Hyde Park to North Logan
Transportation Corridor (200 East)

Record of Decision
September 2011

Project No. STP-1232(1)1 • ePM PIN No.: 3520
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Appendix A: Amended Jurisdictional Determination, September 2011

Appendix B: EPA Comments
1  DECISION

This document is the Federal Highway Administration (FHWA) Record of Decision (ROD) for the transportation corridor proposed in Cache County, Utah, between 1400 North in Logan and 3700 North in Hyde Park. This ROD constitutes FHWA’s determination of Alternative 3 Modified as the Preferred Alternative as presented in the Hyde Park to North Logan Transportation Corridor Final Environmental Impact Statement and Section 4(f) Evaluation dated June 2011 (FEIS).

FHWA and the Utah Department of Transportation (UDOT) are the lead agencies for this project. North Logan City and Hyde Park City are lead sponsors. The Cache Metropolitan Planning Organization (CMPO), Cache County, and various federal, state, and local agencies participated during development of the project.

This ROD is based on information presented in the FEIS, supporting documentation, and input received from the public, stakeholders, and agencies. In making this decision, FHWA considered potential impacts and benefits from a range of alternatives evaluated under the National Environmental Policy Act, Section 4(f) of the Department of Transportation Act of 1966, and other applicable laws. The Preferred Alternative meets the project’s purpose and need, maximizes the transportation benefit, and minimizes impacts to the natural environment and community.

This ROD approves the full construction of the Preferred Alternative. However, it is likely that the project will be constructed in phases based on available funding. It is anticipated that the full construction will be completed as described in the FEIS and this ROD before 2040.

1.1  Preferred Alternative

As shown in Figure 1, the Preferred Alternative is parallel to US 91 and connects the intersection of 200 East and 1400 North in Logan with 3700 North in Hyde Park at approximately 150 East. The alignment follows 200 East between 1400 North and 1900 North, shifts west to follow 100 East between 2100 North and 2800 North, and then shifts east to follow 150 East to 3700 North. The Preferred Alternative includes five lanes (two travel lanes in each direction and a center turning lane) from 1400 North to 2200 North, and three lanes from 2200 North to 3700 North. It also includes accommodations for pedestrians and bicyclists. The Preferred Alternative is described in Section 2.5 of the FEIS.
1.2 Document History
A Draft Environmental Impact Statement (DEIS) was published in March 2007. The project was put on hold in the fall of 2008 due to a lack of funding. In 2010, the project resumed and a reevaluation of the DEIS was prepared to determine if there had been changes to the project impacts that were not already considered in the DEIS, which would require a supplemental EIS or a new DEIS. On October 28, 2010, FHWA determined that a supplemental EIS was not required. The FEIS was approved in June 2011 and the Notice of Availability for the FEIS was published in the Federal Register on July 8, 2011. The public and agency review period ended on August 8, 2011. Comments and responses can be found in Section 7 of this ROD.

2 ALTERNATIVES CONSIDERED
The purpose of the project is to improve regional connectivity and mobility and provide transportation infrastructure that supports economic development within the study area. The project purpose can be specifically defined as follows:

- Provide a higher functioning continuous north-south corridor within the study area.
- Improve mobility within the study area.
- Enhance local and regional connectivity of Hyde Park, North Logan, and neighboring communities.
- Support local economic and development goals.

2.1 Summary of Alternative Development Process
Section 2 of the FEIS describes the alternative development process in detail. Initially, 14 alternatives were developed through the public involvement process including one-on-one interviews, small group meetings, and three open houses. Additionally, a Steering Committee including representatives from FHWA, UDOT, North Logan City, Hyde Park City, Smithfield City, and CMPO was formed to provide input on each alternative. The alternatives went through two levels of screening to determine which would be carried forward for detailed analysis in the DEIS.

First Screening of Alternatives
The 14 alternatives were evaluated according to their ability to meet the project’s purpose and need. Of the 14 initial alternatives, seven were carried forward to the second screening level.

Second Screening of Alternatives
The second screening of alternatives used the “Choosing by Advantages Decision-Making System” to compare the advantages of the seven remaining alternatives. Screening criteria used for this comparison included the following:

- **Safety** – Provide a safe corridor for motorized users, cyclists, and pedestrians, especially at the George S. Eccles Ice Center, the Thomas Edison Charter School, and residential areas in North Logan.
• **Community Planning Goals** – Maintain consistency with existing plans and accommodate future economic development.

• **Community Connectivity** – Provide a continuous route connecting communities within the Logan urbanized area.

• **Access** – Create access to developable properties and provide additional access to areas of commerce and employment.

• **Property Rights** – Keep parcels intact.

• **Property Impacts** – Minimize acquisitions, relocations, noise impacts, and decreases in property values.

• **Cost** – Minimize design, construction, and mitigation costs.

• **Aesthetics** – Provide landscaping, green space, etc.

Of the seven remaining alternatives, four were carried forward (Alternatives 3, 5, 6A, and 6B) for detailed analysis because they provided the greatest advantages while meeting the project’s purpose and need.

**Alternatives Added after Publication of the DEIS**

During the reevaluation of the DEIS in 2010, North Logan City requested that a variation of Alternative 3 be evaluated in the FEIS. Alternative 3 Modified included minor modifications to the Alternative 3 alignment, creating more viable development options to adjacent properties in comparison to Alternative 3 and fewer impacts to Section 4(f) properties. Alternative 3 Modified was carried forward in the FEIS, resulting in the detailed evaluation of five build alternatives.

