

Draft Section 4(f) and 6(f) Evaluation

Chapter 5

Draft Section 4(f) and 6(f) Evaluation

5.1 Approach and Methodology

This chapter provides an update of Chapter 5, *Section 4(f)/6(f) Evaluation*, of the Final EIS. To update the information regarding Section 4(f) and 6(f) resources, Chapters 3, 4, and 5 of the Final EIS were reviewed to determine the changes that had taken place since publication of the Final EIS. The supplemental investigations and activities listed below were also undertaken to update the information relative to Section 4(f) and 6(f) resources.

- Status of the Section 4(f) and 6(f) properties identified in the Final EIS was reviewed to determine whether any changes have occurred to their status, use, avoidance measures, and measures to minimize harm. This review included evaluating whether the adopted design change reducing the right-of-way width of the build alternatives changed the acreage required from the Section 4(f) and 6(f) properties. The median width was reduced by 5 m (16 ft), resulting in a reduction of the right-of-way from 100 m (328 ft) in the Final EIS to 95 m (312 ft) in this Supplemental EIS.
- A new noise impact analysis was conducted using FHWA's updated traffic noise model (TNM) (Federal Highway Administration 2003).
- The historic and archaeological resources inventory in the Final EIS (Overstreet et al. 2004) was updated. The updated inventory was reviewed to identify any additional properties or sites that had become eligible for protection under Section 4(f) and 6(f) since the Final EIS.
- Use of the Section 4(f) properties was assessed by reviewing information included in the updated historic and archaeological resources inventory; alternatives to avoid use and measures to minimize harm were also reviewed.
- Additional literature was reviewed, including agency correspondence, comment letters received in response to the Final EIS, and the *Legacy Parkway Supplemental EIS Scoping Report* (Federal Highway Administration and U.S. Army Corps of Engineers 2003). Correspondence received since the scoping period was also reviewed.
- The Parkway Facility Adjacent to Redwood Road Alternative was added to the range of alternatives studied as described in Section 3.2.3 of Chapter 3, *Alternatives*, and is included in this Section 4(f) and 6(f) evaluation. However, this alternative was eliminated from further detailed evaluation based on impacts that would occur on Section 4(f) properties along this alignment.

- Additional literature and field investigations were conducted for the area associated with the proposed Legacy Nature Preserve during the Section 404 permit process. Two historic structures inside the Legacy Nature Preserve boundaries were identified as eligible for protection under Section 4(f).

The organization of this Section 4(f), 6(f) Evaluation is as presented below.

- Regulatory Setting.
 - Section 4(f).
 - Section 6(f).
- Description of Proposed Action.
 - Purpose of and Need for Action.
 - Alternatives.
- Section 4(f) and 6(f) Properties.
 - Recreation, Wildlife, and Waterfowl Refuges.
 - Historic Resources.
 - Archaeological Resources.
- Use of Section 4(f) and 6(f) Resources.
 - Recreation, Wildlife, and Waterfowl Refuges.
 - Historic Resources.
 - Archaeological Resources.
- Summary of Use of Section 4(f) and 6(f) Properties.
- Avoidance Alternatives for Section 4(f) and 6(f) Properties.
- Measures to Minimize Harm to Section 4(f) and 6(f) Properties.
- Coordination.

5.2 Regulatory Setting

The regulatory setting for this evaluation has not changed since publication of the Final EIS. The applicable regulations are discussed below.

5.2.1 Section 4(f)

Section 4(f) of the Department of Transportation Act of 1966 (as amended and codified in 49 USC 303) prohibits the Secretary of Transportation from approving any program or project that:

...requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance as determined by federal, state, or local officials having jurisdiction thereof, or any land from an historic site of national, state, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use. (Department of Transportation Act of 1983, 49 USC 303)

Section 4(f) applies to historic properties and archaeological resources only when the property or resource is included on or eligible for listing on the National Register of Historic Places (NRHP). Section 4(f) only applies to archaeological sites that are on or eligible for inclusion on the NRHP and warrant preservation in place. Section 4(f) does not apply if it is determined that the archaeological resource is important chiefly because of what can be learned by data recovery (even if it is decided that the resource would not be recovered) and has minimal value for preservation in place. The criteria for eligibility for the NRHP are defined in Section 4.16, *Historic and Archaeological Resources*, of this Supplemental EIS and incorporated herein by reference.

The term *use* refers to either a *direct* or a *constructive* use of the property. The uses, as defined in 23 CFR 771.135 (p), are described as follows.

- (1) Direct use occurs
 - (i) When land is permanently incorporated into a transportation facility.
 - (ii) When there is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes as determined by the criteria in paragraph (p)(7) of this section; or
 - (iii) When there is a constructive use of land.
- (2) Constructive use occurs when the transportation project does not incorporate land from a section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under section 4(f) are substantially impaired. Substantial impairment occurs when the protected activities, features or attributes of the resource are substantially diminished.

Depending on the resource, a constructive use would involve permanent and severe noise, vibration, aesthetic, or access impacts. As outlined in 23 CFR 771.135 (p)(4), a constructive use of a protected resource occurs under any of the following situations.

- (i) The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by section 4(f), such as hearing the performances at an outdoor amphitheater, sleeping in the sleeping area of a campground, enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance, or enjoyment of an urban park where serenity and quiet are significant attributes.

- (ii) The proximity of the proposed project substantially impairs the aesthetic features or attributes of a resource protected by section 4(f), where such features or attributes are considered important contributing elements to the value of the resource.
- (iii) The project results in a restriction on access which substantially diminishes the utility of a significant publicly owned park, recreation area, or historic site.
- (iv) The vibration impact from operation of the project substantially impairs the use of a Section 4(f) resource, such as projected vibration levels from a rail transit project that are great enough to affect the structural integrity of a historic building or substantially diminish the utility of the building.
- (v) The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife or waterfowl refuge adjacent to the project or substantially interferes with the access to a wildlife or waterfowl refuge, when such access is necessary for established wildlife migration or critical life processes.

5.2.2 Section 6(f)

State and local governments often obtain grants through the Land and Water Conservation Fund Act (LWCF) to acquire or make improvements to parks and recreation areas (16 USC Sections 460-4 through 460-11, September 3, 1964, as amended). Section 6(f) of the act prohibits the conversion of property acquired or developed with these grants to a non-recreational use without the approval of the U.S. Department of the Interior's (DOI's) National Park Service. Section 6(f) directs DOI to ensure that replacement lands of equal value (monetary), location, and usefulness are provided as conditions to such conversions. Consequently, where such conversions of Section 6(f) lands are proposed for transportation projects, replacement lands must be provided.

The Jordan River Off-Highway Vehicle (OHV) Center property includes a 3.6-ha (9-ac) section of land purchased with funds under Section 6(f)(3) of the LWCF Act, classifying it as a Section 6(f) property. The Jordan River OHV Center also qualifies as a recreation resource eligible for protection under Section 4(f).

5.3 Description of Proposed Action

5.3.1 Purpose of and Need for Action

The purpose of and need for the Legacy Parkway project have not changed since the Final EIS. Chapter 1, *Purpose of and Need for Action*, of this Supplemental EIS provides a detailed discussion of the purpose of and need for action. Following is a summary.

The primary purpose of the project is to provide capacity to relieve traffic congestion through the year 2020 in the North Corridor, located in Salt Lake and Davis Counties, Utah. An additional purpose of the project is to provide an alternate north-south route through the North Corridor.

Legacy Parkway is proposed, as one part of the Shared Solution to transportation issues in the North Corridor, to provide part of the transportation facilities needed in the North Corridor to accommodate the safe and efficient movement of people and goods through 2020. The Shared Solution, of which Legacy

Parkway is one of three major components, was developed by Utah's state, local, and regional officials as the transportation infrastructure needed to meet future transportation demand in the North Corridor. The Shared Solution includes the following primary components.

- **I-15 improvements.** Reconstruction of I-15 in the North Corridor to address design deficiencies and widen the facility from eight to ten lanes.
- **Mass transit expansion.** Expansion of mass transit in the North Corridor, including expanded mass transit and new commuter rail or other transit technology.
- **Legacy Parkway.** Construction of a four-lane, divided, limited-access highway, including a trail for pedestrian, bicycle, and equestrian uses.

The need for Legacy Parkway remains as explained in the Final EIS. However, travel demand data for existing and future traffic conditions have been examined based on the 2004 WFRC travel demand model (version 3.2), and the updated analysis confirms that all three of the Shared Solution components are needed to meet projected transportation demand in the North Corridor through 2020 and beyond.

5.3.2 Alternatives

Chapter 3, *Alternatives*, of this Supplemental EIS presents a detailed description of the following discussion related to the analysis of alternatives. Because consideration of alternatives that avoid the use of Section 4(f) resources is part of the regulatory standard, the alternatives presented in this Supplemental EIS are addressed, as appropriate, in this evaluation as well. Presented below is a summary of the analysis.

The initial alignment screening process presented in the Final EIS considered five regional corridor alignments for Legacy Parkway: Antelope Island, trans-bay, Farmington Bay, railroad (Denver & Rio Grande [D&RG] and Union Pacific Railroad [UPRR]), and Great Salt Lake. Based on the analysis in the Final EIS, five alternatives within the Great Salt Lake regional alignment were carried forward for detailed study: No-Build and Alternatives A, B, and C, and D (Final EIS Preferred Alternative). All the build alternatives analyzed in the Final EIS included a trail system for pedestrian, bicyclist, and equestrian use.

Two primary modifications have been made to the alternatives since the Final EIS: (1) the right-of-way width has been reduced from 100 m (328 ft) to 95 m (312 ft), and (2) the project features have been designed and implemented to allow better integration with mass transit. Alternative D (Final EIS Preferred Alternative) has been dropped from further consideration. However, the impacts of Alternative D (Final EIS Preferred Alternative) are presented for comparison purposes to illustrate changes in impacts between the Final EIS and the Supplemental EIS.

This Supplemental EIS evaluated additional alternatives and reconsidered alternatives addressed in the Final EIS. The criteria used in the Supplemental EIS to evaluate alternatives that were considered but subsequently eliminated from detailed study included the ability of the alternatives to meet project purpose and need and the consideration of environmental factors such as impacts on wetlands; farmland; hazardous wastes sites; use of Section 4(f)/6(f) resources; and socioeconomic factors, including utility, business and residential displacements, other community impacts, and cost.

Because potential impacts on Section 4(f) and 6(f) resources was a major reason for not carrying forward the Parkway Facility Adjacent to Redwood Road Alternative (see Section 3.2.3) of Chapter 3,

Alternatives) this alternative is included in this Section 4(f), 6(f) evaluation as well. The Parkway Facility Adjacent to Redwood Road Alternative starts at the Legacy Parkway/I-215 interchange in the same location as all build alternatives, continues north to Center Street in North Salt Lake, then turns northeast and parallels Redwood Road on the west until intersecting the Alternative E alignment approximately 1.6 km (1 mi) north of 500 South in Woods Cross and following the Alternative E alignment thereafter. The Parkway Facility Adjacent to Redwood Road Alternative is shown in Figure 5-1, in relation to Alternative E. There would be developable land west of the alignment of the Parkway Facility Adjacent to Redwood Road Alternative in North Salt Lake and Woods Cross. Existing accesses would be maintained. The alignment shown in Figure 5-1 assumes a frontage road between Center Street in North Salt Lake to 500 South in Woods Cross, and from 500 South to Pages Lane at the Bountiful Landfill. The Parkway Facility Adjacent to Redwood Road Alternative alignment was evaluated using a 95-m (312-ft) right-of-way width.

5.4 Section 4(f) and 6(f) Properties

Section 4(f) and 6(f) properties are shown in Figure 5-1. The following subsections present detailed descriptions as a result of the changes, summarized above in Section 5.1, that have taken place since publication of the Final EIS.

5.4.1 Recreation, Wildlife, and Waterfowl Refuge Resources

Since publication of the Final EIS, there have been no new parks, wildlife, or waterfowl refuges identified in the study area as eligible for protection under Section 4(f) or 6(f).

Recreation Resources Identified since Publication of Final EIS

Table 5-1 shows the existing trails and future (proposed, conceptual, or planned) trails in the study area identified as eligible for protection under Section 4(f) since publication of the Final EIS.

Table 5-1 Section 4(f) Trails

Trails	Jointly Developed with Proposed Legacy Parkway Trail	Section 4(f) Use
Exiting Trails		
Airport Bicycle Path	No	No
Jordan River Parkway	No	No
Farmington Creek Trail	No	No
South Frontage Road	No	No
A-1 Drain Trail	No	No
Future Trails (Conceptual, Proposed, or Planned)		
D&RG Recreation Trail ²	Yes	No
Airport Trail ³	No	No
Jordan River Parkway to River's End ³	Yes	No
North Salt Lake/Foxboro ²	Yes	No

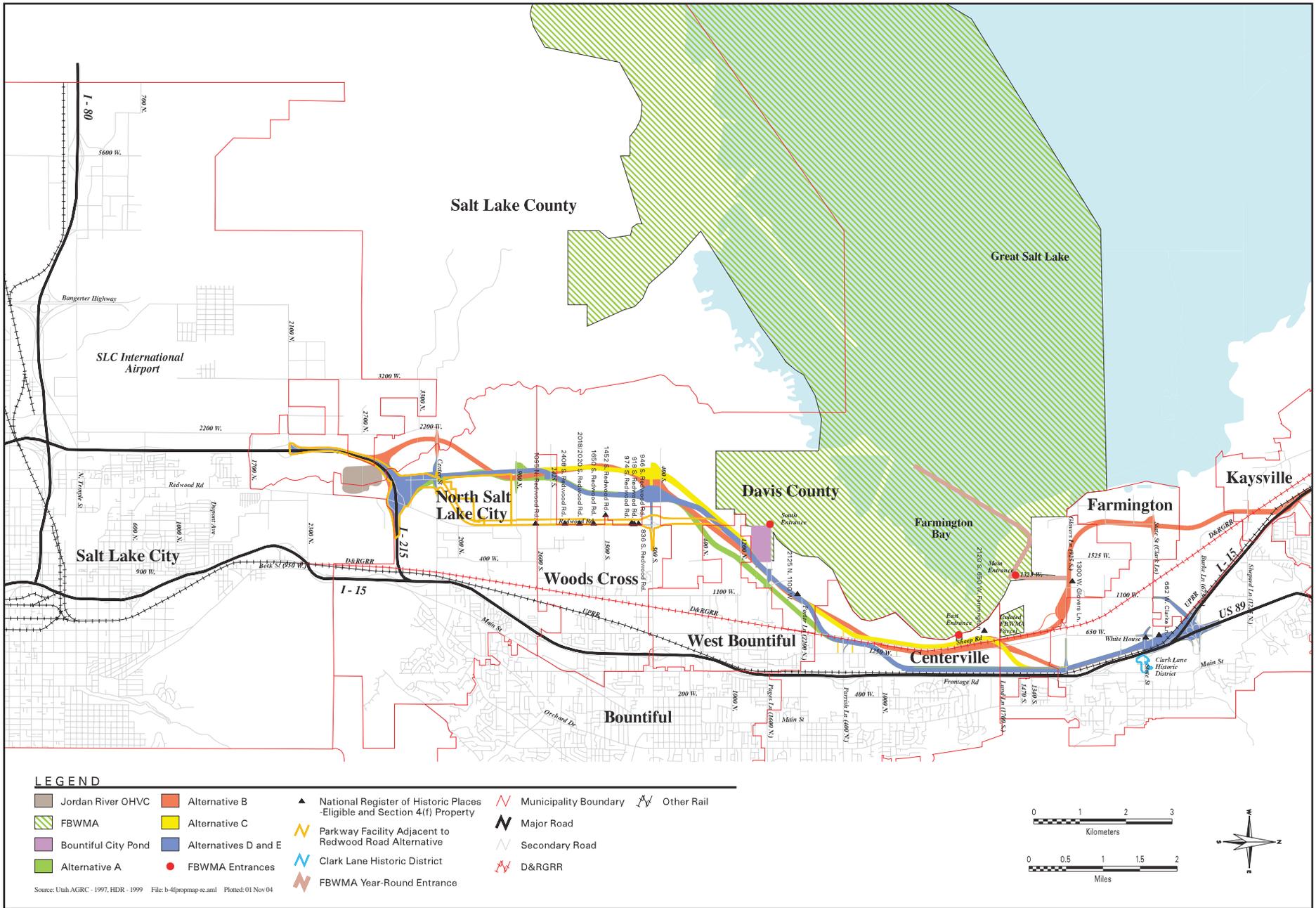


Figure 5-1
Section 4(f) and 6(f) Property Locations

Woods Cross Trails ²	Yes	No
West Bountiful Rails to Trails ²	Yes	No
Centerville Legacy Parkway Trail Access Point and Parking Area ²	Yes	No
Beck Street ³	No	No
Westpointe Corridor ¹	No	No
Farmington Creek Trail to Glovers Lane ³	Yes	No

Notes:

¹ Conceptual; ² Proposed; ³ Planned

Direct or constructive use of these trails would not occur as a result of any proposed build alternative. Therefore, none of the trails listed above are discussed further in this Section 4(f) evaluation. A more detailed description of these trails can be found in Section 4.7, *Pedestrian and Bicyclist Considerations*, and the trails shown on Figure 4.6-1.

Further information on joint development of the trails being developed jointly with the proposed action can be found in Section 4.6, *Joint Development*.

Farmington Bay Waterfowl Management Area (Section 4[f] Property)

As described in the Final EIS, the Farmington Bay Waterfowl Management Area (FBWMA) is a 4,865-ha (12,000-ac) wildlife and waterfowl management area in the southeastern part of Great Salt Lake, directly west of the northern half of the proposed action (Figure 5-1). A 25-ha (63-ac) property of the FBWMA is located northeast of the main portion of the FBWMA. This 25-ha (63-ac) property is also managed for wildlife and waterfowl. The entire FBWMA is an important part of the Great Salt Lake Ecosystem (GSLE) with respect to waterfowl migration. The GSLE is of international importance as part of the Western Hemisphere Shorebird Reserve Network. The FBWMA is owned by the State of Utah and managed by the Utah Department of Wildlife Resources.

Recreation activities are available to the public and include waterfowl hunting, boating, walking, bicycling, wildlife viewing, and wildlife education. Facilities to support these activities include seven parking areas and an airboat launch. Since publication of the Final EIS, the Farmington Bay Learning Center, a visitor education center, has been built near the main entrance. At the time of the Final EIS, visits were estimated to be 50,000 annually. In 2003, visits had increased to 72,000 annually.

The main entrance and access point is at 1325 West Glovers Lane in Farmington. There is also an eastern entrance on Sheep Road in Centerville and a southern entrance at Pages Lane in Bountiful.

The FBWMA is an important waterfowl management area and a significant wildlife resource. The FBWMA's primary function is waterfowl management, but it also has some of the same functions as a waterfowl refuge. Based on coordination with the officials having jurisdiction over this resource, FHWA has determined that the FBWMA is eligible for protection under Section 4(f) as a waterfowl refuge. FHWA has also determined that the FBWMA also qualifies as a recreation resource protected under Section 4(f). Public recreation activities on the property, ownership, jurisdiction, and access to the property have not changed since publication of the Final EIS.

