

Section 3  
**Federal Agency**

# ***Responses***

## Responses to Federal Agency Comments

This section contains the responses to comments submitted by federal agencies.

### U.S. Department of the Army, Tooele Army Depot

**Comment Number** FA-1-1

**Response** It is noted that the Tooele Army Depot and Hill Air Force Base rely on I-15 for transporting materials related to national defense on a daily basis, and that I-15 is part of the Strategic Highway Network. Additional information provided by the commenter has been added to Section 1.2.4, *Needs Addressed by Legacy Parkway Project*, of the Final Supplemental EIS.

### U.S. Department of the Interior, Fish and Wildlife Service

**Comment Number** FA-2-1

**Response** A table summarizing direct, indirect, and contribution to cumulative impacts on wildlife associated with the proposed build alternatives has been added to the *Summary* of the Final Supplemental EIS. In addition, a series of summary tables, Tables ES-1 through ES-4, has been added to the wildlife technical memorandum.

**Comment Number** FA-2-2

**Response** A discussion of the noise and cumulative impact data presented in the wildlife technical memorandum is presented in Section 4.13.3.10, *Noise Disturbance*, and Section 4.13.3.13, *Cumulative Impacts*, of the Final Supplemental EIS.

**Comment Number** FA-2-3

**Response** Table 4.12-6 of the Final Supplemental EIS provides a comparison of the wetland acreage and functional capacity units that would be lost under Alternative E relative to the wetland acreage and functions that would be gained at the Legacy Nature Preserve. Appendix E, *Analysis of the Adequacy of the Wetland and Wildlife Mitigation*, of the Final Supplemental EIS provides an accounting of impacts relative to mitigation in a variety of formats, including functional capacity units, vegetation cover type, and wildlife habitat.

In summary, the mitigation-to-impact ratio for wetland acreage under Alternative E (Final Supplemental EIS Preferred Alternative) is 6.8:1, that is, the Legacy Nature

Preserve would provide 6.8 acres of wetland habitat for each acre of wetland habitat directly affected under Alternative E. By wetland class, the ratio is 2.8:1 for depressional wetlands, 7.4:1 for groundwater slope wetlands, and 12.6:1 for lacustrine fringe wetlands.

Regarding wetland functions, there would be a net gain in all five wetland functions within the lacustrine fringe wetland class, a net loss in functions 1, 2, and 3 in the depressional wetland class (net gain in functions 4 and 5), and a net loss in functions 1 and 2 in the groundwater slope wetland class (net gain in functions 3, 4, and 5). In summary, creation of 12 acres of groundwater slope wetlands would result in a net gain in all wetland functions in that wetland class (see Table 4.12-6), but some wetland functions would be lost in the depressional wetland class (i.e., those functions mitigated at less than a 1:1 mitigation-to-impact ratio), some of which would be compensated by mitigating at higher ratios in the lacustrine fringe wetland class.

A complete discussion of the implications of out-of-kind mitigation is provided in Section 4.12.3.4, *Mitigation Measures*, of the Final Supplemental EIS. That section also includes a discussion of how the Legacy Nature Preserve would be affected by changes in the level of Great Salt Lake.

**Comment Number** FA-2-4

**Response** A formal mitigation plan has been included as Appendix F, *Draft Wetland Mitigation Plan*, in the Final Supplemental EIS. It should be noted, however, that this plan is still in review by UDOT's collaborative Legacy Nature Preserve design team, which includes representatives from local jurisdictions, agencies, and special-interest groups. Any refinements to the formal mitigation plan presented in the Final Supplemental EIS as a result of review by the collaborative design team will be subject to approval by the Corps as part of the Section 404 permit application process.

**Comment Number** FA-2-5

**Response** The regional study area was used to evaluate all project-related effects on wildlife beyond the project study area. Many migratory birds that use the project study area move seasonally along the Wasatch Front, stopping at other wetland areas from Utah Lake to the Bear River National Wildlife Refuge. Utah Lake was included in the regional study area because approximately 156 migratory bird species found around Utah Lake also use habitats around Great Salt Lake (Utah Division of Wildlife Resources 1982; wildlife technical memorandum Appendix A-1), and many of their populations are likely connected by regular movement between the two areas. This information is included in Section 4.13.1.2, *Regional Study Area*, of the Final Supplemental EIS.

