
APPENDIX B

Agency Scoping Materials

This page is intentionally left blank

Summary

Project:	Kimball Junction EIS
Subject:	Agency Scoping Meeting
Date:	Monday, January 09, 2023
Time:	1:00–2:30 PM
Location:	Zoom

Attendees

✓	Name	Representing
✓	Alex Roy	Park City Municipal Corporation
✓	Amy Croft	HDR, Wildlife Lead
✓	Andrew Jackson	Mountainland Association of Governments
✓	Andy Garland	Mountain Regional Water District
✓	Blake Perez	Central Wasatch Commission
✓	Bob Zanetti	Park City Fire District, Fire Chief
✓	Brian Speer	Utah Division of Waste Management and Radiation Control, Solid Waste Manager
✓	Bri Binnebose	Penna Powers, Public Involvement Lead
✓	Bryan Adams	HDR, Consultant Project Manager
✓	Carissa Watanabe	UDOT, Environmental Program Manager
✓	Carl Miller	Summit County, Regional Transportation Planning Director
✓	Caroline Rodriguez	High Valley Transit, Executive Director, and Summit County
✓	Charles Allen	Parametrix, Traffic Lead
✓	Christopher Robinson	Summit County Council
✓	Cory Shorkey	Snyderville Basin Water Reclamation District
✓	Dana Jones	The Basin Recreation Fieldhouse
✓	Gabriel Shields	Park City Engineering
✓	Grant Farnsworth	UDOT, Project Manager
✓	Heidi Spoor	HDR, Environmental Lead
✓	Janna Young	Summit County, Interim County Manager
✓	Jeff Simmons	HDR, Roadway Design Lead
✓	Kevin Berkley	Snyderville Basin Water Reclamation District
✓	Lindsey Nielsen	Park City Conservation Association
✓	Linsey Shafer	Utah Department of Environmental Quality
✓	Marisa Cooper	Penna Powers, Public Involvement Coordinator
✓	Mary DeLoretto	Utah Transit Authority
✓	Melissa Early	Utah Division of Wildlife Resources

✓	Name	Representing
✓	Mike Owens	Park City Fire District
✓	Mike Pectol	U.S. Army Corps of Engineers, Bountiful Regulatory Office
✓	Paige Walton	Utah Department of Environmental Quality
✓	Patti Garver	Utah Transit Authority
✓	Rita Reisor	U.S. Fish and Wildlife Service
✓	Sam Grenille	Mountain Regional Water
✓	Sarah Pearce	Park City, Deputy City Manager

Meeting Summary

The project team presented information about the planning and environmental study process, including the Kimball Junction and State Route (S.R.) 224 Area Plan process, and three alternatives that were developed in the Area Plan and moved forward into the National Environmental Policy Act (NEPA) process. The project team described the Environmental Impact Statement (EIS) process and schedule as well as the draft purpose and need statement. In-depth traffic information was presented to the group in support of the project need. Potential environmental resource impacts were also discussed. The presentation that was given follows.

Meeting Q&A

1. Carl Miller, Summit County, Regional Transportation Planning Director

Question: The study area currently includes Landmark Drive near Walmart/Outlet Mall but stops before connecting again to Landmark Drive near the transit center. Why doesn't the study area include the continuity of Landmark Drive since traffic doesn't stop at those two points? It's likely that additional traffic will flow onto Landmark Drive, and this study will need to capture that flow.

Response: We can revise the study area if we find that the traffic issues are being pushed to Landmark Drive. Landmark Drive is part of the traffic analysis.

2. Andrew Jackson, Mountainland Association of Governments

Question: Is the ineligible cultural resource site a Native American site or a pioneer site?

Response: The site is ineligible, and the State Historic Preservation Office (SHPO) most recently concurred with this finding of effect during the Section 106 consultation process for the S.R. 224 Bus Rapid Transit (BRT) project. The site is not Native American and is thought to be a pioneer site that was originally located elsewhere and then moved to this location. There are no records proving that this site is historically important; however, UDOT will make every effort to avoid this site.

3. Patti Garver, UTA

Question: Is one of the alternatives looking more promising than the others?

Response: During the Area Plan process, all three alternatives performed satisfactorily, and that's why all three were advanced into the NEPA phase for additional study.

4. Mike Pectol, USACE, Bountiful Regulatory Office

Question: How many acres of wetlands would be impacted? It will help us to know our needed level of involvement.

Response: Based on National Wetlands Inventory mapping conducted during the Area Plan process, there could be about 0.5 acre of impacts to potentially jurisdictional wetlands. A wetland delineation will be conducted in the study area during the NEPA phase to more accurately determine potential wetland impacts.

**5. Brian Speer, Utah Division of Waste Management and Radiation Control,
Solid Waste Manager**

Question: Is there a soil waste management plan to dispose of potentially hazardous soils in the study area?

Response: We don't currently have a plan and will study hazardous waste as part of the NEPA phase of the project.

6. Carl Miller, Summit County, Regional Transportation Planning Director

Question: What are the environmental impact metrics?

Response: The key environmental impact metrics will likely be federally regulated resources such as waters of the United States, threatened and endangered species, and Section 4(f) resources.

7. Christopher Robinson, Summit County Council

Question: Tomorrow's public open house is at Ecker Hill Middle School?

Response: Yes.

8. Christopher Robinson, Summit County Council

Question: When would construction of this project start?

Response: The Record of Decision (ROD) needs to be issued before construction can start, and there is 150-day appeal period. The project is not currently funded, so there is no year of construction available yet.

9. Rita Reisor, U.S. Fish and Wildlife Service

Question: Do you know when funding will be identified, because that would help us determine the proper time allowance for bird and Ute ladies'-tresses surveys.

Response: Funding has not been identified for the project, and at this time we don't know when it might be funded.

Formal Scoping Comments

Although EPA didn't attend the agency scoping meeting, they sent a scoping letter with comments to UDOT on February 4, 2023. A comment/response matrix that includes UDOT's responses to EPA's comments is included at the end of this meeting summary.

Informal Scoping Comments

Summit County didn't submit a formal scoping letter; however, in their January 4, 2022, acceptance to be a participating agency, they provided a comment regarding the study area.

In addition, Mountain Regional Water also didn't submit formal scoping comments, but did note that the study extent includes a critical transmission water line in their system as well as two groundwater sources (wells) that have source protection zones within the study area.