Bountiful City Pond (Section 4[f] Property)

As described in the Final EIS, the Bountiful City Pond property is a 34-ha (83-ac) property south of the Bountiful Sanitary Landfill. On the eastern half of the property is a 17-ha (43-ac) pond. The City of Bountiful owns and has jurisdiction over the property, which is managed by the Bountiful Landfill Department. Excavation of the pond provided fill material for the adjacent landfill, and the pond serves as mitigation for the wetland impacts associated with construction of the landfill. The pond was initially created through a Section 404 Permit, and the City of Bountiful discouraged recreation use of the pond.

At the time the Final EIS was published, recreation activities available for public use on the property were considered incidental by the City of Bountiful and included fishing, boating, personal watercraft use, bird watching, and hunting. Use of the property for recreational purposes was severely restricted because of limited access and lack of facilities. Access to the property was by one unimproved road that led to the northeastern corner of the property. The only existing facility was a bank of the pond in the northeast corner that had been sloped to facilitate launching of small watercraft such as canoes and personal watercraft. Despite limited access, lack of facilities, and discouragement of recreation, the City of Bountiful stated in a letter dated December 11, 1997, "...the pond experiences significant recreational use..." and therefore the entire property was considered to have the potential to qualify for protection under Section 4(f) and was treated as such in the Final EIS.

Since publication of the Final EIS, the City of Bountiful, in coordination with the Utah Division of Wildlife Resources and Sport Fish Restoration, has developed and implemented a management plan that includes specific areas of the property to develop for recreational purposes and other areas that may be used for municipal purposes. The City of Bountiful now considers the specific areas developed for recreation with the use of the Statewide Urban Fishery Development Grant as significant recreation resources.

As outlined in the *Bountiful Pond Statewide Urban Fishery Development Report* (UDNR, Division of Wildlife Resources 2003b), the following improvements have been made to the recreational facilities on the property since publication of the Final EIS.

- A paved parking area with 30 stalls, including three handicap- and van-accessible stalls.
- A walking trail around portions of the pond, using the Division of Wildlife Resources road to avoid wetland impacts.
- Two floating fishing piers that also serve as wildlife viewing areas and are handicap accessible.
- Twelve picnic tables on concrete pads in pairs at various locations around the pond, with grills adjacent to the picnic tables.
- A total of 250 trees planted along the northern boundary and small area on the south side of the pond, including weeping willow, cottonwood, and flowering crabapple trees.
- A permanent handicap-accessible restroom facility adjacent to the new parking area.
- A concrete non-motorized boat ramp as part of the parking lot construction.
- Educational signs at various locations around the pond.
- Trout and catfish for fishing stocked in the pond by the Utah Division of Wildlife Resources.

Motorized watercraft are not allowed on the pond between April 1 and September 1.

Public recreation has increased in the specific areas of the pond developed for recreation. The areas of the property currently used for and functioning as recreation resources are eligible for protection under Section 4(f).

Section 4(f) status of the areas of the property not used for recreation have been reevaluated, in part because the City of Bountiful disagrees with the establishment of the entire property as a significant recreation resource. In a letter dated September 23, 2004, the City of Bountiful clarified plans for the property and explains plans to manage the property for multiple uses (City of Bountiful, Sept. 23, 2004, included in Appendix A). The letter states the City of Bountiful plans to maintain the developed recreation facilities and pond for at least the next 30 years but has no plans for additional recreation development of the remaining parts of the property. Specifically, there are no plans for recreation development or activities in the southeast and southwest corners of the property. The City of Bountiful plans “to use other parts of the property for other municipal purposes as needed.” Potential uses include, but are not limited to, equipment and/or materials storage, staging, or as a source of fill material. Such municipal uses are not eligible for protection under Section 4(f). Such municipal uses are not eligible for protection under Section 4(f). As stated in the letter dated September 23, 2004, the recreation development completed to date was done under the full understanding by the City of Bountiful that the southeast corner of the property would be used for the proposed Legacy Parkway project and pond access.

The FHWA Section 4(f) Policy Paper provides the following guidance regarding Section 4(f) properties (Federal Highway Administration 1989).

Section 4(f) applies to historic sites and **only those portions of lands which are designated by statute or identified in the management plans of the administering agency as being for parks recreation**, or wildlife or waterfowl refuge purposes and which are determined to be significant for such purposes. For public land holdings which do not have management plans (or where existing management plans are not current) Section 4(f) applies to those areas which function primarily for Section 4(f) purposes. **Section 4(f) does not apply to areas of multiple-use lands which function primarily for purposes not protected by Section 4(f).** (Emphasis added.)

The property is currently managed by the City of Bountiful for multiple uses, not all of which are recreation uses or eligible for protection under Section 4(f), as described above. Based on the City of Bountiful’s management plan, the area of the property currently established as recreation facilities, including the pond, is the only area of the property the City of Bountiful plans to use for recreation purposes and, therefore, is the only area considered eligible for protection under Section 4(f). Based on its review of the information provided by the City of Bountiful, FHWA determined that the southeast corner, southwest corner, and undeveloped areas being reserved for future municipal uses are not eligible for protection under Section 4(f).

Utah State Parks Land, including Jordan River Off-Highway Vehicle Center (Section 4[f] and 6[f] Property)

As described in the Final EIS, the Utah State Parks and Recreation Division owns and manages a 51-ha (126-ac) property in the northern bend of I-215, directly south and east of the interstate. This property includes the Jordan River OHV Center.¹ The Jordan River OHV Center is an off-highway vehicle and motocross facility operated by a private concessionaire since 1997. It operates 5 days a week. At the time

¹ Since publication of the Final EIS, the name of the area has changed from the Jordan River Raceway to the Jordan River Off-Highway Vehicle (OHV) Center.

the Final EIS was published, an average of 50 paid riders visited the Jordan River OHV Center daily; since that time, there were 5,583 paid riders between July 2002 and July 2003, and 5,800 paid riders between July 2003 and December 2003.

The Jordan River OHV Center is exclusively a motorized recreation area. Trails associated with the Jordan River OHV Center are not permanent or intensively developed. There are no future development plans to change the motorized recreational use of the property. It is part of the Jordan River floodplain and serves a floodplain management function.

A 3.6-ha (9-ac) section of this property was purchased with funds under Section 6(f)(3) of the LWCF Act, classifying it as a Section 6(f) property also.

As noted above, the changes since the Final EIS include the change in the name and in the number of riders who visit the OHV Center. There have been no changes in the ownership, jurisdiction, access to the property, or status as a Section 4(f) and 6(f) property.

5.4.2 Historic and Archaeological Resources

Historic Resources

As described in the Final EIS, 18 historic structures were identified as eligible for listing on the NRHP and therefore eligible for protection under Section 4(f). The historic structures identified in the Final EIS are listed in Table 5-2. As described in the Final EIS, all the build alternatives required a direct use of one of those 18 historic structures, the White House at 10 North 650 West in Farmington.

Table 5-2 Historic Resources Identified in Final EIS as Eligible for NRHP Listing and Section 4(f) Protection¹

Property Address	Building Type	Date Constructed	Effect ²
10 North 650 West, Farmington White House (demolished)	Temple Form	1910	Adverse Effect
641 West Glovers Lane, Farmington	Bungalow	1940	No Effect
637 South 650 West, Farmington	Cross wing	1910	No Effect
788 South 650 West, Farmington	Bungalow	1945	No Effect
335 West State St., Farmington	Cross Wing	1905	No Effect
340 West State St., Farmington	Victorian Gothic	1890	No Effect
367 West State St., Farmington	Bungalow	1920	No Effect
368 West State St., Farmington	Bungalow	1910	No Effect
382 West State St., Farmington	Bungalow	1920	No Effect
399 West State St., Farmington	Period Cottage	1920	No Effect
1020 North 200 West, Kaysville	Residence	1910	No Effect
680 South Redwood Rd. (1800 West), Woods Cross	Bungalow	1930	No Effect

864 South Redwood Rd. (1800 West), Woods Cross	Bungalow	1930	No Effect
946 South Redwood Rd. (1800 West), Woods Cross	Residence	1920	No Effect
1650 South Redwood Rd. (1800 West), Woods Cross	Cross Wing	1915	No Effect
2790 North 2200 West, Salt Lake City	Temple Form	1935	No Effect
3067 North 2200 West, Salt Lake City	Residence	1930	No Effect
3071 North 2200 West, Salt Lake City	Residence	1930	No Effect

Notes:

¹ The shaded rows indicate the individual properties evaluated in the Final EIS within the CLHD boundaries.

² The terms *Adverse Effect* and *No Effect* are taken from Section 106 of the National Historic Preservation Act determinations; see Section 4.16, *Historic and Archaeological Resources*.

A historic resource inventory was conducted, as described in Section 4.16.1.1, to update the inventory presented in the Final EIS (Overstreet et al. 2004). The updated inventory identified an additional 23 structures and one historic district, eligible for listing on the NRHP and therefore protection under Section 4(f). Table 5-3 lists the historic structures identified in this updated inventory, including the Clark Lane Historic District (CLHD) and two historic railroad corridors. The CLHD is listed on the NRHP and includes 26 structures within its boundaries, 13 of which contribute to the historical significance of the CLHD. The CLHD was not evaluated as a single historic district in the Final EIS; rather, individual structures within the CLHD boundaries were evaluated. For this supplemental evaluation, the CLHD is considered a single historic district in which impacts on individual contributing structures are evaluated with regard to the CLHD as a whole.

Table 5-3 Historic Resources Identified in 2004 Inventory as Eligible for NRHP and Section 4(f) Protection

Property Address	Building Type	Date	Effect	4(f) Use (by Alternative)
1515 North 1100 West, West Bountiful	Foursquare House	1920	No Effect	No Use
2125 North 1100 West, West Bountiful ²	Animal Facility	1940	No Effect	No Use
836 South Redwood Road (1800 W.), Woods Cross ¹	WWII-Era Cottage	1950	Adverse Effect	PFRR only
918 South Redwood Road (1800 W.), Woods Cross	Cross Wing	1920	Adverse Effect	PFRR only
946 South Redwood Road (1800 W.), Woods Cross ¹	WWII – Era Cottage	1950	Adverse Effect ³	PFRR only
974 South Redwood Road (1800 W.), Woods Cross	Bungalow	1920	Adverse Effect	PFRR only
1452 South Redwood Road (1800 W.), Woods Cross ¹	WWII-Era Cottage	1950	No Effect	No Use
1650 South Redwood Road (1800 W.), Woods Cross	Cross Wing	1915	Adverse Effect	PFRR only

2018/2020 South Redwood Road (1800 W.), Woods Cross	Cross Wing	1920	Adverse Effect	PFRR only
2408 South Redwood Road (1800 W.), Woods Cross ¹	WWII-Era Cottage	1950	Adverse Effect	PFRR only
900 North Redwood Road (1800 W.), North Salt Lake	Foursquare House	1905	No Effect	No Use
1095 North Redwood Road (1800 W.), North Salt Lake	WWII-Era Cottage	1950	Adverse Effect	PFRR only
3290 North 2200 West, North Salt Lake	Ranch House	1950	No Effect	No Use
3200 North 2200 West, North Salt Lake	Ranch House	1955	No Effect	No Use
2770 North 2200 West, North Salt Lake	Foursquare House	1920	No Effect	No Use
2662 North 2200 West, North Salt Lake	Bungalow	1930	No Effect	No Use
2650 North 2200 West, North Salt Lake	WWII-Era Cottage	1950	No Effect	No Use
2664 North Rose Park Lane 2200 West, North Salt Lake	Foursquare House	1910	No Effect	No Use
415 South 650 West, Farmington	Animal Facility	1950	No Effect	No Use
637 South 650 West, Farmington	Cross Wing	1910	No Effect	No Use
2120 South 650 West, Farmington ²	Animal Facility	1930	No Effect	No Use
1300 Glovers Lane, Farmington	Animal Facility	1950	Adverse Effect	B
662 West Clark Lane, Farmington	Animal Facility	1950	Adverse Effect	A, C, E, and PFRR
Clark Lane Historic District, Farmington ³	Historic District	1856 to 1940	No Adverse Effect	Temporary Occupancy
Denver & Rio Grande Railroad ⁴	Railroad Corridor	1882	No Adverse Effect	A, B, C, E, and PFRR
Union Pacific Railroad ⁴	Railroad Corridor	1869	No Effect	No Use

Notes:

¹ Estimated address.² Located in the Legacy Nature Preserve.³ Listed on the NRHP.⁴ Not included in Overstreet et al. 2004 inventory; discovered in consultation with SHPO.

PFRR = Parkway Facility Adjacent to Redwood Road Alternative.

The terms *Adverse Effect* and *No Effect* are taken from Section 106 of the National Historic Preservation Act determinations; see Section 4.16, *Historic and Archaeological Resources*.

.Source: Overstreet et al. 2004.

Historic Resources Identified since Publication of Final EIS

Since publication of the Final EIS, additional historic structures eligible for listing on the NRHP—1300 Glovers Lane in Farmington and 662 West Clark Lane in Farmington—have been identified that may be affected by the proposed action. These historic structures are eligible for listing on the NRHP and therefore eligible for protection under Section 4(f). As shown in Table 5-2 above, these resources may not be affected under all proposed build alternatives.

Historic Railroad Corridors

Two historic railroad corridors in the study area, the D&RG and the UPRR, were not included in the inventories prepared for the Final EIS. SHPO concurred with the inventory at the time of the Final EIS. Since publication of the Final EIS, portions of these historic railroad corridors have been inventoried and evaluated in adjacent counties. Because they are within the project study area, they are considered potential historic resources. SHPO, FHWA, and other consulting parties determined that the D&RG and the UPRR are eligible for listing on the NRHP under Criterion A, and therefore eligible for protection under Section 4(f). The proposed action would require a direct use of the D&RG Railroad and it is included in this evaluation. However the proposed action would not result in use of the UPRR. The Final EIS included plans to span the UPRR in areas where the proposed action intersected the UPRR right-of-way. All the build alternatives cross the UPRR right-of-way at Glovers Lane, State Street, at the proposed Legacy Parkway to I-15 connector ramps, the proposed Legacy Parkway to US-89 connector ramps, and at Burke Lane. The build alternatives in the Final EIS and in this Supplemental EIS, bridge the UPRR right-of-way at all these locations, avoiding a direct use of the UPRR. The bridges allow for the required UPRR vertical clearances. The UPRR is not discussed further in this Section 4(f) evaluation because the proposed action would not result in a direct or constructive use of the UPRR. A constructive use would not occur because the UPRR is not a noise-sensitive resource, nor is it subject to aesthetic impacts, vibration impacts, access impacts or ecological intrusion.

Legacy Nature Preserve

As part of the proposed mitigation for the Legacy Parkway project, the Legacy Nature Preserve was established. After publication of the Final EIS, additional literature and field investigations were conducted on the properties associated with the Preserve during the Section 404 permit process. Two historic structures eligible for protection under Section 4(f) are located within the footprint of the Legacy Nature Preserve—2125 North 1100 West in West Bountiful and 2120 South 650 West in Farmington. These structures are shown in Figure 5-2. These structures were evaluated for potential effects as result of the formation of the Legacy Nature Preserve. It was determined that these two historic structures would remain in place, and FHWA determined there would not be a Section 4(f) use of these historic structures because they would not be permanently incorporated into a transportation facility. The historic structures located with the boundaries of the Legacy Nature Preserve are not discussed further in this Section 4(f) evaluation for this reason.

Historic Resources on Redwood Road

The Parkway Facility Adjacent to Redwood Road Alternative, added to the range of alternatives evaluated since publication of the Final EIS, is the only build alternative that has the potential to have an effect on the following eight historic structures.

- 836 South Redwood Road, Woods Cross.
- 918 South Redwood Road, Woods Cross.

- 946 South Redwood Road, Woods Cross.
- 974 South Redwood Road, Woods Cross.
- 1650 South Redwood Road, Woods Cross.
- 2018/2020 South Redwood Road, Woods Cross.
- 2408 South Redwood Road, Woods Cross.
- 1095 North Redwood Road, North Salt Lake.

These eight structures were identified in the updated inventory and not discussed in the Final EIS. Because the Parkway Facility Adjacent to Redwood Road Alternative is the only build alternative that has the potential to affect these eight structures and the impacts are similar on each property, these properties are described under the heading of Historic Resources Affected by the Parkway Facility Adjacent to Redwood Road Alternative. Figures 5-1 and 5-3 show the location of these structures.

Description of Historic Section 4(f) Resources

The following sections provide more detail on the Section 4(f) historic resources.

White House at 10 North 650 West, Farmington (Section 4[f] Property)

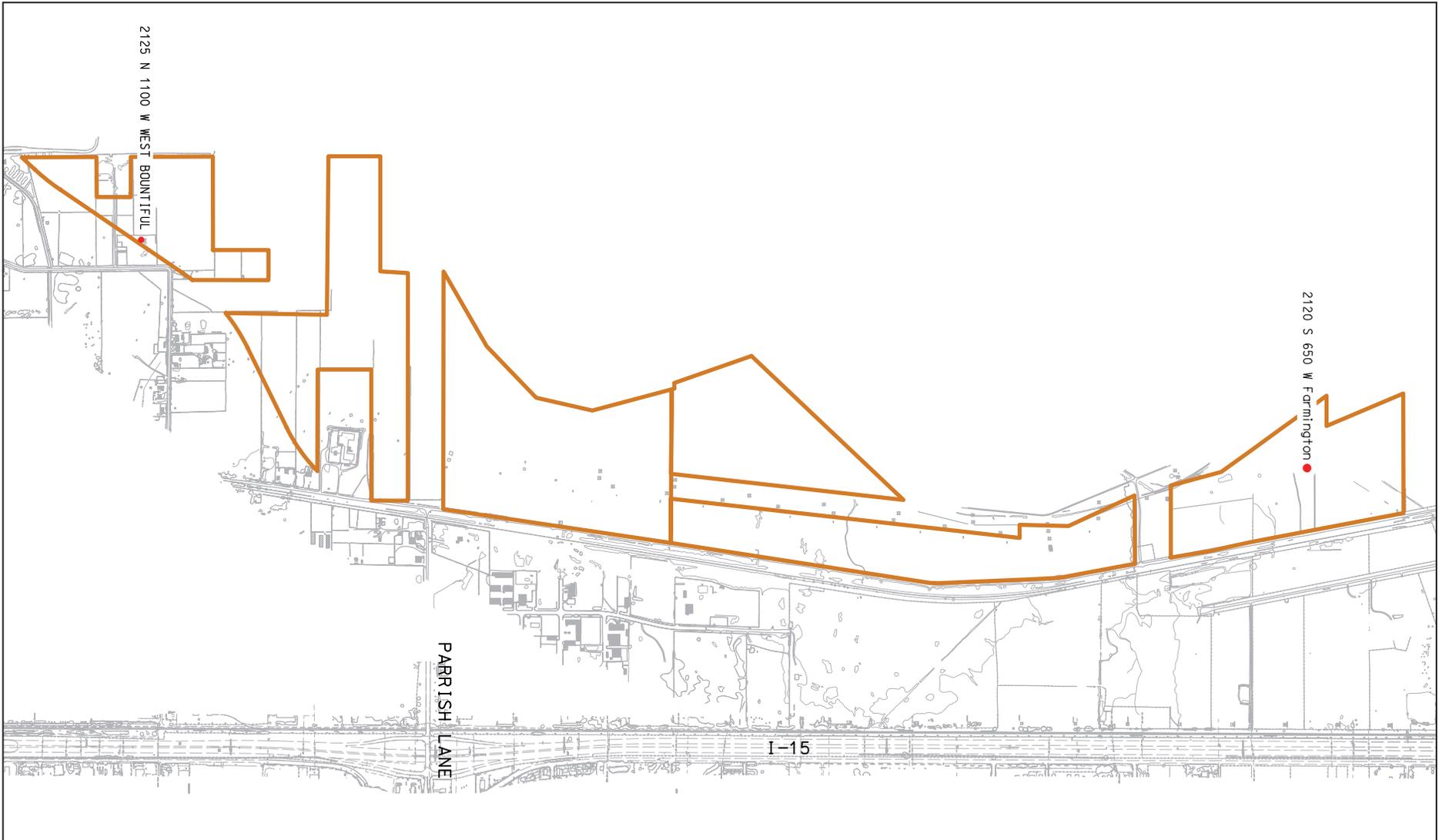
As described in the Final EIS, the White House was a historic structure eligible for listing on the NRHP under Criterion C (see Section 4.16.1.1 of this document for definitions of the NRHP criteria for eligibility for listing), and therefore eligible for protection under Section 4(f). The White House was a white clapboard temple form style, built around 1910. The White House sat on 0.6 ha (1.5 ac) in the northeastern corner of the 650 West and Clark Lane (State Street)² intersection in Farmington, west of I-15. Only the structure was eligible for the NRHP, not the land on which it was located. At the time of the Final EIS, the property was privately owned, although not occupied, and future plans for the parcel were unknown. It was accessible by vehicles and pedestrians from Clark Lane. Because the property was privately owned, public access was not allowed. The White House was located on the west side of I-15, in an area adjacent to the State Street overpass crossing I-15. Figure 5-4, an update of Figure 5-2 in the Final EIS, shows the location of the White House.

