US Army Corps of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200350493
Date: December 3, 2004
Comments Due: February 1, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) and Utah Division of Water Quality are evaluating a request from the Utah Department of Transportation (UDOT) to modify their existing permit to fill wetlands for the construction of the Legacy Parkway Project. The existing permit #199650197 issued in January 2001, allowed UDOT to fill 114 acres of wetlands. UDOT's current proposal is to fill 99 acres of wetlands for construction of the same project, as shown in the attached drawings.

AUTHORITY: The application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States and under Section 401 for state water quality certification.

BACKGROUND: In 2001, after obtaining approval from the Corps and the Federal Highway Administration (FHWA), UDOT started constructing the Legacy Parkway. Work was halted in November 2001 because of litigation. The original environmental document used by the federal agencies to make their decisions was the June 2000 *Legacy Parkway Final Environmental Impact Statement and Section 4(f), 6(f) Evaluation* (Final EIS). The Final EIS was the subject of the litigation and subsequent court decision. The Corps and FHWA have jointly prepared a new environmental document, supplementing the original Final EIS to address the limited deficiencies that were identified by the court and to update the information contained in the Final EIS.

The December 2004 *Draft Supplemental Environmental Impact Statement* (Draft SEIS) discloses the environmental impacts of the project, and compares them to impacts of all reasonable alternatives, in accordance with the National Environmental Policy Act. The document also contains additional information requested by the appellate court:

(1) Elimination of the D&RG railroad regional corridor as a practicable alternative.
(2) The practicability of a narrower right-of-way to reduce wetland impacts.
(3) Changing the order in which the Legacy Parkway, I-15 and mass transit could be built.
(4) Concurrent integration of the construction of the Legacy Parkway with mass transit.
(5) Detailed description of the impacts of the Legacy Parkway on wildlife.

The Corps will use the information contained in the SEIS, in part, to decide whether to authorize, deny or modify UDOT's current request to fill wetlands. The FHWA will use the information, in part, to decide whether UDOT should be allowed to construct interchanges at I-215 and I-15. This public notice summarizes UDOT's proposal to impact wetlands and asks the public to provide comments and information necessary to evaluate how the probable impacts of the

Legacy Parkway will affect the public interest. The Draft SEIS, containing the detailed evaluation of impacts, is available at local libraries and on the Corps and UDOT websites.
http://www.spk.usace.army.mil/projects/regulatory/legacyparkway/index.html
http://www.udot.utah.gov/legacy/seis.html

The public is invited to a public hearing and openhouse on January 7, 2005, from 4-9 p.m. at the Davis County Fair Park in Farmington.

APPLICANT: Utah Department of Transportation
John Thomas, P.E., Project Director
360 North 700 West, Suite F
North Salt Lake, UT 84054
(801) 951-1026

LOCATION: The project begins in Salt Lake City, at the intersection of 2100 North and I-215. It ends in Farmington at the U.S. Highway 89 and I-15 interchange, in Davis County. The approximate center coordinates of the project are at Latitude 40º 53′ 58.1″, Longitude 111º 55′ 37.4″. See Sheet 1 for Location Map.

PURPOSE: The project purpose is to help meet existing and projected travel demand through 2020 in the North Corridor by providing additional north-south transportation capacity. Providing capacity to meet travel demand would reduce congestion. Traffic congestion is often described by using a letter grade. The letter grades range from Level of Service (LOS) A for excellent conditions (free-flowing) to LOS F for failure conditions (extremely congested, stop-and-go traffic). In the northbound, evening commute, I-15 currently operates at LOS E during the peak hour. It only meets LOS D, or acceptable conditions, in the peak period by a small margin. By 2020, forecasts show I-15 operating at LOS F without the Legacy project.