**Comment Number** FA-2-6

**Response** Text has been added to Section 4.12.3.2, *Indirect Impacts*, of the Final Supplemental EIS to illustrate the percentage of wetland habitat that would be indirectly affected under each build alternative. This provides a relative context for assessing the indirect impacts of each build alternative. Table 4.13-5 in the Supplemental EIS illustrates the potential impact of future development on wetland/wildlife habitat in the study area, both with and without the proposed build alternatives. As the table illustrates, the proposed Legacy Parkway is not the only

potential source of future loss of wetland and upland habitats. The column in the table titled “Build-Out-Developed” represents impacts that could occur on wetland/wildlife habitat if none of the proposed build alternatives are constructed (i.e., impacts that would occur in the future under a no-build scenario). The columns titled “Alternatives A/B/C or E” and “Build Out” represent impacts that could occur on wetland/wildlife habitat if a proposed build alternative were implemented.

**Comment Number** FA-2-7

**Response** The *Executive Summary* of the wildlife technical memorandum has been expanded to provide a clearer summary of the character and extent of direct, indirect, and cumulative impacts, both with and without implementation of the proposed action.

**Comment Number** FA-2-8

**Response** The Supplemental EIS acknowledges the potential for indirect impacts on wildlife from implementation of the proposed action. As stated in Section 4.13.3.14, *Mitigation Measures*, of the Supplemental EIS, monitoring noise and conducting surveys for representative bird species, prior to and during construction, to document noise impacts would constitute appropriate mitigation for indirect impacts, in addition to the habitat that will be preserved and improved as part of the Legacy Nature Preserve. After additional consultation and coordination, the wildlife agencies requested assistance from UDOT wildlife specialists to develop and implement a postconstruction monitoring plan that meets both the lead agencies’ NEPA responsibilities and the wildlife agencies’ objectives. This commitment is included in Appendix H, *Statement of Commitment*, of the Final Supplemental EIS. An analysis of the effectiveness of the proposed mitigation is presented in Appendix E, *Analysis of the Adequacy of the Wetland and Wildlife Mitigation*, of the Final Supplemental EIS.

**Comment Number** FA-2-9

**Response** Information on the direct, indirect, and cumulative impacts presented in the *Executive Summary* of the wildlife technical memorandum has been included in Section 4.13, *Wildlife*, of the Final Supplemental EIS. The mitigation plan has been added to the Final Supplemental EIS as Appendix F, *Draft Wetland Mitigation Plan*.

## **U.S. Environmental Protection Agency**

**Comment Number** FA-3-1

**Response** Section 4.12.3, *Environmental Consequences and Mitigation Measures*, of the Final Supplemental EIS provides additional detail regarding how the Legacy Nature Preserve compensates for the loss of wetland habitat associated with implementation of the project applicant’s preferred alternative, Alternative E. In addition, text has been added to the Introduction; Section 2.2.4, *Conclusions*; and the subsection, *Other Alternatives Screening Criteria*, in Section 3.2 of the Final Supplemental EIS to provide clarification on the federal lead agencies’ definitions of practicability and, in particular, logistics. For the purposes of the Supplemental EIS, the Corps defines *logistics* as any of the details associated with implementing a project alternative; these details could include construction impacts, relocations,

and community impacts/neighborhood changes. The Corps may consider a project alternative impracticable due to logistical considerations based on an assessment of the above considerations.

**Comment Number** FA-3-2

**Response**

Tables 4.12-6 and 4.12-7 have been added to Section 4.12.3.4, *Mitigation Measures*, of the Final Supplemental EIS to better illustrate wetland acreage and functions that would be lost under each of the proposed build alternatives, and how the Legacy Nature Preserve would mitigate the loss of these functions. In addition, Appendix E, *Analysis of the Adequacy of the Wetland and Wildlife Mitigation*, of the Final Supplemental EIS provides an accounting of impacts relative to mitigation in a variety of formats, including functional capacity units, vegetation cover type, and wildlife habitat.

The discussion in Section 4.12.3.4 explains that the ratio of acres of wetlands preserved in the Legacy Nature Preserve to acres of wetlands lost as a result of implementation of Alternative E would be greater than 1:1. There would be a net gain in all five wetland functions within the lacustrine fringe wetland class, a net loss in functions 1, 2, and 3 in the depressional wetland class (net gain in functions 4 and 5), and a net loss in functions 1 and 2 in the groundwater slope wetland class (net gain in functions 3, 4, and 5). In summary, creation of 12 acres of groundwater slope wetlands would result in a net gain in all wetland functions in that wetland class (see Table 4.12-6), but some wetland functions would be lost in the depressional wetland class (i.e., those functions mitigated at less than a 1:1 mitigation-to-impact ratio), some of which would be compensated by mitigating at higher ratios in the lacustrine fringe wetland class.