Clark Lane Historic District, Farmington (Section 4[f] Property)

The CLHD was nominated for listing on the NRHP as a historic district in 1994. The western boundary of the CLHD is the State Street overpass of I-15 (400 West) and the eastern boundary is 200 West. The northern and southern boundaries of the CLHD are defined by the northern lot margins of the structures on the north and south sides of State Street, in accordance with National Park guidelines (National Park Service 1997). Figure 5-4 shows the boundaries of the CLHD.

At the time the CLHD was nominated to the NRHP, the district consisted of 26 structures, 13 of which were considered contributors to the historical significance of the district (Balle 1994). The CLHD was associated with agriculture throughout the early period of significance (1856–1940). Most of the agricultural outbuildings have been removed. The existing residential structures represent a wide variety

² West of I-15, State Street becomes Clark Lane.



LEGEND

-  Legacy Nature Preserve Boundary
-  National Register of Historic Places Eligible & Section 4(f) Properties

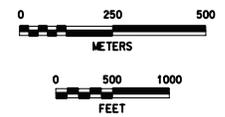
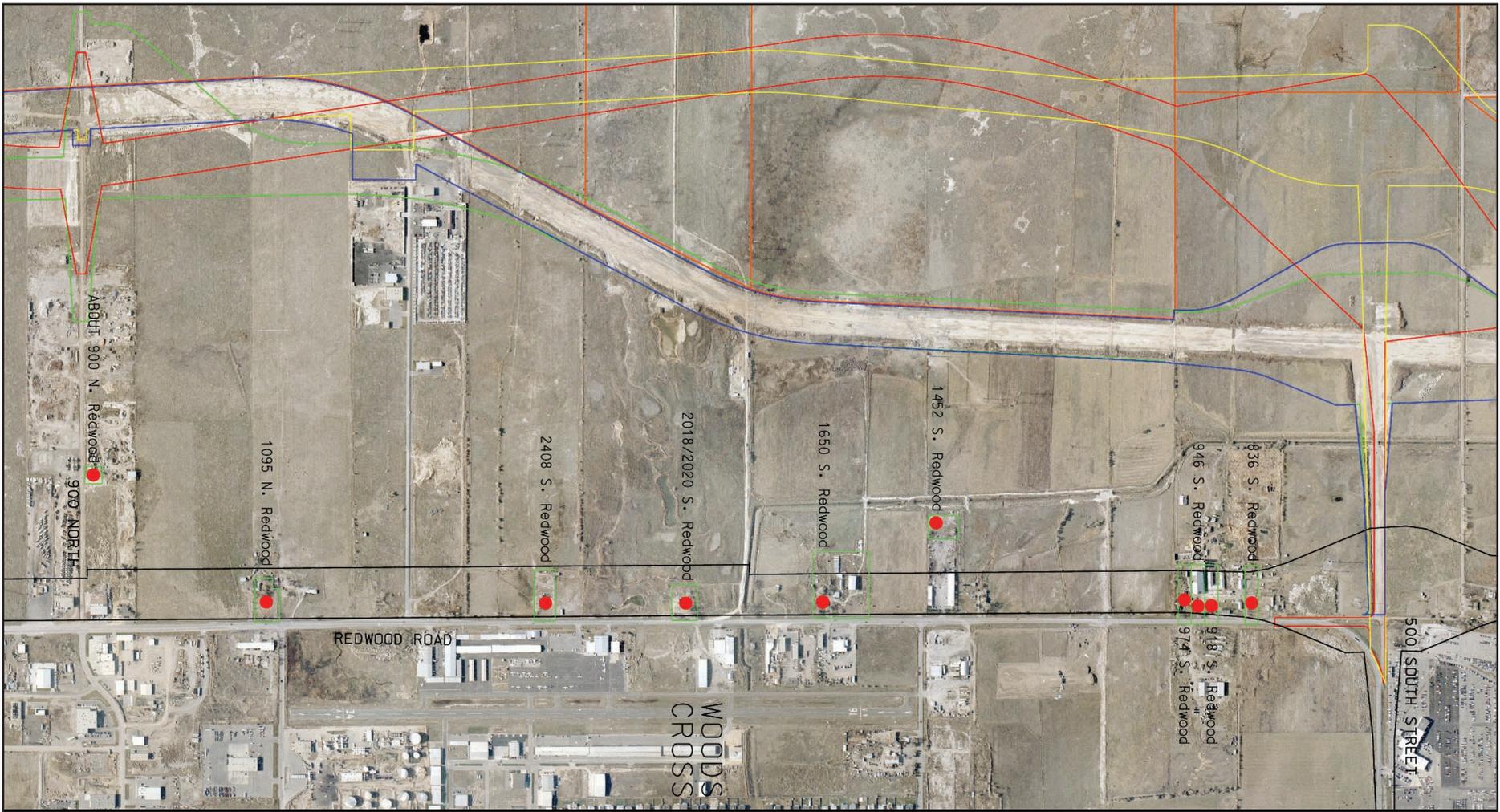
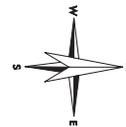
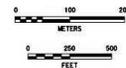


Figure 5-2
Legacy Nature Preserve Boundary and Section 4(f) Property Locations



LEGEND

- Alternative A
- Alternative B
- Alternative C
- Alternative D and E
- Parkway Facility Adjacent to Redwood Road Alternative
- Legacy Nature Preserve Boundary
- National Register of Historic Places Eligible & Section 4(f) Properties
- Property Boundary



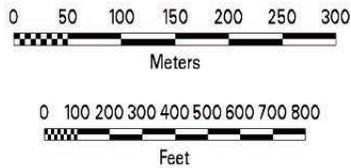
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**Figure 5-3
Parkway Facility Adjacent to Redwood Road Alternative
and Section 4(f) Property Locations**



LEGEND

-  Approximate Boundary Clark Lane Historic District
-  Historic Property Boundary
-  White House



Source: WFRC - 1997, HDR - 1997 File: a-4\histmap-re.aml Plotted: 01 Nov 04

**Figure 5-4
White House and Clark Lane
Historic District (Farmington) Locations**

of architectural styles from the period of significance. The row of trees along each side of State Street is of particular importance to the integrity of the CLHD (Balle 1994).

1300 Glovers Lane, Farmington (Section 4[f] Property)

The historic structure located at approximately 1300 Glovers Lane in Farmington, is an animal facility built in approximately 1950. The animal facility sits on 1.17 ha (2.90 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that it is eligible for the NRHP under Criterion C, and therefore eligible for protection under Section 4(f).

662 West Clark Lane, Farmington (Section 4[f] Property)

The historic structure located at approximately 662 West Clark Lane in Farmington is an animal facility built in approximately 1950. The animal facility sits on a 0.198-ha (0.49-ac) property, of which only 0.084 ha (0.207 ac) is historic and eligible for protection under Section 4(f). This property is owned by Davis County School District.

UDOT and FHWA, in coordination with SHPO, have determined that it is eligible for the NRHP under Criterion C, and therefore eligible for protection under Section 4(f).

D&RG Railroad (Section 4[f] Property)

The D&RG Railroad in Utah was a direct result of a plan to operate a railroad along a north-south line between Denver, Colorado and El Paso, Texas to serve the booming mining industry. Plans for the original destination of El Paso, Texas changed in 1880 to Salt Lake City, Utah. The D&RG Railroad reached Salt Lake City in 1882, and construction of the line north to Ogden was completed the following year. (Utah Rails.Net 2004.)

As described in the *Legacy Parkway Technical Memorandum: Denver & Rio Grande Corridor Evaluation* (HDR Engineering, Inc. 2004b), the railroad grade is present throughout the length of the study area, running in a north/south alignment. Ties and tracks are still present in some areas. Sections of the D&RG Railroad are still actively being used within the study area, from the southern end of the North Corridor to 400 North in West Bountiful, providing a freight transportation link to the petroleum refineries in North Salt Lake, Woods Cross, and West Bountiful. The width of the rail right-of-way through this area averages 18.3 m to 30.5 m (60 ft to 100 ft).

As described in the *Legacy Parkway Technical Memorandum: Integration of Mass Transit with the Legacy Parkway* (Fehr & Peers 2004), in the Final EIS, the build alternatives were designed to span the D&RG Railroad tracks at Parrish Lane and 1250 West through Centerville. This was done at the request of UPRR, who owned the D&RG right-of-way at that time. UPRR intended to preserve the corridor so they could have the option of using the tracks in the future. After the Final EIS was published, the D&RG right-of-way was purchased by the Utah Transit Authority (UTA) in conjunction with the purchase of the UPRR line. UDOT contributed \$10 million of Legacy Parkway funds to assist UTA in purchasing the railroad corridors in exchange for agreement by UTA to allow the proposed action to cross the D&RG Railroad at grade. This provision resulted in a reduction of expense for the project, and UDOT modified the design for crossing the D&RG Railroad right-of-way to cross at grade rather than spanning the tracks, including the crossings at Parrish Lane and 1250 West through Centerville.

FHWA, in coordination with SHPO, has determined the D&RG Railroad is eligible for the NRHP and therefore eligible for protection under Section 4(f).

In addition to being a Section 4(f) resource because of its NRHP eligibility, the D&RG Railroad is also a planned recreation trail. UTA has applied to WFRC for funds (Congestion Mitigation/Air Quality) to convert the railway grade to a pedestrian/bicycle trail from West Bountiful to the Roy area in Weber County. The D&RG Railroad corridor is therefore considered formally designated for recreation and eligible for protection under Section 4(f). However, the D&RG Railroad recreation trail is being planned jointly with the development of the Legacy Parkway Trail. FHWA's Section 4(f) policy paper (Federal Highway Administration 1998) provides the following guidance based on the joint development of the D&RG Railroad trail with the Legacy Parkway Trail: "the requirements of Section 4(f) do not apply to the subsequent highway construction on the reserved right-of-way as previously planned." For this reason, only impacts on the historic nature of the D&RG Railroad are discussed further in this Section 4(f) evaluation.

Historic Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only

Figure 5-3 shows the structures, property boundaries, and right-of-way required for the construction of the Parkway Facility Adjacent to Redwood Road Alternative. The Parkway Facility Adjacent to Redwood Road Alternative, if implemented would require a direct use of the eight historic structures described below.

836 South Redwood Road, Woods Cross (Section 4[f] Property)

The single dwelling structure located at approximately 836 South Redwood Road in Woods Cross was built in approximately 1950. It is a one-story World War II-era cottage constructed of drop/novelty siding. Two non-contributing outbuildings are also located on the property. The structure sits on 0.405 ha (1.00 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

918 South Redwood Road, Woods Cross (Section 4[f] Property)

The cross-wing house located at approximately 918 South Redwood Road in Woods Cross was built in the 1920s. The structure sits on 0.409 ha (1.01 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

946 South Redwood Road, Woods Cross (Section 4[f] Property)

The single dwelling structure located at 946 South Redwood Road in Woods Cross was built in approximately 1920. It is a one-story sided bungalow. Four non-contributing outbuildings are also located on the property. The structure sits on 0.409 ha (1.01 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

974 South Redwood Road, Woods Cross (Section 4[f] Property)

The bungalow located at 974 South Redwood Road in Woods Cross was built in approximately 1920. The structure sits on 0.405 ha (1.00 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

1650 South Redwood Road, Woods Cross (Section 4[f] Property)

The single dwelling structure located at 1650 South Redwood Road in Woods Cross was built in approximately 1890. It is a two-story brick Victorian-Elect World War II-era cross wing. Four non-contributing outbuildings and one contributing outbuilding are also located on the property. The structures sit on 1.95 ha (4.82 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

2018/2020 South Redwood Road, Woods Cross (Section 4[f] Property)

The cross-wing house located at 2018/2020 South Redwood Road in Woods Cross was built in approximately 1920. The structure sits on 0.47 ha (1.17 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

2408 South Redwood Road, Woods Cross (Section 4[f] Property)

The single dwelling structure located at 2408 South Redwood Road in Woods Cross was built in approximately 1950. It is a one-story stucco/plaster and brick World War II-era cottage. One non-contributing outbuilding and one contributing outbuilding are also located on the property. The structure sits on 0.55 ha (1.37 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

1095 North Redwood Road, North Salt Lake (Section 4[f] Property)

The single dwelling structure located at 1095 North Redwood Road in North Salt Lake was built in approximately 1950. It is a one-story sided World War II era cottage. Four non-contributing outbuildings are also located on the property. The structure sits on 0.53 ha (1.31 ac) and is privately owned.

UDOT and FHWA, in coordination with SHPO, have determined that this structure is eligible for listing on the NRHP under Criterion C and therefore eligible for protection under Section 4(f).

Archaeological Resources

New archaeological sites eligible for protection under Section 4(f) have been identified since publication of the Final EIS. Only one of these new archaeological sites—Site 42Dv94—has been identified as having the potential for a Section 4(f) use by the proposed action.

Additional data recovery and field investigations were conducted at Site 42Dv2, which had been previously identified in the Final EIS. As a result of the additional data recovery and field investigations, Site 42Dv2 was determined eligible for protection under Section 4(f).

Site 42Dv67 was identified in the Final EIS as not being adversely affected by the proposed action. The Parkway Facility Adjacent to Redwood Road Alternative, added to the range of alternatives evaluated

since publication of the Final EIS, if implemented has the potential to impact Site 42Dv67. Because there are existing outbuildings still standing on the property, it is eligible for protection under Section 4(f).

Site 42Dv97 is a historic privy located at 1395 West Parish Lane in Centerville. This site was discovered during property acquisition. In consultation with SHPO and other consulting parties, it was determined that testing would be necessary to determine the eligibility of the site for listing on the NRHP. Because the current injunction prohibits ground disturbance, the site can only be tested when and if the injunction is lifted. If testing occurs, the eligibility determination for listing on the NRHP will be made at that time. Based on information about the site obtained to date, it is likely that Site 42Dv97 is only eligible for protection under Criterion D of Section 106 of the National Historic Preservation Act, which would mean that it would not be eligible for protection under Section 4(f). For this reason, Site 42Dv97 is not analyzed for Section 4(f) uses, avoidance, or minimization at this time. However, if after testing it is determined that the site is eligible for listing on the NRHP under Criterion A, B, or C, a Section 4(f) evaluation would be completed for Site 42Dv97. This site may be potentially affected by implementation of Alternatives A and E and the Parkway Facility Adjacent to Redwood Road Alternative

These archaeological resources are discussed below. See Chapter 4, *Supplemental Environmental Analysis*, Section 4.16, *Historic and Archaeological Resources*, for a more detailed description of the archaeological sites.

Site 42Dv2 (Section 4[f] Property)

Site 42Dv2 is a large prehistoric campsite, located in an area acquired for southern interchange with I-215. This site was identified in the Final EIS as an archeological resource under Criterion D (see Section 4.16.1.1 for a definition of the criterion). At the time of the Final EIS, the site did not warrant preservation in place and was therefore not considered eligible for protection under Section 4(f). The Final EIS disclosed that the site would be adversely affected by all build alternatives. Portions of 42Dv2 were excavated in accordance with the original Memorandum of Agreement (MOA) (see Appendix A) to mitigate impacts on this site and in consultation with SHPO. During data recovery, human remains were encountered. Excavations were halted in 2002 prior to completion after it was determined that the remaining site would not be further disturbed by construction of Alternative D (Final EIS Preferred Alternative). Because of the complexity of the site investigation, documentation of the field investigation and results are pending.

FHWA has determined that, because human remains were encountered and because there is sufficient potential for additional human remains to be present on the site, Site 42Dv2 now warrants preservation in place and therefore qualifies for protection under Section 4(f). This determination was made based on the significance of the site and the sanctity of grounds containing human remains.

Site 42Dv94 (Section 4[f] Property)

Site 42Dv94 is a prehistoric site discovered in 2002 during monitoring activities associated with the proposed action. The site contained human remains discovered eroding from the margins of the City Drain Canal in North Salt Lake City, Utah. The human remains have been fully excavated per the inadvertent discovery procedures outlined in the original MOA. This site is currently located in an area acquired for the right-of-way for the southern interchange with I-215.

There is sufficient potential for additional remains to be present in the area (SWCA Inc., Environmental Consultants 2003), and therefore Site 42Dv94 warrants preservation in place and protection under Section 4(f). This determination was based on the sanctity of grounds containing human remains.

Archaeological Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only

Site 42Dv67 (Section 4[f] Property)

Site 42Dv67 is a historic homestead site west of Woods Cross, adjacent to Redwood Road. It consists of a collapsed stone, brick, and frame house. There are also remains of eight outbuildings and the presence of historic trash. The Final EIS stated that this site would not be adversely affected by the proposed action. The Parkway Facility Adjacent to Redwood Road Alternative is the only alternative that would require a direct use of Site 42Dv67.

Site 42Dv67 is eligible for listing on the NRHP under Criteria C and D because some of the outbuildings present on the property are still standing. As a result, FHWA has determined that this site is eligible for protection under Section 4(f).

5.5 Use of Section 4(f) and 6(f) Properties

This section evaluates direct and constructive use of Section 4(f) and 6(f) properties as a result of the proposed action. (Definitions of direct and constructive use are provided above in Section 5.2.1.)

5.5.1 Recreation, Wildlife, and Waterfowl Refuge Resources

Farmington Bay Waterfowl Management Area (Section 4[f] Property)

As described in the Final EIS, three areas of the FBWMA are located in the project study area and are discussed in the following sections.