PROJECT DESCRIPTION: The 14-mile freeway will consist of 2 lanes in each direction separated by a 50'-wide grassed center median. A continuous trail for pedestrians, bicyclists, and equestrians will parallel the roadway. See Sheet 2 for typical roadway cross-sections. Other project features include:

- Widening I-215 to three lanes in each direction, from 2100 North to a location 1,476 feet west of the Redwood Road interchange.
- New interchange on I-215, 0.3 miles west of the Redwood Road interchange.
- New service interchanges at:
  500 South in Woods Cross
  Parrish Lane in Centerville
- Overpasses at (Legacy Parkway remains at-grade):
  Center Street in North Salt Lake
  Glovers Lane, State Street (Clark Lane), Burke/Park Lane in Farmington
  1250 West in Centerville
- Three frontage roads, beginning at:

(1) The proposed 500 South interchange in Woods Cross. The road continues north, along the west side of the alignment to the Bountiful Landfill.
(2) 1100 West in West Bountiful and proceeds northeast along the eastern side of the alignment to Porter Lane.
(3) 1250 West 950 North and ends east of the southern terminus of 650 West in Farmington. The frontage road will be parallel to and located on the west side of the alignment through Centerville.

- Culverted crossings at Shepard, Farmington, Steed, Ricks, Barnard, Parrish, Duel/Stone Creeks.
- Bridges over the Jordan River and Mill Creek.
- Landscaped earthen berm between the roadway and trail along:
  east side between 500 South and Porter Lane in West Bountiful
  west side between Glovers Lane and State Street in Farmington
- 2,098-acre Legacy Nature Preserve to mitigate for indirect and direct impacts to wetlands and wildlife. Within this preserve, UDOT would restore and enhance the wetland functions of 778 acres of wetlands.

PROJECT ALTERNATIVES: Chapter 3 of the Draft SEIS describes UDOT's proposal (Alternative E) and compares it to other alternatives that can satisfy the project purpose. The alternative roadway alignments being considered are shown on Sheet 3.

- Alternative A is similar to UDOT's proposal (Alternative E), containing 104 acres of wetlands within the right-of-way.
- Alternative B is located west of UDOT's proposal, splitting into two legs at Lund Lane in Farmington. The western leg will connect to I-15 near the Kaysville rest area, while the eastern section will connect to Highway 89 at Burke/Park Lane. Approximately 182 acres of wetland are located within the right-of-way.
- Alternative C is located west of UDOT's proposal, with 145 acres of wetlands within the right-of-way.
- Alternative D, shown on Sheets 1, 4 through 10, is the alignment permitted in 2001. It has a 328' right-of-way containing 114 acres of wetlands and a 66' center median.
- Alternative E is UDOT's current proposal, the same alignment as Alternative D, except it has a 312' right-of-way width, with a 50' center median. It uses the same centerline as Alternative D, and is shown on Sheets 1, 4 through 10. Approximately 113 acres of wetlands are within the right-of-way. Because UDOT's design-builder completed a final design, UDOT used the final design footprint to determine their wetlands impacts. In certain areas, the footprint of construction is slightly smaller than the right-of-way. Note: A final design does not exist for alternatives A, B & C, and therefore, in order to fairly compare wetlands impacts among alternatives, the number of acres within the right-of-way should be used. Under any alternative, a final design, if developed, is expected to slightly reduced the wetlands impacts.

The following alternatives were evaluated but eliminated from further consideration. Rationale for rejecting these alternatives are contained in Chapter 3 of the Draft SEIS:

- Parkway facility adjacent to Redwood Road
- A major arterial along Redwood Road (as a stand alone alternative)
- Maximizing Future Transit (as a stand alone alternative)
- Ten-lane I-15 with reversible lanes
- I-15 Improvements beyond Ten Lanes
- Alignments within the broad regional corridors called "Antelope Island," "Trans-Bay," "Farmington Bay" and "Denver & Rio Grande Railroad"
- Parkway facility without a trail component

AREA DESCRIPTION: The project area is situated west of suburban development, Interstate 1-15, and railroad tracks and east of the Great Salt Lake and associated wetland complexes. The Great Salt Lake, with its adjacent mosaic of wetland and upland habitats, has long been recognized for its importance to migratory birds. These habitats, and the ecological features of this large inland oasis, provide important refuge and resources for up to approximately 5 million birds a year. Portions of the project area are located within the FEMA floodplain boundary.

Land resources within the study area have traditionally been used for agriculture, some industrial development, and major utility corridors. Land use is rapidly changing from its predominance in agricultural uses to other uses such as residential and commercial development.

