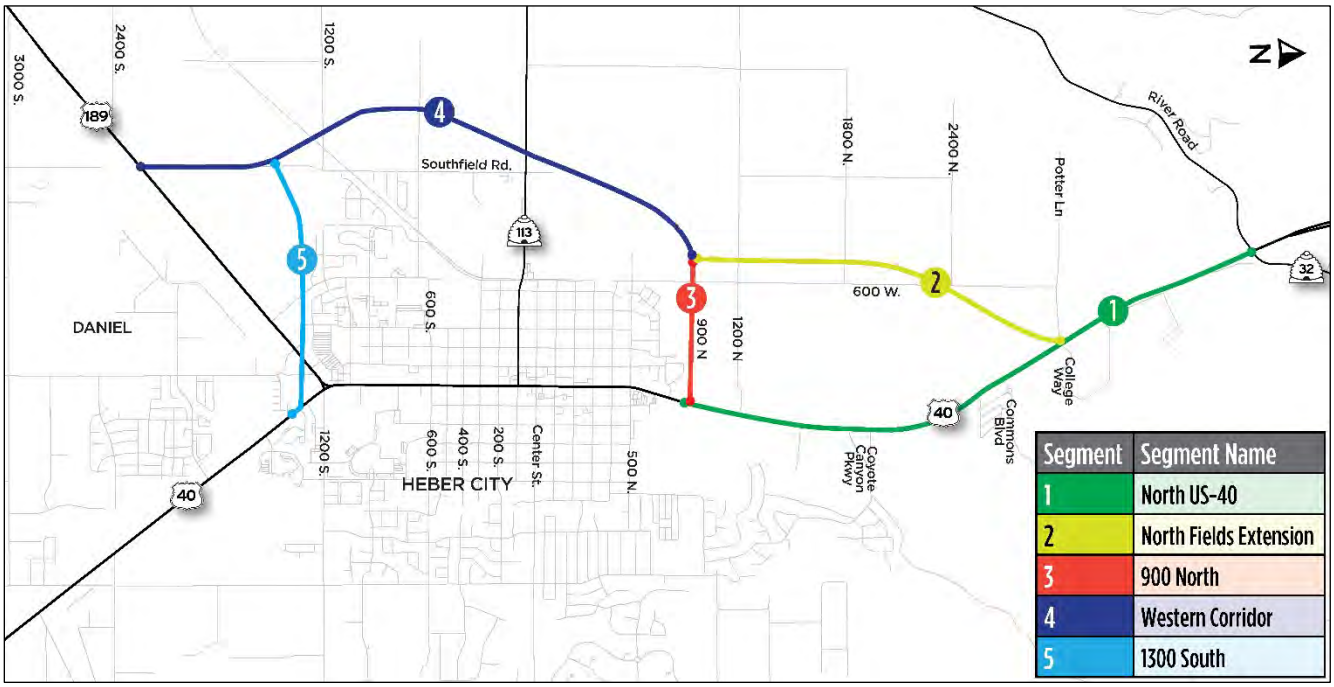


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Figure 4.3-5. Alternative A Overview

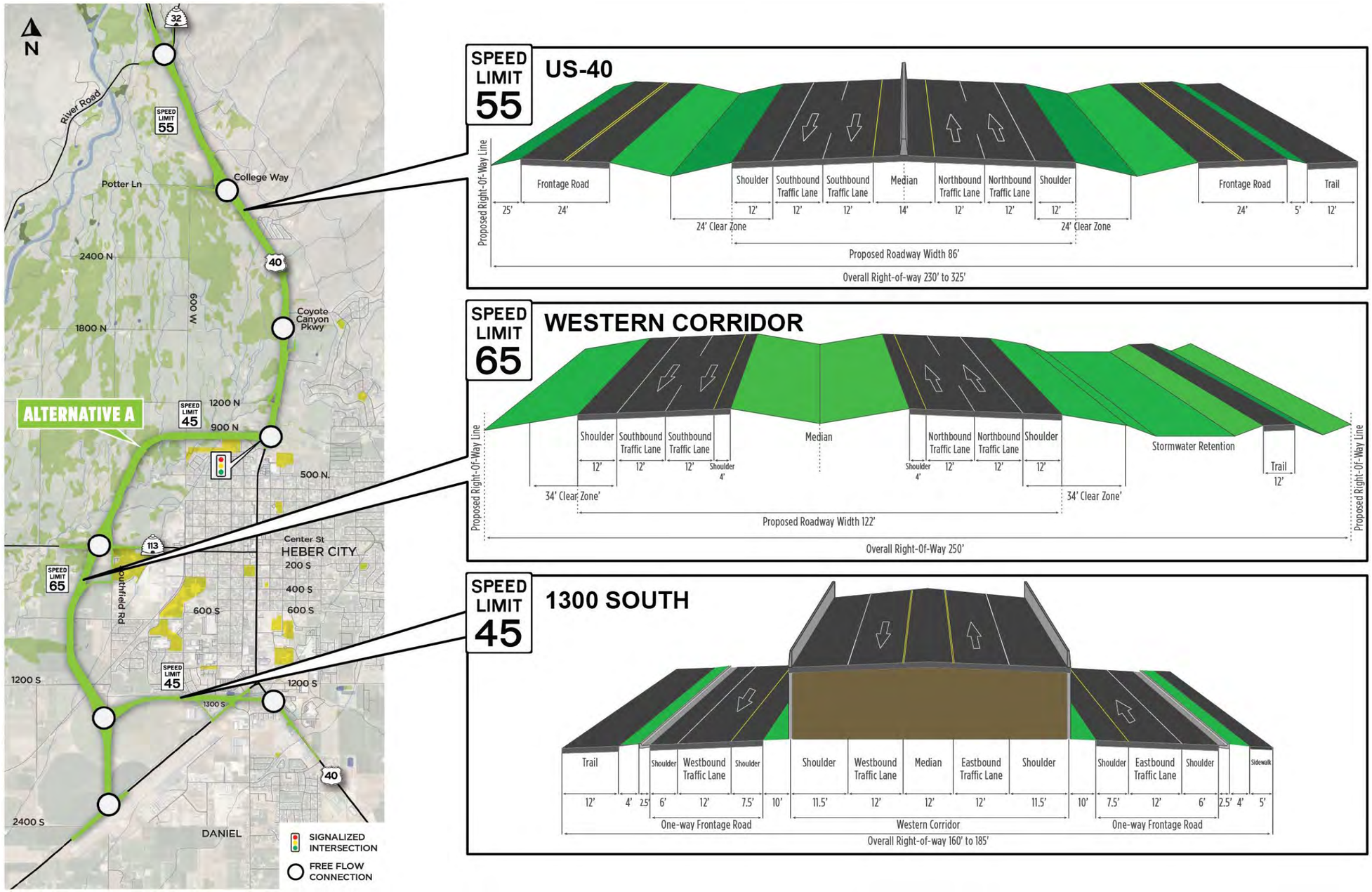
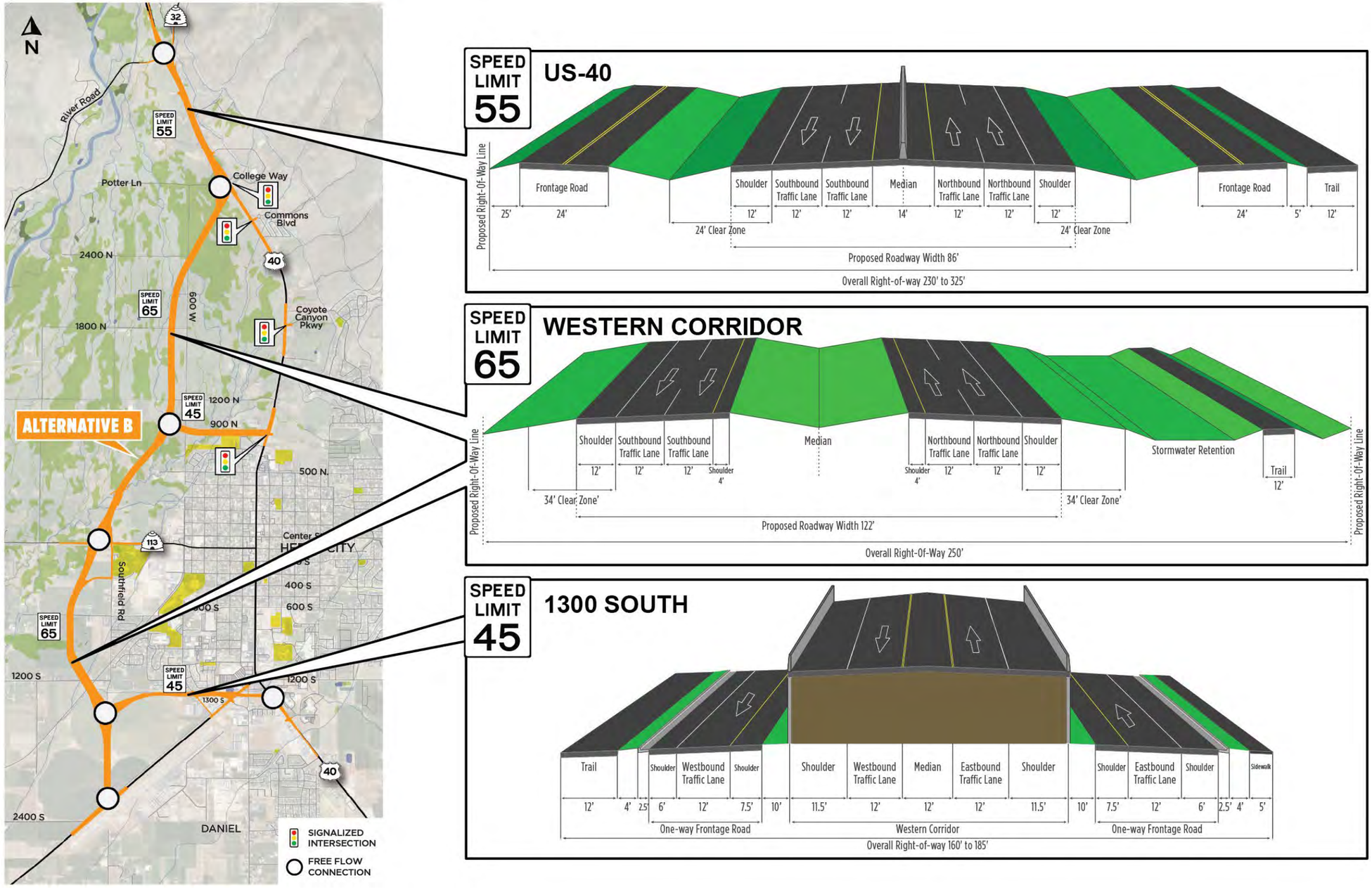


Figure 4.3-6. Alternative B Overview



4.3.3.2.1 Differences between Action Alternatives

Alternatives A and B are the same throughout their alignments except in the northern half of the project area between Potter Lane/College Way and 900 North.

North US-40 (Segment 1)

Both action alternatives would include a 55-mph free-flow facility on US-40 with two lanes in each direction, a center median, and a new interchange at River Road/SR-32. There would be a discontinuous frontage road system to consolidate local access for the length of the free-flow facility (to direct traffic from cross streets and driveways to interchanges). The corridor width for the free-flow segment would range between 230 feet wide in areas with a frontage road on only one side of US-40 to 325 feet wide in areas with frontage roads on both sides of US-40. Where there are interchanges or directional ramps, the corridor would be wider to accommodate the ramps.. Both action alternatives would be the same on the north end of the study area but would differ between Potter Lane/College Way and 900 North as follows:

- **Alternative A:** 55-mph free-flow facility between River Road/SR-32 and 900 North with interchanges at Potter Lane/College Way, Coyote Canyon Parkway, and directional ramps at 900 North. There would be no signalized intersection at University Avenue or Commons Boulevard, but there would be a traffic signal at 900 North (in addition to the directional ramps) to provide a connection to the south and east legs of the 900 North intersection. There would be discontinuous frontage roads between River Road/SR-32 and 900 North to consolidate access to the interchanges.
- **Alternative B:** 55-mph free-flow facility between River Road/SR-32 and Potter Lane/College Way and 45-mph arterial facility between Potter Lane/College way and 900 North. There would be signalized intersections at Potter Lane/College Way, Commons Boulevard, Coyote Canyon Parkway, and 900 North. Discontinuous frontage roads would consolidate access between River Road/SR-32 and Potter Lane/College Way. Cross streets and driveways could directly access US-40 south of Potter Lane/College Way as long as minimum spacing requirements are met. The only improvements to north US-40 between Potter Lane/College Way and 900 North would be turn lanes at the signalized intersections.

