Appendix 27A: Section 4(f) Correspondence

WEST DAVIS
CORRIDOR

13-0029

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

April 27, 2017

Mr. Cory Jensen
Senior Preservation Program Specialist
Utah Division of State History
300 South Rio Grande
Salt Lake City, Utah 84101-1182

RE: UDOT Project No. SP-0067(14)0; West Davis Corridor Project (PIN 7176); UDSH Case No. 13-0029
Updated Determinations of Eligibility for Architectural and Archaeological Properties and Findings of Adverse Effect for Four Action Alternatives

Dear Mr. Jensen:

This letter constitutes a revision to the Utah Department of Transportation's (UDOT) Section 106 Determinations of Eligibility (DOE) and Findings of Effect (FOE) for historic properties in the area of potential effects (APE) for the proposed West Davis Corridor (WDC) project. The proposed WDC project comprises regional transportation mobility improvements in western Davis and Weber Counties, Utah. This letter also includes revised Department of Transportation Act Section 4(f) impact determinations for the current APE. The tables attached at the end of this letter (Tables 4 and 6) summarize the DOE, FOE, and Section 4(f) use determinations.

The original DOE, FOE, and Section 4(f) determinations were submitted to the Utah Division of State History (UDSH) on December 10, 2012 (UDSH Case No. 13-0029), for an APE that included all alternative alignments (eight in total) to be considered during the National Environmental Policy Act (NEPA) process. This included the results of an architectural inventory and reconnaissance-level archaeological field survey conducted by SWCA Environmental Consultants (SWCA) under contract to HDR, Inc. (HDR). The architectural inventory, which was conducted with a 45-year cut-off date limiting it to historical buildings built during or before 1967, included 408 properties. Of these, 187 properties were ultimately recommended eligible for the National Register of Historic Places (NRHP). The archaeological survey identified nine NRHP-eligible sites. From these surveys, the initial DOE, FOE, and Section 4(f) determination report (2012) concluded that 18 historic properties within the APE might be adversely affected or experience 4(f) Greater than *de minimis* impacts, depending on the alternative selected. Alternative B1 was further investigated for archaeological resources by HDR in *Cultural Resources Inventory of the West Davis Corridor, Alternative B1 in Weber and Davis Counties, Utah* (Page and Edwards 2014). In that report, an additional 13 sites and one isolated find were identified, of which eight were recommended or had previously been determined NRHP-eligible; the report also provided recommendations to limit construction-related adverse impacts.

Through an evaluation of eight project alternatives in the draft environmental impact statement (DEIS), UDOT and the Federal Highway Administration (FHWA) have carried forward four revised alternatives in the final environmental impact statement (FEIS) and have revised the archaeological and architectural APE for the WDC project accordingly (see Appendix A for an overview of the revised APE). The enclosed report, *Historic Buildings Assessment Update for the Proposed West Davis Corridor Project* (Garnett and Keen 2017), offers an

Received
MAY 1 - 2017
USHPO

update of SWCA's 2012 report based on a smaller revised APE and an extended historic cut-off date; this report fully supersedes all previous architectural recordings and surveys. It includes all buildings in the revised architectural APE, not just those meeting the revised historic cut-off date of 1972. In total, it documents 10 architectural properties containing 28 buildings and structures. Of these, three historic resources on two properties are recommended NRHP-eligible. Based on the revised APE and the survey findings, 20 architectural resources and eight archaeological properties are in the APE and have the potential to be affected by the project (see Tables 4 and 6). This report presents revised DOE, FOE, and Section 4(f) determinations based on the updated data.

In accordance with the *Second Amended Programmatic Agreement Among the Federal Highway Administration, the Utah Department of Transportation, the Utah State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah* (executed June 3, 2013); Section 106 of the National Historic Preservation Act of 1966, as amended (16 United States Code [USC] 470 et seq.); and Utah Code Annotated 9-8-404, FHWA and UDOT are taking into account the effects of this undertaking on historic properties and is affording the Utah State Historic Preservation Officer (SHPO) an opportunity to comment on the undertaking and its effects. This submission is in compliance with Section 4(f) of the Department of Transportation Act of 1966, 23 USC 138 (as amended) and 23 USC 303 (as amended).

UNDERTAKING DESCRIPTION

UDOT proposes to improve regional transportation mobility in western Davis and Weber Counties, Utah. Proposed improvements include construction of a new roadway, as well as construction or reconstruction of trails, connector roads, detention basins, and other related transportation facilities. These improvements will require ground disturbance through grading, construction excavation, boring, etc. and will necessitate acquisition of new rights-of-way from numerous properties in the project area.

Four action alternatives for the WDC project are carried forward in the FEIS from the eight considered in the DEIS, in addition to the No Action alternative. The action alternatives comprise Alternatives A1, A2, B1, and B2 (see Appendix B). Alternatives A1 and A2 share an identical corridor along most of the proposed alignment. The only variation between Alternatives A1 and A2 is at the northern ends of the alignments, where they terminate in West Point or Hooper, respectively. Alternatives B1 and B2 differ only in their routes through the city of West Point. The alternatives would consist of combinations of four- and two-lane highways. The components of Alternatives A1, A2, B1, and B2 are listed in Table 1.

Table 1. Components of Alternatives A1, A2, B1, and B2

Alternative	Interstate 15 (I-15) Connection	Four-Lane Highway	Two-Lane Highway	West Point/Hooper Cities Segments	North Terminus
A1	Glovers Lane	I-15 to 2000 West	2000 West to 1800 North	4100 West (West Point)	1800 West (West Point)
A2	Glovers Lane	I-15 to 2000 West	2000 West to 5500 South	5400 West (Hooper)	5500 South (Hooper)
B1	Glovers Lane	I-15 to Antelope Drive	Antelope Drive to 1800 North	4100 West (West Point)	1800 North (West Point)
B2	Glovers Lane	I-15 to Antelope Drive	Antelope Drive to 1800 North	4800 West (West Point)	1800 North (West Point)

In response to comments provided by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency on the DEIS, the FEIS also considers two options for the four alternatives. These two options were developed to avoid or minimize impacts to wetlands. These wetland mitigation options involve slight eastward shifts in all four alternatives in Farmington and Layton. The wetland avoidance options are summarized in Table 2 and depicted in Appendix B.

Table 2. Components of the Wetland Avoidance Options

Option	Location	City	Description
Farmington	Prairie View Drive and West Ranches Road	Farmington	Shift the action alternatives in Farmington approximately 150 feet east to the southwest side of the intersection of Prairie View Drive and West Ranches Road.
Layton	2200 West and 1000 South	Layton	Shift the action alternatives in Layton approximately 500 feet east to the northeast side of the intersection of 2200 West and 1000 South.

CULTURAL RESOURCES

Early in the WDC undertaking, UDOT consulted with the UDSH regarding definition of the project archaeological and architectural APE in accordance with 36 CFR 800.16(d), which defines an APE as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." The APE for the WDC project was defined differently for archaeological resources and historic architectural properties for all eight action alternatives in the DEIS. With the number of alternatives (four) carried forward for analysis in the FEIS, UDOT now defines the APE as the alignments for Alternatives A1, A2, B1, and B2, including the areas specified in the wetland avoidance options (see Appendix A). The APE for archaeological resources is limited to the maximum right-of-way footprint for the preferred alternative, because impacts to these resources would result from direct disturbance. The APE for historic architectural properties consists of the maximum right-of-way footprint plus all properties directly adjacent to that footprint. By including the adjacent properties, this APE includes the area in which historic buildings could be directly impacted, as well as an area in which historic buildings could be indirectly impacted by effects to their physical integrity of setting and feeling. The APE map provided in Appendix A indicates the extent of the archaeological APE; any properties falling within or directly adjacent to this APE were considered a part of the architectural APE.

Cultural resource identification efforts for the WDC project have been ongoing on a parallel track with the NEPA process, including consultation with Native American tribes on traditional cultural properties and other historic property types, and consultation with other consulting parties to identify cultural resources within the APEs for all action alternatives. Cultural resources inventory was completed by SWCA in the early stages of the NEPA process and included a selective reconnaissance-level architectural inventory (Meess and Ellis 2012[1]) and Class II archaeological reconnaissance (Westwater et al. 2012[2]) of all of the alternatives included in the DEIS. Copies of the cultural resources inventory results reports and associated documentation materials were included with UDOT's previous DOEFOE.

[1] *Historic Buildings Assessment for the Proposed West Davis Corridor Project, Davis and Weber Counties, Utah.* Utah State Antiquities Project No. U-10-ST-0812ps. SWCA Cultural Resources Report No. 2011-143.
[2] *A Reconnaissance-Level Archaeological Resources Survey of West Davis Corridor Alternatives in Davis and Weber Counties, Utah.* Utah State Antiquities Project No. U-10-ST-0812ps. SWCA Cultural Resources Report No. 2011-513.

As the NEPA process proceeded, HDR conducted additional cultural resources inventories, including a Class III archaeological survey of Alternative B1 (Page and Edwards 2014[3]) and an architectural reconnaissance-level survey update (Garnett and Keen 2017[4]). Copies of these cultural resources inventory reports are included with this document. The Class III archaeological survey supplemented the Class II (reconnaissance-level) survey undertaken by SWCA in 2012 and focused on Alternative B1. During the 2014 survey, both Glovers Lane and a second option at Shepard Lane for the Interstate 15 (I-15) connection were being considered, as was a northern terminus at 5500 South in Hooper rather than the West Point terminus now planned (described above); because of this, the APE considered in the 2014 report is larger than the current archaeological APE for Alternative B1. Based on the methods outlined in the *UDOT Guidelines for Identifying, Recording, and Evaluating Archaeological and Paleontological Resources* (UDOT 2010[5]) and the Utah Bureau of Land Management (BLM) *BLM Manual 8110 - Identifying and Evaluating Cultural Resources* (BLM 2004[6]), HDR's archaeologists surveyed parallel transects spaced no more than 15 meters (50 feet) apart across the entire APE. HDR identified 13 archaeological sites and one isolated occurrence during their survey; eight of the sites are recommended NRHP-eligible and located in the archaeological APE for the alternatives carried forward in the FEIS.

SWCA also conducted a selective reconnaissance-level buildings survey in 2012 that accounted for all historical buildings located in the APE for architectural resources. SWCA's 2012 effort documented buildings that were constructed during or before 1967 (45 years old or older at the time), but as the EIS has progressed, UDOT determined that additional buildings may have achieved historic age, and UDOT contracted HDR to update the inventory to include buildings built during or before 1972. SWCA recorded 187 NRHP-eligible properties containing primary buildings or structures built before 1967. HDR's update recorded an additional 10 architectural properties containing 28 buildings and structures. Of this total of 197 surveyed NRHP-eligible properties, 20 buildings are in the architectural APE for the alternatives carried forward in the FEIS.

DETERMINATIONS OF ELIGIBILITY AND FINDINGS OF EFFECT

Table 4 (attached) summarizes the determinations for all archaeological resources located in the archaeological APE. Table 5 (attached) summarizes the determinations for the historical buildings associated with the project that were newly identified by HDR in the 2016 *Historic Buildings Assessment Update*. Table 6 (attached) summarizes the determinations for historical buildings located in the architectural APE.