A complete discussion of the implications of out-of-kind mitigation is provided in Section 4.12.3.4, *Mitigation Measures*, of the Final Supplemental EIS. That section also includes a discussion of how the Legacy Nature Preserve would be affected by changes in the level of Great Salt Lake.

**Comment Number** FA-3-3

**Response**

More detailed information has been added to Chapters 2 and 3 of the Final Supplemental EIS regarding the rationale for determining the unreasonableness and impracticability of any of the alternatives within the Denver and Rio Grande Railroad (D&RG) Regional Alignment corridor. See Sections 2.2.4, *Conclusions*, 3.2.2, *Results of Additional Alternatives Evaluation*, and 3.2.3, *Summary of Alternatives Eliminated* of the Final Supplemental EIS.

**Comment Number** FA-3-4

**Response**

Additional information has been added to the Foreword/Introduction, Chapter 2 (Section 2.2.4, *Conclusions*), and Chapter 3 (Sections 3.2.2, *Results of Additional Alternatives Evaluation*, and 3.2.3, *Summary of Alternatives Eliminated*) of the Final Supplemental EIS to clarify the CWA Section 404 criteria used (in addition to the NEPA criteria) in evaluating the practicability and reasonableness of the D&RG alternatives. This information includes discussion of the evaluation of cost, existing technology, and logistics in the evaluation of practicability under CWA Section 404(b)(1) guidelines. A more detailed analysis of these alternatives under the Section 404(b)(1) guidelines is included in the Corp's Section 404(b)(1) Alternatives Analysis.

**Comment Number** FA-3-5

**Response** It is agreed that there are feasible alternatives (Alternatives A and E) that are less environmentally damaging than Alternatives B and C. Neither Alternative B nor C is the Preferred Alternative.

**Comment Number** FA-3-6

**Response** Text has been added to the Foreword/Introduction; Section 2.2.4, *Conclusions*; and the subsection, *Other Alternatives Screening Criteria*, in Section 3.2 of the Final Supplemental EIS to provide clarification on the Corps' determination of practicability, and specifically, on how the Corps defines and considers logistics in the Supplemental EIS. Logistics has been defined to include any of the details associated with implementing a proposed project alternative, including construction impacts, relocations, and community impacts/neighborhood changes. The text added to Section 2.2 provides additional clarification on why the D&RG regional alignment was considered impracticable by the Corps—due, in part, to logistical considerations.

In addition, a new table, Table 4.12-6, has been added to Section 4.12.3, *Environmental Consequences and Mitigation Measures*, that illustrates the adequacy of the proposed Legacy Nature Preserve to offset wetland impacts associated with construction of Alternative E, the project applicant's preferred alternative.

**Comment Number** FA-3-7

**Response** Coordination with the EPA on the 14-item task list agreed to by the Corps, FHWA, and EPA on February 9, 2005, has been completed. Changes to the Final Supplemental EIS have been incorporated as appropriate; a record of those decisions is included in the administrative record for the Legacy Parkway project.

## ***Comments***



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
TOOELE ARMY DEPOT  
TOOELE, UTAH 84074-5000

March 22, 2005

Ammunition Logistics & Engineering

Mr. Gregory S. Punske, P.E.,  
Highway Engineer  
2520 West 4700 South, Suite 9A  
Salt Lake City, Utah 84118-1847

Dear Mr. Punske:

Construction of the Legacy Highway is an imperative growth process for the State that affects vital distribution of Department of Defense material. These assets, in Tooele Army Depot's case, are usually munitions in direct support of the nation's warfighters. Let me provide you several examples of why this critical network is important to us.

During the build up of troops and material for the invasion of Iraq, Tooele was called upon repeatedly to assist Hill Air Force Base (HAFB) in packaging and moving ammunition items from HAFB to Tooele for shipment to South West Asia (SWA). The very munitions moving across highways were critical to the early war effort of this nation. One blockage of I-15 like we have seen occur several times this year would have impaired DOD's ability to power project ammunition to a war zone.