North Fields Extension (Segment 2)

Alternative A would not include the North Fields Extension segment.

Alternative B would construct a new road through the north fields between Potter Lane/College Way and 900 North with a 65-mph speed limit. This segment would include two travel lanes in each direction, a 50-foot-wide center median, and a multi-use trail. The total corridor width would be 250 feet wide to accommodate the roadway, cut-and-fill slopes, drainage, and stormwater management facilities. There would be no intersections between Potter Lane/College Way and 900 North—the new road would cross over Potter Lane, 600 West, 1800 North, and 1200 North.

900 North (Segment 3)

Both action alternatives would include a new road running east-west to connect the Western Corridor segment to US-40 at 900 North. This segment would include two travel lanes in each direction, a 50-foot-wide center median, and a multi-use trail on the south side of the road. The total width of the corridor would

be 250 feet to accommodate the roadway, trail, cut-and-fill slopes, drainage, and stormwater management facilities. There would be no intersections in this segment; the new road would go over 600 West.

In the 900 North segment, both action alternatives would follow the same alignment with the same cross section, but the connections at either end of 900 North would be different.

- **Alternative A:** On the west end, the alternative would turn south to become the Western Corridor segment; on the east end it would continue to the North US-40 segment via directional ramps and would connect to US-40 at a signalized intersection for local traffic.
- **Alternative B:** On the west end, the alternative would connect to the Western Corridor segment with ramps; on the east end it would connect to US-40 at a signalized intersection.

4.3.3.2.2 Common Elements for Both Action Alternatives

Alternatives A and B are the same on the southern half of their extents.

Western Corridor (Segment 4)

Both action alternatives would include a new 65-mph free-flow facility west of downtown Heber City between 900 North and US-189. This segment would include two travel lanes in each direction with a 50-foot-wide center median. The total width of the corridor would be 250 feet to accommodate the roadway, cut-and-fill slopes, drainage, and stormwater management facilities. There would be interchanges at SR-113 and 1300 South in the sewer fields and directional ramps to connect to US-189. The new road would pass over 650 South, 1200 South, and the Heber Valley Railroad corridor.

1300 South (Segment 5)

Both action alternatives would include a 45-mph facility connecting the Western Corridor segment to US-40 south of downtown Heber City. Both alternatives would include two elevated 12-foot-wide travel lanes in the center, one in each direction, for through traffic. Directional ramps would connect to south US-40. There would also be a one-way frontage road system, on the existing ground level and parallel to the elevated section, that would facilitate local traffic movements to and from the commercial area in southern Heber City and the Heber Valley Corridor.

The elevated through lanes would cross over 300 West, US-189, and Daniels Road. The one-way frontage road system would provide connections to Industrial Parkway (right-in, right-out), 300 West, and US-189.

Multi-use Trail

Both action alternatives would include a 12-foot-wide paved trail that would parallel the Heber Valley Corridor for its entire length. The trail would be separated from adjacent roads and would provide direct connections to Muirfield Park, the Midway Lane Connector Trail, Southfield Park, the planned Heber Valley Railroad Trail, and local roads that the trail crosses. For more information, see Section 2.4.3.1.1, *Multi-use Trail*, of the EIS.

4.4 Identification of Section 4(f) Resources

This section discusses the Section 4(f) resources that could be affected by the project alternatives. Additional details are provided in the "Section 4(f) and Section 6(f) Resources Memo" (HDR 2025).

Section 4(f) applies to significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and to significant publicly or privately owned historic properties. Park, recreation areas, and refuges on privately owned land are not considered Section 4(f) properties, even if they are open to the public. Planned parks, recreation areas, and refuges can be considered Section 4(f) properties if they are planned on public property and are formally designated as park, recreation, or refuge areas on a comprehensive plan, management plan, or other formal planning document. Section 4(f) applies to trails on public property when constructed for recreation purposes, but not to trails constructed primarily for transportation purposes.

Historic properties are considered significant if they are determined eligible for listing in, or are listed in, the National Register of Historic Places (NRHP). There is an exception for archaeological sites if they are important chiefly for what can be learned by data recovery (eligible under NRHP evaluation Criterion D) and have minimal value for preservation in place.

As stated in Section 2.4.4.7.1, *Wasatch County Resolution 2022*, of the EIS and in the "Section 4(f) and Section 6(f) Resources Memo" (HDR 2025), in response to a Wasatch County comment, UDOT considered the 11 criteria for rural historic landscapes in relation to the north fields area; no compelling reasons to recommend delineation of a rural historic landscape were identified (Certus 2023a).

4.4.1 Archaeological Sites

An archaeological inventory conducted for the Heber Valley Corridor Project identified five NRHP-eligible archaeological sites in the Section 4(f) evaluation area. These sites are listed in Table 4.4-1, and their locations are shown in Figure 4.4-1 and Figure 4.4-2.

Table 4.4-1. Archaeological Sites Listed in or Eligible for the National Register

Site Number	Site Name	Site Type	NRHP Evaluation
42WA112	D&RGW Provo Branch/Heber Creeper	Railroad	Eligible Criterion A
42WA217	Wasatch Canal System	Canal	Eligible Criteria A, C
42WA238	Sagebrush and Spring Creek Canal	Canal	Eligible Criteria A, C
42WA294	Lower Canal	Canal	Eligible Criteria A, C
42WA541	Rock Creek/Rock Ditch Irrigation System	Canal	Eligible Criterion A

Definitions: D&RGW = Denver & Rio Grande Western Railroad

More details are provided in *A Reconnaissance-level Archaeological Resource Assessment for the Heber Valley Corridor EIS, Wasatch County, Utah* (Certus 2023b); *Supplemental Reconnaissance-level Archaeological Resource Assessment for the Heber Valley Corridor EIS, Wasatch County, Utah* (Certus 2023c); "Heber Valley Parkway (PIN 17523): Archaeological Resources in Expanded Area of Potential Effects" (Certus 2025a); and Section 3.12, *Cultural (Archaeological and Architectural) Resources*, of the EIS.

The Utah State Historic Preservation Office (SHPO) has concurred with the eligibility determinations in Table 4.4-1 above via a letter dated June 4, 2025. This letter is included in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS.

Figure 4.4-1. Section 4(f) Properties in the Section 4(f) Evaluation Area (1 of 2)

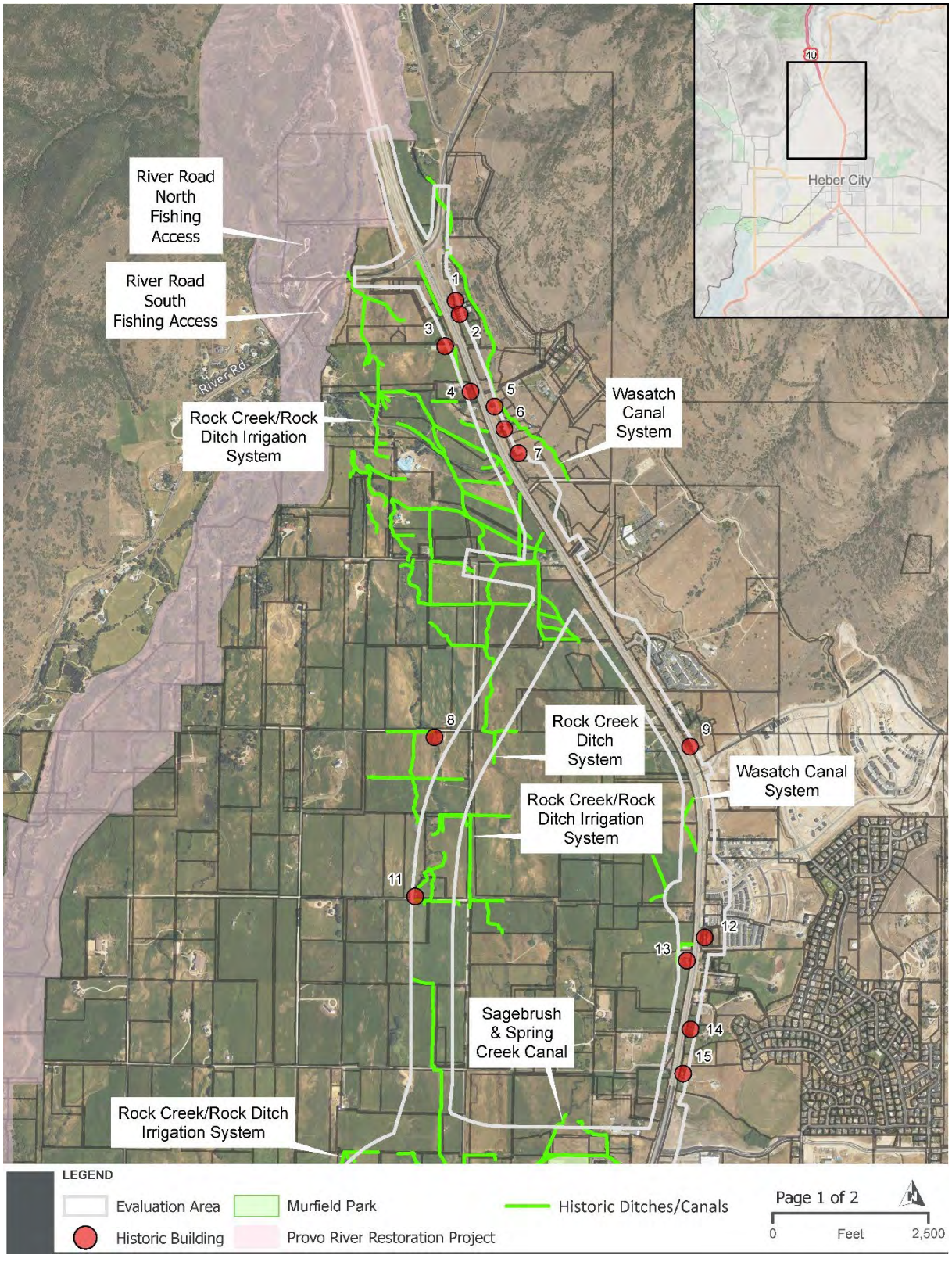
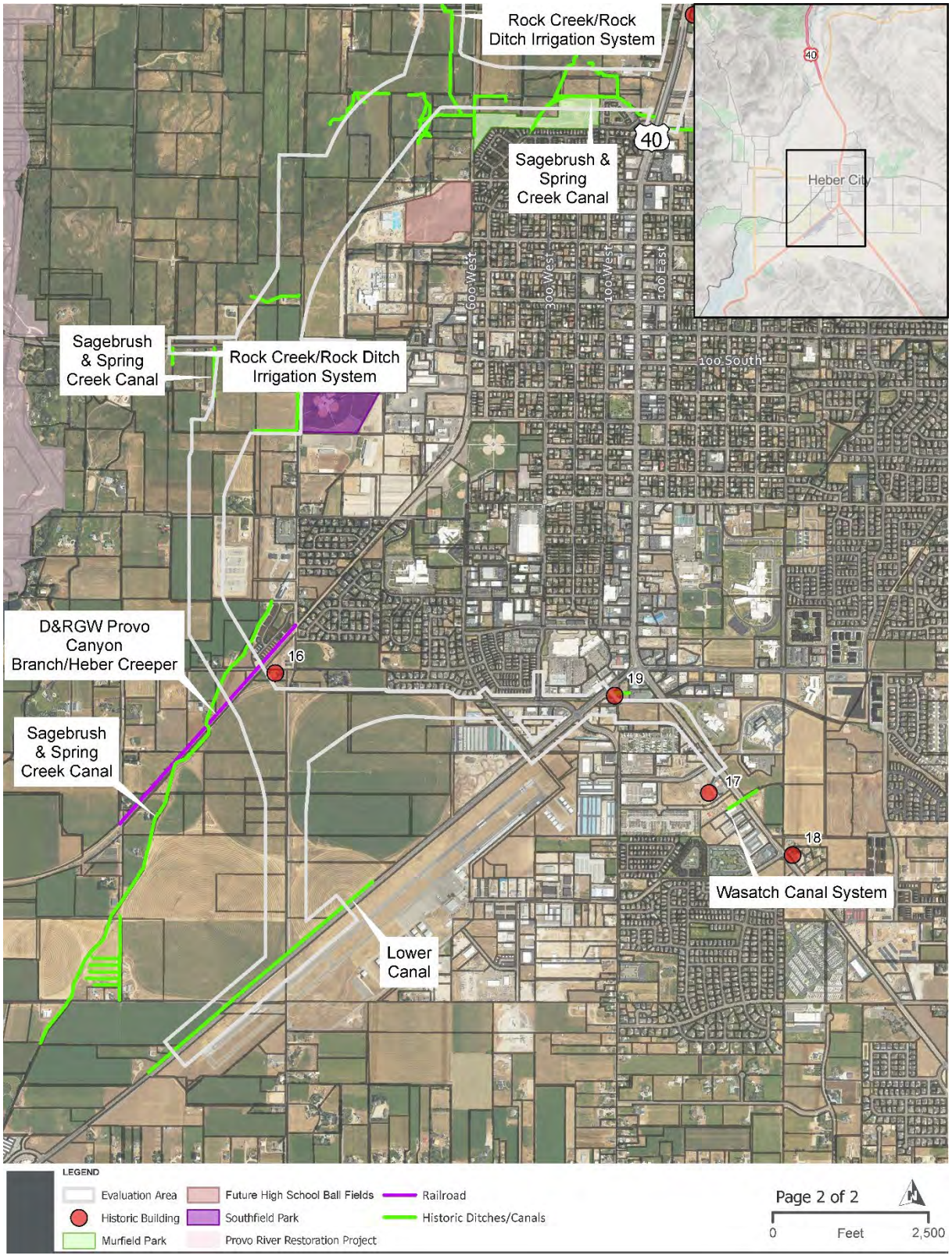