### 2.2 Alternatives Considered in the FEIS

**No Build Alternative**

The No Build Alternative assumes no new major construction within the study area, other than projects that are already in the CMPO 2030 Long Range Transportation Plan. Minor spot improvements, Transportation System Management measures, and/or signal projects may be constructed under the No Build Alternative.

**Alternative 3**

Alternative 3 includes construction of a roadway to five lanes from 1400 North to approximately 2200 North and construction to three lanes from 2200 North to 3700 North. This alignment curves west at approximately 1900 North to align with 100 East and continues to approximately 2800 North where it then curves east to align with approximately 150 East and then continues north to 3700 North.

**Alternative 3 Modified (Preferred Alternative)**

Alternative 3 Modified is generally the same as Alternative 3, except it curves west at approximately 2300 North instead of at 1900 North.
Alternative 5
Alternative 5 includes construction of a roadway to five lanes from 1400 North to 2500 North and construction to three lanes from 2500 North to 3700 North. This alignment curves west at approximately 2500 North to align with 150 East and continues to 3700 North.

Alternative 6A
Alternative 6A includes construction of a roadway to five lanes from 1400 North to 2200 North, and construction to three lanes from 2200 North to 3700 North. This alignment curves slightly to the west at approximately 2300 North. It then continues north to approximately 2700 North where it curves east to realign with 200 East then continues to 3700 North.

Alternative 6B
Alternative 6B includes construction of a roadway to five lanes from 1400 North to 2200 North, and construction to three lanes from 2200 North to 3700 North. This alignment curves west to align with approximately 180 East, then continues north to approximately 2650 North where it curves east to realign with 200 East. It curves west at approximately 2800 North to align with 150 East then continues to 3700 North.

2.3 Rationale for the Preferred Alternative
Alternative 3 Modified is identified as the Preferred Alternative in the FEIS. FHWA selected Alternative 3 Modified based on the results of the Section 4(f) least overall harm analysis, a comparison of impacts and benefits among alternatives, agency and public input, and city council recommendations, as described in Section 2 of the FEIS.

3 SECTION 4(F)
3.1 Use of Section 4(f) Properties
The Preferred Alternative (Alternative 3 Modified) results in a de minimis impact to one Section 4(f) property—the George S. Eccles Ice Center. The Preferred Alternative requires acquisition of property from the west side of the George S. Eccles Ice Center (less than 0.01 acre) and reconfiguration of the northwest access.

The Preferred Alternative does not result in a non-de minimis use of any Section 4(f) properties. A single de minimis impact does not require discussion of avoidance alternatives or a least overall harm analysis. However, because the de minimis determination was made later during the development of the FEIS and Section 4(f) Evaluation, avoidance alternatives were considered and a least overall harm analysis was conducted.
3.2 Avoidance Alternatives and Measures to Minimize Harm to Section 4(f) Properties

Alternative 3 Modified results in a de minimis impact, and because a de minimis impact is considered a type of use, Alternative 3 Modified is not considered an avoidance alternative.

Four potential build alternatives and the No Build Alternative were evaluated as potential feasible and prudent avoidance alternatives. To be considered a prudent avoidance alternative, an alternative must meet the project’s purpose and need. FHWA and UDOT determined that the alternatives that completely avoid the use of Section 4(f) properties do not meet the purpose and need. Therefore, there are no feasible and prudent avoidance alternatives.

3.3 Least Overall Harm Analysis

The Preferred Alternative causes the least overall harm in light of Section 4(f)’s preservation purpose and in balancing the seven factors listed in 23 Code of Federal Regulations (CFR) 774.3 (c)(1). A detailed discussion is presented in Section 5 of the FEIS.

4 ENVIRONMENTAL IMPACTS AND MEASURES TO MINIMIZE HARM

This section summarizes environmental impacts and mitigation for the Preferred Alternative. Measures were taken during the alternative development process to avoid or minimize impacts to the natural and built environment. Where avoidance was not possible, minimization and mitigation were considered. FHWA considered impacts and mitigation in determining the Preferred Alternative. Table 1 provides a summary of the mitigation commitments for the implementation of the Preferred Alternative.

<table>
<thead>
<tr>
<th>Resource Impacted</th>
<th>Mitigation Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Environment</td>
<td>The Preferred Alternative will include design of the right-of-way to include safe sighting for driveway entrances, sidewalks, crosswalks, signage, and street lighting to minimize potential impacts to pedestrian, bicycle, and vehicular safety.</td>
</tr>
<tr>
<td>Economic</td>
<td>Access to businesses located between 1400 North and 1800 North will be maintained during construction, and signage will be used to indicate business access points.</td>
</tr>
<tr>
<td>Joint Development</td>
<td>Coordination with utility companies will be conducted to ensure proper planning during construction.</td>
</tr>
<tr>
<td>Noise</td>
<td>During the final design phase of the project, the UDOT noise policy public involvement and ballofing process will be followed to determine if feasible and reasonable noise barriers will be constructed at locations identified in Section 4.9.6 and as depicted in Figure 4.9-2 of the FEIS.</td>
</tr>
</tbody>
</table>
Table 1: Mitigation Summary (cont’d)