UDOT has determined that six archaeological sites eligible for the NRHP are located in the archaeological APE, although adverse effects will be avoided on all but one of these (42Dv70). Any of the action alternatives (A1, A2, B1, and B2) carried forward in the FEIS will have an adverse effect on 42Dv70.

Of the 20 buildings that UDOT had determined to be eligible for the NRHP that are within the architectural APE, seven buildings on six properties will be adversely affected by one or more of the alternatives carried forward in the FEIS. Adverse effects to ?1016 North 2000 West in Kaysville and 992 South 2200 West in Layton cannot be avoided by any of the alternatives carried forward in the FEIS. One other of the six properties—984 South 2200 West in Layton—would be adversely affected if the wetland avoidance option in Layton is selected (see Table 6). A property in Syracuse that includes a primary historic building and a contributing outbuilding (?1002–1054 South 3000 West and 1068 South 3000 West) and a historic property at 1653 South Bluff Road would be adversely affected by the selection of either Alternative B1 or B2. Finally, the Hill Cabin at 2133 West 1000

[3] *Cultural Resources Inventory of the West Davis Corridor, Alternative B1 in Weber and Davis Counties, Utah.* Utah State Antiquities Project No. U-13-HK-0899ps.
[4] *Historic Buildings Assessment Update for the Proposed West Davis Corridor Project*
[5] *UDOT Guidelines for Identifying, Recording, and Evaluating Archaeological and Paleontological Resources.* UDOT Environmental Services, Salt Lake City, Utah.
[6] *BLM Manual 8110 - Identifying and Evaluating Cultural Resources.* Salt Lake City, Utah.

South was nominated for and listed in the NRHP, would be adversely affected by the selection of either wetland avoidance options for the A and B alternatives.

For the purpose of assessing impacts to archaeological and architectural properties, UDOT used boundaries reflecting the historical uses of the property in question. For the historic canals and railroads, the rights-of-way were used. For the architectural resources, current parcel boundaries were used. Many of the architectural resources comprise farmsteads with associated agricultural lands. In these cases, UDOT considered those parcels historically associated with the farmstead, all under ownership of the same party, and contiguous with the parcel containing the primary historical residence or other primary building.

Section 4(f) Evaluation

Based on the Section 106 determinations and findings summarized in Tables 4 and 6, UDOT has rendered findings under Section 4(f). In accordance with 23 CFR 774.3(b) and the definition under 23 CFR 774.17, those properties for which findings of No Adverse Effect have been made qualify for Section 4(f) *de minimis* impact determinations. These *de minimis* findings are also noted in Tables 4 and 6 relative to the specific properties to which they apply. Those historic buildings for which UDOT has made a finding of Adverse Effect qualify for a Greater than *de minimis* use finding under Section 4(f).

Section 4(f) applies to archaeological sites that are on or eligible for the NRHP and that warrant preservation in place. Section 4(f) does not apply if FHWA determines, after consultation with SHPO and the Advisory Council on Historic Preservation (if participating) that the archaeological resource is important chiefly because of what can be learned by data recovery and has minimal value for preservation in place. The linear resources and 42Dv89 do not have value for preservation in place and 42Dv70, which is eligible for the NRHP, qualifies under Criterion D because of its ability to provide information through data recovery. Therefore, there is no Section 4(f) use to archaeological sites.

The project will result in a use of Section 4(f) resources resulting in a *de minimis* impact of up to 15 buildings and a Greater than *de minimis* impact of up to seven buildings. An individual Section 4(f) evaluation is being prepared and will be included with the environmental document prepared for this project. The evaluation will discuss potential avoidance alternatives, least harm analysis, and measures to minimize harm. A copy of the complete Section 4(f) evaluation will be provided upon request.

NATIVE AMERICAN CONSULTATION AND CONSULTATION WITH OTHER CONSULTING PARTIES

In accordance with stipulations outlined in the Section 106 programmatic agreement, FHWA and UDOT initiated consultation with several Native American tribes/bands regarding this undertaking. UDOT also consulted with several other consulting parties, including certified local governments and historical societies and preservation organizations. The results of these consultations are discussed in the previous DOEFOE, and Section 4(f) determinations letter from December 2012. No new concerns have been raised since then by any of these parties, although UDOT is currently preparing letters to the consulting parties regarding the final archaeological and architectural APE and effects determinations.

SUMMARY

Cultural resources inventories in support of the WDC project have been ongoing throughout the NEPA process. Most recently, HDR conducted a comprehensive Class III archaeological field survey of Alternative B1 and a historic buildings update to account for properties that have achieved historic age (included with this report). These efforts support earlier Class II reconnaissance-level archaeological and selective reconnaissance-level historic buildings inventories conducted by SWCA to support the DEIS in 2012. Eight archaeological sites are within the archaeological APE of the alternatives carried forward in the FEIS, six of which are eligible for the

NRHP. Of these, two (42Dv86 and 42Dv158/42Wb425) are **determined eligible for the NRHP under Criterion A alone**. Site 42Dv87 is **determined eligible for the NRHP under Criteria A and B**; 42Dv110 is **determined eligible for the NRHP under Criteria A and C**; and 42Dv89 is **determined eligible for the NRHP under Criteria A and D**. The remaining eligible site (42Dv70) is **determined eligible for the NRHP under Criterion D alone**. All of the 20 buildings identified by HDR and SWCA that UDOT had determined to be eligible for the NRHP and that are within the architectural APE are **eligible for the NRHP under Criterion A**. A summary of these findings organized by alternative is provided below in Table 3, and maps showing historic properties impacts are provided in Appendix C.

Table 3. Summary of Findings of Effect and Section 4(f) Determinations, West Davis Corridor Project for 2017 FOE; APE: Architectural and Archaeological Resources

Resource Type	Alternative	No Historic Properties Affected	No Adverse Effect	Adverse Effect	Section 4(f) Greater than de minimis Use
Architectural	Alternative A1	12	6	2	2
	Alternative A2	8	11	2	2
	Alternative B1	10	6	4[a]	4
	Alternative B2	9	7	4[a]	4
	A1 with Wetlands Avoidance	0	5	4	4
	A2 with Wetlands Avoidance	0	10	4	4
	B1 with Wetlands Avoidance	0	5	6[a]	6
	B2 with Wetlands Avoidance	0	6	6[a]	6
Archaeological	Alternative A1	1	4	1	0
	Alternative A2	0	5	1	0
	Alternative B1	1	4	1	0
	Alternative B2	0	5	1	0
	A1 with Wetlands Avoidance	1	4	1	0
	A2 with Wetlands Avoidance	0	5	1	0
	B1 with Wetlands Avoidance	1	4	1	0
	B2 with Wetlands Avoidance	0	5	1	0

[a] One of the counted impacts is a property with two individually eligible residences that share contributing outbuildings.

The cultural resources inventory reports, associated materials, and the appendix are enclosed with this DOE-FOE letter. We will notify your office when a preferred alternative is selected and continue to consult with the UDSH to resolve any adverse effects.

WEST DAVIS
CORRIDOR

Please review this document, and, providing you agree with the determinations contained herein, sign and date the signature line at the end of this letter. Should you have any questions or need additional information, please feel free to contact Liz Robinson at (801) 910-2035 or lizrobinson@utah.gov or Elizabeth Giraud at (801) 965-4917 or egiraud@utah.gov.

Sincerely,

Liz Robinson
Cultural Resources Program Manager
UDOT Central Environmental

Elizabeth Giraud, AICP
Architectural Historian
UDOT Central Environmental

Attachments:
- Project Maps
- Cultural Resources Inventory Results Reports and associated materials

---

Regarding the UDOT Project Number SP-0067(14)0; the West Davis Corridor, Davis and Weber Counties (PIN 7176), I concur with the Determinations of Eligibility and Findings of Effect submitted to the Utah SHPO in accordance with Section 106 of the NHPA, UCA 9-8-404 and the *Second Amended Programmatic Agreement*, which states that the FHWA and UDOT have determined that the finding is Adverse Effect on historic properties.

This DOE-FOE letter describes the eligibility of and effects to each historic property under each of the four alternatives that are being analyzed for environmental impacts under the NEPA review process. Once a preferred alternative is selected, the FHWA and the UDOT will inform the SHPO of the decision. The eligibility and effects determinations for that decision are already reflected in this DOE-FOE.

Cory Jensen
Senior Preservation Program Specialist
Utah Division of State History

5/10/2017
Date

Table 4. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Archaeological Resources

Site No./Name	NRHP Eligibility	Nature of Impact	Section 106 Finding of Effect	Alternative(s) Having the Effect	Section 4(f) Impact
42Dv70/Lithic Scatter	Eligible (Criterion D)	Fill for interchange ramps at Glovers Lane would be placed on top of site.	**Adverse Effect**	**A1, A2, B1, B2**	N/A
42Dv86/D&RGW Railroad	Eligible (Criterion A)	Rail line would be spanned by a bridge or culvert.	No Adverse Effect	A1, A2, B1, B2	None
42Dv87/UP Railroad	Eligible (Criterion A and B)	Rail line would be completely spanned by roadway and proposed Park Lane trail improvement.	No Adverse Effect	A1, A2, B1, B2	None
42Dv89/Lake Shore Resort	Eligible (Criteria A and D)	Small section of historic railroad berm leading into the site would be demolished to accommodate ramp construction for the Glovers Lane interchange; the remainder of the rail line and most of the site would remain undisturbed; association of the resort proper with rail access would still exist through the remaining portion of the railroad berm extending into the site.	No Adverse Effect	A1, A2, B1, B2	None
42Dv110/Grace-Terminal Transmission Corridor	Eligible (Criteria A and C)	Minor shifting of transmission lines and moving/replacing a small number of noncontributing towers; linear continuity and site association would be maintained.	No Adverse Effect	All Alternatives	None
42Dv112/Woodman Townsite	Not eligible	N/A	No Historic Properties Affected		N/A
42Dv113/Historic berm	Not eligible	N/A	No Historic Properties Affected		N/A
42Dv158 and 42Wb425/ Hooper Canal	Eligible (Criterion A)	Minor culverting and realignment of approximately 575 feet of open canal at new crossing on Segment 13. Minor culverting at new crossings of already piped sections of Segments 1 and 2 and south of 300 North.	No Adverse Effect	A2	None
		Minor culverting and realignment of approximately 500 feet of open canal at new crossing on Segment 13. Also crosses already piped section south of 300 North.	No Adverse Effect	B2	None
		Minor culverting at new crossings of already piped sections south of 300 North and south of Antelope Drive.	No Historic Properties Affected	A1	N/A
		One new crossing of already piped section south of 300 North.	No Historic Properties Affected	B1	N/A

Table 5. Determinations of Eligibility of Architectural Resources Newly Identified by HDR (2016) with Revised Period of Significance, West Davis Corridor Project; APE: Architectural Resources

Address	Type/Style	UDSH Rating/NRHP Eligibility
Syracuse		
1653 Bluff Road	1971 Bi-level Ranch	EC-rating/Eligible
2772 South 4000 West	1972 One-story Ranch	NC-rating/not eligible
West Point		
West of 4623 West 2425 North	1900 One-story Bungalow	NC-rating/not eligible
South of 1924 North 5000 West	1950 Outbuildings—Shed	NC-rating/not eligible
4133 West 1800 North	Ca. 1971 Outbuilding—Storage Bin and Shed	NC-rating/not eligible
1518 North 4500 West	Ca. 1969 Bi-level Ranch	NC-rating/not eligible
1402 North 4500 West	Ca. 1971 Bi-level Ranch	NC-rating/not eligible
1356 North 4500 West	Ca. 1972 Bi-level Ranch	NC-rating/not eligible
North of 526 North 4500 West	1940 Gabled barn	NC-rating/not eligible
4469 West 300 North	1950 Minimal Traditional WWII-era Cottage	EC-rating/eligible
4469 West 300 North	Second Dwelling – 1915 One-story Cottage	EC-rating/eligible

*Originally recommended EC-rating/eligible by HDR, but after further survey and review by UDOT was recommended NC-rating/not eligible.