Figure 4.4-2. Section 4(f) Properties in the Section 4(f) Evaluation Area (2 of 2)



4.4.2 Historic (Architectural) Resources

Historic structures surveys conducted for the project identified 47 properties with historical structures in the Section 4(f) evaluation area and recommended 19 of those structures as eligible for listing in the NRHP. More details are included in *A Selective Reconnaissance-level Historic Structures Inventory for the Heber Valley Corridor EIS*, *Wasatch County, Utah* (Certus 2023d); a *Supplemental Selective Reconnaissance-level Historic Structures Inventory for the Heber Valley Corridor EIS*, *Wasatch County, Utah* (Certus 2023e); *A Supplemental Selective Reconnaissance-level Historic Structures Inventory for the Refined Heber Valley Parkway EIS Alternatives, Wasatch County, Utah* (Certus 2025b); and Section 3.12, *Cultural (Archaeological and Architectural) Resources*, of the EIS.

Subsequent to the 2023 cultural resources inventory and eligibility determination, the eligible historic structure at 2032 N. Highway 40 (ID #10) was demolished by the property owner. Properties listed in or eligible for listing in the NRHP are considered Section 4(f) properties; there are now 18 such properties considered Section 4(f) properties in the Section 4(f) evaluation area, as shown above in Figure 4.4-1 and Figure 4.4-2.

SHPO has concurred with the eligibility determinations for these historic structures via a letter dated June 4, 2025. This letter is included in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS. The eligible historic architectural resources in the Section 4(f) evaluation area are listed in Table 4.5-2, *Section 4(f) Uses of NRHP-eligible Architectural Resources*, on page 4-24.

4.4.3 Public Parks and Recreation Areas

Through discussions with the Mountainland Association of Governments, Heber City, Wasatch County, and the Utah Reclamation Mitigation and Conservation Commission (URMCC), and a review of the official planning documents listed below, UDOT identified parks, recreation resources, and refuges potentially protected under Section 4(f):

- *Heber City Parks, Trails, and Open Space Master Plan* (Heber City 2021)
- *Wasatch County Regional Trails Master Plan* (Wasatch County 2016)
- *Wasatch County Railroad Trail Feasibility Study* (Wasatch County 2015)
- *Wasatch County General Plan*, Chapter 4 (Wasatch County 2019)
- *Provo River Restoration Project Record of Decision* (URMCC 1998)

The “Section 4(f) and Section 6(f) Resources Memo” (HDR 2025) provides additional details regarding the potential Section 4(f) properties that were evaluated. No wildlife or waterfowl refuges were identified in the Section 4(f) evaluation area. The park and recreation resources that were determined to be Section 4(f) properties are listed in Table 4.4-2 below and shown in Figure 4.4-1 and Figure 4.4-2 above. Muirfield Park (which includes two planned expansion parcels), Southfield Park, the Wasatch County School District athletic fields, and the Provo River Restoration Project (PRRP) are located in the Section 4(f) evaluation area and qualify for protection under Section 4(f).

Table 4.4-2. Section 4(f) Parks, and Recreation Resources in the Section 4(f) Evaluation Area

Resource	Description and/or Location	Ownership and/or Management	Activities, Features, and Attributes
Existing Parks			
Muirfield Park[a]	Existing 15.26-acre community nature park at 650 North 200 West in Heber City. Only a small portion of the existing park is currently developed. City plans to expand to the north; see the following two rows.	Land is owned and maintained by Heber City. Open to the public.	Existing: fenced-in dog park (the only Heber City park where dogs are allowed), small parking lot, playground, grassy area, natural wetland area, and gravel walking paths. Planned: sports courts, additional parking, pavilion, restored wetland with interpretive boardwalk, structured stream crossings, and naturalized meadow with shaded walking trails.
Muirfield Park expansion[a] (Houston Parcel)	Planned expansion on 4.36-acre parcel directly north of Muirfield Park on the west side of the park. Plan[a] identifies area as potential expansion with note: "potential expansion extends to edge of future bypass ROW."	Land is located in Wasatch County and was purchased by Heber City in August 2021. Partial funding by Wasatch Open Lands Board. Conservation easement by Summit Land Conservancy was recorded in April 2023. Open to the public.	Purpose of easement is to protect wildlife habitat and natural open space and to allow public access for nonmotorized public recreation from the adjacent Muirfield Park. Easement allows for trails, benches, and a shaded pavilion structure but not for bathrooms. Trails would accommodate biking, walking, snowshoeing, cross-country skiing, trail running, fishing, and picnics. Existing barn might be modified or replaced to provide an open pavilion.
Muirfield Park expansion[a] (MacDonald Parcel 1)	Planned expansion on 4.97-acre parcel directly north of Muirfield Park in the center of the park. Plan[a] identifies area as part of existing park.	Land is located in Wasatch County. Heber City purchased in 2023. Partial funding by WOLB. Conservation easement by Summit Land Conservancy was recorded in April 2023. Open to the public.	Same as Houston Parcel (see previous row).
Southfield Park[a,d]	35.1-acre regional park at 895 West 100 South in Heber City.	Park is owned and maintained by Wasatch County. Open to the public.	Current: four baseball fields, a softball field, two multipurpose fields, three tennis courts, a volleyball court, a basketball court, and a pickleball court. The park also includes two pavilions, two restrooms, a playground, and a skate park. Planned: Trailhead access for the Sagebrush and Spring Creek Canal Trail.

(*Continued on next page*)

Table 4.4-2. Section 4(f) Parks, and Recreation Resources in the Section 4(f) Evaluation Area

Resource	Description and/or Location	Ownership and/or Management	Activities, Features, and Attributes
Recreation Resources			
Future high school athletic fields	Future high school planned on 60 acres between 500 North and SR-113 and between Southfield Road and 600 West.	Land is currently owned by the Wasatch County School District. The District and Heber City have an agreement about rental facilities[d] that would be amended to include the new high school. Based on a model from other schools, the athletic fields would be open to the public and to groups such as Little League after school hours or on weekends.	Plan[f] (dated October 31, 2022) shows athletic fields (soccer, baseball, softball, football, and javelin) and tennis courts on the north side. Only recreation resources open to the public would qualify for protection under Section 4(f).
Provo River Restoration Project[e]	The PRRP was undertaken as mitigation for the environmental impacts from the Central Utah Project and the Provo River Project. Under these federal projects, the Provo River was largely channelized in the Heber Valley, resulting in substantial loss of riparian and fish habitat. The PRRP restored an 800-to-2,200-foot-wide corridor between Jordanelle Dam and Deer Creek Reservoir to provide a more naturally functioning riverine corridor to support fish and wildlife habitat and angler access. Accesses to Provo River in the evaluation area include River Road North Access on the north side of River Road/SR-32 about 0.28 mile west of US-40 and River Road South Access on the south side of River Road/SR-32 about 0.36 mile west of US-40.	Land is owned and maintained by URMCC for the PRRP. Land is open to the public; access and parking are provided at seven locations.	Restoration involved re-creating meanders in the previously straightened river channel and restoring riparian habitat and connections to side channels and ponds to improve fish habitat. Improved access for angling and compatible uses along the river corridor (walking, wildlife viewing, and photography) were created. Site facilities include vault restrooms, fenced parking, trash receptacles, and educational displays. Brief foot trails lead from the parking areas to the river, where foot traffic disperses. Sites are managed for day use only, not overnight camping.

Definitions: PRRP = Provo River Restoration Project; ROW = right-of-way; Section 4(f) = Section 4(f) of the Department of Transportation Act of 1966; URMCC = Utah Reclamation Mitigation and Conservation Commission; WOLB = Wasatch Open Lands Board

[a] Included in *Heber City Parks, Trails, and Open Space Master Plan* (Heber City 2021)

[b] Included in *Wasatch County Regional Trails Master Plan* (Wasatch County 2016)

[c] Included in *Wasatch County Regional Trail Feasibility Study* (Wasatch County 2015)

[d] Included in *Wasatch County General Plan*, Chapter 4 (Wasatch County 2019)

[e] See *Provo River Restoration Project Record of Decision* (URMCC 1998)

[f] See *Wasatch County School District New High School Site Plan* (Wasatch County School District 2022)

4.5 Use of Section 4(f) Resources

The project alternatives were evaluated to determine whether Section 4(f) properties would be used (impacted). A Section 4(f) use occurs under the following situations:

- **Land from a Section 4(f) property is permanently incorporated into a transportation facility.** Land is considered permanently incorporated into a transportation project when it has been purchased as right-of-way or sufficient property interests have been otherwise acquired for the purpose of project implementation (for example, a permanent easement).
- **There is a temporary occupancy of land that is adverse in terms of the Section 4(f) statute's preservation purpose. A** temporary occupancy of property will not constitute a Section 4(f) use when all the conditions of the temporary occupancy exception (23 CFR Section 774.13(d)) are satisfied. In general, the considerations used to determine whether the temporary occupancy exception is applicable include the duration of time for construction activities; the magnitude of the changes to the property associated with the proposed improvements; construction not interfering with the protected activities, features, or attributes of the property on a temporary or permanent basis; full restoration of the property when construction is complete; and coordination with the officials with jurisdiction (OWJ) over the Section 4(f) property. If one or more of the conditions is not met, the temporary occupancy is considered a use.
- **There is a constructive use of the property.** *Constructive use* means that there is no permanent incorporation of land from the Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes are substantially impaired. *Substantial impairment* is a very high bar. As a result, constructive use is extremely rare.

4.5.1 Archaeological Sites

The eligible archaeological sites in the Section 4(f) evaluation area are the Heber Creeper Railroad and four canal systems: Wasatch Canal, Sagebrush and Spring Creek Canal, Lower Canal, and Rock Creek/Rock Ditch Irrigation System (Figure 4.4-1 and Figure 4.4-2). Impacts to these archaeological sites are described in greater detail in Table 3.12-4, *Impacts to NRHP-eligible Archaeological Sites*, of the EIS; in the 2025 Determinations of Eligibility and Findings of Effect (DOE/FOE) figures and tables included in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS; and this Section 4(f) discussion.

4.5.1.1 No-action Alternative

The No-action Alternative would not use (impact) any archaeological sites.

4.5.1.2 Action Alternatives

Both Alternative A and Alternative B would bridge over the Heber Creeper Railroad tracks. There would be no bridge piers on the railroad property, so there would be no Section 4(f) use.