Kimball Junction ENVIRONMENTAL IMPACT STATEMENT

Agency Scoping Meeting

January 9, 2023

Planning & Environmental Study Process



Kimball Junction & SR-224 Area Plan

- ✓ Developed multimodal & capacity transportation solutions using the Solutions Development Process
- ✓ Gathered input throughout the process
- ✓ Funded by Summit Co & UDOT
- ✓ Schedule: Nov 2019 to Mar 2021
- ✓ Recommended three alternatives for further evaluation

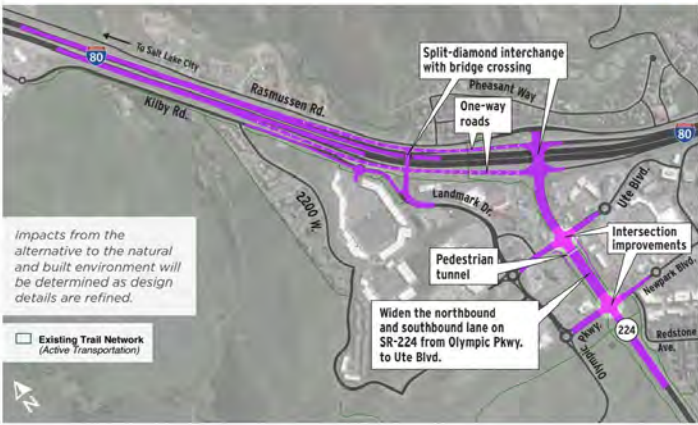


Kimball Junction & SR-224 Area Plan Goals

- ✓ Move people and goods more efficiently
- ✓ Improve mobility and comfort for all users through a connected network
- ✓ Contributes to improved local and regional air quality, environmental sustainability, and community health
- ✓ Maintain consistency with adopted land use and transportation plans
- ✓ Complement the evolving context and scale of the community
- ✓ Consider operational technologies and accommodate maintenance needs

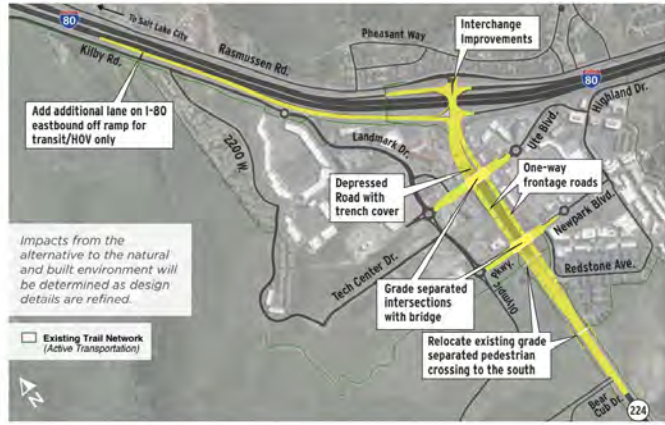
Alternative A

SPLIT-DIAMOND INTERCHANGE WITH INTERSECTION IMPROVEMENTS



Alternative B

GRADE-SEPARATED INTERSECTIONS WITH ONE-WAY FRONTAGE ROADS TO THE I-80 INTERCHANGE



Alternative C

INTERSECTION IMPROVEMENTS WITH PEDESTRIAN ENHANCEMENTS



EIS Process & Schedule

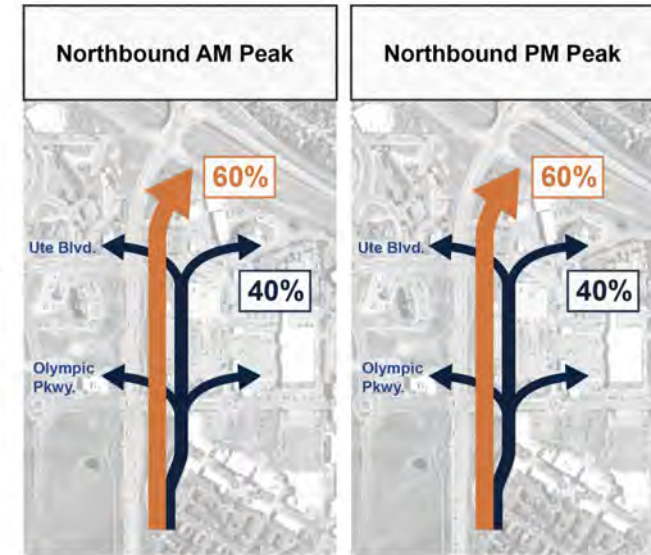


Project Need (Draft)

- ✓ Future (2050) failing conditions at the SR-224 and the I-80, Ute Boulevard, and Olympic Parkway intersections create delay and unreliable travel times
- ✓ Off-ramp queues extending onto mainline I-80 resulting in unsafe travel conditions
- ✓ Growing east-west active transportation demand across SR-224

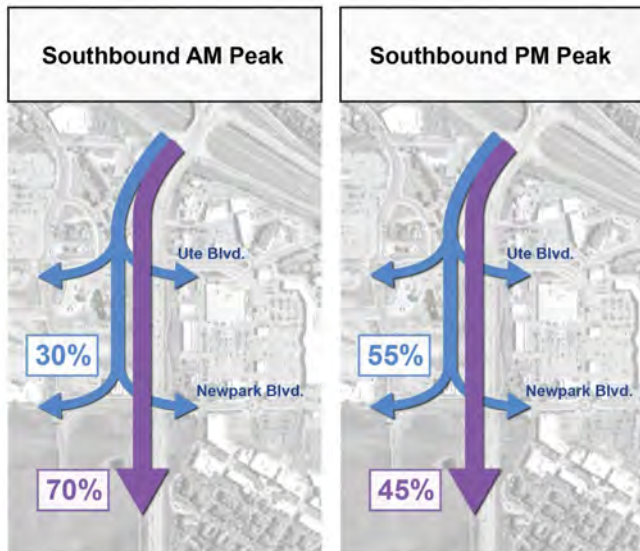
Traffic Origins

- ✓ Existing traffic divided between through traffic and Kimball Junction access traffic
- ✓ Business/residential traffic and through traffic are both an important concern
- ✓ Northbound traffic has similar through traffic/access traffic split in AM and PM

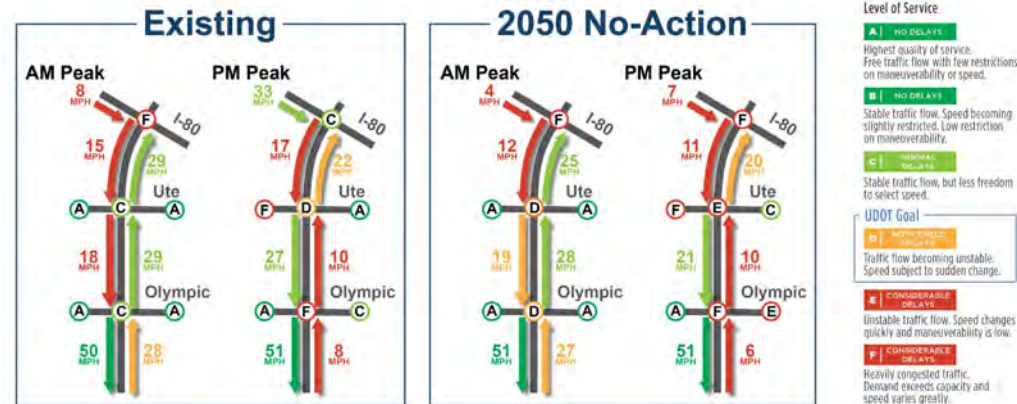


Traffic Origins

- ✓ More southbound through traffic in the AM than in the PM



Travel Speeds & Level of Service



Queue Lengths

Ramp queues backed onto I-80
49 TIMES
during winter 21/22



Two-mile outbound queues occurred
25 EVENINGS
during winter 21/22



Travel Times

AM I-80 off ramp travel times can grow from
2 to **15**
min. over min.

PM outbound travel times on SR-224 can grow from
5 to **20**
min. over min.