<table>
<thead>
<tr>
<th>Resource Impacted</th>
<th>Mitigation Commitments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Quality/Water Rights</td>
<td>- During final design, the use of vegetated swales for roadway runoff will be evaluated and used where possible.</td>
</tr>
<tr>
<td></td>
<td>- If vegetated swales are not possible, other water quality treatment measures (e.g., oil/water separators) will be evaluated.</td>
</tr>
<tr>
<td></td>
<td>- If the end of pipe discharge for a new storm drain system exceeds 5 cubic feet per second (cfs), plan elements for storm water runoff control and treatment will be submitted to the Utah State Division of Water Quality for review.</td>
</tr>
<tr>
<td></td>
<td>- Design and operation and managing water facilities will be in compliance with the Cities’ Storm Water Management Plans, source water protection plans, and source water protection ordinances.</td>
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<tr>
<td></td>
<td>- A Utah Pollutant Discharge Elimination System General Construction permit will be obtained and a Storm Water Pollution Prevention Plan will be prepared and implemented.</td>
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<td></td>
<td>- Disturbed work areas will be re-vegetated to prevent erosion and sediment runoff.</td>
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<td></td>
<td>- The Cities will obtain agreements with irrigation companies as necessary to use existing irrigation/drainage ditches for storm water management.</td>
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<tr>
<td></td>
<td>- The Cities will obtain appropriate water rights agreements with the State Engineer if it is necessary to relocate existing points of diversion.</td>
</tr>
<tr>
<td>Wetlands and Water Bodies</td>
<td>- A Stream Alteration Permit will be obtained from the State Engineer at the Utah Division of Water Rights for the crossing of the unnamed spring-fed stream.</td>
</tr>
<tr>
<td></td>
<td>- The crossings of the unnamed spring-fed stream and the jurisdictional drainage will be designed to maintain flow conveyance capacity and minimize channel/floodplain alterations.</td>
</tr>
<tr>
<td></td>
<td>- A Clean Water Act Section 404 permit will be obtained for the filling of wetlands. Unavoidable permanent wetland impacts will be compensated in accordance with Section 404 regulations by creating, restoring, enhancing, and/or preserving wetland habitats. The wetland mitigation ratio will be negotiated with the 404 permit.</td>
</tr>
<tr>
<td></td>
<td>- Wetlands will be protected from unnecessary impacts during construction by wetland fencing.</td>
</tr>
<tr>
<td></td>
<td>- Temporarily impacted wetlands will be restored to their pre-disturbance condition.</td>
</tr>
<tr>
<td></td>
<td>- Best Management Practices (BMPs) will be used during the construction phase to minimize indirect impacts due to sedimentation and soil erosion.</td>
</tr>
</tbody>
</table>
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<table>
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<tr>
<th>Resource Impacted</th>
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</thead>
<tbody>
<tr>
<td>Fish and Wildlife</td>
<td>- Whenever possible, clearing and grubbing of potential migratory bird nesting habitat (undeveloped farmland in areas supporting tree clumps) will be conducted during the non-nesting season (September 15 to March 15) of migratory birds. If potential migratory bird nesting habitat must be cleared and grubbed during nesting season, a qualified wildlife biologist will verify the absence of migratory birds. Any potential taking of migratory birds will be coordinated with the U.S. Fish and Wildlife Service (USFWS) in accordance with the Migratory Bird Treaty Act.</td>
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<td>- Alterations to wetland and stream habitats will require permits from the U.S. Army Corps of Engineers (USACE) and the Utah Division of Water Rights, respectively, and will also require preparation of a mitigation plan for the compensation of impacted wildlife habitat as well as upland buffers.</td>
</tr>
<tr>
<td></td>
<td>- UDOT will survey for the presence of Ute-ladies’ tresses during the 2011 flowering season. Any Ute-ladies’ tresses individuals or populations identified during the 2011 flowering season survey will be coordinated with USFWS.</td>
</tr>
<tr>
<td>Historic, Archaeological, and Paleontological Resources</td>
<td>Construction will be stopped immediately and physical materials will be evaluated in accordance with UDOT Standard Specification 013555, Part 1.13, if any undocumented historic or archaeological resources are encountered.</td>
</tr>
<tr>
<td>Hazardous Waste Sites</td>
<td>UDOT will coordinate with the Utah Division of Environmental Response and Remediation prior to acquisition of all or portions of properties identified as suspect (Cache Meadow Dairy and drainage slough at approximately 3500 North).</td>
</tr>
<tr>
<td>Visual Resources</td>
<td>- Disturbed areas will be re-established or re-vegetated so they are consistent with adjacent landscape features.</td>
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<tr>
<td></td>
<td>- All new elements to the alignment will be reviewed by Hyde Park, North Logan, and Cache County and will be consistent with local architectural standards, guidelines, and UDOT safety inspections requirements.</td>
</tr>
<tr>
<td>Section 6(f) Land and Water Conservation Fund (LWCF) Property</td>
<td>All right-of-way acquisitions of the LWCF property will be mitigated in accordance with Section 6(f) of the LWCF Act through approval of the U.S. Department of the Interior. Conversion of the LWCF property requires substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. Completion of the Section 6(f) LWCF property conversion proposal application and approval will be completed independent of the EIS (see Section 6 of the FEIS).</td>
</tr>
</tbody>
</table>
4.1 Land Use
The Preferred Alternative is compatible with the general plans for residential and commercial development for the cities of Hyde Park, North Logan, and Logan. It is also compatible with the Cities’ interest in converting the Cache County Section 6(f) LWCF property for economic development and the future plans for the Utah State University Innovation Campus expansion (see page 4-12 of the FEIS).