- The 25-ha (63-ac) property off the northeastern edge of the FBWMA's main body, on the northern side of Lund Lane.
- The far eastern border of the FBWMA, including the parking lot and eastern entrance on Sheep Road.
- The southern entrance to the FBWMA at the western end of Pages Lane near the Bountiful Sanitary Landfill.

However, as described below, only the far eastern border of the FBWMA would be subject to a direct use by Alternatives B and C, as discussed below.

Figures 5-5 and 5-6 are updates of Figures 5-3a and 5-3b in the Final EIS, and show these areas of the FBWMA and their relationship to the build alternatives.

Direct Use

There have been changes to the discussion of direct use of the FBWMA since the Final EIS: the adopted design change to the right-of-way width of the build alternatives, and the addition of the Parkway Facility Adjacent to Redwood Road Alternative to the range of alternatives evaluated. As stated in the Final EIS, there would be no direct use of the 25-ha (63-ac) property or the southern entrance by any proposed build alternative. This has not changed since the publication of the Final EIS.

As described in the Final EIS, only Alternatives B and C would involve a direct use of the eastern entrance and parking area of the FBWMA. The Final EIS also states that replacing the property and relocating the parking lot would not diminish the use of the property for waterfowl management. Since publication of the Final EIS, it has been determined that replacing the property and relocating the parking lot would not diminish the use of the property for recreation purposes either. In addition, revisions have been made in the amount of land required because the right-of-way width has been reduced. The revised amount of land required under Alternative B is 0.02 ha (0.04 ac), a reduction of 0.18 ha (0.46 ac). The revised amount of land required under Alternative C is 1.18 ha (2.91 ac), a reduction of .02 ha (0.09 ac). Table 5-4 summarizes the acres of direct use of land required by each alternative.

Table 5-4 Acres of Direct Use of Land at FBWMA's Eastern Entrance, Updated for Reduced Right-of-Way

	Alternative				
	A	B	C	D	E*
Eastern Entrance	0.0 ha (0.0 ac)	0.02 ha (0.04 ac)	1.18 ha (2.91 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)

Note:

* Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative would have the same impact on this resource.

Figure 5-5 shows the project alternatives near the northeastern and eastern areas of the FBWMA. At the scale of this figure, the reduction in the right-of-way width is too minor to be readily apparent.

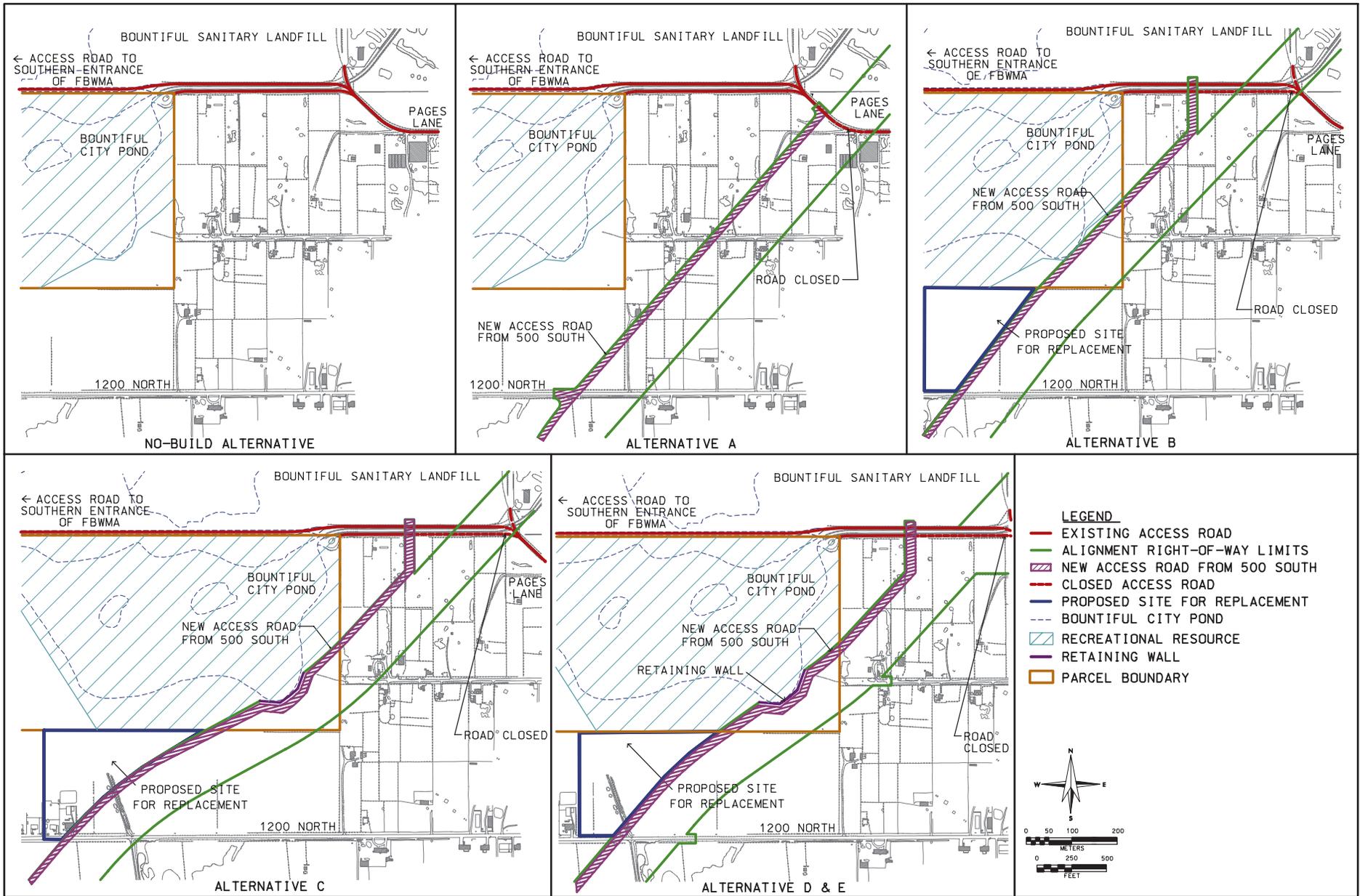
Constructive Use

As stated in the Final EIS, none of the build alternatives would result in constructive use of the FBWMA. This has not changed since publication of the Final EIS, although evaluations were updated and are described below. Alternatives B and C would result in direct use of land from the FBWMA, and as such there would be no constructive use of this resource under these alternatives. See Section 4.13.3.10, *Highway Noise Disturbance*, in Chapter 4, *Supplemental Environmental Analysis*, for further information on possible effects of the proposed action on waterfowl and wildlife.

Noise

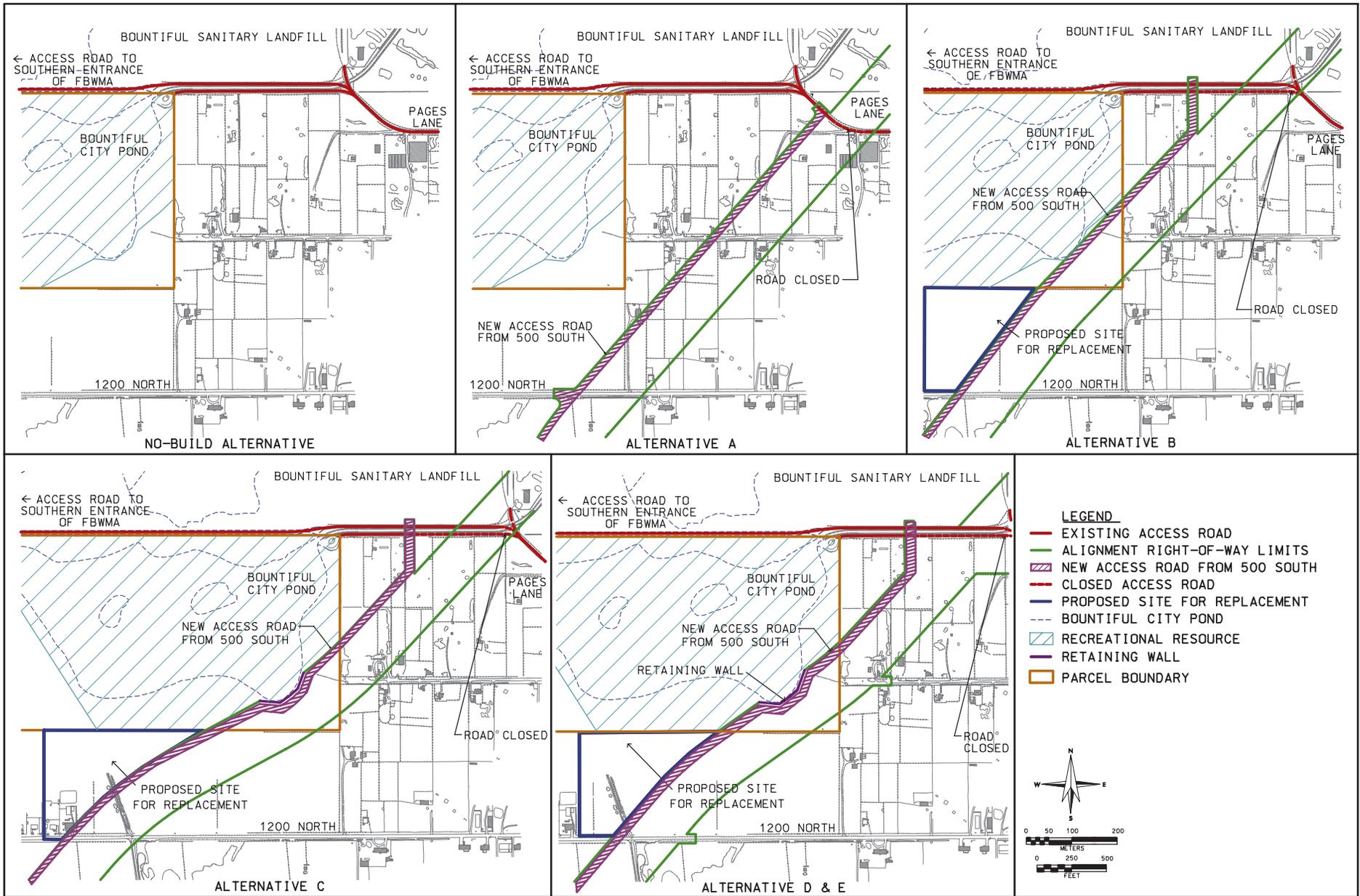
Noise levels, as described in the Final EIS, would increase in the southeastern corner of the 25-ha (63-ac) property on the eastern edge of the FBWMA and at the southern entrance because of the proximity of one or more of the proposed alignments.

Since publication of the Final EIS, a new noise analysis was completed. It was determined that the proximity of one or more of the proposed alignments would increase noise levels in the same areas identified in the Final EIS. Table 5-5 summarizes the change in dBA from existing conditions, as identified in the updated noise analysis.



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Figure 5-6
Impacts and Replacement Land
FBWMA's Southern Entrance and Bountiful City Pond



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Figure 5-6
Impacts and Replacement Land
FBWMA's Southern Entrance and Bountiful City Pond

Table 5-5 Results of Updated Noise Analysis for FBWMA

Location	dBA of Alternatives (increase in dBA from existing conditions)					
	No-Build (Existing Condition)	A	B	C	D	E*
25-ha (63-ac) Property	56	63 (7)	72 (16)	68 (12)	63 (7)	63 (7)
Eastern Edge	56	63 (7)	72 (16)	68 (12)	63 (7)	63 (7)
Southern Entrance	46	56 (10)	59 (13)	62 (16)	61 (15)	61 (15)

Note:

* Change in dBA under the Parkway Facility Adjacent to Redwood Road Alternative would be the same as under Alternative E.

As stated in 23 CFR 771.135(p)(4)(i), a constructive use attributable to noise occurs when

...the projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by section 4(f), such as hearing the performances at an outdoor amphitheater, sleeping in the sleeping area of a campground, enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site's significance, or enjoyment of an urban park where serenity and quiet are significant attributes.

Also according to 23 CFR 771.135(p)(5)(ii), a constructive use attributable to noise does not occur when

...the projected traffic noise levels of the proposed highway project do not exceed the FHWA noise abatement criteria as contained in Table 1, 23 CFR part 772, or the projected operational noise levels of the proposed transit project do not exceed the noise impact criteria in the [Urban Mass Transportation Act] guidelines.

As described in the Final EIS, there is a wide range of recreation activities available at the FBWMA, including hunting and boating, which are seasonal and noisy activities. Aircraft overflights from the Salt Lake City International Airport occur on a daily basis year round. The FBWMA does not qualify as an activity category A facility (23 CFR 772). Activity category A facilities are "lands on which serenity and quiet are of extraordinary significance and serve as an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose." This has not changed since publication of the Final EIS.

The FBWMA qualifies as an activity category B resource. Activity category B includes areas such as picnic areas, recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries and hospitals. Under activity category B, a noise receptor experiences a noise impact if the noise level at that receptor approaches or exceeds the FHWA noise abatement criteria threshold of 67 dBA. This noise threshold would not be met or exceeded for any noise receptors in the FBWMA under Alternatives A, E, and the Parkway Facility Adjacent to Redwood Road Alternative, but it would be exceeded under Alternatives B and C. Alternatives B and C require a direct use of the FBWMA, and as such do not constitute a constructive use of the FBWMA, even though the threshold of 67 dBA would be exceeded under these two alternatives. Further, FHWA considers a substantial increase over existing conditions to be a noise impact; and UDOT noise policy defines a threshold of 65 dBA and a substantial increase as being a 10-dBA increase over existing noise levels. At the southern entrance of the FBWMA, noise levels would increase by 10 dBA or more under all build alternatives. Table 5-5 lists the noise levels and increases in dBA from the existing conditions at the southern entrance of the FBWMA.

The increase in noise levels could slightly reduce use of the FBWMA by both people and wildlife in areas next to the proposed action. This reduction is expected to be small. The expected increase in noise levels also occurs near entrance and parking areas, locations within the FBWMA that experience higher levels of human and vehicular activity than the other areas; these areas do not offer the waterfowl/wildlife habitat functions that are present in other parts of the FBWMA. In addition, the area affected by the increased noise is relatively small compared to the overall size of the FBWMA. Therefore, as stated in the Final EIS, there would be no constructive use attributable to noise.

Aesthetics

As described in the Final EIS, there would be no constructive use attributable to aesthetics because the FBWMA is not a park where the value of the park is substantially in its setting. There have been no changes to this discussion since publication of the Final EIS. There would be no constructive use attributable to aesthetics for Alternatives A, E, or the Parkway Facility Adjacent to Redwood Road Alternative.

Access

As described in the Final EIS, all entrances to the FBWMA were to be maintained. The Final EIS stated that access to the southern entrance was to be maintained by a frontage road on the western side of the alignment from 500 South in West Bountiful and by construction of a pedestrian, bicyclist, and equestrian overpass at Pages Lane. In the Final EIS, the eastern entrance and 25-ha (63-ac) property access would change under Alternatives B and C. The eastern entrance was to be maintained from the north via a relocated Sheep Road. The 25-ha (63-ac) property was to be accessible only from the north, via Sheep Road. Access to the northeastern entrance would not change.

Since publication of the Final EIS, the pedestrian, bicyclist, and equestrian overpass at Pages Lane has been eliminated by the City of West Bountiful due to feasibility and cost (HDR Engineering, Inc. 2003). However, access to the FBWMA would be maintained via the frontage road from 500 South. Overall, with the frontage road access, there would be no constructive use of the FBWMA by Alternatives A, E, or the Parkway Facility Adjacent to Redwood Road Alternative as a result of access restrictions.

Vibration

As described in the Final EIS, the FBWMA has no structures in the study area and would experience no constructive use by Alternatives A, D (Final EIS Preferred Alternative), E, or the Parkway Facility Adjacent to Redwood Road Alternative attributable to vibration. This has not changed since publication of the Final EIS.

Ecological Intrusion

As described in the Final EIS, there would be no constructive use attributable to ecological intrusion by Alternatives A, D (Final EIS Preferred Alternative), E, or the Parkway Facility Adjacent to Redwood Road Alternative and none of the build alternatives would interfere with migratory waterfowl access to the FBWMA. This discussion has not changed since publication of the Final EIS.

Bountiful City Pond (Section 4[f] Property)

Figure 5-6 shows the location of the proposed build alternatives in relation to the Bountiful City Pond property. Reductions in the right-of-way width are too minor to be readily apparent in the figure.

Direct Use

Direct use of the Bountiful City Pond property has changed since publication of the Final EIS because of the adopted change in the right-of-way width, modifications of the final design of Alternative D (Final EIS Preferred Alternative) during the design-build process, and the addition of the Parkway Facility Adjacent to Redwood Road Alternative to the range of alternatives evaluated. Modifications of the final design included constructing retaining walls to avoid any fill in the pond and associated wetlands. These modifications have now been incorporated into the final design of all build alternatives currently under consideration.

As described in the Final EIS, the land that would be required for Alternatives B, C, and D (Final EIS Preferred Alternative), as well as for Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative, is in the southeastern corner of the property. This area is not used for recreation and, as discussed above in Section 5.4.1, the City of Bountiful considers this area reserved for the proposed action. As stated in a letter dated September 23, 2004, the City of Bountiful feels that the proposed Legacy Parkway project and the resulting improved access are beneficial for the recreation facilities located on the Bountiful City Pond property. Modifications made to the final design for the reduction in the right-of-way width, construction of retaining walls, and the City of Bountiful's implementation of a management plan that includes specific areas for recreation and other areas for municipal purposes have eliminated the direct use required by Alternatives B, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative. Areas developed and managed as public recreation areas on the property would not be incorporated into the proposed action.

As described in the Final EIS, the City of Bountiful agreed to accept 4 ha (10 ac) as replacement land (see memorandum of the meeting with the City of Bountiful dated November 30, 1999, in the Final EIS Appendix E, *Section 4(f)/6(f) Properties*) as compensation for the use of the 2.4-ha (5.9-ac) portion of land from the southeast corner of the property by Alternative D (Final EIS Preferred Alternative). Since publication of the Final EIS and as a result of the reduction in the right-of-way width, Alternative B would require 1.7 ha (4.2 ac) of land, Alternative C 2.38 ha (5.88 ac) of land, and Alternative E would require 2.12 ha (5.24 ac). The Parkway Facility Adjacent to Redwood Road Alternative would require the same amount of land from the property as Alternative E. As described in the paragraph above the area incorporated into the proposed action is not considered to be a direct use of Section 4(f) property. Figure 5-6 is an update of Figure 5-3b in the Final EIS and shows the location of the replacement land. The agreement with the City of Bountiful for the replacement land remains in place.

Constructive Use

As described in the Final EIS, Alternative A would not result in a direct use of land from this property, but because of its proximity to the pond and recreation facilities, it was evaluated for constructive use impacts. Although evaluations were updated for all the build alternatives, there has been no change in constructive use of the Bountiful City Pond property since publication of the Final EIS. An updated noise analysis has been completed since publication of the Final EIS.

In the Final EIS, Alternatives B, C, and D (Final EIS Preferred Alternative) required a direct use of land from the Bountiful City Pond property, and therefore were not reviewed for constructive use impacts. Since publication of the Final EIS, modifications to the final design of the proposed action would eliminate the direct use of the pond and other recreation facilities located on the property required by Alternatives B, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative. Therefore, these alternatives were reviewed for constructive use impacts in this Supplemental EIS.