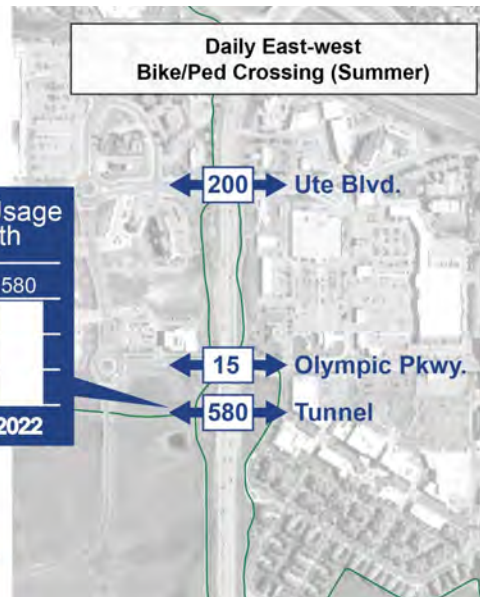
Majority of worst conditions are on weekdays



Transit & Active Transportation

Projected Kimball Junction Transit Center Daily Boardings (Winter)

2025	270
2050	1,700



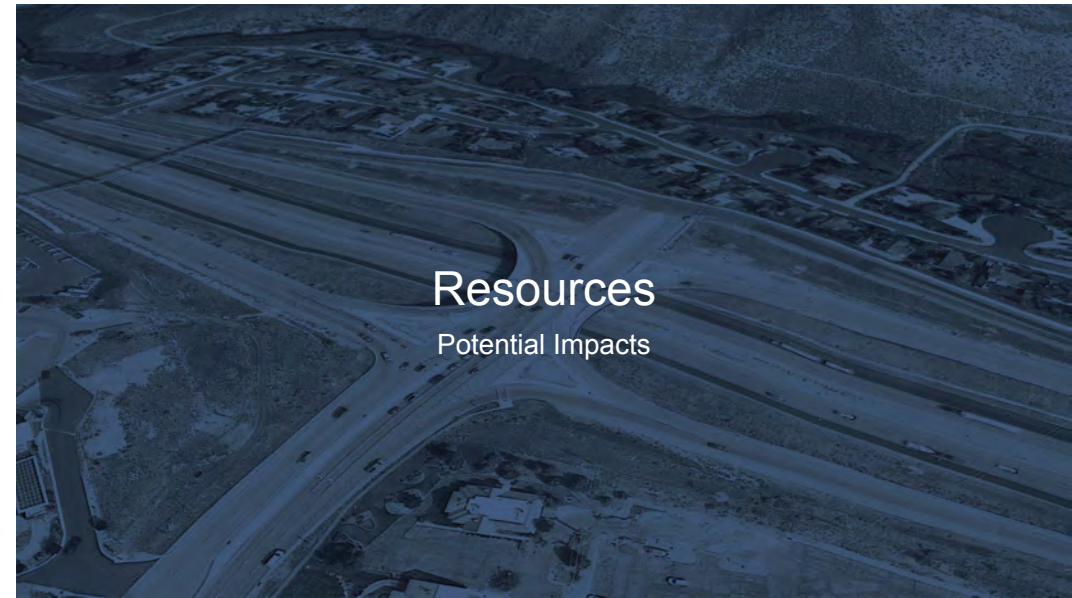
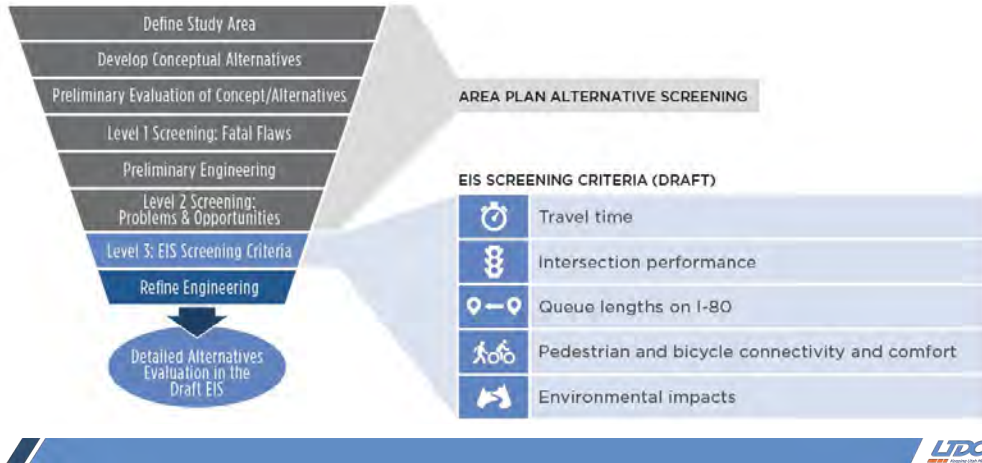
Project Purpose (Draft)

Kimball Junction ENVIRONMENTAL IMPACT STATEMENT

The project purpose is to address transportation-related safety and mobility for all users of the Kimball Junction area by:

- ✓ Improving operations and travel times on SR-224 from the I-80 interchange through Olympic Parkway
- ✓ Improving safety by reducing vehicle queues on I-80 off-ramps
- ✓ Improving pedestrian and bicyclist mobility and accessibility throughout the evaluation area
- ✓ Maintaining or improving transit travel times through the evaluation area

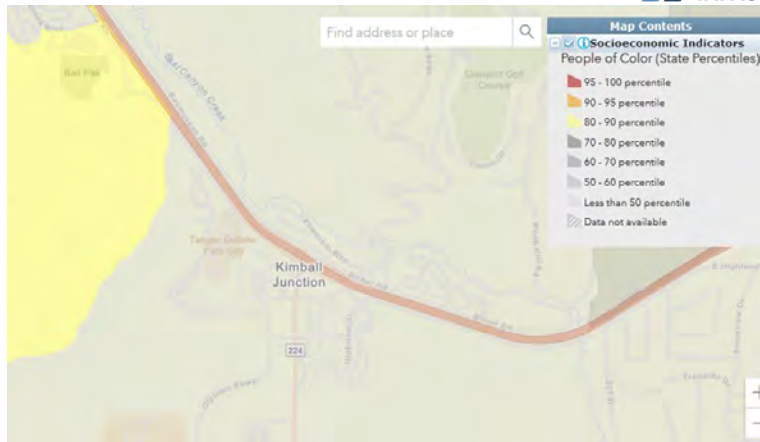
Area Plan and EIS Screening Criteria & Process



Resources

Potential Impacts

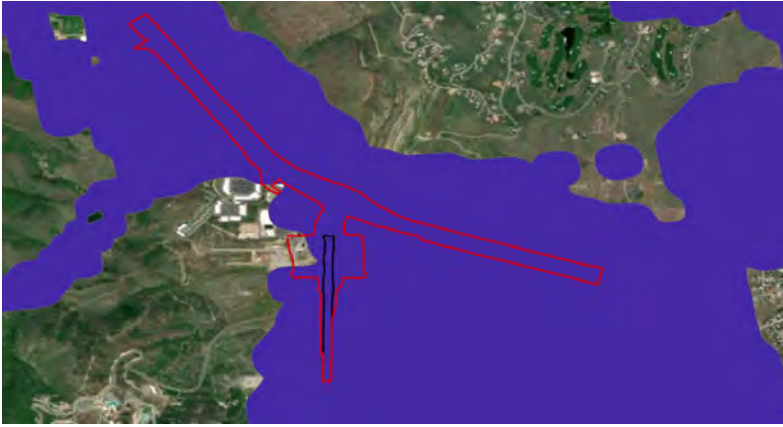
Environmental Justice



Cultural Resources (Draft)