Table 6. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Affected Architectural Resources

Address	Type/Style	UDSH Rating/ NRHP Eligibility	Nature of Effect	Section 106 Effect	Alternative(s) Having the Effect	Section 4(f) Impact
Kaysville						
?1016 North 2000 West*	1900 Crosswing/ Victorian Eclectic	EC-rating/ eligible	Direct impact to primary historical building.	**Adverse Effect**	**All alternatives**	Greater than *de minimis*
Layton						
776 South 2200 West*	1937 Clipped Gable Cottage/Clipped Gable Cottage	EC-rating/ eligible	Acquisition of 11.8 acres out of 37.1 acres at rear of adjoining agricultural fields; no contributing features would be affected.	No Adverse Effect	All alternatives with wetland avoidance options	*De minimis*
			Acquisition of 12.0 acres out of 37.1 acres at rear of adjoining agricultural fields; no contributing features would be affected.	No Adverse Effect	A1, A2, B1, B2	*De minimis*
984 South 2200 West*	1960 Ranch-Rambler/ Ranch-Rambler	EC-rating/ eligible	Direct impact to primary historical building.	**Adverse Effect**	**All alternatives with wetland avoidance options**	Greater than *de minimis*
			Property avoided.	No Historic Properties Affected	A1, A2, B1, B2	N/A
992 South 2200 West*	1957 Early Ranch-Rambler/ Early Ranch and Minimal Traditional	EC-rating/ eligible	Direct impact to primary historical building.	**Adverse Effect**	**A1, A2, B1, B2 and wetland avoidance options**	Greater than *de minimis*
Joseph Hill Family Cabin, 2133 West 1000 South	1895 Single Cell/Vernacular (Other)	ES-rating/ listed	Direct impact to primary historical building.	**Adverse Effect**	**A1, A2, B1, B2 with wetland avoidance options**	Greater than *de minimis*
			Strip take of 0.3 total acres of fields located in the southwest corner out of 3.3 acres; no contributing features would be affected.	No Adverse Effect	A1, A2, B1, B2	*De minimis*

Table 6. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Affected Architectural Resources

Address	Type/Style	UDSH Rating/ NRHP Eligibility	Nature of Effect	Section 106 Effect	Alternative(s) Having the Effect	Section 4(f) Impact
Syracuse						
3901 West 2700 South*	1963 Split Level/Split Level and Ranch-Rambler	EC-rating/ eligible	Acquisition of 0.01 acre of agricultural fields located behind the residence and associated with the residence out of 3.53 acres; no contributing features would be affected.	No Adverse Effect	A1, A2	*De minimis*
			Property avoided.	No Historic Properties Affected	B1, B2	N/A
3178 South 3000 West*	1957 Early Ranch-Rambler/ Early Ranch	EC-rating/ eligible	Acquisition of 19.1 acres out of 264 acres from physically separated agricultural fields associated with the residence; no contributing features would be affected.	No Adverse Effect	A1, A2	*De minimis*
			Property avoided	No Historic Properties Affected	B1, B2	N/A
3807 West 2700 South*	1966 Ranch-Rambler/ Ranch-Rambler and Contemporary	EC-rating/ eligible	Acquisition of 3.2 acres out of 36.6 acres from middle of agricultural fields behind residence and agricultural building complex; no contributing features would be affected.	No Adverse Effect	A1, A2	*De minimis*
			Property avoided	No Historic Properties Affected	B1, B2	N/A
1002–1054? South 3000 West and 1068 South 3000 West* [7]	1901 Central Block with Projecting Bays/Victorian Eclectic	EC-rating/ eligible	Direct impact to one primary historical building and contributing outbuildings on parcel.	**Adverse Effect**	**B1, B2**	Greater than *de minimis*
			Property avoided.	No Historic Properties Affected	A1, A2	N/A

[7] This property includes a primary historic building and a contributing outbuilding, which have been listed under two different addresses here.

Table 6. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Affected Architectural Resources

Address	Type/Style	UDSH Rating/ NRHP Eligibility	Nature of Effect	Section 106 Effect	Alternative(s) Having the Effect	Section 4(f) Impact
2622 West 1700 South*	1938 Early Ranch-Rambler/ Minimal Traditional and Early Ranch	EC-rating/ eligible	Strip take of 0.03 acre along frontage out of 0.59 acre; no contributing features would be affected.	No Adverse Effect	B1, B2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, A2	N/A
2664 West 1700 South*	1940 World War II Era Cottage/Minimal Traditional	EC-rating/ eligible	Strip take of 0.08 total acre along frontage out of 0.38 acre; no contributing features would be affected.	No Adverse Effect	B1, B2	*De minimis*
			Property avoided	No Historic Properties Affected	A1, A2	N/A
2678 West 1700 South*	1930 Clipped Gable Cottage/Clipped Gable Cottage	EC-rating/ eligible	Strip take of 0.10 total acre along frontage out of 0.52 acre; no contributing features would be affected.	No Adverse Effect	B1, B2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, A2	N/A
1653 South Bluff Road	1971 Bi-level Ranch	EC-rating/ eligible	Strip take of 0.01 total acre along frontage out of 0.54 acre. Adverse Effect because impact is on the frontage of the property.	**Adverse Effect**	**B1, B2**	**Use**
			Property avoided.	No Historic Properties Affected	A1, A2	N/A

Table 6. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Affected Architectural Resources

Address	Type/Style	UDSH Rating/ NRHP Eligibility	Nature of Effect	Section 106 Effect	Alternative(s) Having the Effect	Section 4(f) Impact
West Point						
4469 West 300 North	1950 Minimal Traditional WWII-era Cottage	EC-rating/ eligible	Strip take of 0.08 acre in corner of agricultural field out of 20 acres; no contributing features would be affected.	No Adverse Effect	A2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, B1, B2	N/A
4469 West 300 North	1915 Cross-gabled cottage	EC-rating/ eligible	Strip take of 0.08 total acre on northeast corner of parcel on 300 North out of 20 acres; no contributing features would be affected.	No Adverse Effect	A2	*De minimis*
			Property avoided	No Historic Properties Affected	A1, B1, B2	N/A
4428 West 800 North*	1964 Ranch-Rambler/ Ranch-Rambler	EC-rating/ eligible	Acquisition of 0.2 acre out of 3.91 acres; no contributing features would be affected.	No Adverse Effect	B2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, A2, B1	N/A

Table 6. Determinations of Eligibility, Findings of Effect, and Section 4(f) Determinations, West Davis Corridor Project; APE: Affected Architectural Resources

Address	Type/Style	UDSH Rating/ NRHP Eligibility	Nature of Effect	Section 106 Effect	Alternative(s) Having the Effect	Section 4(f) Impact
1309 North 4500 West*	1950 Early Ranch-Rambler/ Minimal Traditional and Early Ranch	EC-rating/ eligible	Strip take of 0.04 total acre along frontage out of 0.37 acre; no contributing features would be affected.	No Adverse Effect	All alternatives	*De minimis*
Hooper						
4750 West 2425 North*	1935 World War II Era Cottage/Minimal Traditional and Period Revival	EC-rating/ eligible	Acquisition of 3.40 acres in corner of agricultural field out of 61.86 acres; no contributing features would be affected.	No Adverse Effect	A2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, B1, B2	N/A
5721 South 5500 West*	1965 Ranch-Rambler/ Ranch-Rambler	EC-rating / eligible	Acquisition of 2.23 acres of agricultural land across the street and behind another residence out of 17.12 acres; no contributing features would be affected.	No Adverse Effect	A2	*De minimis*
			Property avoided.	No Historic Properties Affected	A1, B1, B2	N/A

* Property identified during SWCA's 2012 survey.

This page is intentionally blank.

PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
THE UTAH STATE HISTORIC PRESERVATION OFFICER,
AND THE UTAH DEPARTMENT OF TRANSPORTATION

REGARDING

PROJECT #: SP-0067(14)0;
West Davis Corridor Project, Davis and Weber Counties, Utah

WHEREAS, the Federal Highway Administration (FHWA), in conjunction with the Utah Department of Transportation (UDOT), propose to undertake **PROJECT #: SP-0067(14)0; West Davis Corridor Project, Davis and Weber Counties, Utah**, which proposes regional transportation mobility improvements; and

WHEREAS, the FHWA taken into account the effects of **PROJECT #: SP-0067(14)0; West Davis Corridor Project, Davis and Weber Counties, Utah,** on historic properties and has determined that this undertaking will have an adverse effect on six architectural properties and one archaeological site eligible for inclusion or listed in the National Register of Historic Places. FHWA has consulted with the Utah State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation and the Council has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the Utah Department of Transportation (UDOT) is the agency coordinating this project on behalf of the FHWA, has participated in the consultation, and been asked by FHWA to be an invited signatory to this agreement pursuant to 36 CFR §800.6(c)(2); and

WHEREAS, the projects may be implemented using a design-build procurement process, which integrates the final design and construction phases; and

WHEREAS, the design-build process requires flexibility in the location of certain ground disturbing elements, meaning that the location of some ground-disturbing elements may not be known until immediately prior to construction; and

WHEREAS, the FHWA has consulted with the Skull Valley Band of the Goshute Indians, the Eastern Shoshone Tribe of the Wind River Reservation, the Shoshone-Bannock Tribes of Fort Hall, the Paiute Indian Tribe of Utah, the Northwestern Band of the Shoshone Nation, the Uintah and Ouray Ute Indian Reservation, the Cedar Band of the Paiutes, and the Confederated Tribes of the Goshute Reservation; and the Tribes have been afforded an opportunity to review the project and have not responded with objections; and

WHEREAS, the FHWA has consulted with the Centerville, Farmington, and Layton Certified Local Governments; the Utah Heritage Foundation; and the Utah Professional Archaeological Council and the Ogden Community Development Department; none have responded with objections; and

NOW, THEREFORE, the FHWA and the Utah SHPO agree that upon FHWA's decision to proceed with the undertaking, FHWA shall ensure that the following stipulations are implemented in order to take into account the effects of the undertaking on historic properties, and the stipulations shall govern the undertaking and all of its parts until this PA expires or is terminated.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

I. MITIGATION OF HISTORIC BUILDINGS

A. UDOT shall be responsible for the documentation of the following buildings:

- ?1016 North 2000 West, Kaysville
- 984 South 2200 West, Layton
- 992 South 2200 West, Layton
- 1002-1054 South 3000 West and 1068 South 3000 West, Syracuse (the Steed Farm)

The buildings will be documented according to the Utah State Intensive Level Survey Standards (ILS) as required by SHPO. Documentation will include a completed ILS Historic Site Forms, which will be based on title searches and obituary research, photographs of the exterior of the buildings, photographs burned onto a gold CD, a sketch map of the property layout, aerial photograph maps indicating the location of the buildings, and a U.S. Geological Survey may (scale: 1:24,000) indicating the location of the buildings. When possible, the UDOT will include oral and written histories to augment the documentation of the adversely affected properties.