The multi-use trail being constructed as part of the Heber Valley Corridor Project would cross the Heber Creeper Railroad tracks at grade (at the same elevation) and would require a temporary construction easement to facilitate pavement striping to designate the crossing location and to install signs and safety apparatus. No right-of-way would be acquired for the trail. During construction of the crossing, rail traffic

might need to be temporarily restricted for a short time; this restriction would be coordinated with the railroad to minimize disruption of its operations. There would be no permanent adverse physical impacts to the features and attributes that make the railroad eligible for the NRHP. SHPO concurred with a **no adverse effect** determination under Section 106 of the National Historic Preservation Act (NHPA). As a result, the temporary occupancy exception at 23 CFR Section 774.13(d) applies, and there would be no Section 4(f) use.

Use of the four canal systems would include a combination of relocations, culverts, culvert extensions, and, in some places, filling in the canal. Where continuity of flow is important, culverts and relocations would be used to maintain continuity. The linear feet of use for the Wasatch Canal, Sagebrush and Spring Creek Canal, and Lower Canal would be similar for both action alternatives. Alternative B would use more linear feet of the Rock Creek/Rock Ditch Irrigation System; however, all canal uses would be less than 13% of the total linear feet for each canal system.

As discussed in UDOT's DOE/FOE, none of the archaeological sites would be adversely affected by Alternative A or Alternative B. SHPO concurred with the **no adverse effect** findings in a letter dated June 4, 2025; this letter and UDOT's DOE/FOE are included in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS. As a result, UDOT has made ***de minimis* impact** determinations for the four canal system archaeological sites for both Alternative A and Alternative B. Table 4.5-1 summarizes the archaeological site uses.

Table 4.5-1. Summary of Archaeological Site Uses

Site Number	Site Name	Section 106 Effect Finding	Impacts to Archaeological Site	Section 4(f) Use
42WA112	D&RGW Provo Branch/ Heber Creeper	No adverse effect	Railroad tracks would be bridged by action alternatives and interchange ramps. Multi-use trail would cross at grade but would require TCE meeting temporary occupancy criteria at 23 CFR Section 774.13(d).	Bridge: No use Multi-use trail: Temporary occupancy (no use)
42WA217	Wasatch Canal System	No adverse effect	Alt A: ~3,622 lf Alt B: ~4,261 lf	*De minimis*
42WA238	Sagebrush and Spring Creek Canal	No adverse effect	Alt A: ~3,309 lf + ~21 lf in TCE Alt B: ~3,314 lf + ~21 lf in TCE	*De minimis*
42WA294	Lower Canal	No adverse effect	Alt A: ~2,712 lf + ~445 lf in TCE Alt B: ~2,712 lf + ~445 lf in TCE	*De minimis*
42WA541	Rock Creek/Rock Ditch Irrigation System	No adverse effect	Alt A: ~563 lf + ~15 lf in TCE Alt B: ~5,684 lf + ~109 lf in TCE	*De minimis*

Definitions: ~ = approximately; D&RGW = Denver & Rio Grande Western Railroad; lf = linear feet; TCE = temporary construction easement

4.5.2 Historic (Architectural) Resources

The eligible architectural resources in the Section 4(f) evaluation area are discussed in this section of the Section 4(f) discussion and are listed and described in greater detail in Table 3.12-5, *Impacts to NRHP-eligible Architectural Resources*, in the EIS, and in the 2025 DOE/FOE figures and tables in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS.

4.5.2.1 No-action Alternative

The No-action Alternative would not use (impact) any historic architectural resources.

4.5.2.2 Action Alternatives

Of the 18 structures listed in or determined eligible for listing in the NRHP, both action alternatives would have Section 4(f) uses.

- **Alternative A** would use 12 eligible properties; 8 of these uses would be *de minimis* (properties 1, 2, 3, 6, 7, 12, 15, and 16), and 4 uses would exceed the *de minimis* criteria (properties 5, 9, 13, and 14).
- **Alternative B** would use 9 eligible properties; 8 of these uses would be *de minimis* (properties 1, 2, 3, 6, 7, 8, 11 and 16), and 1 use would exceed the *de minimis* criteria (property 5).

Table 4.5-2 describes the effects of the action alternatives on the NRHP-eligible historic architectural resources in the Section 4(f) evaluation area. Property numbers in the table correspond to the historic building numbers shown in Figure 4.4-1 and Figure 4.4-2, *Section 4(f) Properties in the Section 4(f) Evaluation Area*, above.

Table 4.5-2. Section 4(f) Uses of NRHP-eligible Architectural Resources

ID[a]	Address	Property Description	Alternatives Having Impacts/Use	Description of Impact/Use	Section 106 Finding of Effect	Section 4(f) Use
1	3920 N. Hwy. 40	Early Ranch (w/ garage) single-family dwelling	Alternative A Alternative B	Partial acquisition: 0.01 acre[b]	No adverse effect	*De minimis*
2	3882 N. Hwy. 40	Two 1.5-story Intermountain type barns; early 20th century	Alternative A Alternative B	Partial acquisition: 0.03 acre; 16 feet from ROW to structure	No adverse effect	*De minimis*
3	3769 N. Hwy. 40	1story Agricultural outbuilding (equipment shed) with an attached lean-to	Alternative A Alternative B	Partial acquisition: 0.9 acre; 68 feet from ROW to structure	No adverse effect	*De minimis*
4	3631 N. Hwy. 40	1-story single-wide Manufactured Home	Alternative A Alternative B	Property avoided	No historic properties affected	No use
5	3570 N. Hwy. 40	1-story Early Ranch/Rambler style single-family dwelling	Alternative A Alternative B	Partial acquisition and potential relocation: 0.08 acre[b]; 8 feet from ROW to structure	Adverse effect	Use
6	3480 N. Hwy. 40	1-story Ranch/Rambler style (w/ garage) single-family dwelling	Alternative A Alternative B	Partial acquisition: 0.02 acre[b]; 25 feet from ROW to structure	No adverse effect	*De minimis*
7	3390 N. Hwy. 40	1-story Split Level single-family dwelling; Ranch/Rambler and Split Level styles	Alternative A Alternative B	Partial acquisition: 0.19 acre; 42 feet from ROW to structure	No adverse effect	*De minimis*
8	721 West 2400 North	1-story Inside-Out granary building; Other style	Alternative B	Partial acquisition: 3.32 acres Temporary construction easement: 0.10 acre; 428 feet from ROW to structure	No adverse effect	*De minimis*
9	2300 N. Hwy. 40	1-story Early Ranch (w/ garage) single-family dwelling	Alternative A	Partial acquisition: 0.46 acre; structure taken	Adverse effect	Use
10	2032 N. Hwy. 40	1-story Early Ranch/Minimal Traditional style (w/ garage) single-family dwelling	Alternative A	Structure demolished by property owner subsequent to cultural resources field studies	No historic properties affected	No use / Not applicable

(*Continued on next page*)

Table 4.5-2. Section 4(f) Uses of NRHP-eligible Architectural Resources

ID[a]	Address	Property Description	Alternatives Having Impacts/Use	Description of Impact/Use	Section 106 Finding of Effect	Section 4(f) Use
11	~800 West 1800 North	1-story agricultural outbuilding (animal shelter); Other style	Alternative B	Partial acquisition: 2.06 acres Temporary construction easement: 0.04 acre; 142 feet from ROW to structure	No adverse effect	*De minimis*
12	1646 N. Hwy. 40	1.5-story Cross-wing single-family dwelling; Classical: Other style	Alternative A	Partial acquisition: 0.03 acre; 22 feet from ROW to structure	No adverse effect	*De minimis*
13	1543 N. Hwy. 40	1-story Ranch (w/ garage) single-family dwelling exhibiting Ranch/Rambler and Period Revival	Alternative A	Partial acquisition: 1.86 acres; structure taken	Adverse effect	Use
14	1340 N. Hwy. 40	1-story Cross-wing single-family dwelling; Classical style	Alternative A	Partial acquisition: 0.45 acre; structure taken	Adverse effect	Use
15	1200 N. Hwy. 40	1-story WWII-Era Cottage single-family dwelling; Minimal Traditional style	Alternative A	Partial acquisition: 0.16 acre; 23 feet from ROW to structure	No adverse effect	*De minimis*
16	1206 West 1200 South	1.5-story Intermountain Style barn; Other style	Alternative A Alternative B	Partial acquisition: 0.03 acre; 332 feet from ROW to structure	No adverse effect	*De minimis*
17	~1600 S. Hwy. 40	Industrial complex. Multiple 1-story Other Public/ Commercial buildings; Post-WWII: Other style	Alternative A Alternative B	Property avoided	No historic properties affected	No use
18	1891 S. Hwy. 40	1-story Other Apartment type multi-family dwelling; Ranch/ Rambler style	Alternative A Alternative B	Property avoided	No historic properties affected	No use
19	1290 S. Daniels Rd.	1-story Commercial building; Vernacular Modern/Other style	Alternative A Alternative B	Property avoided	No historic properties affected	No use

Definitions: ~ = approximately; ID = identifier; ROW = right-of-way; w/ = with

[a] ID numbers correspond to the numbers in Figure 4.4-1 and Figure 4.4-2, *Section 4(f) Properties in the Section 4(f) Evaluation Area*, above.

[b] Historic boundary estimated by HDR used to quantify impacts. Historic boundary created for eligible historic properties based on fence lines or edge of existing roadway in locations where UDOT would be acquiring right-of-way but Wasatch County parcel data do not show an impact.

Both action alternatives would come within 8 feet of the eligible structure for one resource (property 5), resulting in a potential relocation, **an adverse effect** under Section 106, and a **greater–than–*de minimis* use** under Section 4(f). Alternative A would require demolition of an additional 3 structures (properties 9, 13, and 14), resulting in **adverse effects** under Section 106 and **greater–than–*de minimis* uses** under Section 4(f).

Both action alternatives would require partial acquisitions from 8 resources; 6 of these are common to both alternatives (properties 1, 2, 3, 6, 7, and 16), and 2 each are unique to one of the action alternatives (Alternative A: properties 12 and 15; Alternative B: properties 8 and 11). These partial acquisitions would leave the eligible historic structures intact and result in **no adverse effect** under Section 106; therefore, UDOT made ***de minimis* impact** determinations under Section 4(f) for these properties.

The June 4, 2025, letter from SHPO concurring with the DOE/FOEs is included in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS. Table 4.5-3 summarizes the historic architectural resource uses associated with each of the action alternatives.

Table 4.5-3. Summary of Effects on NRHP-eligible Historic Architectural Structures and Resources

Alternative	Full or Partial Acquisition – Adverse Effect on Historic Resources = Use	Partial Acquisition – No Adverse Effect on Historic Resources = *De minimis*	Historic Resources Avoided or outside of APE of This Alternative – No Historic Properties Affected = no use
Alternative A	4	8	6
Alternative B	1	8	9

Definitions: APE = area of potential effects

4.5.3 Public Parks and Recreation Areas

4.5.3.1 No-action Alternative

The No-action Alternative would not use (impact) any park, recreation, or refuge properties.

4.5.3.2 Action Alternatives

Both action alternatives would avoid the PRRP property, Muirfield Park (including its planned expansion areas), Southfield Park, and the future high school athletic fields, so there would be no use of any of the Section 4(f) park or recreation properties in the Section 4(f) evaluation area. All work near Muirfield Park and Southfield Park would occur within the existing adjacent roadway rights-of-way, and there would be no adverse effects on these parks.

4.5.4 Summary of Section 4(f) Uses

The Heber Valley Corridor Project would not use any parks, recreation areas, or refuges protected under Section 4(f). Table 4.5-4 summarizes the Section 4(f) uses of eligible historic architectural and archaeological properties.