- ✓ A ineligible burial site is located in the evaluation area
 - Even though it's ineligible, UDOT will avoid and/or minimize impact to this site
 - None of the current alternatives affect this historic structure
- ✓ One historic structure is located on a parcel intersected by the study area polygon
 - Hi-Ute Ranch at 2201 W Kilby Rd; Barn built 1906, house built 1940
 - None of the current alternatives affect this historic structure

Ute Ladies'-Tresses Habitat



Wetlands



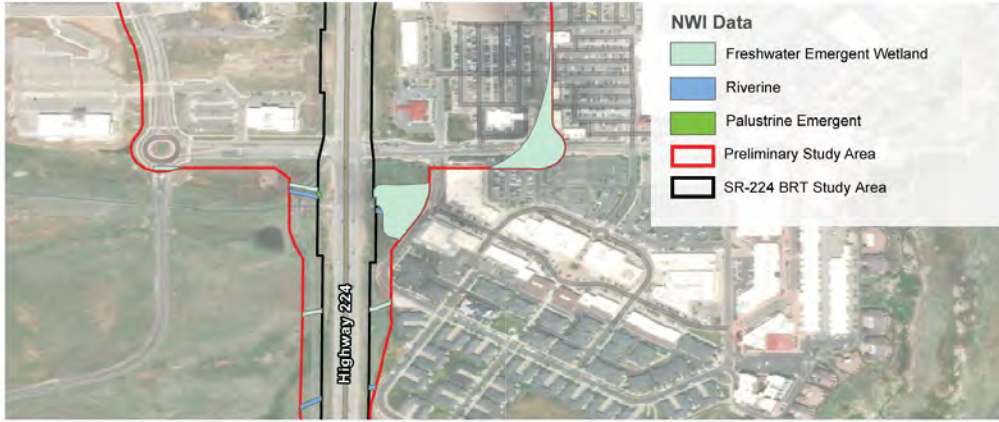
Wetlands (Cont.)



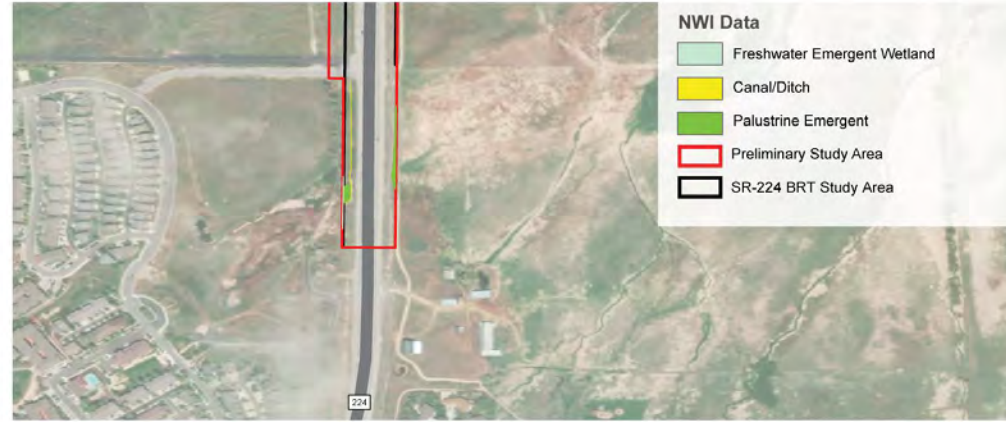
Wetlands (Cont.)



Wetlands (Cont.)



Wetlands (Cont.)



Wetlands (Cont.)



Public Meetings

IN-PERSON OPEN HOUSE

January 10, 2023

OPEN HOUSE
5:30-8:00 p.m.

ECKER HILL MIDDLE SCHOOL
2465 Kilby Road
Park City, UT 84098

VIRTUAL PUBLIC MEETING

January 11, 2023

PRESENTATION
6:00-6:30 p.m.
Q & A
6:30-7:30 p.m.

THIS MEETING WILL BE HELD ON ZOOM



Public Comment Period

DECEMBER 27, 2022 - JANUARY 27, 2023

COMMENTS CAN BE SUBMITTED THROUGH:



KimballJunctionEIS.udot.utah.gov



KimballJunctionEIS@utah.gov



Kimball Junction EIS c/o HDR
2825 E. Cottonwood Parkway, Suite 200
Cottonwood Heights, UT 84121



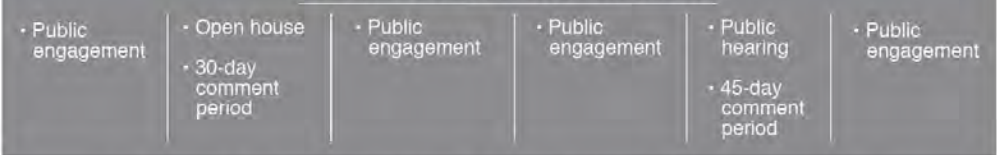
435-255-3168



Next Steps



ONGOING STAKEHOLDER ENGAGEMENT



REGULAR UPDATES WILL BE PROVIDED TO THE PUBLIC THROUGH MEDIA AND WEBSITE UPDATES



Kimball Junction ENVIRONMENTAL IMPACT STATEMENT

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the Federal Highway Administration and UDOT.

Ulrich, Carrie L.

From: Sam Grenlie <sam@mtregional.org>
Sent: Wednesday, December 21, 2022 12:44 PM
To: Spoor, Heidi K.; Carissa Watanabe
Cc: Andy Garland
Subject: Re: Kimball Junction EIS Participating Agency Invitation

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heidi,

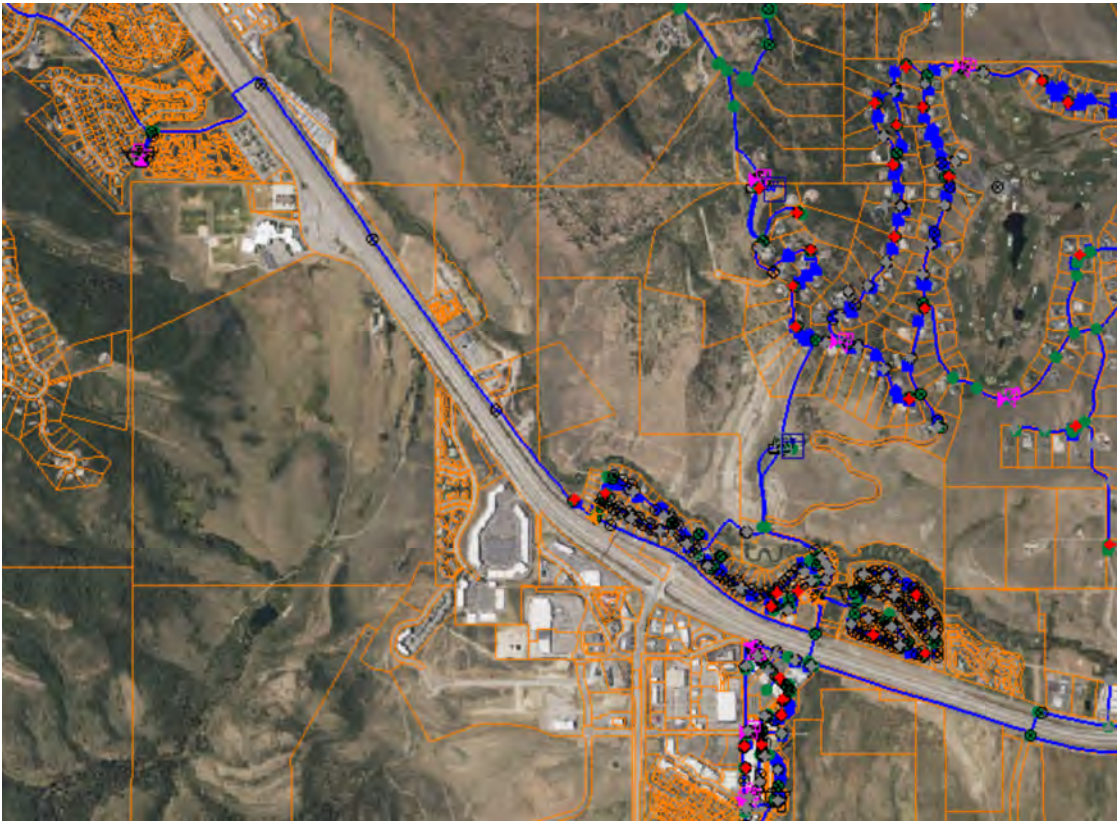
Mountain Regional Water can participate in the environmental review process. Please use my contact information.