4.2 Prime, Unique, and Statewide Important Farmland
There are no prime, unique, or statewide important designated farmlands in the study area. Therefore, the Preferred Alternative will not result in any impacts to these resources (see page 4-17 of the FEIS). No mitigation is required.

4.3 Social Environment
The Preferred Alternative will not result in any impacts to social cohesion, neighborhood travel patterns, nor public facilities and services. The Preferred Alternative will eliminate the on-street parking between 1400 North and 1800 North.

The Preferred Alternative will include, wherever practicable, design of the right-of-way to include safe sighting for driveway entrances, sidewalks, crosswalks, signage, and street lighting to minimize potential impacts to pedestrian, bicycle, and vehicular safety.

4.4 Environmental Justice
The Preferred Alternative results in no disproportionately high and adverse impacts to environmental justice populations; therefore no mitigation is required (see page 4-38 of the FEIS).

4.5 Economic
The Preferred Alternative will facilitate future economic growth and development, consistent with the general plans for Hyde Park, North Logan, and Logan due to its ability to provide continuous north-south access to business areas (see page 4-46 of the FEIS). There is potential for temporary disruption to business access during construction for businesses located on 200 East between 1400 North and 1800 North. Access to businesses will be maintained during construction, and signage will be used to indicate business access points.

4.6 Joint Development
Some existing utilities could be temporarily interrupted during construction of the Preferred Alternative. The greatest impact to existing utilities will be along 200 East from 1400 North to 1800 North for relocation of the overhead power lines and meter boxes in the park strip.

Coordination with utility companies will be accomplished to ensure that proper planning takes place during construction of the Preferred Alternative. Construction documents will require advance notification to property owners who may be temporarily affected by interruptions in utility service during construction (see page 4-48 of the FEIS).
4.7 Pedestrians and Bicyclists

Improvements associated with the Preferred Alternative will result in a positive impact for pedestrian and bicyclists. The Preferred Alternative will include a dedicated bicycle lane and will comply with Americans with Disabilities Act requirements.

Temporary impacts to recently designated regional bikeways within the study area at 2500 North and 2200 North are likely during construction (see page 4-50 of the FEIS).

4.8 Air Quality

The Preferred Alternative is not expected to cause a new exceedance of the National Ambient Air Quality Standards or worsen an existing exceedance; therefore no mitigation is required.

Cache County, Utah, and Franklin County, Idaho, have been designated as non-attainment areas for the pollutant PM_{2.5}. The current Long Range Transportation Plan for CMPO is required to demonstrate interim conformity, in accordance with 40 CFR Parts 51 and 93. The CMPO Metropolitan Transportation Plan received a positive conformity finding on August 16, 2011.

BMPs will be employed in all construction phases in accordance with the UDOT 2008 Standard Specifications for Road and Bridge Construction.

4.9 Noise

The Preferred Alternative will result in noise impacts to 76 receptors (72 residential properties and four non-residential properties). See page 4-80 of the FEIS.

Two noise barriers (barrier sites 9 and 11) were determined to be reasonable and feasible as mitigation for noise impacts. Barrier site 9 consists of three barrier segments between 1700 North and 1800 North. It would provide a reduction in noise at 19 impacted properties on the west side of 200 East. Barrier site 11 would provide a reduction in noise at eight impacted residential properties east of the alignment and north of 2200 North.

During the final design phase of the project, the UDOT noise policy public involvement and balloting process will be followed to determine if feasible and reasonable noise barriers will be constructed at locations identified in Section 4.9.6 of the FEIS.

4.10 Water Quality/Water Rights

The Preferred Alternative will result in impacts to three wells (25-5060, 25-3303, and 25-9272), one surface diversion (water right 25-9628), and more than 0.5 acres of earth disturbance. The Preferred Alternative is compliant with the Storm Water Management Plans of Hyde Park City, North Logan City, and Logan City.
During final design, the use of vegetated swales for roadway runoff will be evaluated and used where possible. When the roadway section is fully built-out to five lanes with curb and gutter, vegetated swales may not be feasible. If vegetated swales are not feasible, other water quality treatment measures (e.g., oil/water separators) will be evaluated. If the end of pipe discharge for a new storm drain system exceeds 5 cfs, plan elements for storm water runoff control and treatment will be submitted to the Utah State Division of Water Quality for review. Mitigation for temporary construction impacts will be addressed through BMPs and Utah Pollutant Discharge Elimination System permit requirements. An erosion control plan and Storm Water Pollution Prevention Plan will be developed and incorporated into construction documents (see page 4-91 of the FEIS).

4.11 Wetlands and Water Bodies

According to the amended jurisdictional determination approved in September 2011, 0.38 acres of wetlands will be impacted by the Preferred Alternative (see Appendix A of this ROD and page 4-95 of the FEIS). In accordance with Executive Order 11990, Protection of Wetlands, new construction located in wetlands must be avoided unless there is no practicable alternative to the construction and the proposed action includes all practicable measures to minimize harm to wetlands that could result from such construction. For the Hyde Park to North Logan Transportation Corridor project, there are no practicable alternatives that avoid wetlands, and all measures to minimize harm to wetlands have been taken including avoidance and minimization of impacts through changes in project design.