Table 4.5-4. Summary of Section 4(f) Uses

Section 4(f) Property	No-action Alternative	Alternative A	Alternative B
Archaeological Sites			
D&RGW Provo Branch/Heber Creeper (42WA112)	No use	No use. Railroad tracks would be bridged; multi-use trail would cross at grade, and temporary occupancy exception applies.	No use. Railroad tracks would be bridged; multi-use trail would cross at grade, and temporary occupancy exception applies.
Wasatch Canal System (42WA217)	No use	*De minimis*	*De minimis*
Sagebrush and Spring Creek Canal (42WA238)	No use	*De minimis*	*De minimis*
Lower Canal (42WA294)	No use	*De minimis*	*De minimis*
Rock Creek/Rock Ditch Irrigation System (42WA541)	No use	*De minimis*	*De minimis*
Architectural Resources[a]			
3920 N. Hwy. 40 (#1)	No use	*De minimis*	*De minimis*
3882 N. Hwy. 40 (#2)	No use	*De minimis*	*De minimis*
3769 N. Hwy. 40 (#3)	No use	*De minimis*	*De minimis*
3570 N. Hwy. 40 (#5)	No use	**Greater than *de minimis***	**Greater than *de minimis***
3480 N. Hwy. 40 (#6)	No use	*De minimis*	*De minimis*
3390 N. Hwy. 40 (#7)	No use	*De minimis*	*De minimis*
2300 N. Hwy. 40 (#9)	No use	**Greater than *de minimis***	No use
1646 N. Hwy. 40 (#12)	No use	*De minimis*	No use
1543 N. Hwy. 40 (#13)	No use	**Greater than *de minimis***	No use
1340 N. Hwy. 40 (#14)	No use	**Greater than *de minimis***	No use
1200 N. Hwy. 40 (#15)	No use	*De minimis*	No use
721 West 2400 North (#8)	No use	No use	*De minimis*
~800 West 1800 North (#11)	No use	No use	*De minimis*
1206 West 1200 South (#16)	No use	*De minimis*	*De minimis*

Definitions: D&RGW = Denver & Rio Grande Western Railroad

[a] Property numbers correspond to the numbers in Figure 4.4-1 and Figure 4.4-2, *Section 4(f) Properties in the Section 4(f) Evaluation Area*, above.

4.6 Avoidance Alternatives

When a project uses Section 4(f) properties and *de minimis* impact determinations cannot be made for all properties used, alternatives that would avoid Section 4(f) uses must be evaluated to determine whether they are feasible and prudent alternatives. Both Alternative A and Alternative B would use Section 4(f) properties including uses that are greater than *de minimis*.

An alternative is not feasible if it cannot be constructed in accordance with sound engineering practices. An alternative is not prudent if it would not meet the project purpose and need, would result in unacceptable safety or operational problems, and/or if it would result in other environmental impacts, or result in costs of an extraordinary magnitude, or cause unique problems or unusual factors.

4.6.1 No-action Alternative

The No-action Alternative would avoid use of all Section 4(f) properties in the evaluation area. The No-action Alternative would not meet the project purpose and need, so it is not a feasible and prudent avoidance alternative.

4.6.2 Other Avoidance Alternatives

Avoidance alternatives avoid the use of *all* Section 4(f) properties. As shown in Figure 4.4-1 and Figure 4.4-2, *Section 4(f) Properties in the Section 4(f) Evaluation Area*, above, the project area is crisscrossed by a network of eligible historic canals and an eligible railroad in addition to architectural structures, public parks, and recreation areas. The abundance of Section 4(f) properties and the linear nature of the canals and railroad tracks makes it impossible to draw an alternative alignment that would avoid all Section 4(f) properties. The constraints of the Section 4(f) properties, canals, and railroad tracks apply to all prior alternative concepts and alignments considered for this project from its inception.

Alternative A and Alternative B follow the same alignment along existing US-40 from the northern project terminus near River Road/SR-32 to Potter Lane/College Way. From Potter Lane/College Way, the two alternatives diverge; Alternative A continues along existing US-40 to 900 North, and Alternative B continues on new alignment west of US-40 to 900 North. At 900 North, both alternatives again follow the same alignment west of the heavily developed area of Heber City on the new alignment to tie-in points with US-189 and with US-40 via 1300 South.

Alternative A and Alternative B both use the eligible historic architectural property at 3570 N. Hwy. 40 on the east side of US-40. Additionally, Alternative A uses three historic architectural properties adjacent to existing US-40 (2300 N. Hwy. 40, 1543 N. Hwy. 40, and 1340 N. Hwy. 40) within the area where Alternative A diverges from Alternative B.

Because a total avoidance alternative is not possible given the linear network of crisscrossing historic canals and the abundance of architectural resources and recreation sites scattered throughout the project vicinity, partial avoidance alternatives to avoid the resources listed above were considered.

4.6.2.1 Alternatives A and B – Avoidance of 3570 N. Hwy. 40

Construction of the frontage road for both action alternatives would come within 8 feet of the historic structure on this property, likely resulting in acquisition and demolition of the structure and relocation of the residents. As shown in Figure 4.6-1, a design modification was considered to avoid use of this property. The design modification would shift the frontage road and multi-use trail adjacent to US-40 along the western property boundary. Because the property is elevated above existing US-40, a retaining wall of about 6,000 square feet and a concrete barrier about 1,000 feet long would need to be constructed to move the frontage road and the multi-use trail adjacent to US-40. In addition, two steel transmission poles would need to be relocated at a cost of about $350,000 per pole. The design would add curves to the frontage road that do not meet the American Association of State Highway and Transportation Officials (AASHTO) minimum criteria for curve radii and superelevation on frontage roads with a 35-mph design speed and would also complicate construction of the selected alternative. The total additional cost of this design modification would be about $1.9 million.

Given the addition of curves that would not meet minimum design standards on the frontage road and the severe economic costs to relocate the steel transmission poles and construct the retaining wall, this design modification is not considered feasible and prudent.

4.6.2.2 Alternative A – Avoidance of 2300 N. Hwy. 40

Construction of the frontage road for Alternative A would require acquiring and demolishing the historic structure on this property and relocating the residents. As shown in Figure 4.6-2, a design modification was considered to shift the frontage road and multi-use trail adjacent to US-40 along the western edge of the historic property. Four steel transmission poles would need to be relocated at a cost of about $350,000 per pole, and a concrete barrier about 500 feet long would need to be constructed to shift the frontage road. The design would add curves to the frontage road that do not meet the AASHTO minimum criteria for curve radii and superelevation on frontage roads with a 35-mph design speed and would also complicate construction of the selected alternative. The total additional cost of this design modification would be about $1.8 million.

The driveway for the structure dips down from existing US-40 to the basement garage under the main floor of the house. As a result, it is not feasible to provide driveway access to the structure with the design modification.

Given the addition of curves that would not meet minimum design standards on the frontage road, the severe economic cost, and the inability to provide driveway access to the basement garage, this design modification is not considered feasible and prudent.

Figure 4.6-1. Avoidance of 3570 N. Hwy. 40

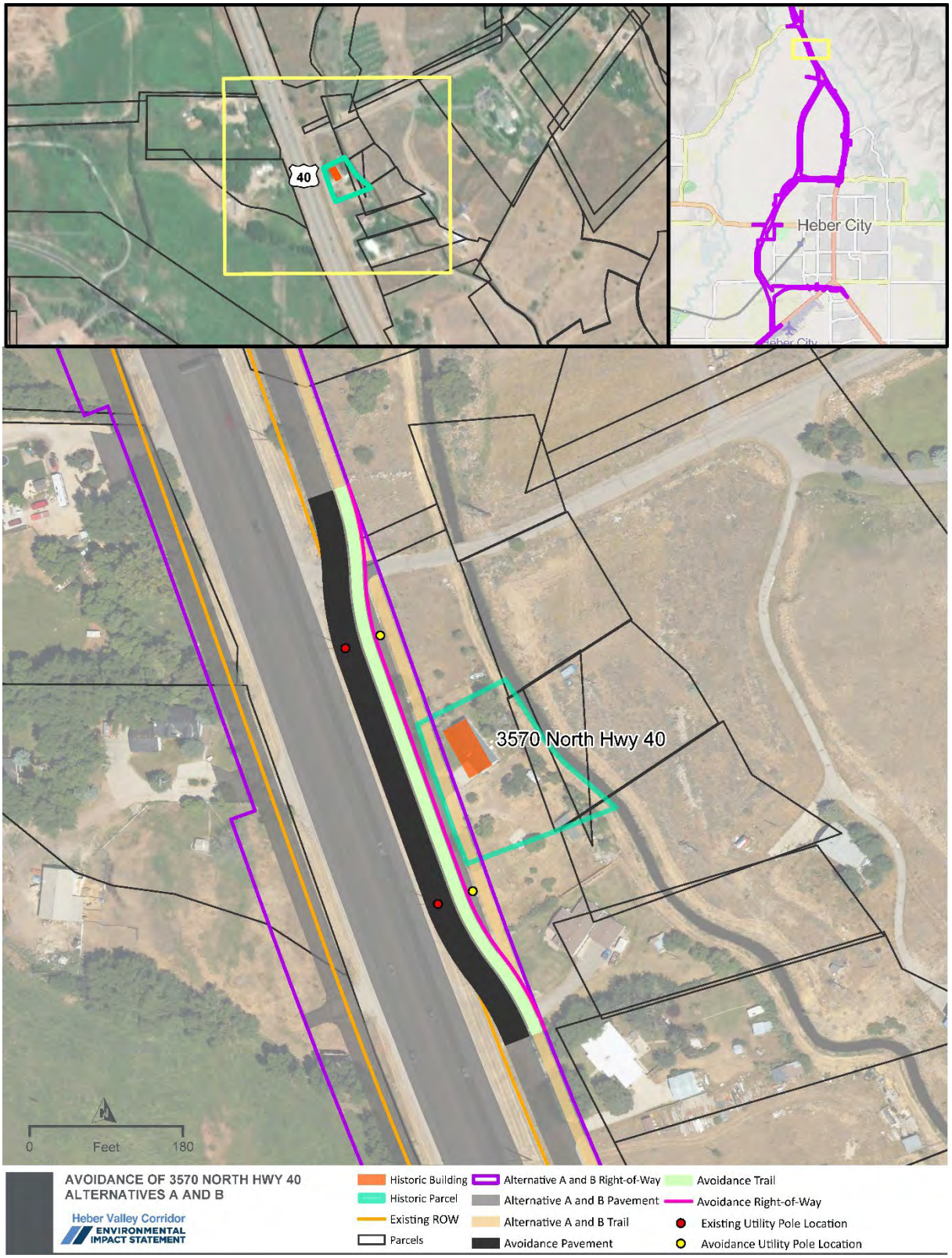
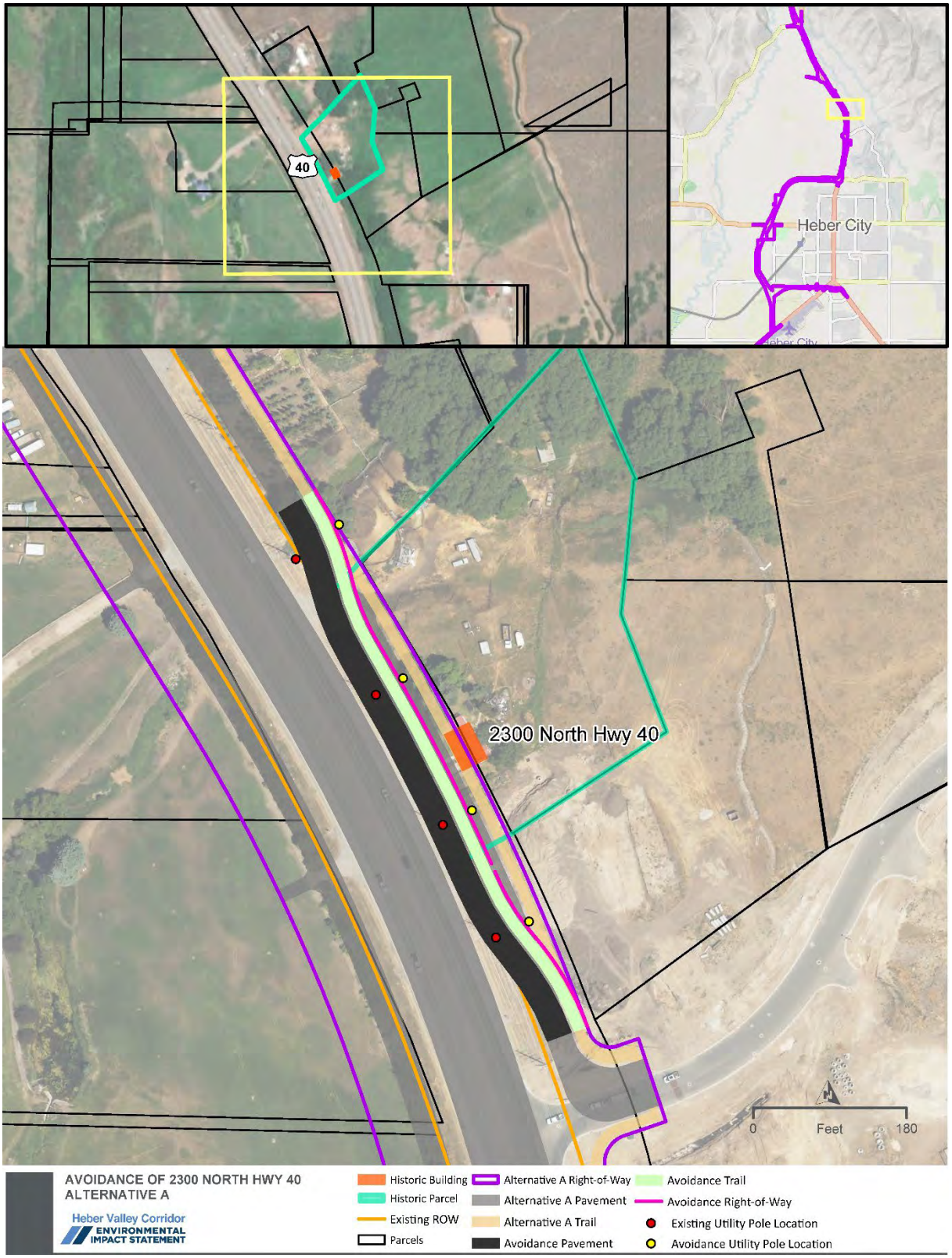