We have no formal comments at this time. However the study extents does include a critical transmission water line in our system. Also, two of our ground water sources (wells) have source protection zones that fall within the study area. I can provide additional detail as the project progresses. For now, see a screenshot below of our water lines in the area.

Best,

--

Sam Grenlie
District Engineer
Mountain Regional Water SSD
Mobile: (801) 712-8598
www.mtregional.org



On Thu, Dec 15, 2022 at 2:02 PM Andy Garland <agarland@mtregional.org> wrote:

----- Forwarded message -----

From: **Customer Service** <cs@mtregional.org>
Date: Thu, Dec 15, 2022 at 12:54 PM
Subject: Fwd: Kimball Junction EIS Participating Agency Invitation
To: Andy Garland <agarland@mtregional.org>
Cc: Mountain Regional Water <cs@mtregional.org>

----- Forwarded message -----

From: **'Manning, Randi'** via CS <cs@mtregional.org>
Date: Thu, Dec 15, 2022 at 12:53 PM
Subject: Kimball Junction EIS Participating Agency Invitation
To: cs@mtregional.org <cs@mtregional.org>
Cc: Spoor, Heidi K. <heidi.spoor@hdrinc.com>, Carissa Watanabe <cwatanabe@utah.gov>

Dear Mr. Morrison,

Attached is a copy of a letter being sent on behalf of UDOT inviting Mountain Regional Water District to be a participating agency for the Kimball Junction EIS project.

Your review and response is requested by January 5, 2023. In addition, a virtual agency scoping meeting will be held on January 9, 2023 at 1 PM. Additional details are found in the attached letter.

Please send your response or any questions that you have about this invitation to Heidi Spoor at heidi.spoor@hdrinc.com.

Thanks,

Heidi Spoor

Heidi Spoor

Professional Associate

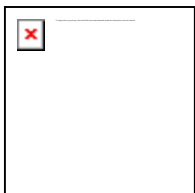
HDR

2825 E. Cottonwood Parkway, Suite 200
Salt Lake City, UT 84121-7077
D 801.743.7802 M 801.633.3607
heidi.spoor@hdrinc.com

hdrinc.com/follow-us

--

Andy Garland
General Manager
Mountain Regional Water
6421 N. Business Park Loop Rd Suite A
P.O.Box 982320
Park City, Utah 84098
P.435.940.1916 X310
C.801-910-1608



INTERIM COUNTY MANAGER



JANNA B. YOUNG

January 4, 2023

Ms. Heidi Spoor
HDR, Inc.
2825 E. Cottonwood Parkway, Suite 200
Salt Lake City, UT 84121-7077

Re: UDOT Project Number S-0224(50)12/UDOT PIN 19477

Dear Ms. Spoor:

Thank you for the invitation to serve as a participating agency in the environmental review process for proposed improvements to the Interstate 80 (I-80) and State Route 224 (SR-224) interchange at Kimball Junction and on SR-224 from Kimball Junction through the two at-grade traffic signals at Ute Boulevard and Olympic Parkway in Summit County, Utah. **Summit County has a strong interest in this project, and emphatically accepts the role of participating agency.**

The Kimball Junction is the gateway to the Wasatch Back, one of the major economic engines and regional destinations in the state of Utah. As we evaluate the SR-224 corridor it is critical that we consider how transportation infrastructure connects our communities and improves the livability in the Snyderville Basin. As Utah gears up for a potential Olympic bid, this project will be transformational for this unique opportunity and for future generations.

Summit County looks forward as a participating agency to be involved in the development of the alternatives, identifying issues of concern, and providing input on unresolved issues. We request that the study area be extended to include the segment of Landmark Drive between the Factory Outlet Mall and West Ute Boulevard instead of disconnecting the corridor as currently reflected in the study area map, depicted as "Figure 2: Project Area Close-up" in the agency invitation and attached to this correspondence.

We look forward to working with you on a solution at I-80 and the Kimball Junction. Please also accept this letter as the RSVP to the agency scoping meeting on January 9, 2023. Carl Miller, Summit County's Transportation Planning Director will participate in that meeting as Summit County's representative. Please contact Carl at cmiller@summitcounty.org, if you have any questions. Once again, thank you for the opportunity to participate in this important project for Summit County.

Sincerely,

A handwritten signature in blue ink that reads "Janna B. Young". The signature is written in a cursive, flowing style.

Janna B. Young
Interim County Manager

cc: Summit County Council, countycouncil@summitcounty.org
John Angell, Summit County Public Works Director, jangell@summitcounty.org
Pat Putt, Summit County Community Development Director, pputt@summitcounty.org
Caroline Rodriguez, High Valley Transit Executive Director, crodriguez@summitcounty.org

Figure 2. Project Area Close-up



60 North Main • P.O. Box 128 • Coalville, UT 84017
Office (435) 336-3018 • Mobile (301) 335-7770
jyoung@summitcounty.org



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

February 4, 2023

Ref: 8ORA-N

Carissa Watanabe, Project Manager
Environmental Services Division
4501 South 2700 West
P.O. Box 148450
Salt Lake City, Utah 84114-8450

Dear Ms. Watanabe:

The U.S. Environmental Protection Agency Region 8 NEPA staff reviewed the December 21, 2023, *Notice of Intent to Prepare an Environmental Impact Statement (EIS), Summit County* for Utah Department of Transportation's (UDOT's) proposed Kimball Junction Interchange Improvements Project (Project). In accordance with our responsibilities under Section 102(2)(c) of the National Environmental Policy Act (NEPA) and as a cooperating agency in the development of the Draft EIS for the proposed Project, the EPA is providing scoping comments.

The EPA's detailed comments are enclosed. The enclosure provides our comments on the following topics that we recommend UDOT consider in its Draft EIS for the proposed Project: (1) range of alternatives; (2) aquatic resource impacts; (3) air quality; (4) environmental justice; and (5) climate change and Project resiliency.

We appreciate your consideration of our comments at this stage of the NEPA process and look forward to working cooperatively with UDOT in the development of the Draft EIS. If further explanation of our comments is desired, please contact me at (303) 312-6736 or smith.julie@epa.gov, or Melissa McCoy, who serves as the EPA Region 8 NEPA Branch Manager, at (303) 312-6155 or mccoy.melissa@epa.gov.