A Clean Water Act Section 404 permit will be obtained for the filling of wetlands. Unavoidable permanent wetland impacts will be compensated in accordance with Section 404 regulations by creating, restoring, enhancing, and/or preserving wetland habitats that would replace the values of impacted wetland functions. Wetlands will be protected from unnecessary impacts during construction by wetland fencing. Temporarily impacted wetlands will be restored to their pre-disturbance condition. BMPs will be used during the construction phase to minimize indirect impacts due to sedimentation and soil erosion.

Implementation of the Preferred Alternative will also result in a stream crossing and jurisdictional drainage crossing. Temporary impacts could include temporary disturbances to wetland vegetation and aquatic habitat during the construction of the road crossings.

A Stream Alteration Permit will be obtained from the State Engineer at the Utah Division of Water Rights for the crossing of the unnamed spring-fed stream. The crossings of the unnamed spring-fed stream and the jurisdictional drainage will be designed to maintain flow conveyance capacity and minimize channel/floodplain alterations.

4.12 Floodplains

There will be no direct or indirect impacts to designated flood zone hazards as a result of implementing the Preferred Alternative. No mitigation is required (see page 4-98 of the FEIS).
4.13 Fish and Wildlife

The Preferred Alternative will not impact fisheries, big game populations, or state-listed sensitive species because there is no suitable habitat for these species within the study area.

Indirect impacts include accelerated development along the new transportation corridor, leading to a loss of open space for potential habitat for small mammals and migratory birds. Total habitat loss for the Preferred Alternative is estimated to be 14.40 acres. Removal of the prey source in addition to removal of mature trees will impact raptors and mammalian predators. There are no populations of state-sensitive species located within the study area (see page 4-101 of the FEIS).

The Preferred Alternative will alter or destroy habitat (undeveloped farmland in areas supporting tree clumps) potentially occupied by migratory birds. Whenever possible, clearing and grubbing will be conducted during the non-nesting season (September 15 to March 15) of migratory birds. For construction during nesting season, a qualified wildlife biologist will verify the absence of migratory birds. Any potential taking of migratory birds will be coordinated with USFWS in accordance with the Migratory Bird Treaty Act.

4.14 Threatened and Endangered Species

There are no known occurrences of critical habitat for any of the six federally listed species within the study area. Although Ute-ladies’ tresses were added to the federally protected species list in Cache County (September 2009), there were no individuals or populations identified during a survey in the 2010 flowering season. During development of the FEIS, USFWS requested two consecutive years of field survey to determine the presence of Ute-ladies’ tresses. UDOT will survey for the second year for the presence of Ute-ladies’ tresses during the 2011 flowering season. If any individual plants or populations are identified during the 2011 flowering season survey, UDOT will coordinate with USFWS.

4.15 Historic, Archaeological, and Paleontological Resources

The Preferred Alternative will not result in any impacts to historic, archaeological, or paleontological resources. No mitigation is required (see page 4-106 of the FEIS).

Construction will be stopped immediately and physical materials will be evaluated in accordance with UDOT Standard Specification 013555, Part 1.13, if any undocumented historic or archaeological resources are encountered.

4.16 Hazardous Waste Sites

The Preferred Alternative will impact the Cache Meadow Dairy and the drainage slough at approximately 3500 North. The buildings associated with the Cache Meadow Diary will need to be investigated for asbestos, lead paint, molds, and PCB-containing fluorescent light ballasts before removal. Alignment and construction across the drainage slough will require excavation to install a culvert to maintain the flow along the drain.
The Utah Department of Environmental Quality does not list any underground storage tanks (USTs) in this area and there was no visible evidence to indicate that USTs are present. However, unregulated and/or unreported USTs could be encountered during construction. UDOT will coordinate with the Utah Division of Environmental Response and Remediation prior to acquisition of all or portions of properties identified as suspect. BMPs will be put into place prior to construction.

4.17 Visual Resources

The Preferred Alternative will not impact the visual characteristics of the study area. Viewsheds along the corridor will remain unaffected and improvements to the streetscape such as sidewalks and park strips will occur during project implementation (see page 4-111 of the FEIS).

To maintain the existing visual character in the study area, the following design, construction, and maintenance actions will be undertaken:

- Disturbed areas will be re-vegetated, as determined to be feasible, to be consistent with adjacent landscape features while still adhering to safety requirements necessary in clear zones. Native species will be used for re-vegetation where feasible. Coordination will be undertaken with local municipalities and other landowners to re-establish or replace important landscaping features.
- All new buildings, shelters, structures, signing, and lighting related to future alignment improvements will be reviewed and coordinated with Hyde Park City, North Logan City, Logan City, and Cache County. All new elements to the roadway will be consistent with local architectural standards, local guidelines, and UDOT safety, aesthetic and clear zone specifications.

4.18 Wild and Scenic Rivers

There are no surface water bodies designated on the Nationwide Inventory of Wild and Scenic Rivers within a 1-mile radius of the study area. Therefore, there will be no effect to wild and scenic rivers as a result of implementing the Preferred Alternative. No mitigation is required (see page 4-111 of the FEIS).

4.19 Property Acquisition and Relocations

The Preferred Alternative will require the property acquisition and relocation of one agricultural parcel located at approximately 2340 North 200 East and one residential property located at 119 East 2600 North (the Cache Meadow Dairy). The Preferred Alternative will require a total of 71 partial acquisitions, totaling 27.96 acres (see page 4-124 of the FEIS).