Noise

As described in the Final EIS, Bountiful City Pond was not a noise-sensitive facility where quiet and serenity are significant attributes. The recreation activities are widely dispersed, and noisy activities such as hunting and certain types of boating are allowed. Therefore, there was no constructive use attributable to noise under Alternative A in the Final EIS.

The noise analysis has been updated since the Final EIS, and the results are listed in Table 5-6.

Table 5-6 Updated Noise Analysis for Bountiful City Pond

Location	dBA of Alternatives (increase in dBA from existing conditions)					
	No-Build (Existing Condition)	A	B	C	D	E*
Eastern edge Bountiful City Pond	46	65 (19)	73 (27)	73 (27)	74 (28)	74 (28)

Note:
* Change in dBA under the Parkway Facility Adjacent to Redwood Road Alternative would be the same as under Alternative E.

See the FBWMA constructive use discussion of noise that describes what constitutes a constructive use attributable to noise.

The pond and recreation facilities are not noise-sensitive facilities; however, they do qualify as an activity category B resource. Excavation of the pond provided fill material for the adjacent Bountiful City landfill, and the pond serves as mitigation through a Section 404 Permit for the wetland impacts associated with construction of the landfill. The pond is located immediately adjacent to the landfill and is subject to noise from heavy equipment approaching and leaving the landfill as well as equipment used in the daily operations of the landfill. Hunting is allowed on the property and FBWMA on a seasonal basis, and when allowed contributes to noise disturbance. The pond and recreation facilities could experience noise impacts under all the build alternatives because noise levels at the eastern edge of the property would exceed the FHWA noise abatement criteria threshold of 67 dBA, and noise levels would increase by at least 10 dBA over the existing levels, as shown in Table 5-6.

However, based on a review of the setting of the pond and the recreation use at the site, FHWA has determined that the expected increase in noise levels would not substantially impair the recreation function of the facility. FHWA has determined that there would be no constructive use from noise under any build alternative.

Aesthetics

As described in the Final EIS, there would be no constructive use attributable to aesthetics because the pond and recreation facilities are not a park where the value of the park is based substantially on its setting. The pond and recreation facilities are also located adjacent to the Bountiful Landfill, which frequently uses heavy equipment in daily operations. There have been no changes to this discussion since publication of the Final EIS, except that only the pond and recreation facilities, not the entire Bountiful City Pond property, are considered Section 4(f) resources. It was determined that there would be no constructive use attributable to aesthetics under any build alternative.

Access

The Final EIS described two direct access points to the Bountiful City Pond property, a frontage road from 500 South in West Bountiful and an overpass for pedestrians, bicyclists, and equestrians at Pages

Lane. Since publication of the Final EIS, the City of West Bountiful has decided not to construct the pedestrian, bicyclist, and equestrian overpass at Pages Lane because of feasibility and cost concerns (HDR Engineering, Inc. 2003). The pedestrian, bicycle, and equestrian overpass was a planned access enhancement for the Bountiful City Pond. Currently, the property only has one access point; with the elimination of the overpass, there would only be one access point following development of the proposed action. There would be a slight increase in travel distance and time, but this minor increase is not expected to affect use of the recreation facilities. Because access would be maintained via the frontage road from 500 South in West Bountiful and the pedestrian overpass was not constructed, there would be no constructive use attributable to access impacts under any build alternative. As stated in a letter dated September 23, 2004, the City of Bountiful feels that the proposed Legacy Parkway project and the resulting improved access from the FBWMA road at 500 South are beneficial for the pond and recreation facilities on the property.

Vibration

Since publication of the Final EIS, restroom facilities have been constructed adjacent to the parking area for the pond. Vibration levels from a transportation facility such as the proposed action are not typically great enough to affect the structural integrity of a building or substantially diminish the utility of a building. As a result of and including the discussion under constructive use above, it was determined that there would be no constructive use attributable to vibration under any build alternative.

Ecological Intrusion

As described in the Final EIS, there would be no constructive use attributable to ecological intrusion. Migratory waterfowl access to the pond would not be altered. This discussion has not changed since publication of the Final EIS, except that, as a result of the discussion under constructive use above, Alternatives B, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative were evaluated for constructive use impacts. It was determined that there would be no constructive use attributable to ecological intrusion under any build alternative.

Based on the considerations described above, FHWA has determined that the proposed build alternatives would not require either a direct or a constructive use of the specific areas of this property that are eligible for protection under Section 4(f). Therefore, the Bountiful City Pond is not discussed further in this evaluation.

Utah State Parks Land, including Jordan River Off-Highway Vehicle Center (Section 4[f] and 6[f] Property)

Overall, there has been no change to the discussion or need for direct use of land from this resource, except that an additional alternative was evaluated, the Parkway Facility Adjacent to Redwood Road Alternative, which would result in the same use of this resource under Section 4(f) as Alternative E. Also since publication of the Final EIS, the amount of land and right-of-way required for design of the interchange has been revised to reflect additional land requirements identified during final design of Alternative D (Final EIS Preferred Alternative). Figure 5-7 is an update of Figure 5-3c of the Final EIS. The changes described below are too minor to be seen in the figure.

Direct Use

As described in the Final EIS, all the build alternatives would require a direct use of land from the Jordan River OHV Center. In the Final EIS, two design options for the interchange were described for this area. One design option would provide route continuity on I-215 through the interchange and the other would

provide route continuity from I-215 to Legacy Parkway through the interchange. Since publication of the Final EIS, the design option providing route continuity from I-215 to Legacy Parkway through the interchange was selected. The land required from the Jordan River OHV Center is located in the area where the transition to a wider right-of-way is needed for the design of the interchange. Because the property is located in an interchange area, the reduction in the right-of-way width for the build alternatives does not apply. In addition, due to the location of this property in an interchange area, there is no reasonable avoidance alternative to the use of land from the Jordan River OHV Center.

Since publication of the Final EIS, it was determined that additional land would be required from the Jordan River OHV Center. These calculations have been revised to reflect this change and the selection of the design option for the interchange. These revised calculations are listed in Table 5-7.

Table 5-7 Revised Direct Use of Land from Utah State Parks Land (Jordan River OHV Center)

Alternative				
A	B	C	D	E*
1.46 ha (3.6 ac)	3.64 ha (9.0 ac)	1.46 ha (3.6 ac)	1.46 ha (3.6 ac)	1.46 ha (3.6 ac)

Note:

* Direct use of land under Parkway Facility Adjacent to Redwood Road Alternative would be the same as under Alternative E.

As described in the Final EIS, a portion of the raceway track in the Jordan River OHV Center would be relocated. This part of the track is unimproved and would be relocated by users as they take a slightly different route, creating a new alignment along this section. None of the buildings, motocross courses, or participant or observer facilities would be affected. This has not changed since publication of the Final EIS.

Constructive Use

All the build alternatives and the Parkway Facility Adjacent to Redwood Road Alternative would result in the direct use of land from the Jordan River OHV Center; therefore, there is no constructive use of this resource. This has not changed since publication of the Final EIS, except for the addition of the Parkway Facility Adjacent to Redwood Road Alternative to the range of alternatives evaluated.

5.5.2 Historic Resources

Historic resources evaluated and eligible for protection under Section 4(f) have changed since publication of the Final EIS and are described above in Section 5.4.2.2. Use of these resources and changes that have occurred since publication of the Final EIS are described below.

White House at 10 North 650 West, Farmington (Section 4[f] Property)

Figure 5-8 is an update of Figure 5-3e in the Final EIS. This figure shows the location of the historic structure, the property boundary, and right-of-way required for the build alternatives. Only the historic structure, a residence, was eligible for NRHP listing, not the land on which it was located.



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Figure 5-7
Impacts
Jordan River Off-Highway Vehicle Center (OHVC)

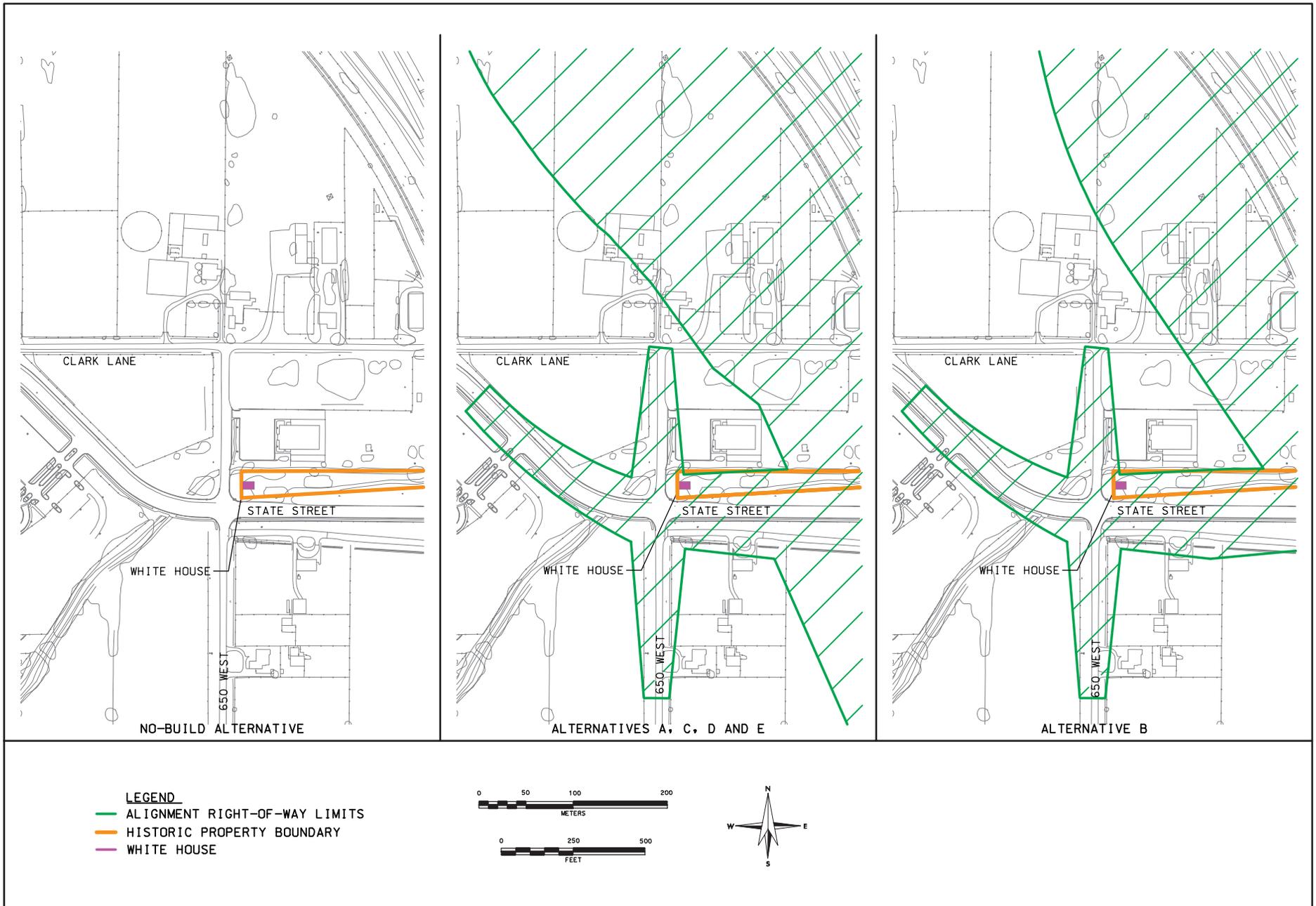


Figure 5-8
Impacts, White House Historic Building

Direct Use

As described in the Final EIS, all the build alternatives required the acquisition of the 0.6 ha (1.5 ac) property and demolition of the White House at 10 North 650 West in Farmington.

After the Final EIS was published, an ILS form was completed in accordance with U.S. Secretary of Interior's Standards and Guidelines for documentation (48 FR 44728-37). The site documentation was submitted to SHPO on February 21, 2001. SHPO approved the site documentation on March 8, 2001 (Appendix A). The structure was subsequently demolished. These actions were coordinated and concurred with by SHPO and the Advisory Council on Historic Preservation (ACHP).

Because the documentation and demolition of this structure have already been completed, a direct use of this property has already occurred. The White House is not discussed further in this evaluation.

Constructive Use

The structure has been demolished as a result of direct use by all the build alternatives, and therefore a constructive use could not occur.

Clark Lane Historic District, Farmington (Section 4[f] Property)

Since publication of the Final EIS, the design of the overpass at State Street has been revised in coordination with and as requested by the City of Farmington (Appendix A). The reconstruction of the overpass would be the same under all build alternatives, including the Parkway Facility Adjacent to Redwood Road Alternative. Revision of the overpass design has eliminated the need to acquire property from any contributing element of the CLHD. However, the driveways of three properties within the CLHD—399 W. State Street, 393 W. State Street, and 398 W. State Street—would require minor regrading to connect with the new overpass, as shown in Figure 5-9. These modifications, described in more detail under *Direct Use* below, were determined to have no adverse effect under Section 106 of the National Historic Preservation Act (NHPA) because of the design and mitigation measures included in the revised draft MOA between FHWA, UDOT, and SHPO.

As described in the Final EIS and as listed in Table 5-2 above, the property at 399 W. State Street in Farmington was not affected by the original proposed design of the overpass. Of the three properties affected, only 399 W. State Street contributes to the CLHD and is individually eligible for NRHP listing; 393 W. State Street does not contribute to the CLHD, and, 398 W. State Street does not contribute and is “out of period” for the district.

Avoidance alternatives and measures to minimize harm are not presented for the CLHD in this Section 4(f) and 6(f) evaluation because the proposed action would result in a temporary occupancy of the CLHD, not a direct or constructive use. The following discussions provide more detail.

Direct Use

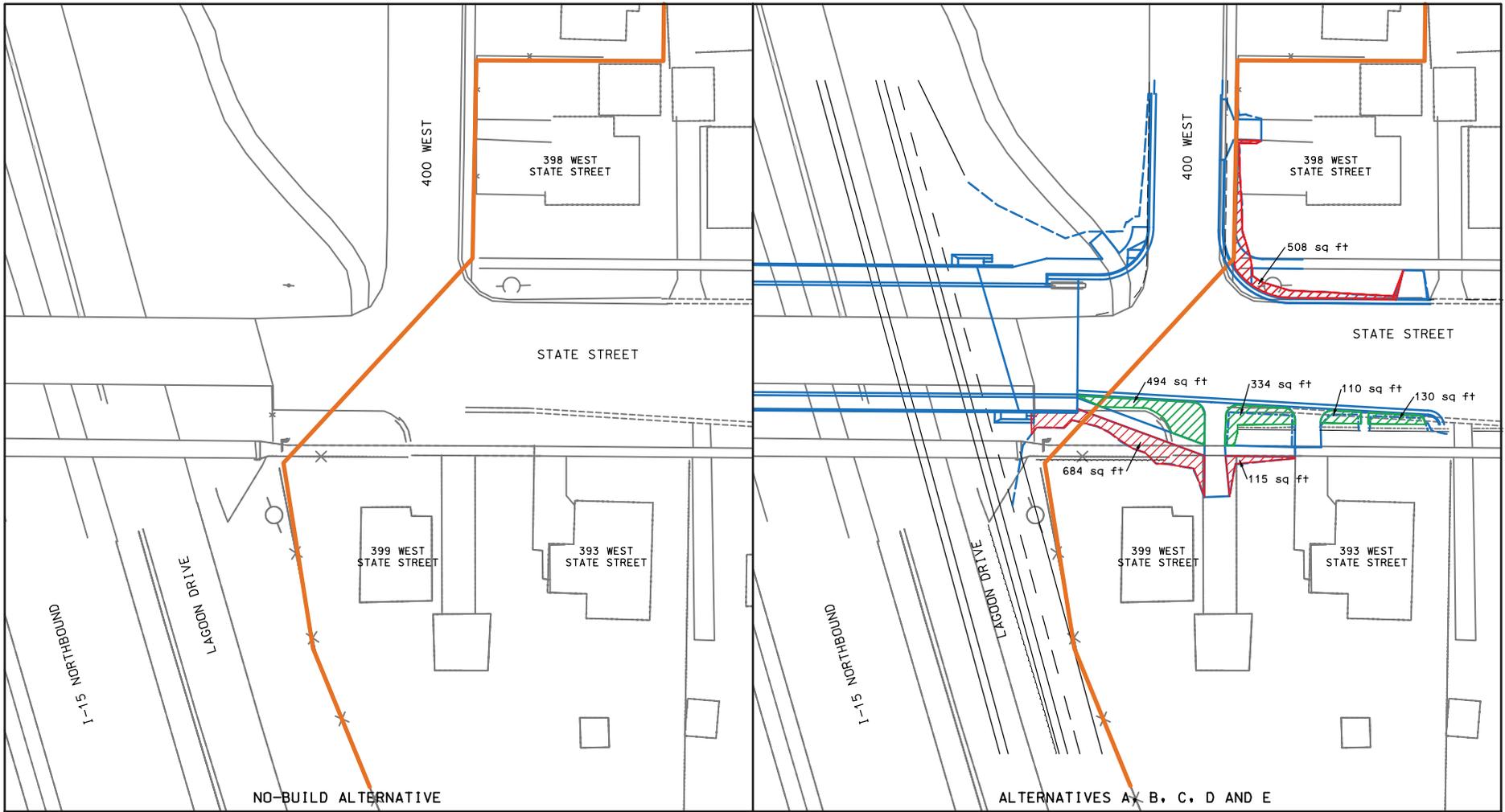
None of the build alternatives (including the Parkway Facility Adjacent to Redwood Road Alternative) would require a permanent direct use of the CLHD or structures in the CLHD because design and minimization measures have been developed and included in the revised draft MOA to avoid a permanent direct use of the CLHD. Realignment of existing curbs and gutters, along with a more gradual tapering of the road cross section from east to west, would affect the driveways that access the three properties. Therefore, reconstruction would alter only the footprint of the properties at 399 W. State Street, 398 W. State Street, and 393 W. State Street, and not the structures on the properties.

According to 23 CFR 771.135(p)(7): “A temporary occupancy of land is so minimal that it does not constitute a direct use within the meaning of Section 4(f) when the following conditions are satisfied.”

- Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.
- Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) resource are minimal.
- There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis.
- The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.
- There must be documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource regarding the above conditions.

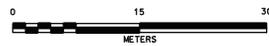
Stipulations in the revised draft MOA include the provision “to return the conditions of the CLHD and its contributory elements to their original pre-construction condition.” Modifications to the sidewalk and driveway would not alter features critical to the historical significance of the CLHD or its contributory elements. The temporary occupancy of the CLHD would meet all the criteria outlined in 23 CFR 771.135(p)(7), and therefore the proposed action would result in a temporary occupancy of the CLHD, not a direct use.

The Temporary occupancy or construction easements on the three properties are described in Table 5-8 and shown in Figure 5-9.