Sincerely,

Julie Ann Smith, PhD
Transportation Sector Lead
Office of the Regional Administrator
NEPA Branch

EPA Region 8 Detailed Scoping Comments for the Kimball Junction Project

Range of Alternatives in the Draft EIS

While the EPA understands that UDOT and Summit County have undergone a planning process that is captured in an area planning document that describes the results of a study conducted using UDOT's Solutions Development process,¹ we recommend that the Draft EIS clearly identify the underlying purpose and need (40 CFR § 1502.13) for the proposed Project. The purpose and need should be a clear, objective statement of the rationale for the proposed Project, as it provides the basis for identifying alternatives. The purpose of the proposed action is typically the specific objective(s) of the activity. The need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity. Please describe the short- and long-term transportation needs as well as the reasoning behind, and the information that supports, those needs.

Discharge of dredged or fill material into waters of the United States, including wetlands, is regulated under CWA Section 404. This permit program is administered jointly by the U.S. Army Corps of Engineers (Corps) and the EPA. Please consult with the Corps to determine the applicability of CWA Section 404 permit requirements to wetlands that would be impacted by the Project activities and to ensure appropriate minimization measures are applied to avoid adverse impacts to wetlands. We recommend avoiding impacts to aquatic resources that are considered "difficult to replace" under the EPA's and the Corps' Final Rule for Mitigation for Losses of Aquatic Resources [33 CFR Parts 325 and 332; 40 CFR Part 230 (73 FR 19594, April 10, 2008)]. The rule emphasizes the need to avoid and minimize impacts to these "difficult-to-replace" resources and requires that any compensation be provided by in-kind preservation, rehabilitation, or enhancement to the extent practicable. We recommend restoration plans require that soil profiles and hydrology are re-established as much as possible to the original state. In addition, the EPA recommends the UDOT consider the mitigation rule to protect aquatic resources even when a CWA Section 404 permit is not required.

The EPA encourages UDOT's commitment to use the Draft EIS to satisfy requirements of the CWA Section 404(b)(1) Guidelines if an individual permit under Section 404 would be required for the Project. Under the CWA Section 404(b)(1) Guidelines, if an alternative is practicable (i.e., available and capable of being done given cost, existing technology, and logistics in light of the overall/basic project purpose) and has the potential to be the least environmentally damaging practicable alternative (LEDPA), it should be retained in the analysis. Only the LEDPA may be permitted.

EPA recommends that UDOT include all alternatives that have the potential to be the LEDPA within the reasonable range of alternatives evaluated in full in the Draft EIS. In doing so, UDOT would ensure that other criteria and measures (e.g., impacts to non-aquatic natural resources and the built environment) would not be used to eliminate potential alternatives that are practicable under the 404(b)(1) Guidelines' criteria (i.e., cost, existing technology, and logistics – see 40 CFR § 230.10 and the preamble in the FR notice) and may have less damaging impacts to wetlands and other waters of the U.S. UDOT would be certain to meet the requirements of the Guidelines and would allow for a robust analysis and NEPA document that would directly support the Corps' decision-making should it

¹ <https://kimballjunctionareaplan.com/>

be determined that an individual permit under CWA Section 404 would be necessary for the Project.

Impacts to Aquatic Resources.

The EPA recommends that the Draft EIS include a discussion of existing aquatic resource conditions in the project area, to provide the basis for an effective analysis of potentially significant impacts from the proposed construction and right-of-way alignment changes to hydrology, water quality, habitat, and other water resources in the project area. To describe effects to aquatic resources in the project area, we recommend the Draft EIS include the following analyses or descriptions:

- A clear map and summary of project area waters and downstream waters, including streams, lakes, springs, and wetlands. It would be helpful if the summary identified high resource value water bodies and their designated beneficial uses (e.g., agriculture, fisheries, drinking water, recreation);
- Watershed conditions, including vegetation cover and composition, soil conditions, and areas not meeting desired future conditions;
- Surface water information, including available water quality data in relation to current Utah Water Quality Standards, stream functional assessments, stream channel/stream bank stability conditions, sediment loads, and aquatic life;
- Types, functions, conditions, and acreages of wetlands, riparian areas, and springs;
- Available groundwater information; and
- A map and list of Clean Water Act (CWA) impaired or threatened water body segments within, or downstream of, the planning area, including the designated uses of the water bodies and the specific pollutants of concern potentially affected by on-going activities within or adjacent to the defined Project analysis area.

Water Quality Data. Water quality data for the streams and lakes of the project area provide important information for evaluating the potential influence of the Project on downstream water quality. Such an evaluation can then guide management for the Project, with the data providing a baseline for future monitoring of impacts. We recommend the Draft EIS provide a summary of available information and monitoring data on water quality within the project area and for downstream waters that may be affected by the proposed Project, including parameters such as total phosphorus, total nitrogen, *Escherichia coli* (*E. coli*), fecal coliform, total suspended solids, turbidity, total dissolved solids, and temperature. It will also be important to include water quality data for parameters listed for impaired water bodies within or downstream of the project area. Identifying any significant gaps in available data may be helpful in developing a monitoring plan. At a minimum, EPA recommends providing a reference to a publicly accessible technical document or an appendix that contains the requested relevant water quality parameters.

Potential Impacts to Impaired Waterbodies. Based upon the most recent EPA-approved CWA Section 303(d) list for Utah (2022) there are impaired streams (e.g., the East Canyon Creek) located

within the proposed project area.² These resources are important to evaluate as the proposed activities may further impact systems or portions of systems downstream. We recommend the UDOT: (a) analyze potential impacts to impaired waterbodies within and/or downstream of the project area, and (b) coordinate with the State of Utah if there are identified potential impacts and exceedances of water quality standards as such impacts are prohibited and would be considered a “significant” impact under NEPA.

We note that there is also an approved total maximum daily load (TMDL) for total phosphorus for East Canyon Creek.³ Where a TMDL exists for impaired waters, pollutant loads should comply with the TMDL allocations for point and nonpoint sources. Where new loads or changes in the relationships between point and nonpoint source loads are created, we recommend that UDOT work with the State to revise TMDL documents and develop new allocation scenarios that ensure attainment of water quality standards. Where TMDL analyses for impaired waterbodies within, or downstream of, the project area still need to be developed, we recommend that proposed activities in the drainages of CWA impaired or threatened waterbodies be either carefully managed to prevent any worsening of the impairment or avoided altogether where such impacts cannot be prevented.

Groundwater. Groundwater is an important resource since it provides domestic and public water supply and supports environmental flows and levels in groundwater dependent ecosystems (GDEs). GDEs include fens and other wetlands fed by groundwater, terrestrial vegetation and fauna sustained by shallow groundwater, ecosystems in streams, lakes fed by groundwater, and springs. While GDEs occupy a small percentage of landscapes in the West, riparian areas and GDEs provide disproportionately large ecosystem services such as water filtration, wildlife habitat, and flood control. Construction and maintenance practices associated with roads, and heavy equipment use have the potential to impact GDEs by altering surface run-off, infiltration, evapotranspiration, sedimentation, and soil compaction. Additionally, construction and maintenance actions such as equipment fueling and waste practices in temporary work areas have the potential to introduce contaminants to GDEs and shallow aquifers. We recommend the NEPA document include a map of groundwater resources, including GDEs, and a discussion to include the following information (if available): identification of major aquifers; location and extent of groundwater recharge areas; location of existing and potential (i.e., those that can reasonably be used in the future) underground sources of drinking water (USDW); and characterization of source water protection zones for public water systems in proximity of the project (see more information below).