B. The Hill Cabin (2133 West 1000 South, Layton), which was bequeathed to Layton City in 2017 by the owners, Robert "Jay" and Odessa Harris, will be moved to Layton Commons Park. Layton City shall be responsible for hiring a professional mover with the capability to move historic structures property. Upon submittal of a bid to UDOT for the relocation costs, UDOT and Layton City shall enter into a Cooperative Agreement stating that Layton City will be reimbursed for the relocation costs once the cabin is moved. Layton City shall be responsible for coordinating the relocation.

1. UDOT shall work with Layton City to ensure the new site for the Hill Cabin is visually and otherwise compatible with the surroundings of its new site, and that relocation to the site does not adversely affect any archeological or other historic property occupying the proposed new site. UDOT and Layton City will provide the Utah SHPO with an opportunity to comment on the new site; however, ultimately, Layton City will determine the location of the relocated cabin.
2. All parties understand that Layton City, the owner of the Joseph Hill Cabin, does not desire to have the cabin remain on the National Register of Historic Places once it is relocated. Layton City shall coordinate with the Utah SHPO to formally de-list the cabin.

C. UDOT will work to make the documentation of the Steed Farm available to as wide an audience as possible, and will investigate avenues for dissemination such as state- or locally-sponsored websites and local libraries or historical societies.

II. MITIGATION OF SITE 42DV70

A research design and data recovery plan shall be developed by UDOT to resolve adverse effects to Site 42DV70. Research questions and methods shall be developed in consultation with all consulting parties. In accordance with 36 CFR 800.6, SHPO will be consulted and the research design shall be submitted to the Public Lands Coordination Office pursuant to Utah Code 9-8-305(3).

A. All data recovery will be completed prior to construction activities at this site. The data recovery plan will focus on determining the site boundary and significance through limited testing and will detail the research questions, testing and analysis methods, and disposition of any recovered materials at an accredited repository in accordance with 36 CFR Part 79. The data recovery plan shall be submitted to the signatories and interested tribes for a 30-day review. Unless any of the parties object within 30 days after receipt of the plan, UDOT

shall ensure that it is implemented before construction at Site 42DV70. The adverse effect to this site may be resolved after this testing phase.

B. Additional excavation work beyond exploratory testing will depend on the testing results and consultation with tribes and the consulting parties. Any such work will be outlined in an addendum to the treatment plan, which will be reviewed by SHPO within 10 business days.

C. An updated site form for 42DV70 will be submitted at completion of this work.

D. If, after data recovery efforts are complete, the site retains NRHP-eligible attributes and integrity, UDOT will employ an archaeological monitor during all ground disturbing activities within the site boundary. A monitoring/discovery plan shall be developed as part of the research design and data recovery plan.

III. REPORTING: The FHWA shall ensure that any/all reports on activities carried out pursuant to this agreement are provided to the SHPO, the Council, the signatories to this PA, and upon request, to any other interested parties.

IV. DESIGN-BUILD PROCEDURES: Due to the nature of the design-build process, the exact location of some ground disturbing project elements, such as storm water conveyance or utility relocations, will be designed by the design-build contractor. The interval between the design of an element and its construction may be too short to perform standard identification, evaluation, and assessment of effects on an historic property, and therefore the following procedures will be implemented when such elements will extend beyond the current APE or will have effects on historic properties:

A. The UDOT will determine whether a cultural resources survey is required of the subject area. Survey will be required if the area has not already been adequately investigated and/or contains native ground surface. The subject area may be evaluated through pedestrian survey, reconnaissance/windshield survey, and/or subsurface testing, as appropriate.

B. Construction will not proceed until the subject area has been adequately investigated and evaluated for potential impacts to cultural resources. The UDOT will document its findings using one of the following processes:
   1. If no cultural resources are identified, resulting in a finding of **No Historic Properties Affected**, a Tier 1 form will be completed and submitted to SHPO for informal consultation. The SHPO will have 72 hours to respond to the Tier 1, which will also be submitted with the UDOT quarterly report (in accordance with the 2013 UDOT Section 106 PA).
   2. If cultural resources are identified but are determined to be not eligible OR will not be impacted by construction, resulting in a finding of **No Historic Properties Affected**, a Tier 1 form will be completed and submitted to SHPO with the quarterly report (in accordance with the 2013 UDOT Section 106 PA).
   3. If cultural resources are identified, are determined to be eligible, and construction will result in a finding of **No Adverse Effect**, a DOEFOE will be prepared and submitted to SHPO. The SHPO will have 15 days to respond to the DOEFOE, after which concurrence will be assumed.
   4. If cultural resources are identified, are determined to be eligible, and construction will result in a finding of **Adverse Effect**, a DOEFOE will be prepared and submitted to SHPO.

C. Should any of these project elements result in an Adverse Effect to an architectural property(s) the UDOT shall resolve this effect by documenting the property(s) in accordance with Stipulation I of this Agreement. SHPO and any interested parties will be notified before mitigation measures are conducted.

D. Should any of these project elements result in an Adverse Effect to an archaeological site(s), mitigation measures will be determined in consultation with SHPO, tribes, and any interested parties.

E. Should the project effects on any previously identified historic properties change during project development, any interested parties and SHPO will be notified. If the change in effects will result in a new determination of adverse effect, mitigation measures will be determined in accordance with Stipulations IV.C and IV.D of this Agreement.

V. PERSONNEL QUALIFICATIONS: The FHWA shall ensure that all historic work carried out pursuant to this agreement is completed by or under the direct supervision of a person or persons meeting or exceeding the Secretary of the Interior's Historic Preservation Professional Qualification Standards for History (36 CFR Part 61).

VI. DURATION: This agreement will be null and void if its terms are not carried out within ten (10) years from the date of its execution. Prior to such time, the FHWA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation IX below.

VII. DISCOVERY: The following measures regarding inadvertent discoveries of historic properties, archaeological sites, and paleontological resources will be implemented:

A. In accordance with Stipulation XI.B of the *Second Amended Programmatic Agreement among the FHWA, the Utah State Historic Preservation Officer, the Advisory Council on Historic Preservation, the USACE Sacramento District, and the UDOT Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah* (executed June 3, 2013), and pursuant to 36 CFR 800.13(b), the UDOT and the FHWA are providing for the protection, evaluation, and treatment of any historic property discovered prior to or during construction. Should a discovery occur, construction will stop immediately and the FHWA and the UDOT will consult with the SHPO, Native American tribes, and any other identified interested parties, toward developing and implementing an appropriate treatment plan prior to resuming construction. If neither the SHPO nor a Tribe files an objection within 72 hours to UDOT's plan for addressing the discovery, UDOT may carry out the requirements of 36 CFR 800.13 on behalf of FHWA, and the Council does not need to be notified.

B. UDOT Standard Specifications Section 01355, Part 3.8, Discovery of Historical, Archaeological or Paleontological Objects, Features, Sites, or Human Remains, will be enforced during this project. This specification stipulates procedures to be followed should any archaeological, historic, or paleontological resources be discovered during construction of the project. These procedures are as follows:
    1. Immediately suspend construction operations in the vicinity of the discovery if a suspected historic, archeological or paleontological item, feature, or site is encountered or if suspected human remains or encountered.
    2. Verbally notify the engineer of the nature and exact location of the findings.
    3. The Engineer contacts the UDOT region staff archaeologist, who will assess the nature of the discovery and determine the necessary course of action.
    4. Protect the discovered objects or features and provide written confirmation of the discovery to the Engineer within two calendar days.
    5. The Engineer keeps the Contractor informed concerning the status of the restriction: 1) the time necessary for the Department to handle the discovered item, feature, or site is variable, dependent on the nature and condition of the discovered item; and 2) the Engineer will provide written confirmation when work may resume in the area.

VIII. DISPUTE RESOLUTION: Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the FHWA shall consult with the

objecting parties to resolve the objection. If the FHWA determines, within 30 days, that the objection(s) cannot be resolved, the FHWA will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the FHWA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the PA, will be taken into account by the FHWA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the FHWA may render a decision regarding the dispute. In reaching its decision, the FHWA will take into account all comments regarding the dispute from the parties to the PA.

C. The FHWA's responsibilities to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged. The FHWA will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The FHWA's decision will be final.

D. Further, at any time during implementation of the measures stipulated in this agreement should an objection to any such measure be raised by a member of the public, the FHWA shall take the objections into account and consult as needed with the objecting party, the SHPO, or the Council to resolve the objection.

IX. AMENDMENTS AND NONCOMPLIANCE: If any signatory to this PA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this PA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the PA, any signatory may terminate the agreement in accordance with Stipulation X, below.

X. TERMINATION: If this PA is not amended following the consultation set out in Stipulation IX, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FHWA shall notify the signatories if it will initiate consultation to execute an PA with the signatories under 36 CFR 800.6(c)(1) or request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly.

XI. EXECUTION: Execution of this Programmatic Agreement by the FHWA, the Utah SHPO, and the UDOT, and the submission of documentation and filing of this Programmatic Agreement with the Council pursuant to 36 CFR 800.6(b)(1)(iv) prior to FHWA's approval of this undertaking, and implementation of its terms, serves as evidence that the FHWA has taken into account the effects of this undertaking on historic properties, and has afforded the Council an opportunity to comment on **PROJECT #:SP-0067(14)0; West Davis Corridor Project, Davis and Weber Counties, Utah.**

WEST DAVIS
CORRIDOR

SIGNATORIES:

THE FEDERAL HIGHWAY ADMINISTRATION

6/12/17

FHWA Division Administrator — Date

UTAH STATE HISTORIC PRESERVATION OFFICE

For Deputy SHPO 6/01/17

P. Bradford Westwood, Utah SHPO — Date

INVITED SIGNATORIES:

UTAH DEPARTMENT OF TRANSPORTATION

for 12 June 2017

Kris Peterson, UDOT Region Director — Date

LAYTON CITY

6/12/17

Robert J. Stevenson, Mayor — Date

West Davis Corridor PA, 6

7

33242 SERVICE DATE - DECEMBER 31, 2002
DO

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-33 (Sub-No. 191X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–
IN DAVIS AND WEBER COUNTIES, UT