Figure 4.6-2. Avoidance of 2300 N. Hwy. 40



4.6.2.3 Alternative A – Avoidance of 1543 N. Hwy. 40

Construction of the frontage road for Alternative A would require acquiring and demolishing the historic structure on this property and relocating the residents. As shown in Figure 4.6-3, there is no room to shift the frontage road closer to US-40. To shift the frontage road east of the historic property boundary, US-40 itself would need to be shifted to the east, which would result in impacts to numerous homes and businesses adjacent to the east side of US-40 as well as relocation of numerous steel transmission poles at about $350,000 per pole.

The historic boundary for this resource is quite large. To avoid the historic resource, the frontage road would need to skirt the south and west sides of the historic boundary as shown in Figure 4.6-3. This design modification would require an additional 7 acres of right-of-way. The modification would acquire property from several adjacent land parcels and would sandwich the house between US-40 and the frontage road, which would be undesirable for the residents of the home. In addition, the driveway access to the house would need to come from the frontage road, resulting in a long driveway that approaches from the side or rear of the structure and not from the front of the structure where the garage entrance sits.

The design modification also adds length and several curves to the frontage road. Several of the curves would not meet the AASHTO minimum criteria for curve radii and superelevation on frontage roads with a 35-mph design speed. As shown in the figure, the design option would require two waterway crossings and would fill about 1 additional acre of wetland. The total additional cost of the design modification would be about $4 million.

Given the undesirable design of the frontage road with its additional length and curves that would not meet minimum design standards, the positioning of the residence between US-40 and the frontage road, the driveway approach being relocated to the side or rear of the home, and the severe economic cost, this design modification is not considered feasible and prudent.

4.6.2.4 Alternative A – Avoidance of 1340 N. Hwy. 40

Construction of the frontage road for Alternative A would require acquiring and demolishing the historic structure on this property and relocating the residents. As shown in Figure 4.6-4, a design modification was considered to shift the frontage road and multi-use trail adjacent to US-40 along the western edge of the historic property. Four steel transmission poles would need to be relocated at a cost of about $350,000 per pole, and a concrete barrier about 500 feet long would need to be constructed to shift the frontage road. The design modification would add curves to the frontage road that do not meet AASHTO minimum criteria for curve radii and superelevation on frontage roads with a 35-mph design speed and would also complicate construction of the selected alternative. The total additional cost of this design modification would be about $1.8 million.

Given the addition of curves that would not meet minimum design standards on the frontage road and the severe economic cost, this design modification is not considered feasible and prudent.

Figure 4.6-3. Avoidance of 1543 N. Hwy. 40

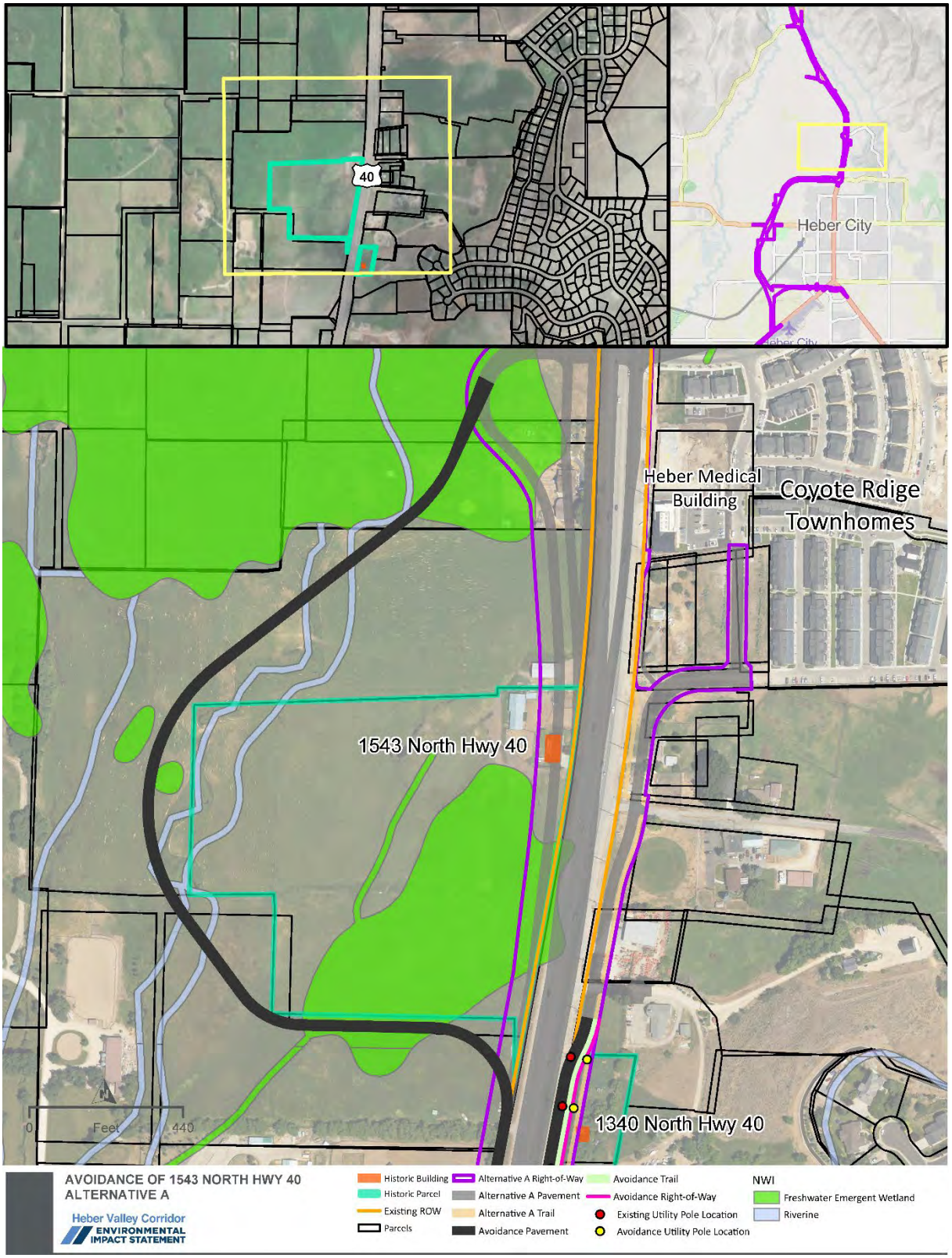
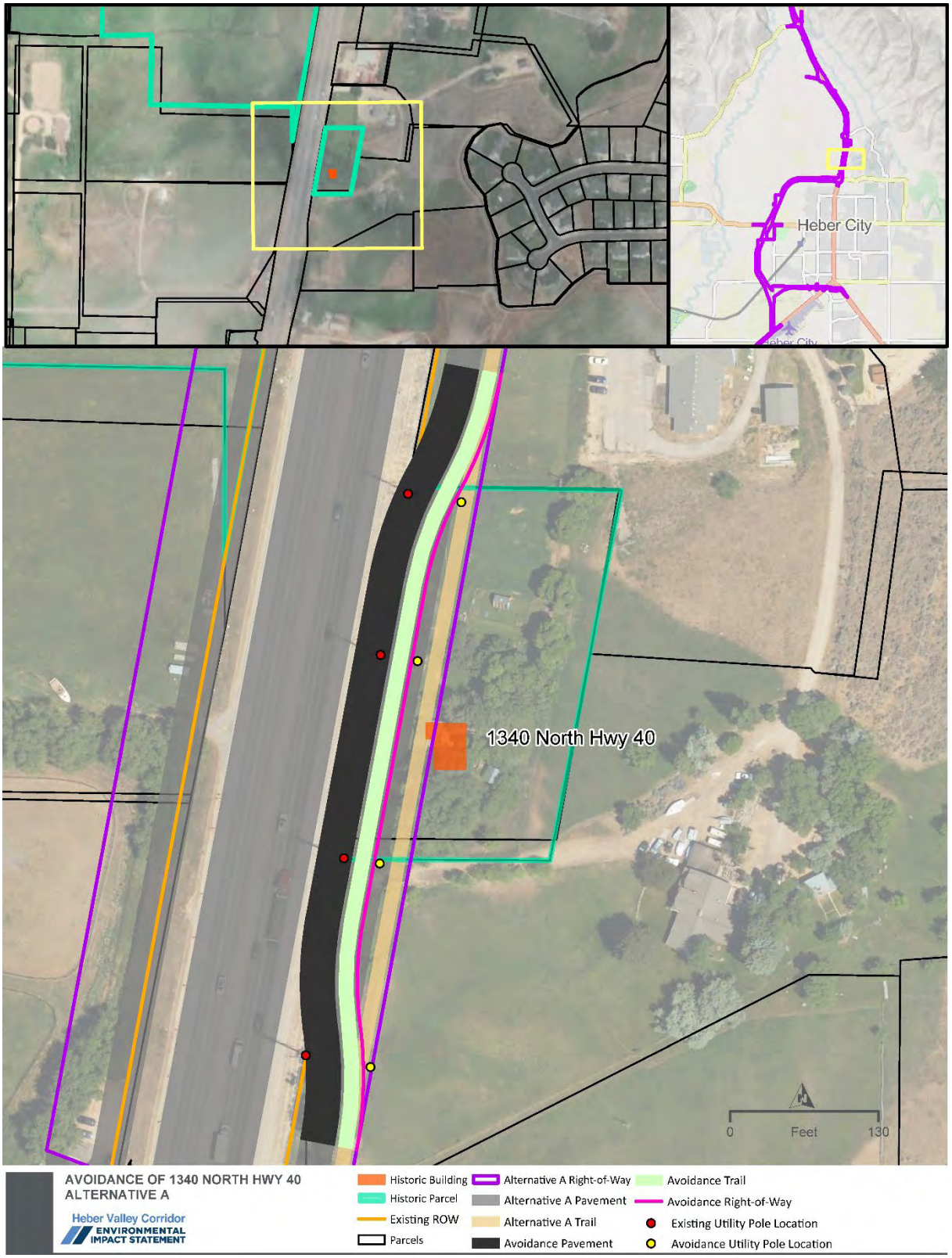


Figure 4.6-4. Avoidance of 1340 N. Hwy. 40



4.7 Least Overall Harm Analysis

No Section 4(f) total avoidance alternatives or partial avoidance alternatives were determined to be feasible and prudent. Both Alternative A and Alternative B would use Section 4(f) properties; therefore, a least overall harm analysis was conducted considering the seven factors listed in 23 CFR Section 774.3(c). Each of those seven factors is evaluated in the following subsections and compared for the action alternatives in Table 4.7-4, *Least Overall Harm Summary*, on page 4-41.