LEGEND

-  TEMPORARY EASEMENTS
-  ADDITIONAL AREA ADDED TO PROPERTY
-  NEW DESIGN
-  CLARK LANE HISTORIC DISTRICT BOUNDARY



CLARK LANE HISTORIC DISTRICT

Legacy Parkway Supplemental EIS
August 2004

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Figure 5-9
Temporary Easements, Clark Lane Historic District (Farmington)

Table 5-8 Temporary Easements on CLHD Properties Resulting from State Street Overpass Reconstruction

Address	Area of Existing Property Affected, sq meters (sq ft)	Additional Area Added to Property, sq meters (sq ft)	Comment
393 W. State St.	NA	22 (240)	An increase in area totaling 12 sq m (130 sq ft) east of the walkway and 10 sq m (110 sq ft) to the west of the walkway.
398 W. State St.	47 (508)	NA	Affected area is a continuous strip along the east margin of 400 West and along the north margin of State Street, totaling 47 sq m (508 sq ft).
399 W. State St.	74 (799)	77 (828)	There are two areas affected, one east of the driveway and one west of the driveway. The affected area on the east side of the driveway is 11 sq m (115 sq ft) and on the west side of the driveway 63 sq m (684 sq ft). An increase in area totaling 46 sq m (494 sq ft) on the west of the driveway and 31 sq m (334 sq ft) on the east of the driveway.
Total	121 (1,307)	99 (1,068)	

A total of 121 square meters (sq m) (1307 square feet [sq ft]) of the properties at 399 W. State Street and 398 W. State Street would be modified through regrading and fill placement to provide new, permanent driveway access to both properties (red hatching in Figure 5-9). The footprints of the properties at 399 W. State Street and 393 W. State Street would be increased by a total of 99 sq m (1,068 sq ft) because of realignment of the existing curbs and gutters and a more gradual tapering of the road cross section from east to west (green hatching in Figure 5-9). A temporary easement would affect a total of 47 sq m (508 sq ft) of the footprint of the property at 398 W. State Street (red hatching in Figure 5-9).

Constructive Use

Noise

The CLHD is located on the east side of and adjacent to I-15 (Figure 5-1). The CLHD is located in a suburban setting and currently experiences noise from traffic on I-15 and State Street in Farmington. The existing sound walls near 399 W. State Street would remain in place, and no additional lanes were added to State Street. There would be no constructive use attributable to the build alternatives.

Aesthetics

Design and minimization measures, such as preserving the mature trees and adding additional green space, developed to avoid a permanent direct use of the CLHD also serve to protect the existing setting and location. Therefore, there would be no constructive use attributable to aesthetics under any proposed build alternative.

Access

Access to the CLHD would not be altered by any proposed build alternative.

Vibration

After publication of the Final EIS, CLHD residents voiced concerns over vibration issues resulting from reconstruction of the overpass that might affect the structural integrity of their homes along State Street. UDOT conducted vibration monitoring and determined that vibration levels associated with the trucks were not high enough to affect any structures. SHPO challenged that determination on the grounds that the proposed vibration limits were potentially inappropriate because of the elderly nature of the CLHD structures. In addition, SHPO suggested that the demolition and reconstruction of the State Street overpass might cause higher vibration levels, attributable to pile driving, than those previously considered. A reevaluation of vibration levels was performed in 2003. Three structures within the CLHD—399 W. State Street, 398 W. State Street, and 393 W. State Street—are within 61 m (200 ft) of the proposed pile-driving location for the State Street overpass. On April 14, 2004, FHWA and UDOT held a meeting with residents of CLHD to discuss and take recommendations on minimizing these potential impacts on the district. In response to these challenges, a revised draft MOA has been developed between SHPO, FHWA, and UDOT. The revised draft MOA includes measures to minimize harm to the district from vibration such as not using State Street as a principal haul route, pre-drilling of pilings, limiting energy of pile driving hammers, monitoring of vibration, and establishing a vibration threshold. Potential vibration impacts on structures are addressed in detail in Section 4.20, *Construction Impacts*, and measures to minimize harm are detailed in the revised draft MOA (Appendix A.).

Ecological Intrusion

There would be no constructive use attributable to ecological intrusion on the CLHD by any proposed build alternative.

1300 Glovers Lane, Farmington (Section 4[f] Property)

Since publication of the Final EIS, the animal facility located at 1300 Glovers Lane in Farmington has been identified as a historic structure eligible for protection under Section 4(f).

Direct Use

Construction of Alternative B would require the acquisition and demolition of the animal facility located at 1300 Glovers Lane. None of the other build alternatives would result in a direct use of the structure.

Constructive Use

Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative are at a minimum distance of 3.2 km (2 mi) east of the animal facility and would not result in a constructive use impact. Alternative B is not evaluated for constructive use because it requires a direct use through the acquisition and demolition of the structure.

662 West Clark Lane, Farmington (Section 4[f] Property)

The facility at 662 West Clark Lane, in Farmington, is an unoccupied animal facility located adjacent to an existing highway and US-89 interchange.

Direct Use

Construction of Alternatives A, C, E, or the Parkway Facility Adjacent to Redwood Road Alternative would require the acquisition of all or part of the historic property at 662 West Clark Lane. Alternatives A

and C would require use of 0.024 ha (0.061 ac) and construction of a retaining wall to avoid demolition of the structure. Alternatives E and the Parkway Facility Adjacent to Redwood Road Alternative would require use of 0.084 ha (0.207 ac) and demolition of the structure. Alternative B is the only alternative that does not require a direct use of the structure.

Constructive Use

Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative are not evaluated for constructive use because they require direct use through the acquisition and demolition of the structure. Alternative B does not require a direct use of 662 West Clark Lane and was evaluated for potential constructive use.

Noise

A constructive use attributable to noise would not occur because the animal facility is not a noise-sensitive resource and is located adjacent to an existing highway and interchange.

Aesthetics

There would be no constructive use attributable to aesthetics because the animal facility is located adjacent to an existing interchange.

Access

Access to the animal facility would not change.

Vibration

There would not be a constructive use attributable to vibration because vibration levels would not be significantly increased by this alternative.

Ecological Intrusion

There would be no constructive use attributable to ecological intrusion.

Therefore, Alternative B would not result in a constructive use of 662 West Clark Lane attributable to noise, aesthetics, access, vibration or ecological intrusion.

D&RG Railroad (Section 4[f] Property)

In the Final EIS, the build alternatives were designed to span the D&RG Railroad tracks at Parrish Lane and 1250 West through Centerville. This approach has changed, as described above in Section 5.4.2.

Direct Use

All the build alternatives, including the Parkway Facility Adjacent to Redwood Road Alternative would result in a direct use of the D&RG Railroad. The segments of the D&RG Railroad that would be used are of equal quality under all the build alternatives because there are no contributing features or elements present other than the railroad grade. Figures 5-10 and 5-11 show the locations where the direct use would occur under each build alternative. Direct use of the D&RG Railroad by any build alternative would not occur on any section of the railway currently being used for operations.

Alternatives A, E, and the Parkway Facility Adjacent to Redwood Road Alternative would require two at-grade crossings: one just south of Parrish Lane in Centerville and the other just north of Chase Lane in Centerville near the relocated 1250 West. The first crossing includes the north- and southbound travel lanes as well as the northbound off-ramp to Parrish Lane and the southbound on-ramp to the proposed Legacy Parkway and the proposed trail. The second crossing is an access road that extends westerly from the northern termini of the relocated 1250 West to join Sheep Road; this road provides access to the Utah Power and Light and Bountiful City power sub-stations. Both of these designed crossings would fill the D&RG Railroad grade and incorporate a total of approximately 335 linear meters (1,100 linear feet) of the D&RG Railroad grade into the roadway embankment. Alternative A requires the direct use of 1.4 ha (3.5 ac), and Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative require 1.7 ha (4.3 ac).

Alternative B would cross the D&RG Railroad at grade three times, once near Parrish Lane, once at Shepard Lane, and once at Glovers Lane. One of these crossings would result in a direct use of a 4-km (2.5-mi) segment of the D&RG Railroad between Parrish Lane and Glovers Lane in Farmington. In addition, the three at-grade crossings would incorporate a total of approximately 550 linear meters (1,800 linear feet) of the D&RG Railroad grade into the roadway embankment. Alternative B requires a direct use of 15.1 ha (37.3 ac) from this resource.

Alternative C would cross the D&RG Railroad twice at-grade, once near Parrish Lane and once at Lund Lane, and requires the direct use of 1.4 ha (3.4 ac).

SHPO has concurred that crossing the D&RG Railroad at grade would result in no adverse effect (see the Determination of Effect and Finding of Effect, November 2004, in Appendix A).

Constructive Use

None of the build alternatives, including the Parkway Facility Adjacent to Redwood Road Alternative would have a constructive use on the D&RG Railroad because they all require a direct use through the construction of at grade crossings.

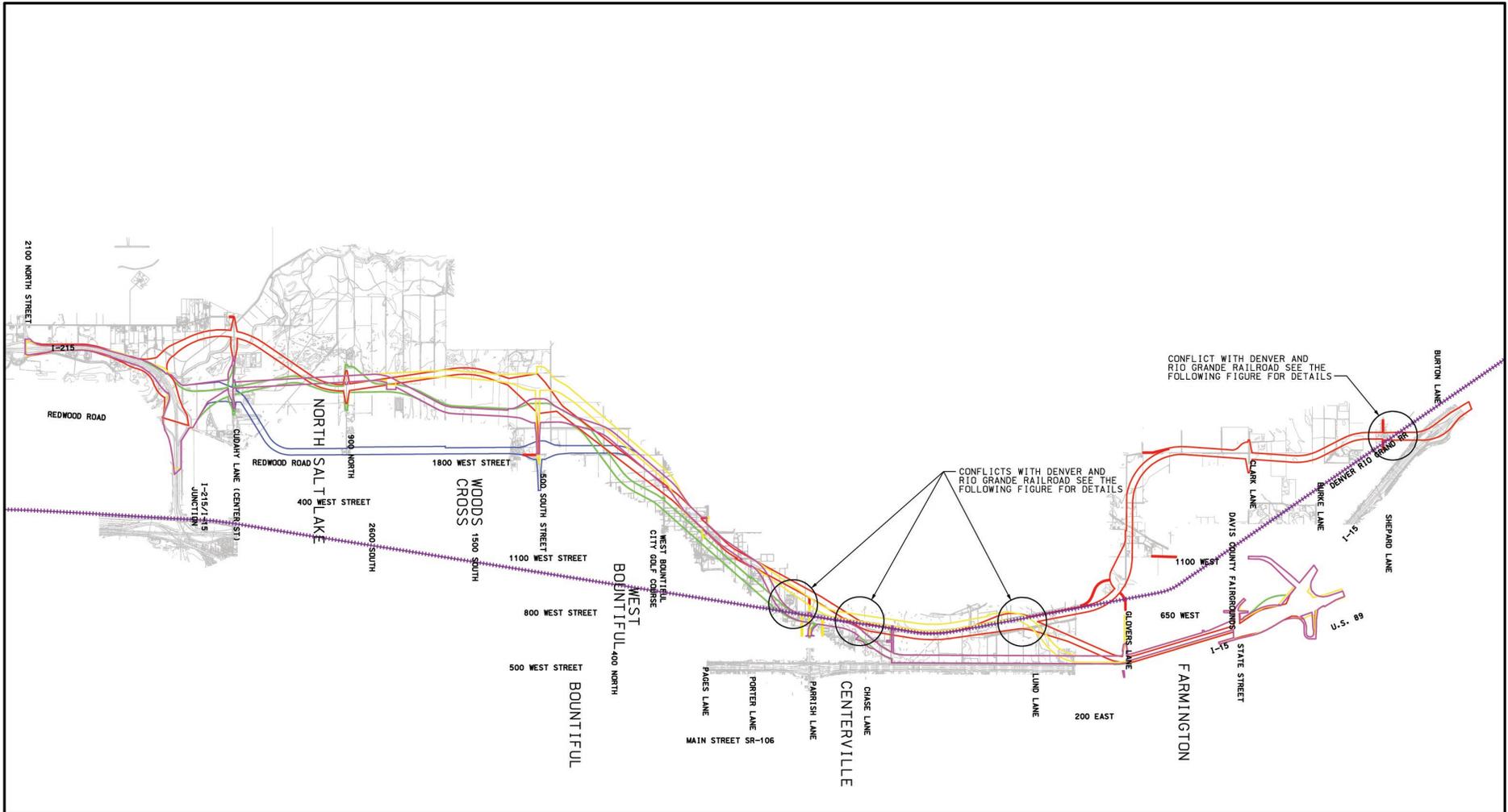
Historic Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only

As noted in Section 5.3.2, this alternative has the same alignment as Alternative E in the vicinity of the I-215 interchange area and again from approximately 1.6 km (1 mi) north of 500 South in Woods Cross. The Parkway Facility Adjacent to Redwood Road Alternative would require the direct use of the following eight historic structures in addition to the use of those Section 4(f) and 6(f) resources previously described for Alternative E.

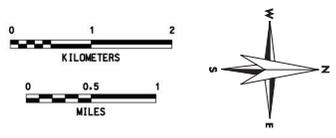
Direct Use

Construction of the Parkway Facility Adjacent to Redwood Road Alternative would require the acquisition and demolition of the following eight structures.

- 836 South Redwood Road, Woods Cross. The World War II-era cottage would be demolished and the entire 0.4-ha (1-ac) property incorporated into the right-of-way.
- 918 South Redwood Road, Woods Cross. The cross-wing house would be demolished and the entire 0.4-ha (1-ac) property incorporated into the right-of-way.

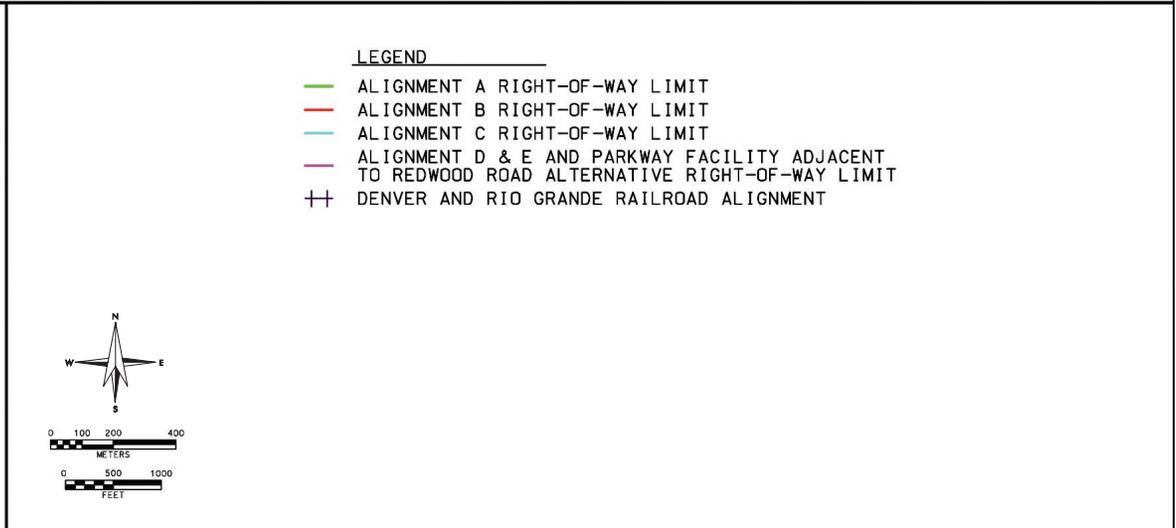
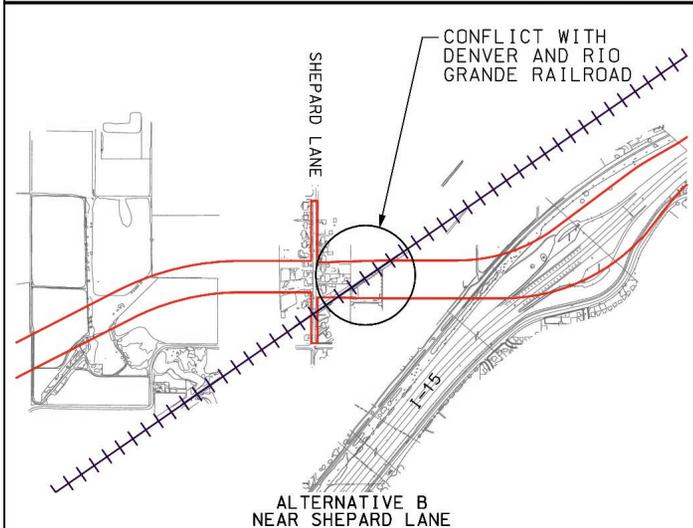
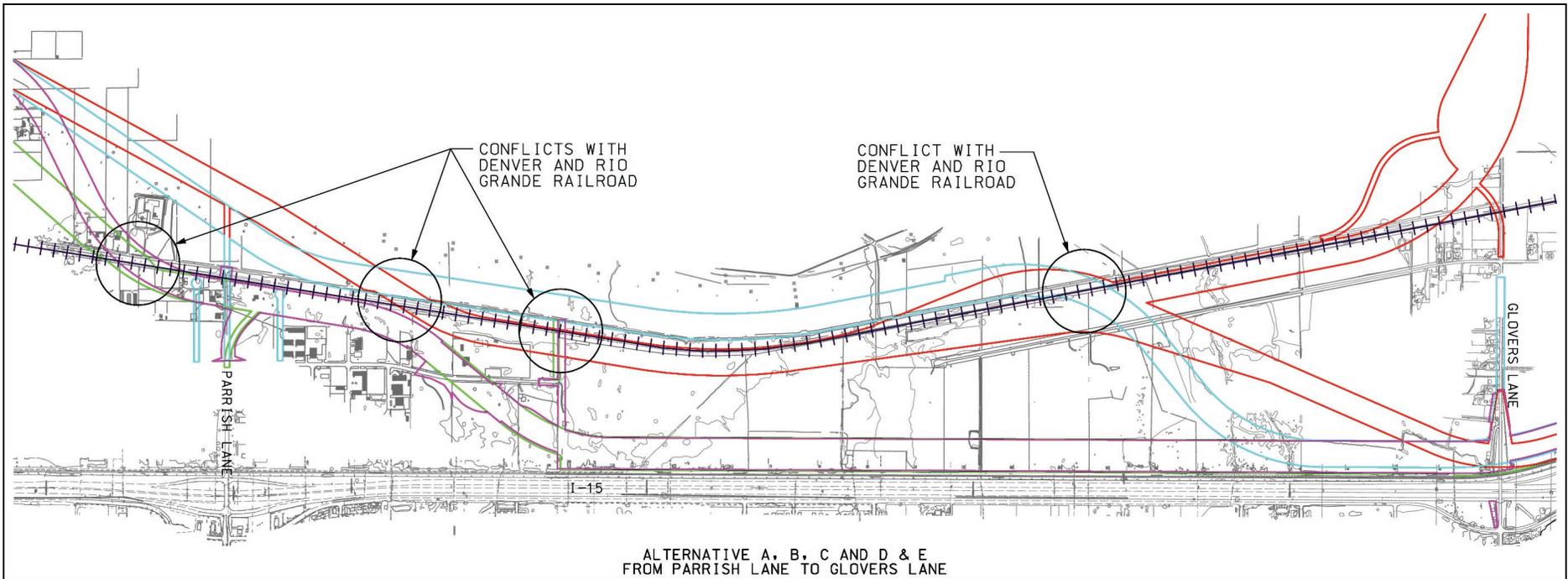


- LEGEND**
- Alternative A
 - Alternative B
 - Alternative C
 - Alternative D and E
 - Parkway Facility Adjacent to Redwood Road Alternative
 - - - Denver Rio Grande Railroad



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Figure 5-10
Impacts, D&RG Railroad



03076.03 (11-04) SES

Figure 5-11
Detail of Impacts, D&RG Railroad

- 946 South Redwood Road, Woods Cross. The bungalow would be demolished and entire 0.4-ha (1-ac) property incorporated into the right-of-way.
- 974 South Redwood Road, Woods Cross. The bungalow would be demolished and the entire 0.4-ha (1-ac) property incorporated into the right-of-way.
- 1650 South Redwood Road, Woods Cross. The Victorian-elect World War II-era cross-wing structure and one contributing outbuilding would be demolished and the entire 1.9-ha (4.8-ac) property incorporated into the right-of-way.
- 2018/2020 South Redwood Road, Woods Cross. The cross-wing would be demolished and the entire 0.5-ha (1.2-ac) property incorporated into the right-of-way.
- 2408 South Redwood Rd, Woods Cross. The World War II-era cottage and contributing outbuilding would be demolished and the entire 0.6-ha (1.4-ac) property incorporated into the right-of-way.
- 1095 North Redwood Rd, North Salt Lake. The World War II-era cottage would be demolished and the entire 0.5-ha (1.3-ac) property incorporated into the right-of-way.