Decided: December 30, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon a 23.69-mile line of railroad from milepost 754.31 near Valencia, to milepost 778.00 near Ogden, in Davis and Weber Counties, UT. Notice of the exemption was served on December 2, 2002 and published in the Federal Register on December 4, 2002 (67 FR 72268-69). The exemption is scheduled to become effective on January 1, 2003.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 6, 2002. In the EA, SEA indicated that various government entities, including the U.S. Department of Commerce, National Geodetic Survey (NGS), the U.S. Environmental Protective Agency (EPA), Region VIII, the Utah Department of Environmental Quality-Hazardous Waste Division (DEQ-HW), and the Davis and Weber County Commissioners (Counties), have not completed their review of the proposed abandonment. Therefore, SEA recommends that UP: (1) consult with NGS and provide NGS with 90 days' notice prior to initiation of any salvage operations or commencement of such operations; (2) consult with EPA and secure all necessary permits under 40 CFR 122.6, prior to initiation of salvage or disposal activities; (3) prior to abandonment, consult with DEQ-HW to identify all potential hazardous waste sites located on the right-of-way; and (4) consult with the Counties prior to initiation of any salvage activities in order to address any of their concerns.[1]

Finally, SEA states that the U.S. Fish and Wildlife Service (FWS) has completed its preliminary review of the proposed abandonment and determined that a biological assessment is required to continue consultation. Therefore, SEA recommends that a condition be placed on any decision granting

[1] The EA also recommended imposition of a condition pertaining to retaining the historical integrity of two bridges. In a letter dated December 10, 2002, however, the Utah Historical Society stated that no historic properties will be affected here. Accordingly, no such condition will be imposed.

abandonment authority prohibiting UP from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

On December 12, 2002, the Utah Transit Authority (UTA) timely filed a request for the issuance of a notice of interim trail use (NITU) for the subject line under the National Trails Act , 16 U.S.C. 1247(d) (Trails Act), in order to negotiate with UP for acquisition of the right-of-way for use as a trail. UTA submitted a statement of willingness to assume financial responsibility for the management of, for any legal liability arising out of the transfer of or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against, the right-of-way, as required at 40 CFR 1152.29, and acknowledged that the use of the right-of-way for trail purposes is subject to possible future reconstruction and reactivation for rail service. In a response submitted on December 23, 2002, UP indicated its willingness to negotiate with UTA.

Because UTA's request complies with the requirements of 49 CFR 1152.29 and UP is willing to negotiate for trail use, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, UP may fully abandon the line. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.

2. Upon reconsideration, the notice served on December 2, 2002, and published in the Federal Register on December 4, 2002, exempting the abandonment of the line described above is modified to the extent necessary to implement trail use/rail banking as set forth below, for a period of 180 days commencing from January 1, 2003, the effective date of the exemption, until June 30, 2003 and subject to the condition that UP shall: (1) consult with NGS and provide NGS with 90 days' notice prior to initiation of any salvage operations or commencement of such operations; (2) consult with EPA and secure all necessary permits under 40 CFR 122.6, prior to initiation of salvage or disposal activities; (3) prior to abandonment, consult with DEQ-HW to identify all potential hazardous waste sites located on the right-of-way; (4) consult with the Counties prior to initiation of any salvage activities in order to address any of their concerns; and (5) be prohibited from salvaging or disposing of

the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.

3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

5. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

6. If an agreement for interim trail use/rail banking is reached by June 30, 2003, interim trail use may be implemented. If no agreement is reached by that time, UP may fully abandon the line.

7. This decision is effective its date of service.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary

This page is intentionally blank.

WEST DAVIS CORRIDOR

Form FHWA-201 (Rev. 11-67)	**U.S. DEPARTMENT OF TRANSPORTATION** FEDERAL HIGHWAY ADMINISTRATION **MINUTE - MEMO**	Use this form in lieu of transmittal slips within Dept. of Trans. when message comment is to be retained as file material. Do not prepare carbons. Not to be used in lieu of form FHWA-121 for informal correspondence

Subject: Summary of FHWA Decision-Making Process for preliminary Section 4(f) Applicability

TO	MESSAGE/COMMENT	FROM/DATE
Project File PIN 7176	The purpose of this memo is summarize the FHWA decision making process for the preliminary Section 4(f) applicability determinations that were made on September 18, 2012 for the conservation easements held by Farmington City. The final determination of Section 4(f) applicability will be made after FHWA completes its review of public comment on the West Davis Corridor (WDC) Draft Environmental Impact Statement. The final determination will be documented in the WDC Final Environmental Impact Statement or the Record of Decision. The information presented in this memo is based on the project records produced between February 3, 2012 and September 18, 2012. During this time period, FHWA reviewed numerous records, including information requested from Farmington City, the official with jurisdiction over the subject property, and made several site visits to the properties. FHWA reviewed three conservation easements currently held by Farmington City: Buffalo Ranches Conservation Easement (Farmington Ranches Phase 7 and Phase 8 (286 acres)), Farmington Ranches Phase 6 Conservation Easement (23.92 acres), and Farmington Meadows Phase 1 Conservation Easement (47.96 acres). The primary documents relied upon by FHWA include: February 1, 2012 WDC Technical Memorandum; April 27, 2012/May 11, 2012 request and response from Farmington City for information related to the conservation easements; August 20, 2012 WDC Technical Memorandum; Conservation Easements including Maintenance Plan Exhibits for all three properties; Farmington City zoning map (updated 9-29-2011); Farmington City general land use map (updated 10-4-2011). Legal background: Section 4(f) of the Department of Transportation Act (49 USC 303 & 23 USC 138) and its implementing regulations at 23 CFR 774 require the United States Department of Transportation (USDOT) agencies, such as Federal Highway Administration (FHWA), to avoid any *use of Section 4(f) property* unless there is no feasible or prudent alternative to using the land, or unless the impact will be de minimis. A *Section 4(f) property* is one which includes any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, as determined by the federal, state, or local officials having jurisdiction; or any land from a historic site of national, state, or local significance, as determined by the State Historic Preservation Officers. As set forth in FHWA's Section 4(f) policy paper, although a conservation easement may not meet all of the requirements necessary to treat the property as a significant publicly-owned public park, recreation area, or wildlife and waterfowl refuge, it is a possibility that mandates careful case-by-case consideration. See FHWA Section 4(f) Policy Paper, July 20, 2012, Question and Answer # 1B. Considerations include views of the official(s) with	Paul Ziman December 16, 2013 PAUL C ZIMAN

jurisdiction, the purpose of the easement, the term of the easement, degree of public access to the property, how the property is to be managed and by whom, what parties obtained the easement (public agency or non-public group), termination clauses, and what restrictions the easement places on the property owner's use of the easement area. Other important factors to consider in this analysis include the definition of a publicly owned park, recreation area or wildlife and waterfowl refuge.

Farmington Meadows Phase 1 Conservation Easement:

Ownership and management: Protected by a conservation easement vested in City of Farmington.

Purpose of Easement: To ensure that the property will be retained forever in its natural, scenic, agricultural, and/or open-space condition and to prevent any use that will significantly impair or interfere with the conservation value of the property.

Open to public: Easement allows for public use. There is no signed or maintained public access to the parcel. Public access is not explicitly prohibited.

Park or Recreation Area: There are no park facilities located on the property, or signs announcing its purpose as a park or recreation area. The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space." While the zoning and general land use would allow the City of Farmington to construct a park or recreation area on the land, these documents do not indicate this area is being managed primarily for park or recreation purposes. The zoning would also allow other uses of this land that are inconsistent with use as a park or recreation area. There are no other documents or management plans that indicate management as a park or recreation area.

Trails: There are no trails on this parcel.

Wildlife Refuge:

- Easement: The easement does not make this land a waterfowl or wildlife refuge. Wildlife values are included in purpose of the easement in a long list of conservation values. No species or groups of animals or their habitat are listed. Other uses that would conflict with management as a wildlife refuge include open space, pasture and agriculture.
- Management of Land: The property is not actively managed as wildlife refuge by City of Farmington. The City of Farmington does not have a management plan in place for the land. The maintenance plan attached to the conservation easement indicates that maintenance of the "upland and wetland open spaces" rest with Farmington Meadows Homeowners Association, or the Grantor/developer.
- Designation: The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space."

The zoning and general land use maps do not indicate that this area is being managed primarily for refuge purposes. Agricultural use would be in conflict with management as a wildlife and waterfowl refuge. While the City of Farmington could restrict the use below the current zoning level, there are no other documents indicating intent to do so.

Farmington Ranches Phase 6 Conservation Easement (23.92 acres)

Ownership and management: Protected by a conservation easement vested in City of Farmington.

Purpose of Easement: To ensure that the property will be retained forever in its natural, scenic, agricultural, and/or open-space condition and to prevent any use that will significantly impair or interfere with the conservation value of the property.

Open to public: Easement allows for public use. There is no signed or maintained public access to the parcel. Public access is not explicitly prohibited.

Park or Recreation Area: There are no park facilities located on the property, or signs announcing its purpose as a park or recreation area. The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space." While the zoning and general land use would allow the City of Farmington to construct a park or recreation area on the land, these documents do not indicate this area is being managed primarily for park or recreation purposes. The zoning would also allow other uses of this land that are inconsistent with use as a park or recreation area. There are no other documents or management plans that indicate management as a park or recreation area.

Trails: There are no trails on this parcel.

Wildlife Refuge:

- Easement: The easement does not make this land a waterfowl or wildlife refuge. Wildlife values are included in purpose of the easement in a long list of conservation values. No species or groups of animals or their habitat are listed. Other uses that would conflict with management as a wildlife refuge include open space, pasture and agriculture.
- Management of Land: The property is not actively managed as wildlife refuge by City of Farmington. The City of Farmington does not have a management plan in place for the land. The maintenance plan attached to the conservation easement indicates that maintenance of the "upland and wetland open spaces" rest with the Grantor/developer.
- Designation: The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space." The zoning and general land use maps do not indicate that this area is being managed primarily for refuge purposes. Agricultural use would

be in conflict with management as a wildlife and waterfowl refuge. While the City of Farmington could restrict the use below the current zoning level, there are no other documents indicating intent to do so.

Buffalo Ranch Conservation Easement (Farmington Ranches Phase 7 and Phase 8 (282 acres))

Ownership and management: Protected by a conservation easement vested in City of Farmington.

Purpose of Easement: To ensure that the property will be retained forever in its natural, scenic, agricultural, and/or open-space condition and to prevent any use that will significantly impair or interfere with the conservation value of the property.

Permitted and Conditional Uses: Conservation of open land, agricultural uses, pastureland, equestrian facilities, underground utility facilities, public streets for permitted and conditional uses, fencing, repair/replace existing structures, livestock grazing.

Open to public: Easement allows for public use in designated areas. Currently, the only public access is to the Great Salt Lake Shoreline Trail and Buffalo Ranch Trail. There is no signed or maintained public access to the interior of the parcel.

Park or Recreation Area: There are no park facilities located on the property, or signs announcing its purpose as a park or recreation area. The easement does not make the land as a whole a park or recreation area. The City of Farmington could designate portions of the land as a park or recreation area. The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space." While the zoning and general land use would allow the City of Farmington to construct a park or recreation area on the land, these documents do not indicate this area is being managed primarily for park or recreation purposes. The zoning would also allow other uses of this land that are inconsistent with use as a park or recreation area. There are no other documents or management plans that indicate management as a park or recreation area.

Trails: There are two trails located on this parcel: Great Salt Lake Shoreline Trail and Buffalo Ranch Trail.