Wet meadow is the most common wetland cover type in the project area. Grasses and sedges are common in wet meadows; dominant plants include Baltic rush (*Juncus balticus*), creeping spikerush, Nebraska sedge (*Carex nebrascensis*), foxtail barley (*Hordeum jubatum*), little barley (*Hordeum pusillum*), curly dock (*Rumex crispus*), and saltgrass (*Distichlis spicata*). Seasonally inundated emergent marshes are also common in the project area. Dominant species include hard stem bulrush (*Scirpus acutus*), alkali bulrush (*Scirpus maritimus*), three square bulrush (*Scirpus americanus*), cattail (*Typha latifolia*), and common reed (*Phragmites australis*). Playas are also present, especially in the southern portion of the project area. Playas are sparsely covered; the vegetation generally concentrated around the margins. Typical species include western seepweed (*Suaeda occidentalis*), slender seepweed (*Suaeda depressa*), pickleweed (*Salicornia europaea*), saltgrass, and iodinebush (*Allenrolfea occidentalis*). Playa soils are extremely saline/alkaline, which suppresses the growth of most plant.

Area wetlands were evaluated in their ability to perform selected functions in three basic categories: hydrology, biogeochemistry and flora and fauna habitat support. In general, the wetlands were assessed to have a high-to-medium or medium functional rating score.

IMPACTS: The project will impact 99 acres of the 113 acres of wetlands contained in the right-of-way. Chapter 4.12 in the Draft SEIS describes wetland impacts of UDOT's proposal and alternatives. Wetlands located within and adjacent to the right-of-way are shown on Sheets 4-10. Prior to halting construction in November 2001, UDOT cleared and filled about half the right-of-way, filling 47.9 acres of wetlands. Should the project not be re-authorized, fill will be removed from wetlands and wetlands restored to preconstruction conditions. If the Corps should authorize any fill to be retained, fill to wetlands would need to be mitigated.

Summary of changes between the project as permitted in 2001 and UDOT's current proposal:

	Permitted in 2001 (Alternative D)	**UDOT's current proposal (Alternative E)**
Right-of-Way width	328'	312'
	66' Center median	50' Center median
Wetlands Area	114 ac within ROW	113 ac within ROW
	Fill to (up to) 114 ac	Fill to 99 ac
Archaeological Sites	2 sites	No change
Historic Properties	1 property	2 properties
Prime Farmland	64 ac	29 ac
Displacements	4 residences	No change
	14 business	No change
Noise	Exceed noise criteria at 37 of 63 modeled receptors	Exceed noise criteria at 25 of 32 modeled receptors

Groundwater Rights	Displace 110 rights	Displace 55 rights
FEMA floodplain	2 miles of the ROW within the FEMA floodplain	No change
	43 ac of the floodplain within the ROW	No change
COE floodplain	5 miles of the ROW with the COE floodplain	No change
	213 acres of the floodplain within the ROW	No change
Hazardous Waste	13 hazardous waste sites	No change
Construction Costs	$369 million	$426 million

MINIMIZATION: Proposed measures used to reduce wetlands and stream impacts include:

-Reduce the center median from 66' to 50', saving 1 acre of wetland

-Require the design builder to avoid wetlands to the maximum extent practicable when engineering the final design. After the issuance of the 2001 permit, UDOT's design builder completed a final design that allowed 14 acres of wetlands within the right-of-way to be saved. (The original permit authorization was based on the total number of acres of wetlands within the right-of-way because a final design had not been engineered.)

-Plant appropriate vegetation adjacent to the shoulders and in the median to capture suspended solids and other pollutants from runoff from the roadway.

-Install culverts, French drains, corrugated strip drains, synthetic drainage nets and/or gravel layers where needed to maintain hydrologic connection between wetlands on both sides of the roadway and to ensure movement of groundwater is not impaired. Groundwater conveyance structures would be installed, where fill heights exceed 10 feet to guard against compaction which could limit groundwater movement.

-Use "floodplain equalization culverts" in locations where the roadway encroaches into the floodplain boundary to equalize floodwaters across the road when lake levels are high.