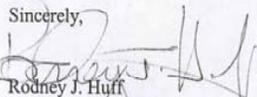
Another concern is new projects in which Tooele and HAFB are partners. The most recent is the Add-on-Armor program. Tooele is the leading installation in the State for this effort but HAFB, with its tremendous machining capacities, is playing a key role in keeping Armor support for our troops moving to SWA. The flow of raw materials and completed parts is presenting our nation's warfighters life saving equipment on a daily basis.

This important link between installations is nothing new. During Desert Storm, Tooele and HAFB worked closely on numerous air shipments to the Middle East. Even in peace time there are a substantial number of priority movements that support DOD between the installations.

Finally, I-15 is part of the Strategic Highway Network. It figures prominently in mobilization plans for Tooele by accessing northwest ports for ships, other DOD installations for shipping as well as being a western link for troop movements across the nation. Shutdown of this vital highway for even a few hours could impact our nation's warfighting abilities. Combined with the congestion that the entire Wasatch Front has experienced in the last decade, it is very important to us that a major secondary highway system be in place in the near term.

It would be in the best logistical interest of Tooele Army Depot that the Legacy Highway be built as presently designed.

Sincerely,

  
Rodney J. Huff

Director, Ammunition Logistics and Engineering

FA-1



United States Department of the Interior  
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE  
2369 WEST ORTON CIRCLE, SUITE 50  
WEST VALLEY CITY, UTAH 84119

In Reply Refer To  
FWS/R6  
ES/UT  
05-0252

February 3, 2005

Greg Punske  
Federal Highway Administration  
2520 W. 4700 S. Suite 9A  
Salt Lake City, Utah 84118-1847

RE: Legacy Parkway Draft Supplemental Environmental Impact Statement (DSEIS), 4(f) and 6(f) Evaluation, and Final Wildlife Impacts Analysis Technical Memorandum (WITM)

Dear Mr. Punske:

The U.S. Fish and Wildlife Service (Service) has reviewed the Legacy Parkway Draft Supplemental Environmental Impact Statement (DSEIS), the Section 4(f) and 6(f) Evaluation (4(f)), and Final Wildlife Impacts Analysis Technical Memorandum (WITM). The Service has been a cooperating agency with the Federal Highway Administration (FHWA) and the Army Corps of Engineers (ACOE) in order to assure the quality and adequacy of the supplemental documents addressing wildlife impacts. The Service has also worked closely with Utah Department of Transportation (UDOT) and their consultants in the formulation of the WITM and the portions of the SDEIS addressing wildlife and fisheries issues. This cooperation included the Service's active participation in determining the scope of analysis and the formulation of the methodology used in assessing wildlife impacts. We have addressed each document in a separate section of this letter. Each section has a "General Comments" portion that relays our comments/concerns on the document as a whole. In addition, each section has a "Specific Comments" portion that addresses the ideas or information contained in a specific sentence, paragraph, or graphic.

SDEIS

General Comments

The Service believes that, with a few exceptions, the SDEIS adequately describes the impacts likely to occur to fish and wildlife resources for each alternative. The exceptions are discussed below.

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FA-2

The Service recommends that a summary table or tables be added that more clearly illustrate the likely impacts (direct, indirect, and cumulative) of each action alternative and the no-build alternative. In its current form, it is difficult to find, summarize, and compare these impacts.

1

We strongly recommend that the noise impact data (number of acres "affected") and the cumulative impact data from the WITM be included in the SDEIS. This information is critical for informed decision making.

2

We have not seen an itemized accounting of the type and function of wetlands impacted and the type and function of habitats within the Legacy Nature Preserve. Since the SDEIS will serve as the Army Corps of Engineers' permitting document, the Service suggests that a transparent accounting of the impacts and the proposed mitigation be presented in the SDEIS. This accounting should include the number of acres of each habitat/wetland type, their location within the preserve (and in relation to the FEMA floodplain line) and what type of activity is associated with the area (preservation, enhancement, restoration, creation).

3

It is our understanding that a formal mitigation plan is commonly required by the ACOE for projects of this magnitude. We strongly recommend that a plan be in place and presented in the Final EIS.

4

We suggest that there be more discussion regarding how the area used for regional analysis was determined.

5

Specific Comments

Page 4.12-14 Future Conditions: To assure equitable comparison between project implementation and no-build scenarios, we recommend that the SDEIS include the acres of habitat likely impacted by development *with the highway in place* be presented along with the no-build projections. As it reads currently, projected grow-out without Legacy Parkway is documented, but grow-out that is likely to occur as a consequence of the highway's construction and placement on the landscape is not.