4.7.1 Ability to Mitigate Adverse Impacts

De minimis impact determinations are made when effects on the activities, features, and attributes that make the property eligible for Section 4(f) protection are not adversely affected. Avoidance alternatives are not required to be considered when *de minimis* impact determinations are made, and no mitigation is required for these properties.

Both Alternative A and Alternative B would use archaeological sites. **No adverse effect** findings were made for all five of these sites under Section 106 of the NHPA. As a result, ***de minimis* impact determinations** were made under Section 4(f) for the four canal sites. The railroad would be bridged, and construction of the multi-use trail would require a temporary construction easement that meets the temporary occupancy exception criteria, so there would be no Section 4(f) use of the railroad.

Alternative A and Alternative B each were determined to result in **no adverse effect** under Section 106 and ***de minimis* impact determinations** were made under Section 4(f) for a total of eight eligible architectural resources. Six of these resources are common to both alternatives, and two each are unique to that specific alternative.

Alternative A would have an **adverse effect** under Section 106 on four resources, while Alternative B would have an **adverse effect** on one resource. For Alternative A, the adverse effect includes demolishing three eligible historic architectural resources (2300 N. Hwy. 40, 1543 N. Hwy. 40, and 1340 N. Hwy. 40) and coming within 8 feet of one additional historic structure (3570 N. Hwy. 40), the latter of which is considered a potential relocation resulting in demolition. For Alternative B, the adverse effect includes coming within 8 feet of one historic structure (3570 N. Hwy. 40), which is considered a potential relocation resulting in demolition.

A memorandum of agreement (MOA) has been drafted between UDOT and SHPO to address the adverse effects on eligible historic properties. A copy of the draft MOA is included in Appendix 3J, *Memorandum of Agreement*, of the EIS. A fully executed copy of the MOA will be included in the Final EIS/Final Section 4(f) Evaluation document.

The structures that would be demolished will be documented by a person(s) meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Documentation will be completed in accordance with the Utah State Intensive-level Survey Standards as required by SHPO. This documentation will include a completed Historic Site Form, photographs of the exterior of the building(s), a sketch map of the property layout, aerial photograph maps showing the location of the building(s), and U.S. Geological Survey map(s) showing the location of the building(s).

In addition, prior to construction, UDOT will consult with Heber City, the Heber City certified local government, and the Community Alliance for Main Street to create an appropriately scaled public interpretive outreach product. Possible examples of interpretive outreach could include a Main Street

wayside or interpretive panel focused on the history of transportation in Heber City (roads, railroads, etc.), or a visual display of Heber City's built environment as an interpretive area within a library or City Hall, or financial support for Heber City's reconnaissance-level survey efforts. Although documentation and interpretive outreach retain a record of the eligible structures in perpetuity, they do not fully offset the fact that the buildings no longer remain physically in the landscape.

4.7.2 Relative Severity of the Remaining Harm to Each Section 4(f) Property

The *de minimis* impact determinations are considered negligible effects on the archaeological sites and architectural properties that would be used by the action alternatives. As a result, the minor differences between the alternatives where *de minimis* impact determinations were made are not considered distinguishing factors.

For the properties where the structures would be acquired and demolished, the harm done is considered total, and there would be no remaining harm.

4.7.3 Relative Significance of Each Section 4(f) Property

All of the architectural resources that would be adversely affected by Alternatives A and B are residential dwellings. Although all were determined eligible for the NRHP, none are the "last of their kind" or particularly unique resources. The circa-1950, 1-story, early Ranch/Rambler style, single-family dwelling at 3570 N. Hwy. 40 is common to both action alternatives. Alternative A would also require demolition of a circa-1950, 1-story, early Ranch style, single-family dwelling at 2300 N. Hwy. 40; a circa-1972, 1-story, Ranch/Rambler style, single-family dwelling at 1543 N. Hwy. 40; and a circa-1906, 1-story, cross-wing, Classical-style, family dwelling at 1340 N. Hwy. 40. Although the structure at 1340 N. Hwy. 40 is of an earlier period than the other three post-war structures, it is not particularly unique or unusual, and it has no apparent significance greater than the other structures.

4.7.4 Views of the Officials with Jurisdiction over Each Section 4(f) Property

SHPO, the OWJ, has not expressed any particular concern regarding any of the structures that would be lost as a result of constructing either of the action alternatives. One of the consulting parties expressed an opinion that the newer post-war structures would be of lesser concern to them than the older period structure at 1340 N. Hwy. 40, but, as noted in Section 4.7.3 above, this structure is not particularly unique or unusual, and it has no apparent significance greater than the other structures.

4.7.5 Degree to Which Each Alternative Meets the Project Purpose and Need

Both Alternative A and Alternative B would meet the project purpose and need. Table 4.7-1 summarizes the degree to which the alternatives meet the project purpose and need. Alternative B would provide faster regional travel times and better local mobility compared to Alternative A. Both action alternatives would provide the same opportunities for nonmotorized transportation. Alternative B would provide better performance with respect to Heber City's vision for their historic town center because it would remove more traffic, in particular regional traffic and trucks, from the downtown area.

In addition, Alternative B would be more consistent with the master-planned North Village local road network, would provide for less out-of-direction travel, would be more likely to attract regional truck traffic away from Main Street, and would provide an alternative route in case of emergency on north US-40 between Potter Lane/College Way and 900 North.

What is the PM peak hour?

The PM peak hour is the 1-hour period in the afternoon (PM) during which there is the greatest number of vehicles on the road system. For the Heber Valley Corridor Project, the PM peak hour is from 5 to 6 PM.

4.7.6 After Reasonable Mitigation, Magnitude of Any Adverse Impacts to Resources Not Protected by Section 4(f)

The impacts of the action alternatives on various environmental resources are summarized in Table S-2, *Environmental Impacts of the Project Alternatives*, of the EIS, and greater details regarding environmental effects are provided in Chapter 3, *Affected Environment, Environmental Consequences, and Mitigation Measures*, of the EIS and the technical reports prepared for specific resources.

Effects on many resources are very similar between the two action alternatives and are not particularly distinguishing between the two alternatives. For example, the acreages of land converted to roadway use, sewer farm impacts, floodplain impacts, and waste site impacts are very similar. Further, at this point in the analysis, neither action alternative would meaningfully affect air quality, water quality standards, or threatened or endangered species. Additionally, neither action alternative would be entirely consistent with approved local land use plans.

Table 4.7-2 focuses on the more noteworthy differences in impacts between the action alternatives. As shown in the table, Alternative A would impact fewer farmland acres and would have fewer residential noise receptors exceeding noise criteria. Alternative A would have substantially less impact on aquatic resources (22 acres) compared to Alternative B (53 acres). In contrast, Alternative B would displace fewer businesses (2) and residences (4) than Alternative A (15 businesses and 10 residences). Both action alternatives would have adverse visual effects. Alternative A would be more visually intrusive to the north US-40 corridor, while Alternative B would be more visually intrusive to the north fields.

For this least overall harm analysis, Alternative A is better in terms of impacts to aquatic resources, farmland impacts, and noise impacts, but Alternative B is better in terms of business and residential relocations. Both action alternatives would have adverse visual effects, but to different parts of the Section 4(f) evaluation area.

Table 4.7-1. Degree to Which Alternatives Would Meet the Project Purpose Elements

Alternative	Regional Mobility	Local Mobility	Nonmotorized Transportation	Vision for Historic Town Center
No-action	• Would not decrease regional travel time (23:40/21:50).[a] • Would not provide an alternate route to Main Street.	• 5 intersections with LOS F; 2 intersections with LOS E. • 2 arterial segments with LOS F; 4 arterial segments with LOS E. • Would not improve local travel time (20:30).[b] • Would not improve vehicle queue lengths (22,400 ft).[c]	Would not provide opportunities for nonmotorized transportation.	Would not allow Heber City implement their vision for Main Street. Would not provide an alternate route to Main Street for trucks.
A	• Fast regional travel time (7:25/8:10).[a] • Heber Valley Corridor would be faster than Main Street for trips to/from US-189 and US-40 during the PM peak hour.	• 1 intersection with LOS F; 2 intersections with LOS E. • 1 arterial segment with LOS F; 1 arterial segments with LOS E. • Faster local travel time (11:50).[b] • Shorter vehicle queue lengths of action alternatives (6,200 ft).[c]	Would provide opportunities for nonmotorized transportation.	Would not preclude Heber City from implementing their vision for Main Street. Would provide a fast alternate route to Main Street for trucks.
B	• Fastest regional travel time (6:15/6:55).[a] • Heber Valley Corridor would be faster than Main Street for trips to/from US-189 and US-40 during the PM peak hour.	• No intersections with LOS F; 1 intersection with LOS E. • 1 arterial segment with LOS F; 1 arterial segments with LOS E. • Fastest local travel time (10:15).[b] • Shortest vehicle queue lengths (3,200 ft).[c]	Would provide opportunities for nonmotorized transportation.	Would not preclude Heber City from implementing their vision for Main Street. Would provide the fastest alternate route to Main Street for trucks.

Definitions: ft = feet; LOS = level of service; PM = afternoon

[a] Regional travel time southbound in minutes:seconds (River Road/SR-32 to US-189 and River Road/SR-32 to US-40)

[b] Local travel time on Main Street southbound in minutes:seconds (River Road/SR-32 to the hub intersection)

[c] Sum of vehicle queue lengths at four intersections on Main Street: southbound at 500 North, southbound at Center Street, southbound at 100 South, and eastbound at 100 South)

Table 4.7-2. Noteworthy Environmental Effects of the Action Alternatives

Impact Category	Unit	Alt A	Alt B	Notes
Federally regulated farmland impacts	Acres	179	223	This impact is acreage of land protected by the Farmland Protection Policy Act (prime farmland and farmland of statewide importance).
Agriculture Protection Areas impacts	Acres	11.8	38.4	This impact is acreage of land protected by state and local laws that would unreasonably restrict farming.
Right-of-way: Potential business relocations	Number	15	2	Alternatives A and B would require relocating two businesses along 1300 South. Alternative A would also require relocating 13 businesses that are in various stages of approval or construction at the intersection of 900 North and US-40.
Right-of-way: Potential residential relocations	Number	12	6	Most of the residential relocations for Alternatives A and B would be on the North US-40 segment.
Receptors with modeled noise levels above criteria	Number (residential)	230 (227)	277 (273)	The traffic noise analysis included receptors for planned developments (some buildings with modeled impacted receptors have not been constructed yet).
Aquatic resources impacts	Acres	22.52	53.92	Assumptions about jurisdictional waters (wetlands, streams, canals, and ditches) are based on the professional judgment of aquatic resource specialists.
Visual impacts	Qualitative	*See notes*	*See notes*	Alternative A would be more visually impactful to the north US-40 corridor. Alternative B would be more visually impactful to the north fields.

4.7.7 Substantial Differences in Cost between Alternatives

Table 4.7-3 provides an estimated cost comparison of the action alternatives. Alternative B is slightly more expensive than Alternative A when comparing the total estimated costs including engineering design, right-of-way acquisition, construction, utility relocations, drainage, and environmental mitigation. Alternative B costs slightly more primarily because of the additional right-of-way that would be required (328 acres vs. 295 acres for Alternative A). The $48.6 million difference is a less than 10% difference in the total estimated costs, which is fairly negligible considering that the actual right-of-way costs cannot be known and that the unit costs used to estimate construction costs can move up or down with market prices.

Table 4.7-3. Preliminary Cost Estimates for the Action Alternatives

In millions of 2025 dollars

Alternative	Total Cost
A	$711.9
B	$760.5

4.7.8 Conclusions for the Least Overall Harm

Table 4.7-4 summarizes the seven least overall harm comparison factors. As discussed above and noted in the table, Alternative B performs better for five of the seven factors: the four factors related to use of Section 4(f) resources, and the factor related to an alternative's ability to meet the project purpose and need. In terms of effects on non–Section 4(f) resources, each action alternative has greater and lesser effects on different resources such as residential and business displacements, farmland, noise, visual, and aquatic resources. With a somewhat lower overall cost, Alternative A would perform slightly better for the cost factor. Considering all seven factors, Alternative B appears to result in the least overall harm.

In terms of Section 4(f) uses, Alternative B demolishes one eligible historic architectural resource compared to four eligible historic architectural resources for Alternative A. Mitigation is confined to documentation of the resource(s) and development of an interpretive outreach product. None of the eligible resources are particularly unique or of greater significance than another. Alternative B is of less harm for the first four least overall harm factors based on its lower number of demolished structures – one vs four.