-Use 36' buffer instead of 81' between the roadway clear zone and the trail in areas where additional wetlands can be saved. The reduced buffer would not be used in areas where an earthen berm is proposed.

-Use drainage structures to pass the 100-year storm event at creek and stream crossings to handle larger volumes of stormwater runoff and improve water quality.

-An evaluation of the practicability of reducing the right-of-way, including a review of other methods of treating stormwater is summarized in Chapter 2.1 of the Draft SEIS.

MITIGATION: The 2001 permit required UDOT to use the 2,098-acre Legacy Nature Preserve to compensate for wetlands and wildlife impacts. The Legacy Nature Preserve was proposed to protect a large, contiguous complex of Great Salt Lake wetlands that are at risk of being lost or impaired by future development. Under UDOT's current proposal, UDOT is offering the same mitigation. See Sheet 11 for the Preserve location map. UDOT's rationale for the adequacy of their mitigation is Sheets 12 and 13. Since 2001, UDOT has acquired over 1,900 acres of the Preserve and has started mitigation tasks:

- Remove livestock grazing
- Remove trash, debris, illegal fill, internal fences and structures
- Control noxious and invasive plants

- Fence the Preserve to control trespass
- Remove roads not needed for management
- Fill ditches not needed for management
- Relocate utilities to the extent practicable
- Re-establish the hydrologic connections between the Jordan River and its historic floodplain
- Manage the Jordan River floodplain for wetlands by constructing berm and water control structures
- Connect an old channel meander to create an island
- Obtain water rights to maintain restore wetlands hydrology
- Drill wells for slope wetland mitigation

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Utah Division of Water Quality, is required for this project. The Utah Division of Water Quality intends to issue certification, provided that the proposed work will not violate applicable water quality standards. Projects are usually certified where the project may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr. William O. Moellmer, Utah Division of Water Quality, 288 North 1460 West, Post Office Box 144870, Salt Lake City, Utah 84114-4870, on or before February 1, 2005.

HISTORIC PROPERTIES: The Federal Highway Administration is serving as the lead federal agency for consultation under Section 106 of the National Historic Preservation Act. Two archeological resources and two historic resources are adversely affected, as described in Chapter 4.16 in the Draft SEIS. The FHWA has circulated a draft Memorandum of Agreement to minimize and mitigate harm to these resources to the State Historic Preservation Office, the Advisory Council on Historic Preservation and the Tribes.

ENDANGERED SPECIES: The effects of the project Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act, are described in Chapter 4.15 of the Draft SEIS. The project would effect the bald eagle. However, in accordance with the Biological Opinion issued by the U.S. Fish and Wildlife Service, UDOT will implement measures to prevent construction activities from impacting nesting or wintering bald eagles.

EVALUATION FACTORS: The decision whether to approve, condition or deny UDOT's request to modify their existing permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

SUBMITTING COMMENTS: Because the Corps and FHWA are jointly preparing the Supplemental Environmental Impact Statement both agencies are soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. However, the Corps is particularly interested in receiving comments related to the proposal's probable impacts, including secondary and cumulative effects, on the affected aquatic environment. (The Introduction Chapter of the Draft SEIS describes the Federal lead agencies roles and responsibilities.) Written comments must be submitted to the Corps or FHWA offices listed below on or before **February 1, 2005**:

Nancy Kang	Gregory Punske
US Army Corps of Engineers	Federal Highway Administration
Utah Regulatory Office	Utah Division
533 West 2600 South, Suite 150	520 West 4700 South, Suite 9A
Bountiful, Utah 84010-7744	Salt Lake City, Utah 84118-1847

A public hearing and openhouse will be held at the on **January 7, 2005** from 4 to 9 pm:

Davis County Fair Park
151 South 1100 West
Farmington, Utah

If you have questions or need additional information please contact the applicant or the Corps' project manager Nancy Kang, 801-295-8380, extension 14, Nancy.Kang@usace.army.mil.

Attachments: Sheet 1 Vicinity Map
Sheet 2 Typical Cross-sections
Sheet 3 Alternatives
Sheets 4-10 Wetlands along the Project Alignment
Sheet 11 Legacy Nature Preserve Map
Sheets 12-13 UDOT's Mitigation Rationale