

Appendix H
Statement of Commitment

STATEMENT OF COMMITMENT

RELATED TO WILDLIFE IMPACT MITIGATION FOR THE LEGACY PARKWAY PROJECT

I-215 AT 2100 NORTH IN SALT LAKE CITY TO I-15 AND US-89 NEAR FARMINGTON
SALT LAKE AND DAVIS COUNTIES, UTAH

Background

This statement of responsibilities by and between the Federal Highway Administration (FHWA), the U.S. Army Corps of Engineers (Corps), the Utah Department of Transportation (UDOT), the U.S. Fish and Wildlife Service (USFWS), and the Utah Division of Wildlife Resources (UDWR), establishes guidelines for the development of an acceptable study design to address mitigation for indirect wildlife impacts associated with the Legacy Parkway Project (Project).

It is mutually recognized that:

1. FHWA and the Corps are the Federal Lead agencies for the preparation of the Supplemental Environmental Impact Statement (SEIS) for the Project. UDOT is the applicant for the Project and is responsible for mitigation, design, construction, and maintenance of the Project;
2. The USFWS is a Cooperating Agency for the Project, and is responsible for commenting on the impacts to wildlife species affected by the Project; and
3. UDWR is a commenting agency and has responsibility for wildlife species and their habitats in the area of the Project.

The Draft Supplemental Environmental Impact Statement for the Project (December 2004) acknowledged the potential for indirect impacts to wildlife from implementation of the Project. The document identified noise monitoring and surveying for representative bird species prior to and during construction to determine noise impacts as appropriate mitigation. The Federal Lead agencies proposed a detailed monitoring plan for accomplishing the above, which USFWS and DWR were not in agreement with. After additional consultation and coordination, the wildlife agencies requested assistance from UDOT wildlife specialists to develop and implement a post-construction monitoring plan that meets both the Lead agencies' NEPA responsibilities and the wildlife agencies' objectives. This statement summarizes commitments and stipulations for that effort.

Process and Procedures

In recognition of the responsibilities, interests, and limitations set forth above, FHWA, the Corps, UDOT, USFWS, and DWR mutually agree to the following:

1. USFWS and UDWR, with the assistance of UDOT wildlife specialists, are

responsible for the development of a monitoring plan and will proceed promptly in accordance with a reasonable schedule to be provided by July 1, 2005.

2. The Federal Lead Agencies, USFWS, and UDWR agree that the UDOT's commitment to State funding of up to \$250,000 for data collection and analysis over a period of up to five years following construction satisfies the mitigation commitments for noise impacts as described in the Draft SEIS on page 4.13-50. The UDOT has committed to using a maximum of \$250,000 of 100% State transportation funds for this work. Funding needs above \$250,000, if required for completion of the study objectives beyond those described in the draft SEIS, must be developed through other sources, not to include the UDWR.
3. UDOT concurs with this approach and is an enthusiastic supporter of the effort. However, they reserve the right to request relief from this mitigation commitment from the Lead Agencies in the event that their good faith effort fails to result in the development and implementation of an appropriate plan.
4. The development and implementation of the monitoring plan will not delay the distribution of the Final SEIS.
5. The plan will have allowances for the construction of the Legacy Parkway Project without delay, even with the relatively unlikely chance that the project is cleared for construction as early as 2006.

Administrative Contacts

FHWA: Greg Punske
COE: Nancy Kang
UDOT: Bryan Adams
USFWS: Chris Witt
DWR: Adam Kozlowski

Approved

We approve the foregoing and agree to abide by the stipulations herein:

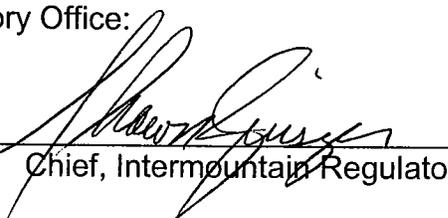
Federal Highway Administration, Utah Division:

Date: Sept 2, 2005

By: 
Division Administrator

U.S. Army Corps of Engineers, Utah Regulatory Office:

Date: 9/12/05

By: 
Chief, Intermountain Regulatory Section

Utah Department of Transportation:

Date: 9.6.05

By: John T. Thomas
Legacy Project Director

U.S. Fish and Wildlife Service, Utah Field Office:

Date: 9/6/05

By: J.R. Melby
Utah Field Supervisor

Utah Division of Wildlife Resources:

Date: 9/14/05

By: James F. Kayport
Director, UDWR