
APPENDIX H

Responses to Formal Agency Comments

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Comment-response Matrix

Document Title	EPA Scoping Comments	Agency and Reviewers	Julie Smith, Transportation Sector Lead, EPA Region 8
Document Date	January 9, 2023	Review Date	February 4, 2023

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Range of Alternatives in the Draft EIS			
1.	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.	The Draft Environmental Impact Statement (EIS) will build on the problems and opportunities that were developed and analyzed during the Solutions Development process and described in the <i>Kimball Junction and S.R. 224 Area Plan</i> . The Draft EIS will clearly identify the project’s underlying purpose and supporting short- and long-term transportation needs.	
2.	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 Utah Department of Transportation (UDOT) is aware that discharging dredged or fill material into waters of the United States, including wetlands, is regulated under Clean Water Act (CWA) Section 404 and will consult with the U.S. Army Corps of Engineers to determine the applicability of CWA Section 404 permit requirements if impacts to aquatic resources are unavoidable.	
3.	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	UDOT intends to screen a reasonable range of alternatives via a multilevel screening process. The Level 1 screening will use	

¹ <https://kimballjunctionareaplan.com/>

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	<p>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.</p> <p>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 be determined that an individual permit under CWA Section 404 would be necessary for the Project.</p>	<p>a robust set of traffic, active transportation, and transit-related measures that are based on the purpose elements for the project. Those alternatives that remain after initial screening against purpose-related measures will be further screened in Level 2 screening using environmental impacts and the expected costs of the project alternatives. Note that Level 2 screening criteria include impacts to waters of the United States. UDOT's desire is to have a single range of alternatives that satisfies National Environmental Policy Act (NEPA) requirements as well as Section 404(b)(1) Guidelines requirements.</p> <p>Level 2 screening criteria also include impacts to threatened and endangered species (acres and types of habitat) as well as right-of-way impacts (number of property acquisitions and relocations [commercial and residential]). Summit County parcel data will be used to quantify right-of-way impacts.</p> <p>Even if an alternative meets or potentially meets the purpose of the project, it can still be rejected as unreasonable based on one or more other factors including environmental impacts, engineering, cost, and limited ability to meet the project purpose (AASHTO Practitioner's Handbook: <i>Defining the Purpose and Need and Determining the Range of Alternatives for Transportation Projects</i>).</p>	
Impacts to Aquatic Resources			
4.	<p>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:</p> <ul style="list-style-type: none"> • 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; 	<p>UDOT will conduct field surveys in accordance with the 1987 <i>Corps of Engineers Wetlands Delineation Manual</i> and the appropriate regional supplement and ordinary high water mark field guide to identify aquatic resources throughout the EIS project area. An aquatic resource delineation report will be prepared as a technical report to support the Draft EIS. In addition to identifying the size distribution of wetlands, streams, and other aquatic resources in the project area, this report will describe the watershed and the general functions and conditions of the aquatic resources in the project area.</p> <p>The Draft EIS will describe direct and indirect effects on aquatic resources in the project area, including clear maps showing aquatic resources and baseline information that</p>	

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	<ul style="list-style-type: none"> • 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. 	<p>describes the abundance, distribution, function, and condition of aquatic resources in the project area.</p> <p>The Draft EIS will also include available water quality data in relation to current Utah water quality standards, groundwater information, and a map and list of CWA impaired or threatened water body segments in, or downstream of, the project area, including the designated uses of the water bodies and the specific pollutants of concern that would be affected by ongoing activities in or adjacent to the defined project analysis area.</p> <p>UDOT will review databases for information regarding existing surface and groundwater water quality and any impairments to beneficial uses assigned to area surface waters.</p>	
5.	<p><u>Water Quality Data.</u> 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, <i>Escherichia coli</i> (<i>E. coli</i>), 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.</p>	<p>The necessary existing water quality data needed for the analysis of impacts to water quality will be taken from publicly available sources, including the Utah Division of Water Resources' Ambient Water Quality Monitoring System (AWQMS) database and the 303(d) list.</p>	
6.	<p><u>Potential Impacts to Impaired Waterbodies.</u> 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</p>	<p>Per UDOT's municipal separate storm sewer system (MS4) permit, the Draft EIS will include a water quality analysis of impacts to impaired waters in the project area.</p> <p>The Draft EIS will disclose adverse impacts to aquatic resources from reasonably foreseeable development associated with the roadway improvements.</p>	

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.