Public Drinking Water Supply Sources. The proposed construction activities could potentially impact sources of public drinking water. For example, road construction is a major source of sediment. Sediment can adversely impact water quality by increasing turbidity, plugging filters and other treatment systems, and increase cost of water treatment. Suspended sediment can also carry chemical pollutants, such as phosphates, pesticides and hydrocarbons into surface water and groundwater. The EPA recommends that the NEPA document include a map, appropriate for public

² See <https://www.epa.gov/tmdl/impaired-waters-and-tmdls-region-8>.

The Utah Department of Environmental Quality 2022 Final Integrated Report indicates that East Canyon Creek in Summit County is impaired for total phosphorus and dissolved oxygen.

³ <https://deq.utah.gov/water-quality/watershed-monitoring-program/approved-tmdls-watershed-management-program>

dissemination, showing the generalized locations of all source water assessment and protection areas associated with public drinking water supplies. We also recommend that the Draft EIS include an assessment of potential Project impacts and benefits, as well as design criteria and mitigation options for protecting these high value drinking water resources from potential Project impacts.

Potential Impacts to Wetlands. The EPA recommends that the Draft EIS include a description of the impacts that may result from Project activities to wetlands and associated springs. Such impacts may include functional conversion of wetlands (e.g., forested to shrub-scrub); changes to supporting wetland hydrology (e.g., snow melt patterns, sheet flow, and groundwater hydrology); and wetland disturbance.

Air Quality

Existing Conditions and Air Quality Related Values (AQRV)

The EPA recommends the Draft EIS characterize the existing air quality for criteria pollutants and AQRVs including visibility and resources sensitive to deposition. For criteria pollutants we recommend coordinating with the Utah Division of Air Quality (UDAQ) to establish representative design values (background pollutant concentrations) based on the most recent monitoring data that are representative of the project area. Data are available from EPA at their design values webpage.⁴ Monitoring locations and data can also be accessed by the public through EPA's outdoor air monitor webpage,⁵ as well as through the EPA's Air Quality System (AQS) for AQS users.⁶

We recommend characterizing trends in visibility for the project area if data are available. Data are available for select locations through the IMPROVE monitoring network as well as information prepared by the Federal Land Managers (FLMs). Information is available online at:

- <https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>;
- <http://vista.cira.colostate.edu/Improve/>;
- <https://www.nps.gov/subjects/air/park-conditions-trends.htm>; and
- https://www.fs.usda.gov/air/technical/class_1/alpha.php

Air Quality and AQRV Impact Analysis

To disclose the potential impacts of the proposed Project, we recommend the Draft EIS include a narrative of the activities and emission sources necessary to construct each alternative, as well as the anticipated traffic conditions expected for the analyzed future year. We recommend that the Draft EIS identify typical roadway, bike path, and pedestrian pathway construction, operational and maintenance practices, traffic conditions, and related emission sources. In addition, we recommend identifying durations expected to construct each action alternative. The EPA recommends that UDOT generate emission estimates for criteria pollutants, hazardous air pollutants (HAPs), and greenhouse gases

⁴ <https://www.epa.gov/air-trends/air-quality-design-values#:~:text=Design%20Value%20Reports-What%20is%20a%20Design%20Value%3F,in%2040%20CFR%20Part%2050%20>

⁵ <https://www.epa.gov/outdoor-air-quality-data/interactive-map-air-quality-monitors>

⁶ <https://www.epa.gov/aqs>

(GHGs). The emission inventories provide the foundation for understanding potential impacts on air quality and any differences in impacts to air quality between the alternatives, as well as impacts and benefits to climate. We recommend that the emission inventory include all emissions that would result from construction and maintenance of typical roadway and transportation facilities and emissions from traffic conditions expected under the alternatives. EPA is available to work with UDOT, FHWA, and other federal and state cooperating agencies on the approach for the emission inventory and air quality impact analysis, as appropriate.

Specifically, we recommend that the Draft EIS address the following air quality and AQRV analysis components:

- Impacts from each of the criteria pollutants (ozone, particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and lead). We recommend the magnitude of impacts be given context, including with respect to the National Ambient Air Quality Standards (NAAQS);
- Impacts to AQRVs such as visibility and deposition during construction and post construction of the alternatives. We recommend the analysis identify the expected duration of impacts; and
- Impacts that could result from exposure to HAPs based on relevant health-based risk thresholds for HAPs. We are available to assist with methods of analysis, and appropriate characterization of available thresholds.

Mitigation. We recommend the Draft EIS consider methods that could be employed to mitigate any negative air quality impacts of the Project, including air quality impacts from construction-related activities (e.g., fugitive dust mitigation planning and heavy-duty diesel emission reduction strategies). Further, we recommend the proposed mitigation measures include details on how, when, and where the mitigation will be implemented, and how effective the measures are expected to be.

Air Quality Monitoring. We recommend that the Draft EIS include a discussion on whether any construction-related activities could create air quality impacts to local residents in the section of the Project closest to the proposed SR-224 improved intersections. If construction near residential areas will occur and air quality impacts appear possible, real-time air quality monitoring during construction activities may be appropriate.

Although we expect Best Management Practices (BMPs) will be utilized during construction, potential localized impacts from PM_{2.5} and PM₁₀ emissions have occurred with some road construction projects. Local air monitoring could demonstrate the effectiveness of the mitigation measures in minimizing adverse effects and allow for BMP modifications if air quality problems are detected.

Environmental Justice (EJ)

EPA notes that the December 2022 NOI indicates that the proposed Project may have the potential for significant impacts to communities with environmental justice concerns in the project area. Executive Order 12898 – *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* – applies to federal agencies that conduct activities that substantially affect human health or the environment. In addition, Executive Order 13985 – *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* – sets expectations for a whole-of-

government approach to advancing equity for all. Therefore, consistent with these executive orders and CEQ's Environmental Justice Guidance Under NEPA,⁷ the EPA recommends the NEPA analysis include the following:

- Meaningful engagement of any minority and low-income communities with environmental justice concerns with respect to UDOT's decisions on the proposed Project, and with Tribal Historic Preservation Officers if cultural or historical artifacts are or have been found in the project area.
- Mitigation measures or alternatives to avoid or reduce any disproportionate adverse impacts. We recommend involving the affected communities in developing the measures.

Further, DOT Order 5610.2(a), *Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (DOT EJ Order), sets forth procedures and guidance for the Department to implement EO 12898 and is of central importance to the continued implementation of EJ principles nationwide in DOT-funded efforts. As the NEPA lead agency in this effort, UDOT is responsible for applying these procedures as well. The DOT EJ Order emphasizes that EJ principles apply to planning and programming activities and that requirements, such as NEPA, be administered to identify the risk of disproportionately high and adverse effects early in the development of the program, policy, or activity so that positive corrective action can be taken. EPA believes early consideration about potential impacts to communities with EJ concerns from the proposed Project would lead to more thorough, comprehensive, and targeted measures and commitments by UDOT to avoid, minimize and mitigate these effects in the Project's final design.

A report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee, *Promising Practices for EJ Methodologies in NEPA Reviews*,⁸ provides methodologies gleaned from current agency practices to both consider environmental justice concerns during environmental analyses and encourage effective participation by communities with environmental justice concerns.