All right-of-way acquisitions, property acquisitions, and relocations will be undertaken in accordance with the Uniform Relocation Assistance Act and Real Property Acquisition Policies Act of 1970.
4.20 Energy

The Preferred Alternative will require energy consumption during construction; however this impact will not require mitigation (see page 4-125 of the FEIS).

4.21 Construction

It is likely that the project will be constructed in phases in which a smaller two- to three-lane configuration will be constructed first, and the five-lane facility will be built when warranted (anticipated by 2040). Project phasing will not result in traffic congestion and/or other traffic impacts to adjoining roads within the study area. It is anticipated that project phasing will result in construction impacts more than once for the phased portion of the Preferred Alternative.

Construction impacts are typically of short duration and could include air quality, noise, water quality, wetlands, wildlife, visual resources, vegetation, utility services, and traffic flows. In addition, there is the potential of encountering cultural resources or hazardous materials during construction activities (see page 4-126 of the FEIS). Mitigation commitments for environmental impacts from construction are documented in each relevant resource section above.

4.22 Cumulative

Implementation of the Preferred Alternative will have a cumulative impact to land use when considering past, present, and future projects. The Preferred Alternative provides direct access to undeveloped properties and will likely expedite commercial and residential development within the study area. The cumulative land use impact is not anticipated to be substantial and changes in land use resulting from the Preferred Alternative will be in accordance with City and County land use plans. There is no mitigation proposed for cumulative impacts.

5 MONITORING OR ENFORCEMENT PROGRAM

All of the minimization and mitigation features described above will be incorporated into all appropriate construction specifications and plans, including any special conditions included in permits required for the project. Section 4.23.2 of the FEIS presents a list of all permits required by the project. This ROD represents a commitment to implement, monitor, and enforce the measures described above and in the FEIS to minimize harm to the surrounding environment. Enforcement of these provisions and monitoring of the project is the responsibility of UDOT (via a stewardship agreement with FHWA).
6 STATUTE OF LIMITATIONS

FHWA will publish a notice in the Federal Register, pursuant to 23 USC 139(1), indicating that one or more federal agencies has taken final action on permits, licenses, or approvals for this project. After the notice is published, claims seeking judicial review of those federal agency actions will be barred unless such claims are filed within 180 days after the date of publication of the notice, or within a shorter time period as specified in the federal laws pursuant to which judicial review of the federal agency action is allowed.

7 COMMENTS ON FEIS

The FEIS was published in the Federal Register on July 8, 2011, and the 30-day availability period ended on August 8, 2011. Copies of the FEIS were distributed to agencies and made available to the public at local libraries, city and county offices, and the project website.

During the availability period of the FEIS, one comment was received from the U.S. Environmental Protection Agency (EPA). The comment has been received and entered into the project record.

EPA’s comment on the FEIS is provided in its entirety in Appendix B of this ROD. EPA commented on wetland bank availability and air quality information, disclosure, and mitigation. A summary of EPA’s comments pertaining to these issues and corresponding responses are provided below.

7.1 Wetland Banking (Section 4.11.3 of the FEIS)

EPA Comment: It is not clear whether the Bear River Bottoms mitigation site will be available to the project proponent. To our knowledge this site has not been established yet and as such credits may not be available at the time of construction. EPA recommends that this information be clarified in the ROD. EPA requests that additional mitigation options be provided at the time of the 404 Permit Application, in compliance with the 2008 Mitigation for Losses of Aquatic Resources Final Rule. Any off-site mitigation or mitigation credits should be available at the time of the construction so that there is no temporal loss to aquatic resources. Also, mitigation options should be provided to offset permanent impacts to the jurisdictional drainage and spring-fed stream that will be impacted by the project.

Response: Wetland mitigation for unavoidable impacts will be negotiated with USACE as part of the 404 permit required prior to project construction. Although it may be possible to use the Bear River Bottoms wetland mitigation site, this site has not been created as of August 2011 and may not be available for use at the time of the permit. During the 404 permit application process, mitigation options in addition to the possible use of the Bear River Bottoms wetland mitigation site will be provided to and negotiated with USACE.

Additionally, the Preferred Alternative will use a culvert design to cross the jurisdictional drainage such that the capacity for flow conveyance would be maintained. An open-bottom
culvert will be designed to cross the spring-fed stream channel. Other mitigation options will be provided to and negotiated with USACE at the time of the 404 permit application for impacts to the jurisdictional drainage and spring-fed stream.

7.2 Air Quality (Section 4.8 of the FEIS)

EPA Comment: Regarding greenhouse gas (GHG) emissions and climate change, important climate change activities and information relevant to the project were not discussed in the Final EIS. Specifically, FHWA is working through the DOT Center for Climate Change and Environmental Forecasting to develop strategies to reduce transportation’s contribution to GHGs, particularly CO₂ emissions, and to assess the risks to transportation systems and services from climate change. In Utah, the Governor’s Blue Ribbon Advisory Council on Climate Change identified measures that the State could take to minimize the impacts of transportation-related greenhouse gas emissions. The recommended measures include reducing Vehicle Miles Traveled (VMT) through developing and encouraging the use of mass transit, ridesharing, and telecommuting. Other strategies outlined in the BRAC report to reduce CO₂ at the source include promoting the use of low carbon fuels such as alternative fuels, bio-fuels and hybrid vehicles and vehicle technologies resulting in greater fuel efficiency, and implementing an idle reduction program for school buses and heavy-duty trucks. We recommend that you consider adding this information into the ROD.