6

Legacy Parkway Final Wildlife Impacts Analysis Technical Memorandum (WITM)

General Comments

The authors have worked closely and cooperatively with the Service during the evolution of this document. The majority of our concerns have been addressed and comments and suggestions from the Service have been incorporated into the WITM. We believe that, in the absence of site specific data, the WITM assesses and documents the potential, likely, and realized direct, indirect, and cumulative impacts the Legacy Parkway would have on fish and wildlife resources in the area. As such, we have no additional comments on the WITM with the single exception that we recommend an "Executive Summary" be included in the document that presents the reader with the meaningful findings of the WITM. Such a summary would include the total impacts (direct, indirect, and cumulative) to the resource with and without the presence of the Legacy Parkway.

7

We understand that efforts are underway in UDOT to secure a means to gather baseline data before any construction resumes on the Legacy Parkway. This effort would be designed to measure those impacts that were identified in the WITM that were likely to occur at some level, but were not quantifiable in terms of mitigation. We believe that the Legacy Parkway project is unique because :

8

- 1) The mitigation site is within the project's impact area, therefore may or may not be truly mitigating those impacts incurred by the project
- 2) The indirect impacts, noise in particular, are difficult to quantify in terms of its effects on breeding and fitness of birds, and
- 3) There is a strong likelihood of similar projects with similar impacts occurring in the near future.

It is because of these unique circumstances that the Service agrees that the collection of baseline and long term response data for Legacy parkway's impacts is crucial. We believe this is an adequate means to mitigate for those impacts that cannot be accurately offset by traditional compensatory currency (acres, functional lift of extant mitigation site). We support these efforts and believe UDOT's commitment to acquiring this information should be included in the SDEIS as part of the mitigation plan.

In summary, the Service recommends that indirect and cumulative impact data presented in the WITM be included in the FSEIS, along with a transparent accounting of the mitigation package and a formal mitigation plan. We appreciate the opportunity to work closely and collaboratively in the evaluation and presentation of potential impacts to fish and wildlife resources. We believe the joint lead agencies have made a good faith effort to conduct a comprehensive and accurate evaluation within the limits of current scientific information. If we can be of any further assistance, please contact Chris Witt, Ecologist, at 801-975-3330, extension 133.

9

cc: UDWR-Ogden  
EPA-Denver  
ACOE-Bountiful



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MAR 17 2005

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FA-3

Ref: EPR-EP

Mr. David Gibbs
Division Administrator
FWHA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

Colonel Ronald N. Light
Commander, Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, CA 95814

Re: Legacy Parkway, I-215 at 2100 North in Salt Lake to I-15 and US. 89 near Farmington in Salt Lake and Davis Counties, Utah Draft Supplemental Environmental Impact Statement and Draft Section 4(f), 6(f) evaluation

Public Notice No. 200350493
Utah Department of Transportation
Fill/Wetlands Salt Lake and Davis Counties, Utah

Dear Mr. Gibbs and Colonel Light:

In accordance with the National Environmental Policy Act (NEPA), Section 404 of the Clean Water Act (CWA), and Section 309 of the Clean Air Act, the Region 8 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed Legacy Parkway project.

EPA has actively participated as a Cooperating Agency in the process leading to the Legacy Parkway DSEIS. This DSEIS documents a proposed project that includes a larger mitigation preserve than that provided for in the June 2000 Final Environmental Impact Statement (FEIS), restoration of additional wetlands within the preserve, and fewer impacts to wetlands overall as a result of a reduction in the width of rights-of-way. The DSEIS also integrates improved mass transportation opportunities, and, overall, the project as it is now proposed will result in reduced environmental impacts when compared to the earlier FEIS.

When EPA commented on the original Draft Environmental Impact Statement for Legacy in 1999, the Agency expressed significant concerns, including concerns about the magnitude of impacts to aquatic resources of national importance. Since that time, changes have been made to the DSEIS, including narrowing the rights of way of the "build" alternatives, implementing alternatives in a manner that is consistent with mass transit opportunities, and in disclosing impacts to wildlife. In addition, the Utah Division of the Federal Highway Administration and the U.S. Army Corps of Engineers (COE) have committed to provide additional information and analysis regarding the project that will be presented in the Final SEIS.