Wildlife Refuge:

- Easement: The easement does not make this land a waterfowl or wildlife refuge. Wildlife values are included in purpose of the easement in a long list of conservation values. No species or groups of animals or their habitat are listed. Other uses that would conflict with management as a wildlife refuge include open space, pasture and agriculture.
- Management of Land: The property is not actively managed as wildlife refuge by City of Farmington. The City of Farmington does not have a management plan in place for the land. The maintenance plan attached to the conservation easement indicates that maintenance

of the property rests with the Grantor/developer.

- Designation: The Farmington City zoning map (updated 9-29-2011) noted the area was zoned as "AA: Agriculture Very Low Density" and the general land use map noted the area as "DL: Development Restrictions, Very Low Density and/or Agriculture or Open Space." The zoning and general land use maps do not indicate that this area is being managed primarily for refuge purposes. Agricultural use would be in conflict with management as a wildlife and waterfowl refuge. While the City of Farmington could restrict the use below the current zoning level, there are no other documents indicating intent to do so.

Views of Officials with Jurisdiction: The City of Farmington has indicated that publicly owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement areas. Specifically, the City of Farmington identified the trails available to the public across all 3 easements. The City of Farmington indicated that its Community Development Department oversees the lands in terms of conservation, and the City's Public Works and Parks and Recreation Departments, and the City's Trail Committee, manage and oversee the lands in terms of trail use. The City identified the enforcement action related to illegal dumping as well as the management of its trails as its active management of the property. The City of Farmington indicated that the lands protected under the conservation easements are currently used as "recreation" (trails), natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of streams, stream corridors, and water courses. The City of Farmington indicated that the zoning and general land use maps would allow the development of a park or recreation area or a wildlife or waterfowl refuge.

Conclusion: The three subject conservation easements are not Section 4(f) properties. However, the trail that crosses two of the three conservation easements, are Section 4(f) property. Based upon the above information, with regard to the property that is not currently or planned for use as a trail, the properties have not been specifically designated, used or managed as either a park, recreation area or wildlife/waterfowl refuge. There are no park or recreation facilities on the properties. There are no physical indications such as signs that the properties are being actively managed as a wildlife/waterfowl refuge. It is not enough to have in place allowances for a park or recreation area or wildlife or waterfowl refuge to be constructed on the subject property. The property must be specifically designated, used and managed for one of these protected purposes. While the City of Farmington has taken enforcement action to prevent debris from being dumped on the property, or unauthorized improvements to be constructed, this is not enough to make it actively managed and designated with a primary purpose of a park, recreation or wildlife/waterfowl refuge.

The City of Farmington indicated the lands are currently used for "recreation (trails), natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of streams, stream corridors, and water courses." Some of these identified uses are in conflict with use as a park/recreation area or wildlife/waterfowl refuge. Even use of the land as a park/recreation area has the potential to be in conflict with designation as a wildlife/waterfowl refuge in some cases. Refuge properties may allow such activities; however, the property would require active management for consistency with broader species conservation purposes. Finally, the designation on the City's zoning and general land use maps indicate that these properties are available for some kind of development that

could be in conflict with a park or recreation area or wildlife/waterfowl refuge. While the current zoning and general land use plans would allow the development of a park or recreation area or wildlife/waterfowl refuge, they also allow other incompatible development.

The City of Farmington indicated it actively manages the trail, and that the trail crosses all three conservation easements. FHWA has determined that the trail is located entirely on the Buffalo Ranch Conservation Easement. Currently, no trails exist on Farmington Ranches Phase 6, or Farmington Meadows. FHWA has determined the trails that cross the Buffalo Ranch Conservation Easement are a Section 4(f) property.

U.S. Department
of Transportation
**Federal Highway
Administration**

Utah Division

2520 West 4700 South, Suite 9-A
Salt Lake City, UT 84129-1847
801-955-3500
801-955-3539

December 3, 2014

In Reply Refer To:
HDA-UT

Mr. Jeffrey W. Appel
Attorney at Law
Ray Quinney & Nebeker
36 South State Street, STE 1400
Salt Lake City, UT 84110

SUBJECT: West Davis Corridor; PIN 7176

Dear Mr. Appel:

The Federal Highway Administration (FHWA) is in receipt of your letters of February 21, 2014 and June 26, 2014 addressing various properties that might be considered planned Section 4(f) resources within Farmington City jurisdiction. We have had the opportunity to further review your letters and gather additional relevant facts including certain actions taken by Farmington City in April and June 2014. This includes the Farmington City ordinance passed on June 17, 2014 designating four conservation easements (Buffalo Ranches Conservation Easement, Farmington Ranches Phase 6 Conservation Easement, Farmington Meadows Phase I Conservation Easement, and Hunter's Creek Conservation Easement) as the Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park. Thank you for this information.

It has also come to our attention through the Utah Department of Transportation (UDOT) that Farmington City may be in the process of acquiring another conservation easement from a private developer for a proposed Farmington Park Conservation Subdivision north of Glover's Lane between 900 West and 1100 West in Farmington City. Enclosed for your reference are the materials provided by UDOT. Accordingly, we examined this property for Section 4(f) applicability. If you have additional information concerning this property that you feel is important for FHWA to consider in making its Section 4(f) determination, please provide that information.

Given these factual changes, FHWA determined it was appropriate to revisit the Section 4(f) evaluation for both the Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park and the Farmington Park Conservation Subdivision. For the reasons summarized below, at this time FHWA still does not find there is enough evidence demonstrating that either of these properties qualifies as existing or planned Section 4(f) resources.

Section 4(f) applies to both existing and planned properties so long as they meet the definition of a Section 4(f) resource. A planned Section 4(f) property contains four elements: the land must be 1) one of the protected enumerated types, i.e., a public park, recreational area, or

waterfowl/wildlife refuge, 2) publicly owned, 3) formally designated for Section 4(f) purposes, and 4) significant.

1. **Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park**

   Applying the first factor to this property, there are documented discrepancies concerning the primary purpose, use, and management of the land. For example, the conservation easements allow uses potentially inconsistent with Section 4(f), such as agricultural activities and educational facilities, and current use also indicates several different types of activities presently occurring on the property, including farmland, non-public equestrian facilities, and privately owned and privately maintained open space areas. Multiple use lands or lands where the primary purpose is non-Section 4(f) are not subject to protection. Management plans, which help to determine the primary purpose of the property, are also lacking. The easements show that management of the properties is primarily the responsibility of the private developers and Homeowners Associations, with Farmington City being responsible only for the trails that cross each of the easements. The City's measures to prevent dumping and unauthorized development do not rise to the level of management plans for 4(f) purposes. Finally, public access is an issue as evidenced by fencing and "No Trespassing" signs. Properties protected by Section 4(f) must be open to the public. In the case of refuges, public access may be limited to protect broader conservation goals, but restrictions in public access must be reasonable and tailored to the ecological needs of the property. No evidence has been provided regarding how the City's restrictions on public access are tied to the needs of any species. Therefore, while the City's June 17, 2014 resolution declared the easements a park and refuge, the multiple inconsistent uses occurring on the property, lack of existing management plans, and limited public access call into question whether its primary purpose is protected by the statute.

   Regarding the second element of public ownership, the fact that Farmington City holds many of the easements in perpetuity likely means that many of the easements are publicly owned. However, private lots serving a private function are not subject to Section 4(f), notwithstanding their location within a public conservation easement.

   Satisfaction of the third element, formal designation, is also incomplete. While the city resolution "formally" designating the easements as a park and refuge is an important step, further evidence is required, including amendments to the City's General Plan. The designation suggests that this will happen, but no other assurances as to when this will occur have been presented to date.

The final element of a Section 4(f) property requires the resource to be significant. Public parks are presumed to be significant for Section 4(f) purposes. However, FHWA will make an independent evaluation to verify the significance of these properties.

Therefore, at least presently, the Farmington City Conservation, Recreation, Wildlife and Waterfowl Refuge and Park is not a Section 4(f) resource due to discrepancies in primary purpose, ownership, public access, and formal designation.

2. Farmington Park Conservation Subdivision

UDOT recently submitted information to FHWA concerning a proposed park between 900 and 1100 West in Farmington City, including meeting minutes from the City's Planning Commission approving the private developer's Schematic Plan for the subdivision park. This information, however, is not sufficient to make an informed decision on Section 4(f) applicability.

As a planned park, the same four elements identified above must be applied here. First, whether the property functions as a Section 4(f) property will require more information on its primary purpose since currently, it appears to include open space, conservation values, and recreational activities that may be shared with an adjacent school. Additionally, the second element of public ownership is not satisfied since it is currently held by the private developer and no easements or other evidence of public ownership have been presented. The formal designation element is not yet satisfied, since no formal steps have been taken by the City other than general conceptual approval of the privately-owned park. Lastly, the officials with jurisdiction and their views on significance have not been identified. Therefore, there is not enough information at this time to conclude that Farmington Park Conservation Subdivision is a Section 4(f) resource.

FHWA recognizes its Section (4f) policy responsibility that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites. In the case of Farmington City, these efforts must distinguish between properties that are established on a temporary basis or could easily revert to private ownership to appear to meet the regulatory criteria from those properties that are established as permanent, publicly-owned/publically accessible properties, unambiguously managed in a manner such that the property's primary purpose meets the Section (4f) criteria.

If Farmington City disagrees with the above determinations for each of these properties, it should respond to FHWA with an explanation and supporting documentation for how the properties satisfy the elements of a planned or existing 4(f) resource. If Farmington City intends to submit additional documentation addressing the deficiencies outlined above, it should

reply to FHWA with evidence demonstrating how these elements have been satisfied. FHWA is available to meet with city officials to further discuss matters relating to Section 4(f) if the city desires to do so. We ask the meeting be scheduled through UDOT, as they have the primary responsibility for EIS coordination.

Thank you for your continued interest in this project.

Sincerely,

Ivan Marrero
Division Administrator

Enclosure

cc: Dave Millheim, Farmington City Manager
Carlos Braceras, Executive Director – UDOT
Kris Petersen, Director – UDOT Region 1
Randy Jefferies, Project Manager - UDOT
Lance Hanf, HCC-WE
Courtney Leas, HCC-WE
Owen Lindauer, HEPE
Paul Ziman, HDA-UT

WEST DAVIS
CORRIDOR

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

June 13, 2017

Mark Holden, Executive Director
Utah Reclamation Mitigation and Conservation Commission
230 South 500 East, Suite 230
Salt Lake City, UT 84102-2045

Subject: West Davis Corridor (WDC) and Great Salt Lake Shorelands Preserve

Dear Mr. Holden:

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including the Federal Highway Administration (FHWA).

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resources listed in this letter are not locally significant, please provide a written response to FHWA with a basis for this determination.

Section 4(f) distinguishes between a *use* of the resource and a *de minimis* impact of the resource.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use*. Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use*.

FHWA can only make a finding of *de minimis* impact if the project (1) will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife refuge eligible for protection under Section 4(f), and (2) if the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge concur with the *de minimis* impact finding.