Response: The FEIS includes the recommended information pertaining to GHG emissions and climate change as suggested by EPA (see Section 4.8.2 Green House Gases and Climate Change).

EPA Comment: As you develop an air monitoring plan for this project, we recommend a plan that evaluates the effectiveness of mitigation measures.

In the ROD, we recommend additional Best Management Practices (BMPs) outside of those found in the “UDOT 2008 Standard Specifications for Road and Bridge Construction.” Some of these BMPs could include requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control; scheduling work outside of normal hours for sensitive receptors, such as construction immediately adjacent to a health care facility, church, outdoor playground or school; and using water or wetting agent to control dust.

Response: Sections 4.8.2 and 4.21.3 of the FEIS outline mitigation for the temporary air quality impacts anticipated during all construction phases of the project, including BMPs outlined in the UDOT 2008 Standard Specifications for Road and Bridge Construction and development of a dust control plan per UDOT Standard Specification 01572. In addition, BMPs required for dust control include reducing vehicle speeds on unpaved surfaces, the use of water, reducing soil tracking, and blown dust from uncovered haul trucks.
In addition to the mitigation presented in the FEIS, a dust-emissions control plan will be developed and monitored throughout the construction phases of the project and will include the following BMPs:

- Dust control measures consistent with those described above and in Sections 4.8.2 and 4.21.3 of the FEIS
- Street sweeping at paved site access points
- Equipment emissions:
  - Prohibit unnecessary idling of construction equipment.
  - Locate diesel engines in operation and construction staging areas away from residential areas where possible.
8 CONCLUSION

FHWA has determined that Alternative 3 Modified is the Preferred Alternative and best meets the transportation needs for the traveling public while effectively considering environmental, safety, and socioeconomic factors. This decision is based on the FEIS and the entire project record.

In reaching this decision, FHWA has considered all of the issues raised in the record including the information contained in (and comments to) the DEIS and FEIS. The Preferred Alternative was developed through a public process that included project adjustments to avoid and minimize environmental impacts. FHWA consulted with other federal and state agencies including the U.S. Department of the Interior, the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the Utah State Historic Preservation Office. A full list of interagency coordination is included in the FEIS.

Based on the analysis and evaluation in the FEIS and after careful consideration of the social, economic, and environmental factors and input from the public involvement process, FHWA approves the selection of Alternative 3 Modified as the proposed action for the project.

Date: Oct. 14, 2011

James Christian, PE
Division Administrator
Federal Highway Administration
Appendix A: Amended Jurisdictional Determination, September 2011
September 8, 2011

Regulatory Division SPK-2005-50046

Ryan Halverson  
Utah Department of Transportation  
166 West Southwell Street  
Ogden, Utah 84404-4194

Dear Mr. Halverson:

We are responding to your September 30, 2010 request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the Hyde Park-North Logan 200 East Transportation Corridor site. The approximately 750-acre site is located along 200 East Road from Hyde Park to North Logan in Section 10, Township 12 North, Range 1 East, Salt Lake Meridian, Latitude 41.792°, Longitude -111.829°, Cache County, Utah.

Based on available information, we concur with the estimate of potential waters of the United States as depicted on the Wetland Delineation Results, Maps 1-6, prepared by SWCA Environmental Consultants, dated September 14, 2010 and August 15, 2011. The approximately 20.99-acres of wetlands and 14,548-linear feet of ditches present within the survey area may be jurisdictional waters of the United States. These waters may be regulated under Section 404 of the Clean Water Act.

A copy of our RGL 08-02 Preliminary Jurisdictional Determination Form for this site is enclosed. Please sign and return a copy of the completed form to this office. Once we receive a copy of the form with your signature, we can accept and process a Pre-Construction Notification or permit application for your proposed project.

You should not start any work in potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization. You may request an approved JD for this site at any time prior to starting work within waters. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers’ jurisdiction for the particular site identified in this request. A combination Notification of Appeal Process and
Request for Appeal (appeal request) form is enclosed to notify you of your options with this determination.

We would appreciate your feedback. At your earliest convenience, please go to our District website and tell us how we are doing by clicking on the Customer Survey link at: http://www.spk.usace.army.mil/regulatory.html/. Please select the Sacramento District and the Bountiful Utah office location in the lower portion of the survey.

Please refer to identification number SPK-2005-50046 in any correspondence concerning this project. If you have any questions, please contact John Derinzy at Nevada-Utah Regulatory Branch, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, telephone 801-295-8380, extension 13, or email John.W.Derinzy@usace.army.mil. For more information regarding our program, please visit our website at www.spk.usace.army.mil/regulatory.html.

Sincerely,

[Signature]

John Urbanic
Senior Project Manager
Utah Regulatory Office

Enclosures

Copy furnished without enclosures:

Brian Nicholson, SWCA Environmental Consultants, 257 East 200 South, Suite 200, Salt Lake City UT 84111
Loretta Markham, Lochner, 1245 East Brickyard Road, Suite 400, Salt Lake City UT 84106
Appendix B: EPA Comments
Ref: 8EPR-N

Mr. James Christian, Division Administrator
Federal Highway Administration
2520 West 4700 South, Suite 9A
Salt Lake City, UT  84118

Mr. John Njord, Executive Director
Utah Department of Transportation
4501 South 2700 West, Box 141245
Salt Lake City, UT 84114-8380

Re: Final Environmental Impact Statement,
Hyde Park to North Logan Transportation Corridor (200 East): CEQ #:20110216

Dear Mr. Christian and Mr. Njord:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Hyde Park to North Logan Transportation Corridor (200 East) Final Environmental Impact Statement (EIS) prepared by the U.S. Federal Highway Administration (FHWA) and the Utah Department of Transportation (UDOT). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

Project Background

The Purpose of this project is to provide a higher functioning continuous north-south corridor within the study area; improve mobility; enhance local and regional connectivity of Hyde Park, North Logan and neighboring communities; and support local economic development goals.