The EPA strongly encourages the use of EJScreen when conducting EJ scoping efforts.⁹ The EPA's nationally consistent EJ screening and mapping tool is a useful first step in highlighting locations that may be candidates for further analysis. The tool can help identify potential community vulnerabilities by calculating EJ Indexes and displaying other environmental and socioeconomic information in color-coded maps and standard data reports (e.g., pollution sources, health disparities, critical service gaps, climate change data). EJScreen can also help focus environmental justice outreach efforts by identifying potential language barriers, meeting locations, tribal lands and indigenous areas, and lack of broadband access. For purposes of NEPA review, a project is considered to be in an area of potential EJ concern when the area shows one or more of the twelve EJ Indexes at or above the 80th percentile in the nation and/or state. However, scores under the 80th percentile should not be interpreted to mean there are definitively no EJ concerns present.

While EJScreen provides access to high-resolution environmental and demographic data, it does not provide information on every potential community vulnerability that may be relevant. The tool's

⁷ Available along with other environmental justice resources at: <https://www.epa.gov/environmentaljustice/environmental-justice-and-national-environmental-policy-act>.

⁸ See https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

⁹ <https://www.epa.gov/ejscreen>

standard data report should not be considered a substitute for conducting a full EJ analysis, and scoping efforts using the tool should be supplemented with additional data and local knowledge when reasonably available. Also, in recognition of the inherent uncertainties with screening level data and to help address instances when the presence of EJ populations may be diluted (e.g., in large project areas or in rural locations) EPA recommends assessing each block group within the project area individually and adding a one-mile buffer around the project area. Please see the EJScreen Technical Documentation for a discussion of these and other issues. Early, robust consideration of cumulative impacts would assist in clarifying which of the action alternatives proposed in the scoping notice for the proposed Project may result, when added to past, present, and reasonably foreseeable effects, in disproportionately high and adverse environmental and health effects to communities with EJ concerns.

Climate Change and Project Resiliency

Given the urgency of the climate crisis and NEPA's important role in providing critical information to decision makers and the public, NEPA reviews should quantify proposed actions' GHG emissions, place GHG emissions in appropriate context, disclose relevant climate impacts and identify alternatives and mitigation measures to avoid or reduce GHG emissions. The Council on Environmental Quality (CEQ) encourages agencies to mitigate GHG emissions associated with their proposed actions to the greatest extent possible, consistent with national, science based GHG reduction policies established to avoid the worst impacts of climate change.

On January 9, 2023, CEQ published interim guidance to assist agencies in assessing and disclosing climate change impacts during environmental reviews.¹⁰ CEQ developed this guidance in response to EO 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. This interim guidance is effective immediately. CEQ indicated that agencies should use this interim guidance to inform the NEPA review for all new proposed actions and may use it for evaluations in process, as agencies deem appropriate, such as informing the consideration of alternatives or helping address comments raised through the public comment process. EPA recommends the Draft EIS apply the interim guidance as appropriate, to ensure robust consideration of potential climate impacts, mitigation, and adaptation issues.

As discussed in this guidance, when conducting climate change analyses in NEPA reviews, agencies should consider, as appropriate: (1) the potential effects of a proposed action on climate change, including by assessing both GHG emissions and reductions from the proposed action; and (2) the effects of climate change on a proposed action and its environmental impacts. To describe climate effects in the project area, we recommend the Draft EIS include the following analyses or descriptions:

- A summary discussion of ongoing and projected regional climate change relevant in the existing environment of the project area that is based on resources such as the Fourth National Climate Assessment,¹¹ EPA's Climate Change Indicators,¹² and the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.¹³
- Estimate of the anticipated direct and indirect GHG emissions associated with the proposed

¹⁰ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>

¹¹ <https://nca2018.globalchange.gov/>

¹² <https://www.epa.gov/climate-indicators>

¹³ <https://archive.ipcc.ch/report/ar5/syr/>

Project. The NEPA.gov website includes a non-exhaustive list of GHG accounting tools available to agencies¹⁴ We also recommend estimating GHG emissions in CO₂-equivalent terms and translating the emissions into equivalencies that are more easily understood by the public (e.g., annual GHG emissions from x number of motor vehicles).¹⁵

- Accounting of the proposed Project's climate impacts by utilizing the current interim values for the social cost of GHG emissions. The February 2021 Social Cost of Greenhouse Gases Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990 (developed by the Interagency Working Group on Social Cost of Greenhouse Gases, United States Government) provides the most current information on generating these calculations.¹⁶
- Identify and assess measures to reduce GHG emissions associated with the proposed Project, including alternatives and/or requirements to mitigate or offset emissions.

Analyzing reasonably foreseeable climate effects in NEPA reviews helps ensure that UDOT's decisions are based on the best available science and account for the urgency of the climate crisis. The EPA recommends that the Draft EIS discuss how reasonably foreseeable GHG emissions associated with the Project are, or are not, consistent with state of federal policies or goals to prevent the most catastrophic effects of climate change. For example, discuss how emissions help or hinder meeting GHG reduction targets set at the federal, state, or local level as required in 40 CFR § 1506.2(d), including the U.S. 2030 Paris GHG reduction target and 2050 net-zero pathway.¹⁷ We recommend that the UDOT avoid percentage comparisons between project-level and national or global emissions, which inappropriately minimize the significance of planning-level GHG emissions.

EPA recommends that UDOT consider if proposed alternatives would be affected by foreseeable changes from predictable trends to the affected environment, for instance, under a scenario of continued decreasing precipitation days, changing frequency of intense storms and related flood events, increased occurrence of wildfires, and enduring drought that are currently being experienced in large portions of the project area. The U.S. Climate Resilience Toolkit¹⁸ serves as a repository of information related to climate resilience in the U.S., including steps to build resilience, case studies, expertise, and special topic areas. In addition, we suggest this Project consider resiliency and adaptation measures based on how future climate may impact the Project and the ability of UDOT to effectively protect Project infrastructure and resources from unintentional deleterious impacts due to continuing and foreseeable climate trends in the proposed project area. The Fourth National Climate Assessment (NCA), released by the U.S. Global Change Resource Program,¹⁹ contains scenarios for regions and sectors that may be useful to UDOT in informing integral resilience considerations for road infrastructure projects.

Full consideration of influences from the existing environmental setting on the proposed Project may

¹⁴ <https://ceq.doe.gov/guidance/ghg-tools-and-resources.html>

¹⁵ See <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

¹⁶ https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf

¹⁷ <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/>

¹⁸ The US Climate Resilience Toolkit can be found at: <https://toolkit.climate.gov/>.

¹⁹ The U.S. Global Change Resource Program can be accessed at: <https://nca2018.globalchange.gov>.

inform necessary design modifications and changes to maintenance assumptions, for determining resource supplies, system demands, system performance requirements, and operational constraints (e.g., snow removal/treatment) in the project area. EPA also recommends that UDOT consider the impacts of changing precipitation patterns on the Project alternatives, as part of its analysis of impacts to water resources. For example, consideration of the anticipated extent and depth of overland flows through the development areas using a 500-year flood event model, as compared to a 100-year event, could be used to capture potential variability in precipitation in the Project corridor. This would allow UDOT to identify necessary design considerations to accommodate future anticipated effects (e.g., increased intensity and severity of storms), such as upsizing or adapting stormwater management systems, early in the development of action alternatives to be evaluated in the Draft EIS.

This page is intentionally left blank