In light of the progress FHWA and COE have made in addressing EPA's concerns, and in light of specific improvements made to the alignments of each of the "build" alternatives, EPA has decided to rate DSEIS Alternatives A and E as EC-2. A full description of EPA's EIS rating system is in Enclosure I. The concerns giving rise to our EC-2 ratings for Alternatives A and E are primarily based on the need for additional information in the DSEIS, including additional wetlands mitigation analysis and a description of the criteria used to reject alternatives as not practicable.

We commend the project proponents for planning to set aside 778 acres of wetlands for permanent protection as part of a 2,098 acre preserve in the unique Great Salt Lake ecosystem. The Great Salt Lake wetlands provide many valuable functions, from ameliorating the effects of floods to providing resting, feeding, breeding, nesting, and rearing habitat for numerous species and millions of individual shore birds, wading birds, and waterfowl, including both migratory and year-round residents. The inclusion of the Great Salt Lake in the Western Hemisphere Shorebird Reserve Network documents the habitat values of the project area wetlands. Clearly these aquatic resources are highly valuable, which makes it important that wetland impacts be fully mitigated. We remain concerned, however, that, as the DSEIS notes, the wetlands mitigation effectiveness analysis has not been completed.

Our EC-2 ratings are also based in part on questions about the criteria used for selecting or rejecting alternatives for analysis in the DSEIS. In particular, we believe the Final SEIS should more fully explain the criteria used to reject the Denver & Rio Grande alignment as an alternative. We also believe the Final SEIS should include a more detailed discussion of the use of cost, logistics, and technology information to determine whether an alternative is considered practicable under the CWA Section 404 (b)(1) guidelines. This is particularly true because information in the Final SEIS will be used in the Clean Water Act section 404 permitting process to evaluate which alternative is the least environmentally damaging.

EPA understands that many, if not all, of the improvements made to the alignments of Alternatives A and E have also been made to Alternatives B and C. However, selection of either Alternative B or Alternative C would result in an unacceptable loss of wetlands - approximately 187 and 148 acres of high quality wetlands, respectively. Because less environmentally damaging alternatives are available, Alternatives B and C would be considered environmentally unacceptable if either was identified as the preferred alternative. Moreover, for the purposes of

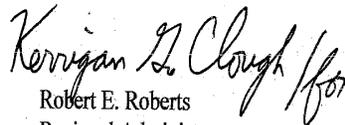
evaluating a permit under the Clean Water Act, neither of these alternatives would qualify as the least environmentally damaging practicable alternative under the section 404(b)(1) Guidelines. Consequently, EPA is not rating Alternatives B and C because the Agency does not believe they are feasible alternatives considering applicable environmental laws and regulations.

In regard to the Clean Water Act Section 404 public notice, EPA reiterates the concerns expressed above. A greater discussion of criteria used for rejecting alternatives will aid in reaching the determination of the least environmentally damaging practicable alternative, consistent with the 404(b)(1) Guidelines. In addition, documentation of the adequacy and effectiveness of the proposed mitigation is necessary before reaching a permitting decision.

In order to address the NEPA and CWA concerns outlined above, on February 9, 2005, EPA Region 8 met with the COE, the Utah Division of FHWA, and their contractor to discuss EPA's review of the DSEIS. In that meeting, our agencies agreed that FHWA and COE would provide additional information and analyses in the Final SEIS that would respond to EPA's comments on the DSEIS. A written summary of that agreement has been transmitted to FHWA and COE for their formal recognition. We envision that this agreement, once implemented, will resolve many of EPA's remaining concerns with the DSEIS and project.

Thank you for the opportunity to provide these comments. We look forward to working with both FHWA and the COE to identify environmentally sound solutions to the transportation needs of the Salt Lake community. If you have any questions, please contact Larry Svoboda at 303-312-6004 or Christine Lehnertz at 303-312-6649.

Sincerely yours,

  
Robert E. Roberts  
Regional Administrator

Enclosure

EIS Rating System

cc: UDOT, Salt Lake Office  
COE, Bountiful Office  
USFWS, Salt Lake Office  
EPA/OFA  
EPA/OWOW

## U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

### Definitions and Follow-Up Action\*

#### Environmental Impact of the Action

**LO - - Lack of Objections:** The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC - - Environmental Concerns:** The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO - - Environmental Objections:** The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU - - Environmentally Unsatisfactory:** The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

#### Adequacy of the Impact Statement

**Category 1 - - Adequate:** EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 - - Insufficient Information:** The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 - - Inadequate:** EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.