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	exceedances of water quality standards as such impacts are prohibited and would be considered a “significant” impact under NEPA.		
7.	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.	<p>The Draft EIS will describe the designated beneficial uses of waterbodies in the project area and impaired waterbodies or waterbodies with a TMDL analysis.</p> <p>The Draft EIS will identify best management practices (BMPs) for water quality treatment and other conceptual mitigation measures for impacts to aquatic resources.</p> <p>If the Draft EIS analysis shows that the project alternatives could be a major source of phosphorus loading to East Canyon Creek, UDOT would coordinate with the Utah Department of Environmental Quality (UDEQ).</p>	
8.	<u>Groundwater.</u> 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).	<p>The Draft EIS will examine existing groundwater resources in the project area and expected impacts to groundwater quality as a result of the project alternatives.</p> <p>The Draft EIS will qualitatively address hydrologic sources of groundwater dependent ecosystems (GDEs).</p>	
9.	<u>Public Drinking Water Supply Sources.</u> 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	The Draft EIS will analyze the location of public drinking water supply sources (surface and groundwater) and the	

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

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	<p>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 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.</p>	<p>respective source protection zones associated with these sources.</p> <p>Both temporary and permanent BMPs would be implemented as a part of the project in compliance with UDOT’s MS4 permit and <i>Water Quality Design Manual</i>. These BMPs have been shown to be very effective in removing suspended solids (including sediment) in stormwater before the stormwater is discharged to surface waters.</p> <p>The construction contractor would also be required to acquire a Utah Pollutant Discharge Elimination System (UPDES) permit and to develop a Stormwater Pollution Prevention Plan (SWPPP) before construction begins.</p>	
10.	<p><u>Potential Impacts to Wetlands</u>. 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.</p>	<p>The Draft EIS will include an analysis of impacts to all waters in the project area, including directly and indirectly impacted resources.</p> <p>The Draft EIS will include disclosure of adverse impacts to aquatic resources from reasonably foreseeable development associated with the roadway improvements.</p>	
Air Quality			
11.	<p><u>Existing Conditions and Air Quality Related Values (AQRV)</u></p> <p>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</p> <p>We recommend characterizing trends in visibility for the project area if data are available. Data are available for select locations through the IMPROVE monitoring</p>	<p>The Draft EIS will discuss current air quality conditions and will include a qualitative discussion of future conditions with the proposed reasonable alternatives. There are no applicable regulatory monitoring stations or design values for the project location (Summit County, Utah). The nearest regulatory monitor is 20 miles to the west, in Salt Lake City, and does not provide a meaningful comparison.</p> <p>Air Quality Related Values (AQRVs), as described in the Clean Air Act, Part C, <i>The Prevention of Significant Deterioration</i>, are attributes identified by federal land managers that could be adversely affected by a decrease in air quality in areas designated as class 1 federal lands, such as</p>	

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>

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	<p>network as well as information prepared by the Federal Land Managers (FLMs). Information is available online at:</p> <ul style="list-style-type: none"> • 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 	<p>national parks, national wilderness areas, and national monuments and similar lands. There are no class 1 lands in or near the project area. The closest class 1 federal land is Capitol Reef National Park, which is about 170 miles south of the project area. Any changes to air quality resulting from a project alternative would be imperceptible at this location.</p>	
12.	<p><u>Air Quality and AQRV Impact Analysis</u></p> <p>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 (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.</p> <p>Specifically, we recommend that the Draft EIS address the following air quality and AQRV analysis components:</p> <ul style="list-style-type: none"> • 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 	<p>Transportation conformity is required under the Clean Air Act, Section 176(c), to ensure that federally supported transportation activities are consistent with (“conform to”) the purpose of a State Implementation Plan (SIP). Conformity requirements apply in areas that either do not meet or previously have not met National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, particulate matter (PM₁₀ and PM_{2.5}), or nitrogen dioxide. These areas are known as nonattainment areas and maintenance areas, respectively.</p> <p>The Kimball Junction EIS project is located in Summit County, Utah, which is an attainment area for all of the above-mentioned pollutants. As an attainment area, transportation conformity requirements do not apply, and quantitative modeling of emissions or emissions inventories for criteria pollutants is not required. UDOT will consider the guidance provided in the Council on Environmental Quality’s (CEQ) <i>National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change</i>, published on January 9, 2023.</p> <p>FHWA’s <i>Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents</i> (January 18, 2023) provides direction on considering mobile-source air toxics (MSATs; a subset of HAPs) during the NEPA process. Tier 2 projects, those with low potential MSAT effects, require a qualitative MSAT analysis. The Kimball Junction EIS project is considered a Tier 2 project because its design-year traffic is projected to be less than 140,000 to 150,000 annual average daily traffic. The project alternatives are unlikely to produce a</p>	