The map attached as Exhibit A to this letter illustrates: (1) Section 4(f) wildlife refuge properties under Utah Reclamation Mitigation and Conservation Commission (URMCC) jurisdiction affected by the WDC alternatives; (2) the WDC alternatives that would impact the 4(f) resource; and (3) the mitigation properties to be acquired.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WDC Project Overview with Respect to Section 4(f)

The Great Salt Lake Shorelands Preserve (GSLSP or "Preserve") presently consists of approximately 4,400 acres. The Nature Conservancy (TNC), a 501(c)(3) nonprofit entity, owns and manages about 2,650 acres within the Preserve. About 1,750 acres are owned by the United States and administered by URMCC. WDC Alternatives A1, A2, B1, and B2 without the wetland avoidance options would directly impact about 19.0 acres (1%) of the 1,750 acre publicly-owned parts of the Great Salt Lake Shorelands Preserve. By comparison, WDC Alternatives A1, A2, B1, and B2 with the wetland avoidance options would directly impact about 16.0 acres (0.9%) of the 1,750 acre publicly-owned parts of the Preserve. The direct impacts from any of these alternatives would occur on United States properties along the eastern edge of the Great Salt Lake Shorelands Preserve. UDOT would purchase the United States properties directly impacted or severed from the Preserve by the WDC.

Finding of *De Minimis* Impact: In coordination with URMCC, FHWA is proposing that Alternatives A1, A2, B1, and B2 without the wetland avoidance options and Alternatives A1, A2, B1, and B2 with the wetland avoidance options with the proposed mitigation measures would have a *de minimis* impact to the URMCC publicly-owned portions of the Great Salt Lake Shorelands Preserve.

Based on input from URMCC, FHWA is proposing that Alternative B1 with the wetland avoidance options or B2 with the wetland avoidance options and the proposed mitigation measures would be the WDC alternatives that would have the least overall harm to the Great Salt Lake Shorelands Preserve because they would have the fewest direct impacts and would avoid most indirect impacts to Preserve properties located north of Gentile Street in western Syracuse.

Mitigation Measures

The overall mitigation plan for impacts to wetlands, wildlife, and URMCC Section 4(f) properties, includes several components that provide a basis for a *de minimis* finding.

- To reduce indirect impacts caused by the proximity of the WDC to the Preserve, "quiet pavement" will be used on WDC.
- No mainline lighting will be used on WDC from Farmington to Syracuse; only dark-sky lighting will be used at the 2700 West, 200 North and 950 North interchanges.
- Access to the GSLSP for management purposes would be maintained. Most access locations will be retained in their current locations. The Angel Street and Galbraith Lane GSLSP access points will be relocated to an access point at Roueche Lane and the GSLSP 2200 West/1000 South access will be relocated to 2700 West in Layton.
- To address stormwater runoff to the Preserve, vegetated filter strips will be used along the highway route as required to treat and manage stormwater runoff.

Furthermore, as part of the overall mitigation plan for impacts to wetlands, wildlife, and URMCC Section 4(f) properties, UDOT would purchase approximately 791 acres of privately owned properties, with water rights, that are immediately adjacent to or within the Preserve boundary that are not currently being managed for wildlife habitat (the Mitigation Properties). UDOT would also coordinate closely with URMCC and TNC to ensure that administrative (management) access to the Great Salt Lake Shorelands Preserve is maintained or improved and that water delivery and distribution systems to the Preserve remain intact or are improved, such that management access and water delivery and distribution is not adversely impacted by the WDC.

In addition, wetland mitigation for the WDC project would occur on the Mitigation Properties. Specific wetland mitigation measures would be determined by UDOT in consultation with the U.S. Army Corps of Engineers and others through the Clean Water Act Section 404 permitting process.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS CORRIDOR

After wetland permit requirements are met, UDOT would transfer the Mitigation Properties and water rights/shares to URMCC or its assigns for incorporation into the Preserve. The incorporation of these Mitigation Properties into the Preserve would result in a contiguous Preserve from Syracuse to Kaysville and would increase the size of the Preserve by about 791 acres (18%).

UDOT will also provide funds (in either or both a long term endowment or conservation trust fund in an amount to be negotiated among UDOT, URMCC, and TNC) for long-term operations and management of the parcels to be added to the Preserve.

With these mitigation measures, FHWA is proposing that the transportation use of the Section 4(f) properties owned by URMCC under Alternatives A1, A2, B1, and B2 without the wetland avoidance options or Alternatives A1, A2, B1, and B2 with the wetland avoidance options would not adversely affect (as defined in FHWA regulations) any of the activities, features, or attributes that qualify these properties for protection under Section 4(f). Depending on the final WDC alternative selected and based on further coordination with URMCC to meet long-term goals of their properties, minor adjustments may be made to the mitigation plan, subject to the approval of the URMCC.

Public Review and Comments

Public notice and an opportunity for public review and comment concerning the effects on the Section 4(f) properties was provided with the public comment period for the WDC Draft EIS in 2013. Comments were received about the proposed Section 4(f) *de minimis* impact finding from URMCC and other commenters during the public comment period. UDOT and FHWA has reviewed these comments, and made appropriate revisions to the Section 4(f) mitigation plan.

Summary

This letter provides notice to URMCC, which has jurisdiction for certain publicly-owned portions of the Great Salt Lake Shorelands Preserve, of FHWA's proposed Section 4(f) *de minimis* determination for Section 4(f) properties owned by URMCC.

If URMCC agrees with this proposed Section 4(f) determination, concurrence with this letter is requested. If you do not agree with this proposed Section 4(f) determination as described in this letter, please provide a written response to FHWA stating why you do not agree with the proposed Section 4(f) determination.

We request your reply to this information within 10 days from the date you receive this letter. Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

Sincerely,

Randy Jefferies
UDOT Project Manager

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS
CORRIDOR

Concurrence of Agency with Jurisdiction

URMCC, which has jurisdiction over certain publicly-owned portions of the Great Salt Lake Shorelands Preserve, has been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding for the Section 4(f) properties owned by URMCC for Alternatives A1, A2, B1 and B2, with or without the wetland avoidance options, of the WDC project with the proposed mitigation measures described herein. URMCC concurs that Alternatives A1, A2, B1 and B2, with or without the wetland avoidance options, together with all mitigation measures described herein will not adversely affect the activities, features, or attributes that qualify this resource for protection under Section 4(f) pursuant to FHWA regulations.

Concurrence: Mark A. Holden Date: 6/14/17
Mark Holden, Executive Director
Utah Reclamation Mitigation and Conservation Commission

FHWA's Finding of *De Minimis* Impact

FHWA has reviewed this letter, and the response by URMCC. In accordance with 23 CFR 774, FHWA has determined that the proposed Section 4(f) *de minimis* impact finding is appropriate for the transportation use of the Section 4(f) properties owned by URMCC with the mitigation measures as described for effects of Alternatives A1, A2, B1 and B2, with or without the wetland avoidance options.

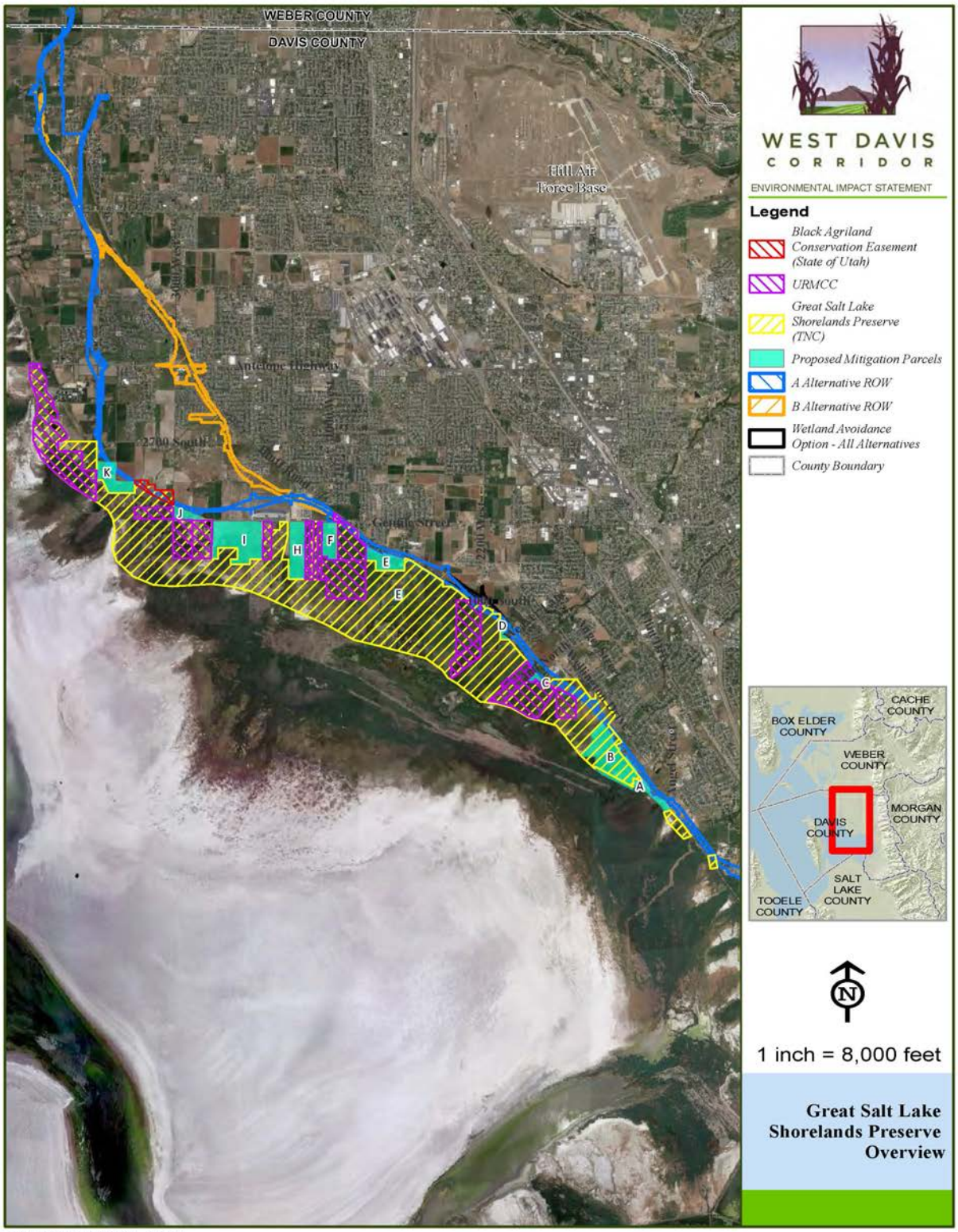
Concurrence: PAUL C ZIMAN DN: c=US, o=U.S. Government, ou=DOT FHWATaylorsvilleUT, ou=FHWA FHWATaylorsvilleUT, cn=PAUL C ZIMAN Date: 2017.06.14 12:25:56 -06'00' Date:
Paul Ziman
Area Engineer
Federal Highway Administration