A Draft EIS was published in March 2007 for this project and federal, state, local agencies and the public provided comments. In the fall of 2008, the project was put on hold due to lack of funding. At that time, a preliminary Final EIS (dated 2008) had been drafted but had not been finalized for FHWA approval. The project resumed in 2010 and a reevaluation of the Draft EIS was prepared. The purpose of the written reevaluation was to determine if there had been changes to the project that resulted in additional impacts not already considered in the Draft EIS, which would require a Supplemental EIS or a new Draft EIS. On October 28, 2010, the FHWA concurred with the UDOT that the changes to the project would not result in additional impacts to those previously considered in the Draft EIS and that a Supplemental EIS was not required.
Updated material presented in the Final EIS includes:

- Alternative 3 Modified has been added as a Build Alternative.
- Impacts for all the alternatives have been updated based on changes such as SAFETEA-LU regulations, new air quality attainment status for the study area and changes to existing land use.
- The 2009 Cache Metropolitan Planning Organization (CMPO) travel demand model has been utilized for existing and design year 2040 traffic forecasts.
- The basis for the selection of the Preferred Alternative has been added.

The preferred alternative selected for this project corridor (Alternative 3 Modified) transitions west off of 200 East at approximately 2300 North and generally follows 150 East to 3700 North in Hyde Park. This selection was based on the results of the Section 4(f) least overall harm analysis, a comparison of impacts and benefits among alternatives, agency and public input and city council recommendations. Further, Alternative 3 Modified appears to impact fewer environmental resources in comparison to all other alternatives evaluated.

EPA concurs with the process followed by the FHWA and the UDOT that resulted in the preferred alternative selection. Our agency comments on this project and alternative are limited to concerns about wetland bank availability and air quality information, disclosure and mitigation.

Wetlands

It is not clear from our review of the Final EIS whether the Bear River Bottoms mitigation site will be available to the project proponent. Additionally, to our knowledge, this site has not been established yet, and as such, credits may not be available at the time of construction. We recommend that you clarify this information in the Record of Decision (ROD) for this project. The EPA requests that additional mitigation options be provided at the time of the 404 Permit Application, in compliance with the 2008 Mitigation for Losses of Aquatic Resources Final Rule. Any off-site mitigation or mitigation credits should be available at the time of construction so that there is no temporal loss to aquatic resources. Also, mitigation options should be provided to offset permanent impacts to the jurisdictional drainage and spring-fed stream that will be impacted by the project.

Air Quality

For future projects, we recommend including five years of State-certified National Ambient Air Quality Standard (NAAQS) monitoring data in the project vicinity, and disclose trends regarding the monitored ambient air quality data.

Regarding greenhouse gas (GHG) emissions and climate change, important climate change activities and information relevant to the project were not discussed in the Final EIS. Specifically, FHWA is working through the DOT Center for Climate Change and Environmental Forecasting to develop strategies to reduce transportation's contribution to GHGs, particularly
CO₂ emissions, and to assess the risks to transportation systems and services from climate change. In Utah, the Governor’s Blue Ribbon Advisory Council on Climate Change (BRAC) identified measures that the State could take to minimize the impacts of transportation-related GHGs. The recommended measures include reducing vehicle mile traveled (VMT) through developing and encouraging the use of mass transit, ridesharing and telecommuting. Other strategies outlined in the BRAC report to reduce CO₂ at the source include promoting the use of low carbon fuels such as alternative fuels, bio-fuels and hybrid vehicles and vehicle technologies resulting in greater fuel efficiency, and implementing an idle reduction program for school busses and heavy duty trucks. We recommend that you consider adding this information into the ROD.

For future projects, we suggest that you describe the relationship of current and projected Utah highway CO₂ emissions to total global CO₂ emissions and the size of the project corridor relative to total Utah travel activity. An example of a NEPA analysis that included this information was the Bangerter West 600 DEIS.

As you develop an air monitoring plan for this project, we recommend a plan that evaluates the effectiveness of mitigation measures.

In the ROD, we recommend additional Best Management Practices (BMPs) outside of those found in the “UDOT 2008 Standard Specifications for Road and Bridge Construction.” Some of these BMPs could include requiring heavy construction equipment to use the cleanest available engines or to be retrofitted with diesel particulate control; scheduling work outside of normal hours for sensitive receptors, such as construction immediately adjacent to a health care facility, church, outdoor playground or school; and using water or wetting agent to control dust. If you are interested, we would be glad to work with you to further develop suitable BMPs.

Thank you for the opportunity to comment on this document. If you have any questions, please contact Suzanne Bohan, Deputy Director of the NEPA Compliance and Review Program at (303) 312-6925 or you may contact Robin Coursen of her staff at (303) 312-6695.

Sincerely,

Carol L. Campbell
Assistant Regional Administrator
Office of Ecosystems Protection and Remediation

Enclosure

cc: Paul Ziman, FHWA Salt Lake City, UT
    Kris Peterson, UDOT Region 1 Director