Either action alternative would meet the purpose of the project, but there would be differences in their transportation performance. For more detailed information, see Table S-1, *Summary of Performance Related to Project Purpose*; Section 2.4.4.8, *Basis for Identifying the Preferred Alternative*; and Appendix 2E, *Preferred Alternative Report*, of the EIS. As the traffic analysis shows, Alternative B provides faster regional travel times and better local mobility compared to Alternative A. Both provide the same opportunities for nonmotorized transportation. Alternative B would provide better performance with respect to Heber City's vision for their historic town center. In addition, Alternative B would attract more regional truck traffic away from Main Street, and would provide an alternative route in case of emergency on north US-40 between Potter Lane/College Way and 900 North. As a result, Alternative B performs better than Alternative A for this least overall harm factor.

In terms of impacts to non–Section 4(f) resources, Alternative A is substantially better in terms of effects on aquatic resources, and slightly better in terms of farmland and noise impacts. In contrast, Alternative B would have substantially fewer business and residential displacements. Due to these trade-offs, UDOT determined that Alternatives A and B perform similarly for this least overall harm factor.

In terms of total estimated costs, Alternative A has a lower total cost, but the $48.6 million difference is less than 10% of the total estimated cost. Alternative A performs slightly better than Alternative B for this least overall harm factor.

Based on an assessment of all seven of the least overall harm factors, Alternative B is the least overall harm alternative.

Table 4.7-4. Least Overall Harm Summary

Least Overall Harm Factor	Alternative A	Alternative B
Ability to Mitigate Adverse Impacts to Section 4(f) Properties	**4 eligible historic (architectural) structures would be demolished.** In accordance with the MOA, documentation will be completed in accordance with the Utah State Intensive-level Survey Standards, and an appropriately scaled public interpretive outreach product will be produced.	**1 eligible historic (architectural) structure would be demolished.** In accordance with the MOA, documentation will be completed in accordance with the Utah State Intensive-level Survey Standards, and an appropriately scaled public interpretive outreach product will be produced.
Relative Severity of Remaining Harm to Section 4(f) Properties	4 eligible historic (architectural) structures would be demolished; no harm would remain because the structures would be gone.	1 eligible historic (architectural) structure would be demolished; no harm would remain because the structure would be gone.
Relative Significance of Section 4(f) Properties	4 eligible historic (architectural) structures would be demolished. None of the historic structures is particularly unique or unusual or has significance greater than the other structures.	1 eligible historic (architectural) structure would be demolished. None of the historic structures is particularly unique or unusual or has significance greater than the other structures.
Views of the OWJ (for this project, SHPO)	4 eligible historic (architectural) structures would be demolished. None of the historic structures is particularly unique or unusual or has significance greater than the other structures.	1 eligible historic (architectural) structure would be demolished. None of the historic structures is particularly unique or unusual or has significance greater than the other structures.
Degree to Which Project Purpose and Need is Met	Meets purpose and need.	Meets purpose and need. Alternative B provides faster regional travel times and better local mobility than Alternative A. Alternative B performs better with respect to Heber City's vision for their historic town center. Alternative B attracts more regional truck traffic away from Main Street, and provides an alternative route in case of emergency on north US-40 between Potter Lane/College Way and 900 North.
Effects on Non–Section 4(f) Resources	• Aquatic resources – 22.52 acres • Regulated farmland – 179 acres • Agriculture Protection Areas – 11.8 acres • Residential noise receptors above criteria – 227 • Potential business relocations – 15 • Potential residential relocations – 12	• Aquatic resources – 53.92 acres • Regulated farmland – 223 acres • Agriculture Protection Areas – 38.4 acres • Residential noise receptors above criteria – 273 • Potential business relocations – 2 • Potential residential relocations – 6
Cost Difference	Total estimated cost = $711.9 million[a] Alternative A has a slightly lower total cost, but the $48.6 million difference is less than 10% of the total estimated cost.	Total estimated cost = $760.5 million[a] Alternative B has a slightly higher total cost, but the $48.6 million difference is less than 10% of the total estimated cost.

Definitions: MOA = memorandum of agreement; OWJ = Official(s) with Jurisdiction; SHPO = Utah State Historic Preservation Office

[a] Estimated costs include engineering design, right-of-way, construction, utility relocations, drainage, and environmental mitigation.

4.8 Measures to Minimize Harm

When Section 4(f) properties are used, it must be demonstrated that there are no feasible and prudent alternatives to the uses and that all possible planning to minimize harm has been incorporated. The Heber Valley Corridor Project requires Section 4(f) use and no feasible and prudent avoidance alternatives were identified, so this section summarizes the measures to minimize harm.

4.8.1 Section 4(f) Historic Architectural Properties

Alternative A would use four eligible historic architectural properties (2300 N. Hwy. 40, 1543 N. Hwy. 40, 1340 N. Hwy. 40, and 3570 N. Hwy. 40). Alternative B would use one eligible historic architectural property (3570 N. Hwy. 40). An MOA (see Appendix 3J, *Memorandum of Agreement*, of the EIS) was prepared between UDOT and SHPO to address the adverse effects on eligible historic architectural properties.

For the structures that would be demolished, these structures will be documented by a person(s) meeting the Secretary of the Interior's Historic Preservation Professional Qualification Standards. Documentation will be completed in accordance with the Utah State Intensive-level Survey Standards as required by SHPO. This documentation will include a completed Historic Site Form, photographs of the exterior of the building(s), a sketch map of the property layout, aerial photograph maps showing the location of the building(s), and a U.S. Geological Survey map showing the location of the building(s).

In addition, prior to construction, UDOT will consult with Heber City, the Heber City certified local government, and the Community Alliance for Main Street to create an appropriately scaled public interpretive outreach product. Possible examples of interpretive outreach could include a Main Street wayside or interpretive panel focused on the history of transportation in Heber City (roads, railroads, etc.), or a visual display of Heber City's built environment as an interpretive area within a library or City Hall, or financial support for Heber City's reconnaissance-level survey efforts.

4.8.2 Section 4(f) Archaeological Sites

All uses of archaeological sites were determined to be *de minimis*; therefore, no additional measures to minimize harm or mitigation measures were explored. As the project continues through final design and into construction, the project team will continue to consider design features that would minimize effects on sensitive resources including archaeological sites.

4.8.3 Section 4(f) Public Parks and Recreation Areas

Both Alternative A and Alternative B avoid all uses of public parks and recreation areas; therefore, no measures to minimize harm are required.

4.9 Coordination

Chapter 5, *Public and Agency Consultation and Coordination*, of the EIS summarizes the meetings that UDOT held with the public, agencies, municipalities, and other stakeholders during development of the project and preparation of the EIS and this Section 4(f) Evaluation. Section 3.12, *Cultural (Archaeological and Architectural) Resources*, of the EIS includes summaries of coordination specific to historic properties and the NHPA, including consulting party invitations and tribal coordination (see Section 3.12.3.1, *Consultation*, of the EIS). Section 3.4, *Social Environment*, of the EIS discusses recreation resources in the social environment evaluation area. The sensitivity and importance of historic properties, parks, recreation areas, and wildlife and waterfowl refuges was a general theme throughout the public and agency involvement process and during development of the alternative alignments.

4.9.1 Section 4(f) Historic (Architectural) Resources and Archaeological Sites

UDOT coordinated with SHPO, the OWJ over Section 4(f) historic properties, regarding the definition of the area of potential effects (APE) and UDOT's DOE/FOE. SHPO concurred with the APE in a letter dated May 23, 2022; this letter is included in Appendix 3G, *Area of Potential Effects*, of the EIS. SHPO concurred with the DOE/FOE on June 4, 2025. The DOE/FOE is provided in Appendix 3H, *Determinations of Eligibility and Findings of Effect*, of the EIS.

UDOT sent letters to federally recognized Native American tribes and other entities inviting them to become consulting parties under Section 106 of the NHPA. The only entity that responded and accepted the invitation was the Heber Valley Heritage Foundation.

Under a 2007 programmatic agreement among the Advisory Council on Historic Preservation (ACHP), FHWA, SHPO, and UDOT regarding Section 4(f) *de minimis* impact determinations, SHPO is notified of UDOT's intent to make a Section 4(f) *de minimis* impact determination when there is a Section 106 finding of no adverse effect. Because of this agreement, *de minimis* impact determinations became effective when SHPO concurred with the DOE/FOE on June 4, 2025.

Because an **adverse effect** finding was made for the Heber Valley Corridor Project, UDOT notified ACHP of the finding. ACHP acknowledged the correspondence but declined to participate in the project.

On June 24, 2025, UDOT held a meeting with SHPO and consulting party Heber Valley Heritage Foundation to discuss mitigation ideas for offsetting adverse effects on eligible historic architectural resources. An MOA was prepared between UDOT and SHPO to address the adverse effects on eligible historic architectural properties; a copy of the MOA is included in Appendix 3J, *Memorandum of Agreement*, of the EIS.

4.9.2 Section 4(f) Public Parks and Recreation Areas

UDOT coordinated with the appropriate jurisdictional agencies regarding the public parks and recreation areas identified in the Section 4(f) evaluation area. These agencies included Heber City, Wasatch County, the Utah Division of State Parks, the Wasatch County School District, and URMCC.

4.10 References

[Certus] Certus Environmental Solutions, LLC

2023a Heber Valley Corridor Project (PIN 17523); Evaluation of North Fields Rural Historic Landscape.

2023b A Reconnaissance-level Archaeological Resource Assessment for the Heber Valley Corridor EIS, Wasatch County, Utah. Utah Antiquities Report No. U22HY0371. April 4.

2023c A Supplemental Reconnaissance-level Archaeological Resource Assessment for the Heber Valley Corridor EIS, Wasatch County, Utah. Utah Antiquities Report No. U22HY0371. June 18.

2023d A Selective Reconnaissance-level Historic Structures Inventory for the Heber Valley Corridor EIS, Wasatch County, Utah. Utah Antiquities Report No. U22HY0371. April 4.

2023e A Supplemental Selective Reconnaissance-level Historic Structures Inventory for the Heber Valley Corridor EIS, Wasatch County, Utah. Utah Antiquities Report No. U22HY0371. June 18.

2025a Heber Valley Parkway (PIN 17523); Archaeological Resources in Expanded Area of Potential Effects memorandum. April 11.

2025b A Supplemental Selective Reconnaissance-level Historic Structures Inventory for the Refined Heber Valley Parkway EIS Alternatives, Wasatch County, Utah. April 10.

[FHWA] Federal Highway Administration

2012 Section 4(f) Policy Paper. https://www.environment.fhwa.dot.gov/legislation/section4f/4fpolicy.aspx. July 20.

HDR, Inc.

2025 Section 4(f) and Section 6(f) Resources Memo. July 3.

Heber City

2021 Parks, Trails, and Open Space Master Plan. Adopted January 5, 2021.

2023 Heber City Envision 2050 General Plan. https://envisionheber.com/wp-content/uploads/2024/10/2023-General-Plan-Update-101224-SMALL.pdf. Updated December 5, 2023.

[UDOT] Utah Department of Transportation

2023 Utah Long-range Transportation Plan 2023–2050 [Google site]. https://sites.google.com/utah.gov/lrp-2023.

[UDOT, Wasatch County, and Heber City]

2018 Addendum #1 to Cooperative Corridor Access Agreement #098400, Corridor Preservation US-40 from SR-32/River Road to Heber City North City Limit. September 21.

2023a Addendum #2 to Cooperative Corridor Access Agreement #098400, Corridor Preservation US-40 from SR-32/River Road to Heber City North City Limits (1200 North). January 26.

2023b Addendum #3 to Cooperative Corridor Access Agreement #098400, Corridor Preservation US-40 from SR-32/River Road to 750 North. February 16.

Wasatch County

2015 Wasatch County Railroad Trail Feasibility Study. September 3.

2016 Wasatch County Regional Trails Master Plan. February 1.

2019 Wasatch County General Plan.

Wasatch County School District

2022 Wasatch County School District New High School Site Plan.

[URMCC] Utah Reclamation Mitigation and Conservation Commission

1998 Provo River Restoration Project Record of Decision. February.

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