None of the other build alternatives considered would impact these eight structures. Figures 5-1 and 5-3 show the locations of these structures and property boundaries in relation to the alignment.

Constructive Use

Alternatives A, B, C, E are at a minimum distance of 0.8 km (0.5 mi) west of the historic structures listed above and would not result in constructive use impacts. The Parkway Facility Adjacent to Redwood Road Alternative would not have a constructive use on these structures because a direct use is required through the acquisition and demolition of these structures.

5.5.3 Archaeological Resources

Since publication of the Final EIS archaeological resources evaluated and eligible for protection under Section 4(f) have changed and are described in Section 5.4.2.2. Use of these resources is described below.

Site 42Dv2 (Section 4[f] Property)

Direct Use

Partial excavation has already occurred at Site 42Dv2, as previously described in Section 5.5.3. Additional excavation of this site is not anticipated under any build alternatives being considered. However, because the site is located within the right-of-way acquired for the southern interchange with I-215 for Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative, a direct use of 2.9 ha (7.2 ac) would still occur. This direct use would occur because the site would be incorporated into the transportation facility, even though these alternatives would not have further impacts on the site. Alternative B is the only build alternative that would not require a direct use of this site by incorporation into the right-of-way, because the southern interchange for this alternative is in a different location further to the south and east.

Constructive Use

There would not be a constructive use of this resource under Alternatives A, C, E, or the Parkway Facility Adjacent to Redwood Road Alternative because they all require a direct use. Alternative B is the only alternative that has the potential for a constructive use of Site 42Dv2. FHWA has determined that Site 42Dv2 warrants preservation in place based on the significance of the site and sanctity of grounds containing human remains. Site 42Dv2 is not a noise-sensitive resource, nor is it subject to aesthetic impacts, vibration impacts, access impacts, or ecological intrusion; therefore, a constructive use would not occur under Alternative B.

Site 42Dv94 (Section 4[f] Property)

Direct Use

Excavation has already occurred at Site 42Dv94, as previously described in Section 5.5.3. Additional impacts on this site are not anticipated under any build alternative being considered. However, because the site is located within the right-of-way acquired for the southern interchange for Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative, a direct use of 0.02 ha (0.04 ac) would still occur. This direct use would occur because the site would be incorporated into the transportation facility, even though these alternatives would not further affect the site. Alternative B is the only build alternative that would not require a direct use of this site by incorporation into the right-of-way because the southern interchange for this alternative would be located further south and east.

Constructive Use

There would not be a constructive use of this resource under Alternatives A, C, E, or the Parkway Facility Adjacent to Redwood Road Alternative because they all require a direct use. Alternative B is the only alternative that has the potential for a constructive use of Site 42Dv94. FHWA has determined that Site 42Dv94 warrants preservation in place because there is sufficient potential for additional remains to be present in the area and because of the sanctity of grounds containing human remains. Site 42Dv94 is not a noise-sensitive resource, nor is it subject to aesthetic impacts, vibration impacts, access impacts, or ecological intrusion; therefore, a constructive use would not occur with Alternative B.

Archaeological Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only

Site 42Dv67 (Section 4[f] Property)

Direct Use

The Parkway Facility Adjacent to Redwood Road Alternative would require a direct use of 0.6 ha (1.4 ac) of this site, as described in Section 5.5.3, through acquisition and incorporation into the right-of-way. Any structures and archaeological components would be removed through excavation, according to the revised draft MOA developed by SHPO, UDOT, and FHWA.

Constructive Use

Alternatives A, B, C, and E are at a minimum distance of 0.8 km (0.5 mi) west of the Site 42Dv67 and would not result in constructive use impacts. The Parkway Facility Adjacent to Redwood Road Alternative would not have a constructive use of this site because a direct use is required through the acquisition and incorporation of this site into the right-of-way.

5.5.4 Summary of Use of Section 4(f) and 6(f) Properties by Alternative

Table 5-9 summarizes use of Section 4(f) and 6(f) properties by alternative. The table shows the use from both the Final EIS and this Supplemental EIS. The acreage of property required under each alternative includes adjustments for the minimization measures described in Section 5.6. This table displays the total acreage used under Section 4(f), not the total acreage associated with the individual property that may be acquired for the project. There is no constructive use attributable to any proposed build alternatives.

Table 5-9 Summary of Use of Section 4(f) and 6(f) Properties by Alternative

Section 4(f)/6(f) Property	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Parkway Facility Adjacent to Redwood Road
Recreation Areas						
FBWMA eastern entrance and parking area	0.0 ha (0.0 ac)	0.02 ha (0.04 ac)	1.2 ha (2.9 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)
Jordan River OHV Center	1.5 ha (3.6 ac)	3.7 ha (9.0 ac)	1.5 ha (3.6 ac)	1.5 ha (3.6 ac)	1.5 ha (3.6 ac)	1.5 ha (3.6 ac)
Total Area Recreation Use	1.5 ha (3.6 ac)	3.7 ha (9.0 ac)	2.6 ha (6.5 ac)	1.5 ha (3.6 ac)	1.5 ha (3.6 ac)	1.5 ha (3.6 ac)
Total Area 6(f) Use	0.3 ha (0.8 ac)	1.0 ha (2.5 ac)	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)	0.3 ha (0.8 ac)
Historic Resources						
White House	Demolished 0.6 ha (1.5 ac)	Demolished 0.6 ha (1.5 ac)	Demolished 0.6 ha (1.5 ac)	Demolished 0.6 ha (1.5 ac)	Demolished 0.6 ha (1.5 ac)	Demolished 0.6 ha (1.5 ac)
1300 Glovers Lane	0.0 ha (0.0 ac)	Demolition of structure 1.2 ha (2.9 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)
662 West Clark Lane	0.02 ha (0.06 ac)	0.0 ha (0.0 ac)	0.02 ha (0.06 ac)	Demolition of structure 0.08 ha (0.21 ac)	Demolition of structure 0.08 ha (0.21 ac)	Demolition of structure 0.08 ha (0.21 ac)
D&RG Railroad	2 crossings 1.4 ha (3.4 ac)	3 crossing 15.1 ha (37.3 ac)	2 crossing 1.4 ha (3.4 ac)	2 crossings 1.7 ha (4.3 ac)	2 crossings 1.7 ha (4.3 ac)	2 crossings 1.7 ha (4.3 ac)
836 South Redwood Road	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	0.0 ha (0.0 ac)	Demolition of structure 0.4 ha (1.0 ac)

Section 4(f)/6(f) Property	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Parkway Facility Adjacent to Redwood Road
918 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.4 ha (1.0 ac)				
946 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.4 ha (1.0 ac)				
974 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.4 ha (1.0 ac)				
1650 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 1.9 ha (4.8 ac)				
2018/2020 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.5 ha (1.2 ac)				
2408 South Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.6 ha (1.4 ac)				
1095 North Redwood Road	0.0 ha (0.0 ac)	Demolition of structure 0.530 ha (1.310 ac)				
Total Area Historic Use	2.1 ha (5.1 ac)	16.9 ha (41.7 ac)	2.0 ha (4.9 ac)	2.4 ha (6.0 ac)	2.4 ha (6.0 ac)	7.6 ha (18.7 ac)
Archaeological Resources						
Site 42Dv2	2.9 ha (7.2 ac)	0.0 ha (0.0 ac)	2.9 ha (7.2 ac)	2.9 ha (7.2 ac)	2.9 ha (7.2 ac)	2.9 ha (7.2 ac)
Site 42Dv94	0.02 ha (0.04 ac)	0.0 ha (0.0 ac)	0.02 ha (0.04 ac)	0.02 ha (0.04 ac)	0.02 ha (0.04 ac)	0.02 ha (0.044 ac)
Site 42Dv67	0.0 ha (0.0 ac)	0.6 ha (1.4 ac)				
Total Area Archaeo Use	2.9 ha (7.2 ac)	0.0 ha (0.0 ac)	2.9 ha (7.2 ac)	2.9 ha (7.2 ac)	2.9 ha (7.2 ac)	3.5 ha (8.6 ac)
Total Area 4(f) Use	6.4 ha (15.9 ac)	20.5 ha (50.7 ac)	7.6 ha (18.7 ac)	6.8 ha (16.8 ac)	6.8 ha (16.8 ac)	12.5 ha (30.9 ac)
Total Number Properties	6 properties	5 properties	7 properties	6 properties	6 properties	15 properties

Alternative A uses the least area of Section 4(f) resources, as summarized below.

- Six Section 4(f) resources, total area 6.4 ha (15.9 ac).
- One recreation resource, total area 1.5 ha (3.6 ac).
- Three historic NRHP-eligible resources, total area 2.1 ha (5.1 ac).
- Two NRHP-eligible archaeological resources, total area 2.9 ha (7.2 ac).

Alternative B uses the most land, but the least number of Section 4(f) resources, as summarized below.

- Five Section 4(f) resources, total area 20.5 ha (50.7 ac).
- Two recreation resources, total area 3.7 ha (9.0 ac).
- Three NRHP-eligible historic resources, total area 16.9 ha (41.7 ac).

Alternative C uses Section 4(f) resources as summarized below.

- Seven Section 4(f) resources, total area 7.6 ha (18.7 ac).
- Two recreation resources, total area 2.6 ha (6.5 ac).
- Three NRHP-eligible historic resources, total area 2.0 ha (4.9 ac).
- Two NRHP-eligible archaeological resources, total area 2.9 ha (7.2 ac).

Alternative E uses Section 4(f) resources as summarized below.

- Six Section 4(f) resources, total area 6.8 ha (16.8 ac).
- One recreation resource, total area 1.5 ha (3.6 ac).
- Three NRHP-eligible historic resources, total area 2.4 ha (6.0 ac).
- Two NRHP-eligible archaeological resources, total area 2.9 ha (7.2 ac).

The Parkway Facility Adjacent to Redwood Road Alternative uses the greatest number of Section 4(f) resources, as summarized below.

- Fifteen Section 4(f) resources, total area 12.5 ha (30.9 ac).
- One recreation resource, total area 1.5 ha (3.6 ac).
- Eleven NRHP-eligible historic resources, total area 7.6 ha (18.7 ac).

- Three NRHP-eligible archaeological resources, total area 3.5 ha (8.6 ac).

Alternative B uses the most area of Section 6(f) resource at 1.0 ha (2.5 ac). All the other alternatives use the same amount, 0.3 ha (0.8 ac).

5.6 Avoidance Alternatives for Section 4(f) and 6(f) Properties

5.6.1 Farmington Bay Waterfowl Management Area (Section 4[f] Property)

There have been no changes in the alternatives that avoid this resource since publication of the Final EIS. The Final EIS described how direct use of the FBWMA eastern entrance and parking lot would be avoided under Alternatives A and D (Final EIS Preferred Alternative); this now applies to Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative. The eastern entrance and parking lot would also be avoided by shifting Alternative B entirely to the eastern side of the D&RG Railroad (a Section 4[f] historic resource identified since publication of the Final EIS) or by elevating Alternative B or C over the parking lot and small area north of the lot. Section 5.4.1 of the Final EIS described these avoidance alternatives and impacts associated with these avoidance alternatives.

5.6.2 Utah State Parks Land, including Jordan River Off-Highway Vehicle Center (Section 4[f] and 6[f] Property)

There have been no changes in the avoidance alternatives that avoid this resource since publication of the Final EIS. As described in the Final EIS, all the build alternatives would require a direct use of some of the Jordan River OHV Center land. Alternative B would require the most land, and the other alternatives would all require the same amount of land (Table 5-9). The land required from the Jordan River OHV Center is located in the area needed to accommodate route continuity between I-215 and the Legacy Parkway interchange area. Because the property is located in this area, the adopted change in the right-of-way width for the build alternatives does not apply. To avoid using land from this resource, the interchange would have to be designed with sub-standard geometrics that would not be consistent with current design guidelines established by AASHTO. Because the impacts would be minor on both the trail and operations of the Jordan River OHV Center and the land would be replaced (see Figure 5-12), it is not prudent to use the sub-standard geometric design at this interchange. With the exception of the revised calculations, selection of the design option, and evaluation of the Parkway Facility Adjacent to Redwood Road Alternative, this discussion has not changed since publication of the Final EIS.

5.6.3 1300 Glovers Lane, Farmington (Section 4[f] Property)

Alternative B would result in a direct use of the historic animal facility located at 1300 Glovers Lane in Farmington. The entire property lies within the right-of-way for Alternative B. There is no prudent avoidance alternative other than Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative in this area.

Selection of Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative would avoid a direct use of the historic animal facility at 1300 Glovers Lane. However, selection of any of these

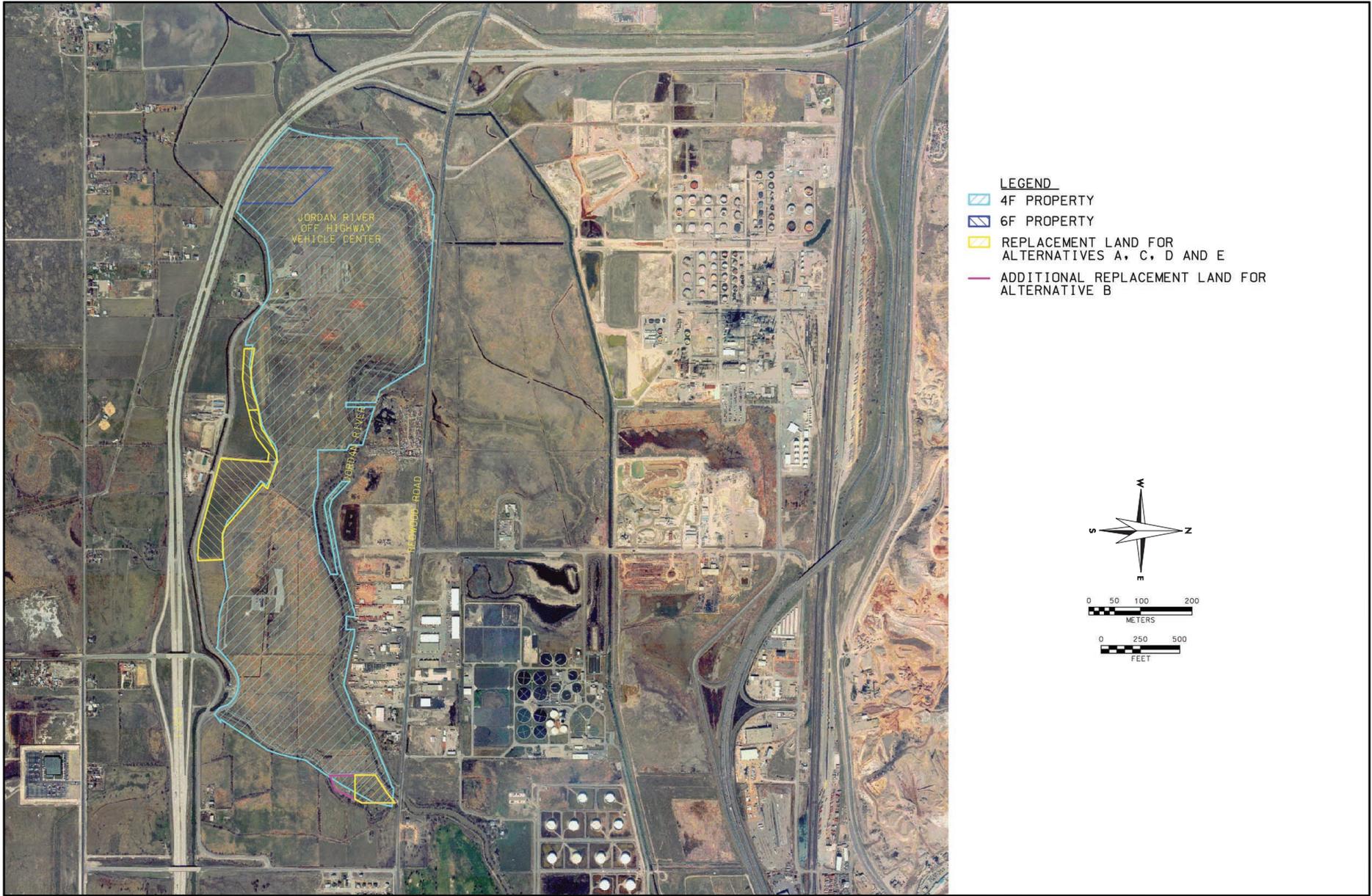


Figure 5-12
Replacement Land
Jordan River Off-Highway Vehicle Center

build alternatives to avoid using the animal facility would result in a direct use of 662 West Clark Lane in Farmington, which is also a Section 4(f) property.

5.6.4 662 West Clark Lane, Farmington (Section 4[f] Property)

The northern interchange area for Alternatives E and the Parkway Facility Adjacent to Redwood Road Alternative with I-15 and US-89 could not be constructed without a direct use of the historic animal facility at 662 West Clark through acquisition of 0.08 ha (0.21 ac) of property and demolition of the structure. The direct use of this property would be due to the connector ramps to/from Legacy Parkway to I-15 and US-89. There are no avoidance alternatives for use of this structure by these alternatives because it is located in the area required for the northern interchange, which is a system-to-system connection between Legacy Parkway, I-15, and US-89. Avoiding the direct use of this property by Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative would require relocating the entire northern interchange, which is not prudent.

Alternative B does not require a direct use of 662 West Clark Lane because it connects to I-15 in Kaysville where the right-of-way required for the interchange is smaller. While Alternative B would avoid the direct use of the historic animal facility, it would result in a direct use of the historic structure at 1300 Glovers Lane in Farmington, also a Section 4(f) property.

Alternatives A and C would avoid demolishing the historic structure by constructing retaining walls, but the direct use of 0.02 ha (0.06 ac) from the historic property boundary could not be avoided because of the right-of-way required for the northern interchange, a system-to-system connection that cannot be further reduced in this area.

5.6.5 D&RG Railroad (Section 4[f] Property)

All the build alternatives considered would require a direct use of the D&RG Railroad due to the construction of at-grade crossings, as described above in Section 5.5.2.