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	<p>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.</p>	<p>meaningful increase in MSAT emissions and will be assessed qualitatively.</p> <p>AQRVs, as described in the Clean Air Act, Part C, <i>The Prevention of Significant Deterioration</i>, are attributes identified by federal land managers that could be adversely affected by a decrease in air quality in areas designated as class 1 federal lands, such as national parks, national wilderness areas, and national monuments and similar lands. There are no class 1 lands in or near the project area. The closest class 1 federal land is Capitol Reef National Park, which is about 170 miles south of the project area. Any changes to air quality resulting from a project alternative would be imperceptible at this location.</p>	
13.	<p><u>Mitigation</u>. 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.</p>	<p>Mitigation measures will be considered and discussed in the Draft EIS.</p>	
14.	<p><u>Air Quality Monitoring</u>. 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.</p> <p>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.</p>	<p>Impacts from construction-related activities to air quality will be considered in the Draft EIS. Construction-related BMPs will follow UDOT standards for minimizing construction-related emissions.</p>	
Environmental Justice (EJ)			
15.	<p>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 – <i>Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations</i> – applies to federal agencies that conduct activities that substantially affect human</p>	<p>UDOT will identify low-income and minority populations that could be affected by the alternatives carried forward in the Draft EIS. The Draft EIS will include a section on environmental justice, which will evaluate impacts to any low-income and minority populations identified using EPA’s</p>	

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	<p>health or the environment. In addition, Executive Order 13985 – <i>Advancing Racial Equity and Support for Underserved Communities Through the Federal Government</i> – 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:</p> <ul style="list-style-type: none"> • 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. 	<p>EJScreen tool and many other relevant data sources. If appropriate, mitigation will be proposed.</p> <p>UDOT has and will continue to provide meaningful opportunities for participating and input into the EIS process for environmental justice communities.</p> <p>Native American tribes were sent invitations to be participating agencies and scoping notifications. No tribes accepted the invitation to date or provided scoping comments. No known cultural or historical artifacts, tribal or otherwise, are known to be in the project area or have been found in the project area.</p>	
16.	<p>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 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.</p>	<p>UDOT is aware of the potential for low-income and minority populations in the Kimball Junction project area and is using EPA’s EJScreen tool and many other relevant data sources to identify areas and populations of concern.</p>	

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

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Climate Change and Project Resiliency			
17.	<p>On January 9, 2023, CEQ published interim guidance to assist agencies in assessing and disclosing climate change impacts during environmental reviews.⁸ 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.</p>	<p>UDOT will consider the guidance in CEQ’s <i>National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change</i>, published on January 9, 2023, as appropriate.</p>	
18.	<p>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:</p> <ul style="list-style-type: none"> • 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,⁹ EPA’s Climate Change Indicators,¹⁰ and the Fifth Assessment Report of the Intergovernmental Panel on Climate Change.¹¹ • Estimate of the anticipated direct and indirect GHG emissions associated with the proposed Project. The NEPA.gov website includes a non-exhaustive list of GHG accounting tools available to agencies.¹² 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).¹³ 	<p>UDOT will consider the guidance in CEQ’s <i>National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change</i>, published on January 9, 2023, as appropriate.</p>	

⁸ <https://www.federalregister.gov/documents/2023/01/09/2023-00158/national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions-and-climate>

⁹ <https://nca2018.globalchange.gov/>

¹⁰ <https://www.epa.gov/climate-indicators>

¹¹ <https://archive.ipcc.ch/report/ar5/syr/>

¹² <https://ceq.doe.gov/guidance/ghg-tools-and-resources.html>

¹³ See <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>.

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	<ul style="list-style-type: none"> • 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.¹⁴ • Identify and assess measures to reduce GHG emissions associated with the proposed Project, including alternatives and/or requirements to mitigate or offset emissions. 		
19.	<p>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.¹⁵ 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.</p>	<p>UDOT will consider the guidance in CEQ's <i>National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change</i>, published on January 9, 2023, as appropriate.</p>	
20.	<p>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 Toolkit¹⁶ 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</p>	<p>UDOT will consider the guidance in CEQ's <i>National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions and Climate Change</i>, published on January 9, 2023, as appropriate.</p>	

¹⁴ https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf

¹⁵ <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/>

¹⁶ The U.S. Climate Resilience Toolkit can be found at: <https://toolkit.climate.gov/>.

Comment-response Matrix

Item	Comment	Response	QC/ Concurrence
	(NCA), released by the U.S. Global Change Resource Program, ¹⁷ contains scenarios for regions and sectors that may be useful to UDOT in informing integral resilience considerations for road infrastructure projects.		
21.	Full consideration of influences from the existing environmental setting on the proposed Project may 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.	UDOT will consider this suggestion as the project progresses into detailed design for stormwater and drainage.	

¹⁷ The U.S. Global Change Resource Program can be accessed at: <https://nca2018.globalchange.gov>.

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