An avoidance alternative to the direct use of the D&RG Railroad right-of-way for Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative would be to span both crossings with a roadway bridge. The D&RG Railroad grade could be spanned with 3 m (10 ft) of vertical clearance at these two locations using a roadway bridge. These bridges would avoid a direct use of the historic resource and maintain the D&RG Railroad grade for future development of a recreation trail on the railway alignment. Spanning these two crossings would require additional earthwork to raise the grade to and from the roadway bridge, as well as retaining walls to maintain the embankment within the permitted right-of-way and as additional barriers for safety. The cost to implement this avoidance alternative is estimated at approximately \$8,000,000. This is roughly 23 times the estimated \$350,000 cost for the two at-grade crossings (HDR Engineering, Inc. 2004b).

Shifting the alignment further west, between Parrish Lane and Glovers Lane, and spanning the D&RG Railroad where the proposed Legacy Parkway connects with US-89 could provide an avoidance alternative for Alternative B. However, shifting the Alternative B alignment further west to avoid the D&RG Railroad would result in a direct use of the FBWMA near the eastern entrance on Sheep Road and the FBWMA 25-ha (63-ac) property. SHPO has concurred that crossing at grade would not have an adverse effect on the historic resource; therefore, a direct use of FBWMA (also a Section 4[f] Property) to avoid a direct use of the D&RG Railroad is not prudent.

UDOT and UTA have consulted on ways to provide connection between the Legacy Parkway Trail and the future D&RG Railroad trail (see Section 5.4.2). UTA agrees that access to and from the Legacy Parkway Trail and the future D&RG Railroad trail can be provided at minimal public expense, if the proposed Legacy Parkway alignment crosses the D&RG Railroad at grade. With the at-grade crossings, these two trails could connect, and the D&RG Railroad trail could continue along the same route as the Legacy Parkway Trail. This would eliminate the need for UTA to develop and maintain this 0.40-km (0.25-mi) joint segment because it would be developed and maintained by UDOT.

SHPO has concurred there would be no adverse effect as a result of the direct use of the D&RG Railroad by crossing it at grade. Therefore, the historic resource would not benefit by being spanned at a cost of an additional \$8 million. In addition, by spanning the D&RG Railroad, the proposed trail system between the Legacy Parkway Trail and the future D&RG Railroad trail would lack connectivity, and the two trails would be developed in the same 0.40-km (0.25-mi) segment, but providing trail users the ability to access the other trail would not be included. UTA, owner of the D&RG Railroad, has agreed to the at-grade crossings of the D&RG Railroad, and UDOT has already paid UTA \$10,000,000 for those crossing rights (allowing UDOT to cross at grade). All these factors in combination should be considered “unique problems.” As stated in 23 CFR 771.135(a)(2): “Supporting information must demonstrate that there are unique problems or unusual factors involved in the use of alternatives that avoid these properties [this property]” Considering these unique problems, implementation of the avoidance alternatives proposed is not prudent.

5.6.6 Historic Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only (Section 4[f] Properties)

The Parkway Facility Adjacent to Redwood Road Alternative is the only alternative that would result in the demolition of the following eight NRHP eligible historic structures.

- 836 South Redwood Road, Woods Cross.
- 918 South Redwood Road, Woods Cross.
- 946 South Redwood Road, Woods Cross.
- 974 South Redwood Road, Woods Cross.
- 1650 South Redwood Road, Woods Cross.
- 2018/2020 South Redwood Road, Woods Cross.
- 2408 South Redwood Rd, Woods Cross.
- 1095 North Redwood Rd, North Salt Lake.

The Parkway Facility Adjacent to Redwood Road Alternative could not be constructed without the demolition and acquisition of these structures. Modifications to the Parkway Facility Adjacent to Redwood Road Alternative alignment to avoid these historic structures would result in the same alignment described for Alternative E. Alternative E, as well as Alternatives A, B, and C, avoid the direct use of these historic structures and are prudent avoidance alternatives to the Parkway Facility Adjacent to Redwood Road Alternative.

5.6.7 Site 42Dv2 (Section 4[f] Property)

As discussed above in Section 5.5.3, partial excavation has already occurred at Site 42Dv2. The excavation resulted in the determination that the site is a Section 4(f)-protected resource and that the direct use of this site is a result of incorporation into the right-of-way for the southern interchange with I-215. Alternative B would not require a direct use of Site 42Dv2 because the southern interchange is in a different location further to the south and east. Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative would all require a direct use of this site by incorporation into the right-of-way because the southern interchange is in the same location for these alternatives.

Site 42Dv2 is located in the area acquired for construction of the right-of-way for the southern interchange and the proposed trail in this area. No further work would take place in the boundaries of the site. Site 42Dv2 is located between the proposed interchange and the proposed trail. Because of the existing facilities associated with I-215 and to maintain connectivity of the proposed trail with the existing trail system, the property containing Site 42Dv2 must be acquired for use as right-of-way.

The Alternative B southern interchange alignment would avoid the incorporation of Site 42Dv2 into the right-of-way, while the southern interchange for Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road would incorporate Site 42Dv2. However, the Alternative B southern interchange would result in impacts on other resources. The Alternative B southern interchange would affect 13 ha (33 ac) of prime farmland, while the other build alternatives would not affect any prime farmland. The Alternative B southern interchange would require 6 ha (15 ac) of land from a century farm compared to 2 ha (5 ac) for the other build alternatives, and Alternative B would affect two multigenerational farms that the other alternatives would not affect. Because of the additional impacts required by the Alternative B southern interchange on other resources in the area and the fact that Site 42Dv2 would remain untouched within the right-of-way, the Alternative B southern interchange is not considered a prudent alternative to the direct use of Site 42Dv2.

5.6.8 Site 42Dv94 (Section 4[f] Property)

As discussed above in Section 5.5.3, partial excavation has already occurred at Site 42Dv94. The excavation resulted in the determination that the site is a Section 4(f)-protected resource and that the direct use of this site is a result of incorporation into the right-of-way for the southern interchange with I-215. Alternative B would not require a direct use of Site 42Dv94 because the southern interchange is in a different location further to the south and east. Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative would all require a direct use of this site by incorporation into the right-of-way because the southern interchange is in the same location for these alternatives.

Site 42Dv94 is located the area acquired for construction the right-of-way for the southern interchange and the proposed trail. No further work would take place within the boundaries of the site. Site 42Dv94 is located between the proposed interchange and the proposed trail. Because of the existing facilities associated with I-215 and to maintain connectivity of the proposed trail with the existing trail system, the property containing Site 42Dv94 must be acquired for use as right-of-way.

The Alternative B southern interchange avoids the incorporation of Site 42Dv94 into the right-of-way, while the southern interchange for Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road, would incorporate Site 42Dv94. However, the Alternative B southern interchange would result in impacts on other resources. The Alternative B southern interchange would affect 13 ha (33 ac) of prime farmland while the other build alternatives would not affect any prime farmland. The Alternative B southern interchange would require 6 ha (15 ac) of land from a century farm compared to 2 ha (5 ac) for

the other build alternatives, and Alternative B would affect multigenerational farms not affected by the other alternatives. Because of the additional impacts required by the Alternative B southern interchange on other resources in the area and the fact that Site 42Dv2 would remain untouched within the right-of-way, the Alternative B southern interchange is not considered a prudent alternative to the direct use of Site 42Dv94.

5.6.9 Archaeological Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only (Section 4[f] Properties)

Site 42Dv67 (Section 4[f] Property)

The Parkway Facility Adjacent to Redwood Road Alternative is the only alternative that requires a direct use of Site 42Dv67. This alternative could not be implemented without the acquisition and incorporation of this archaeological site into the right-of-way for this alternative. Modifications to the Parkway Facility Adjacent to the Redwood Road Alternative alignment to avoid this resource would result in the same alignment described for Alternative E. Therefore, Alternatives A, B, C, and E are considered reasonable and prudent avoidance alternatives to the Parkway Facility Adjacent to Redwood Road Alternative to avoid the direct use of Site 42Dv67.

Based on the above considerations, there is no alternative that would not require a direct use or would avoid use of all the Section 4(f) and 6(f) resources. Measures to minimize harm are therefore discussed in the following section.

5.7 Measures to Minimize Harm to Section 4(f) and 6(f) Properties

5.7.1 Farmington Bay Waterfowl Management Area (Section 4[f] Property)

The FBWMA is primarily used as a waterfowl management area, although it is also used for recreation activities. Noise levels in the FBWMA fluctuate as a result of seasonal activities, such as hunting and boating, and year-round aircraft overflights. Noise abatement measures are only considered necessary in areas where “frequent human use occurs and a lowered noise level would be of benefit” (23 CFR 772.35). The FBWMA does not qualify as a noise-sensitive facility (see Section 5.5.1) where quiet and serenity are required significant attributes for the enjoyment or use of the area for recreation, nor are these attributes necessary for the area to serve its intended purpose as a waterfowl management area or waterfowl refuge.

The width of the right-of-way has been revised for all the build alternatives. Land required by Alternatives B and C from the eastern entrance and parking area of the FBWMA (as discussed in Section 5.5.1) would be replaced and the parking area relocated. The land would be replaced with land of equal value, location, and usefulness, and the parking lot would be relocated (as shown in Figure 5-5). This would not diminish the use of the property for waterfowl management/waterfowl refuge or recreation. If Alternative B or C were adopted, all planning to minimize further harm to this resource would be included.

5.7.2 Utah State Parks Land, including Jordan River Off-Highway Vehicle Center (Section 4[f] and 6[f] Property)

There has been no change in the measures to minimize harm to this resource since publication of the Final EIS. This discussion is the same as that presented in Section 5.6.2 for this resource. With the exception of the revised calculations, selection of the design option, and evaluation of the Parkway Facility Adjacent to Redwood Road Alternative, this discussion has not changed since publication of the Final EIS.

Alternative D (Final EIS Preferred Alternative) was identified in the Final EIS as the alternative that would least harm this resource. For this supplemental evaluation the current design is the minimum right-of-way width feasible in this location, and Alternative E (and therefore the Parkway Facility Adjacent to Redwood Road Alternative) would least harm this resource.

5.7.3 1300 Glovers Lane, Farmington (Section 4[f] Property)

Alternative B is the only alternative that requires a direct use of this property. If Alternative B was selected, the direct use of this structure would be minimized through the completion of an ILS form in accordance with the U.S. Secretary of Interior's *Standards and Guidelines* for documentation (48 FR 44728-37). All actions would be coordinated with SHPO and ACHP in accordance with the revised draft MOA. The right-of-way required for Alternative B in this area was reviewed for any potential to minimize the direct use of this structure, however the current design is the minimum right-of-way width feasible in this location.

5.7.4 662 West Clark Lane, Farmington (Section 4[f] Property)

Alternative E and the Parkway Facility Adjacent to Redwood Road Alternative require the direct use of the historic structure (as described in Section 5.5.2), while Alternatives A and C require the direct use of the historic part of the property's boundary. Construction of a retaining wall for Alternatives A and C would minimize the impact on 662 West Clark Lane and would allow the structure to remain in place, but it would not eliminate the direct use of 0.02 ha (0.06 ac) from the historic property boundary because of the interchange configuration in this area. No other minimization measures are possible for Alternatives A and C. If Alternative E or the Parkway Facility Adjacent to Redwood Road Alternative were selected, the direct use on this resource would be minimized through the completion of an ILS form in accordance with the U.S. Secretary of Interior's *Standards and Guidelines* for documentation (48 FR 44728-37). All actions would be coordinated with SHPO and ACHP in accordance with the revised draft MOA.

5.7.5 D&RG Railroad (Section 4[f] Property)

All the build alternatives require a direct use of this historic railroad. Impacts on the D&RG Railroad would be minimized through the selection of Alternative A, C, E, or the Parkway Facility Adjacent to Redwood Road Alternative because the impacts of these alternatives on the D&RG Railroad are due to isolated at-grade crossings. Alternative B would require the incorporation of a 4.0-km (2.5-mi) long segment of the D&RG Railroad as shown in Figure 5-11. Retaining walls would be required in this area due to the location of the Parrish Lane interchange for Alternative B, and further measures to reduce the width of the crossings are not feasible in this area. Given the considerations discussed in Section 5.6.5 and because SHPO concurred there would be no adverse effect on the historic railroad by crossing it at grade, further minimization measures are not described.

5.7.6 Historic Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only (Section 4[f] Properties)

The Parkway Facility Adjacent to Redwood Road Alternative could not be implemented without the acquisition and demolition of the eight NRHP-eligible historic structures listed below.

- 836 South Redwood Road, Woods Cross.
- 918 South Redwood Road, Woods Cross.
- 946 South Redwood Road, Woods Cross.
- 974 South Redwood Road, Woods Cross.
- 1650 South Redwood Road, Woods Cross.
- 2018/2020 South Redwood Road, Woods Cross.
- 2408 South Redwood Rd, Woods Cross.
- 1095 North Redwood Rd, North Salt Lake.

To add the capacity necessary to meet the project purpose and need along Redwood Road, the acquisition and demolition of these eight structures is required. Alternatives A, B, C, and E would all avoid any adverse effects on these structures. As shown in Figure 5-3 and discussed in Section 5.6.6, the Parkway Facility Adjacent to Redwood Road Alternative requires the incorporation and demolition of the historic structures and properties in their entirety. Shifting the alignment to the west would result in Alternative E, a prudent avoidance alternative. Shifting the alignment to the east would directly affect the industrial development along the eastern edge of Redwood Road, including the airport. If the Parkway Facility Adjacent to Redwood Road Alternative were selected, the direct use of these structures would be minimized through the completion of an ILS form in accordance with the U.S. Secretary of Interior's *Standards and Guidelines* for documentation (48 FR 44728-37). All actions would be coordinated with SHPO and ACHP in accordance with the revised draft MOA.

5.7.7 Site 42Dv2 (Section 4[f] Property)

Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative all require a direct use of Site 42Dv2. While no further use of or impacts on this site are anticipated during this project, any possible impacts could be minimized through the completion of archaeological data recovery in that portion of the site that was directly used upon discovery, as outlined in the revised draft MOA. Archaeological data recovery would be completed in accordance with the U.S. Secretary of the Interior's *Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716). All actions would continue to be coordinated with SHPO, ACHP, and consulting parties in accordance with the revised draft MOA.

Additional minimization measures for this site would include fencing the site during construction of Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative. These alternatives would require construction activity adjacent to the site but would not require any additional direct use of this site. SHPO and consulting parties would also be given the opportunity to review construction plans.

5.7.8 Site 42Dv94 (Section 4[f] Property)

Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative all require a direct use of Site 42Dv94. While no further use of or impacts on this site are anticipated during this project, any possible impacts could be minimized through the completion of archaeological data recovery in the portion of the site that was directly used upon discovery, as outlined in the revised draft MOA.

Archaeological data recovery would be completed in accordance with the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). All actions would continue to be coordinated with SHPO, ACHP, and consulting parties in accordance with the revised draft MOA.

Additional minimization measures for this site would include fencing the site during construction of Alternatives A, C, E, and the Parkway Facility Adjacent to Redwood Road Alternative. These alternatives would require construction activity adjacent to the site but would not require any additional direct use. SHPO and consulting parties would also be given the opportunity to review construction plans.

5.7.9 Archaeological Resources Used by Parkway Facility Adjacent to Redwood Road Alternative Only

Site 42Dv67 (Section 4[f] Property)

The Parkway Facility Adjacent to Redwood Road Alternative is the only alternative that requires a direct use of Site 42Dv67. If the Parkway Facility Adjacent to Redwood Road Alternative is selected the impact would be minimized through the completion of archaeological data recovery in that portion of the site to be directly used. This archaeological data recovery would be completed in accordance with the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716). Alternatives A, B, C, and E would all avoid any direct use of Site 42Dv67.

5.8 Coordination

As described in the Final EIS, all Section 4(f) and 6(f) property owners and officials with jurisdiction over the properties were involved in the discussion of use of Section 4(f) and 6(f) properties. Listed below are the relevant Section 4(f) and 6(f) resources and their respective agencies. The Final EIS summarized the concerns of the agencies listed below with regard to the resources and impacts of the project (see the Final EIS, Section 5.6).

- FBWMA—UDNR, Division of Wildlife Resources.
- Bountiful City Pond—City of Bountiful, the Corps and UDNR, Division of Wildlife Resources.
- Utah State Parks Land (Jordan River OHV Center)—UDNR, Division of Parks and Recreation and the U.S. Department of the Interior.
- Historic and archaeological resources—Utah SHPO and ACHP.
- Archaeological resources—Native American Groups.

As part of this supplemental evaluation, additional coordination has occurred and is listed below.

- FBWMA—UDNR, Division of Wildlife of Wildlife Resources.
- Bountiful City Pond—Modifications to the final design that were developed during the design-build process and that avoid impacts on the pond have been incorporated into the proposed action. The City of Bountiful and FHWA have updated the status of portions of the property that are eligible for protection under Section 4(f).
- White House at 10 North 650 West, Farmington—The White House was documented to Utah State ILS standards. The site documentation was submitted to SHPO on February 21, 2001. SHPO approved the site documentation on March 8, 2001 (Appendix A), and the structure was demolished. These actions were coordinated and concurred with by SHPO and ACHP).
- Clark Lane Historic District—Residents of CLHD voiced concerns regarding the potential for vibration impacts (as described in Section 5.5.2) from hauling materials and pile driving on structures in the CLHD. These potential impacts were studied and documented in *Vibration Impacts on Historic Structures Final Technical Report* (HDR Engineering, Inc. 2004h). In addition, a meeting was held between residents of the CLHD, FHWA, and UDOT on April 14, 2004, to discuss potential impacts on the district from reconstruction of the overpass. During the meeting, UDOT provided an overview of the potential for vibration impacts on the historic structures, and UDOT and FHWA took recommendations from the residents to minimize impacts. These minimization measures are incorporated into the revised draft MOA (see Appendix A). The overpass at State Street has been revised in coordination with the City of Farmington (letters, August 30, 2002, and August 9, 2002).
- Historic and archaeological resources—Since publication of the Final EIS, FHWA and UDOT in consultation with SHPO and other consulting parties determined that the following historic and archaeological resources were eligible for protection under Section 4(f). The revised draft MOA is included in Appendix A.
 - 1300 Glovers Lane in Farmington.
 - 662 West Clark Lane in Farmington.
 - D&RG Railroad.
 - Site 42Dv2.
 - Site 42Dv94.
 - Historic and archaeological resources used by the Parkway Facility Adjacent to Redwood Road Alternative only:
 - 836 South Redwood Road, Woods Cross.
 - 918 South Redwood Road, Woods Cross.
 - 946 South Redwood Road, Woods Cross.
 - 974 South Redwood Road, Woods Cross.
 - 1650 South Redwood Road, Woods Cross.

- 2018/2020 South Redwood Road, Woods Cross.
 - 2408 South Redwood Rd, Woods Cross.
 - 1095 North Redwood Rd, North Salt Lake.
 - Site 42Dv67.
- Trails—A series of meetings was held with representatives from each of the jurisdictions in the study area—North Salt Lake City, Woods Cross, West Bountiful, Centerville, Farmington, and Davis County—to discuss topics pertaining to the Supplemental EIS, including joint development opportunities, and to review trail master plans that have been updated or revised since the Final EIS was published. These meetings were held in July and September 2003. Table 4.1-1 in Section 4.1, *Land Use*, provides information on the dates and attendees of the meetings.