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

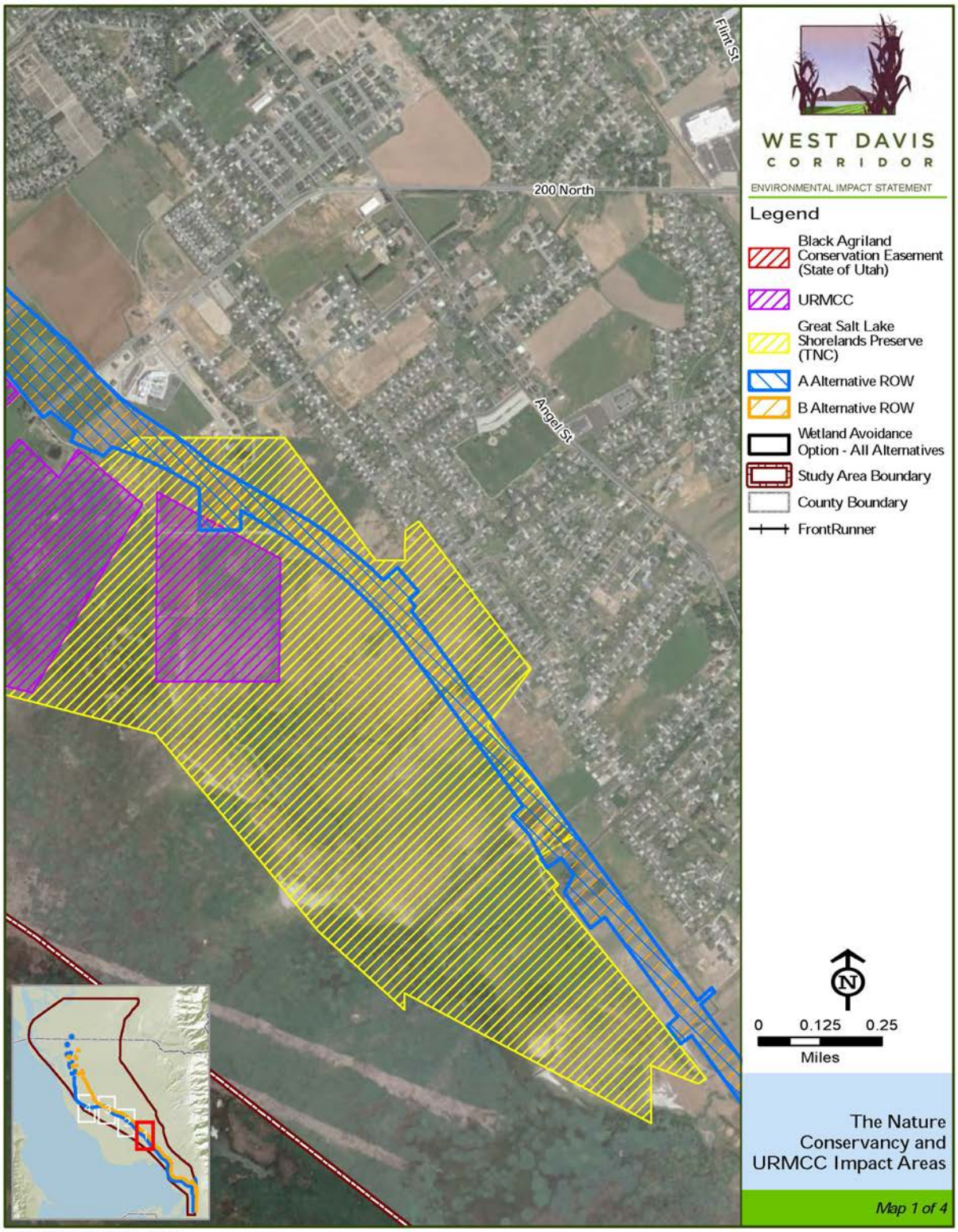
WEST DAVIS
CORRIDOR

Exhibit A - Maps

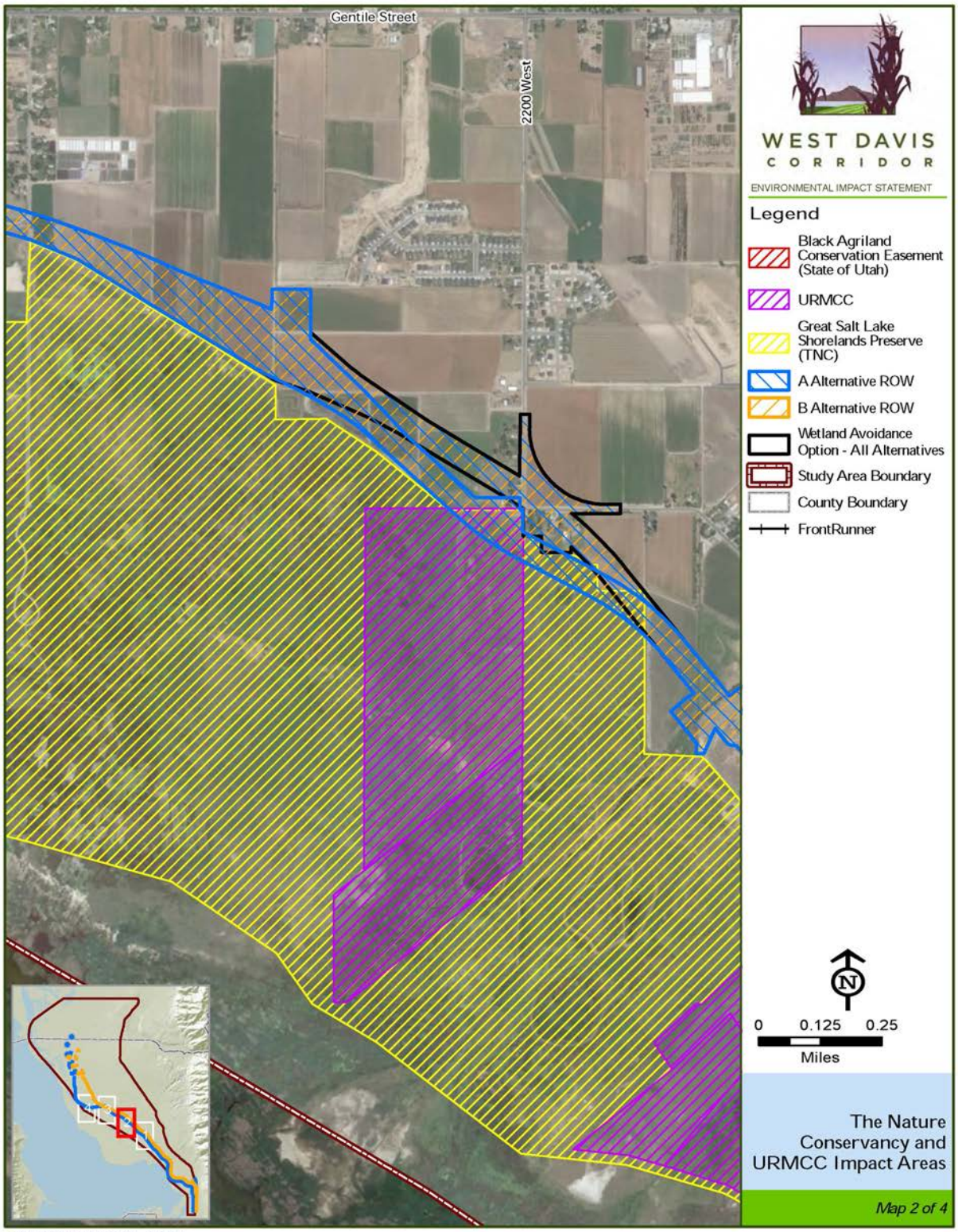
Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450



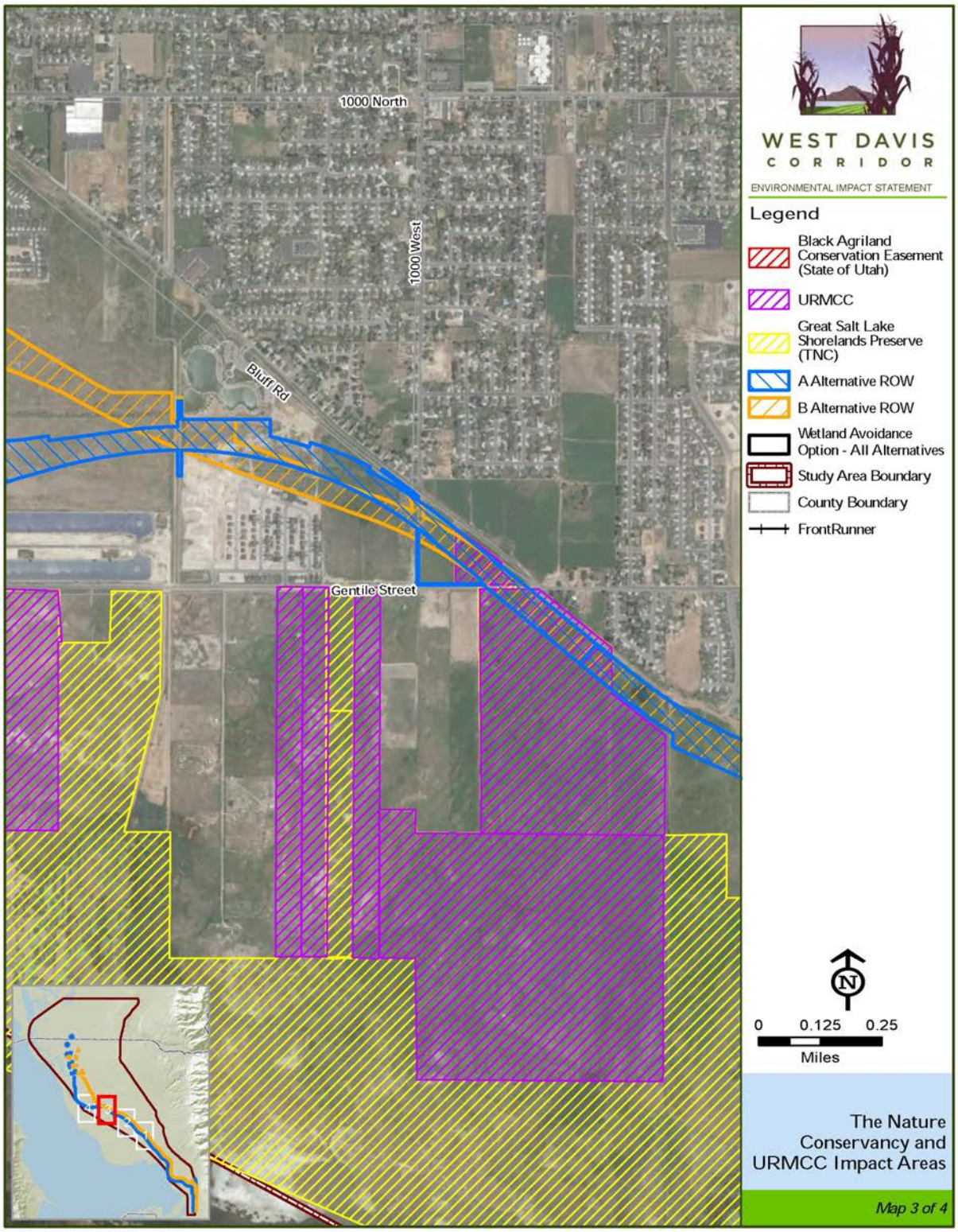
Monday, June 12, 2017 11:41:59 AM SRIGARD
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_GSLP_Overview.mxd



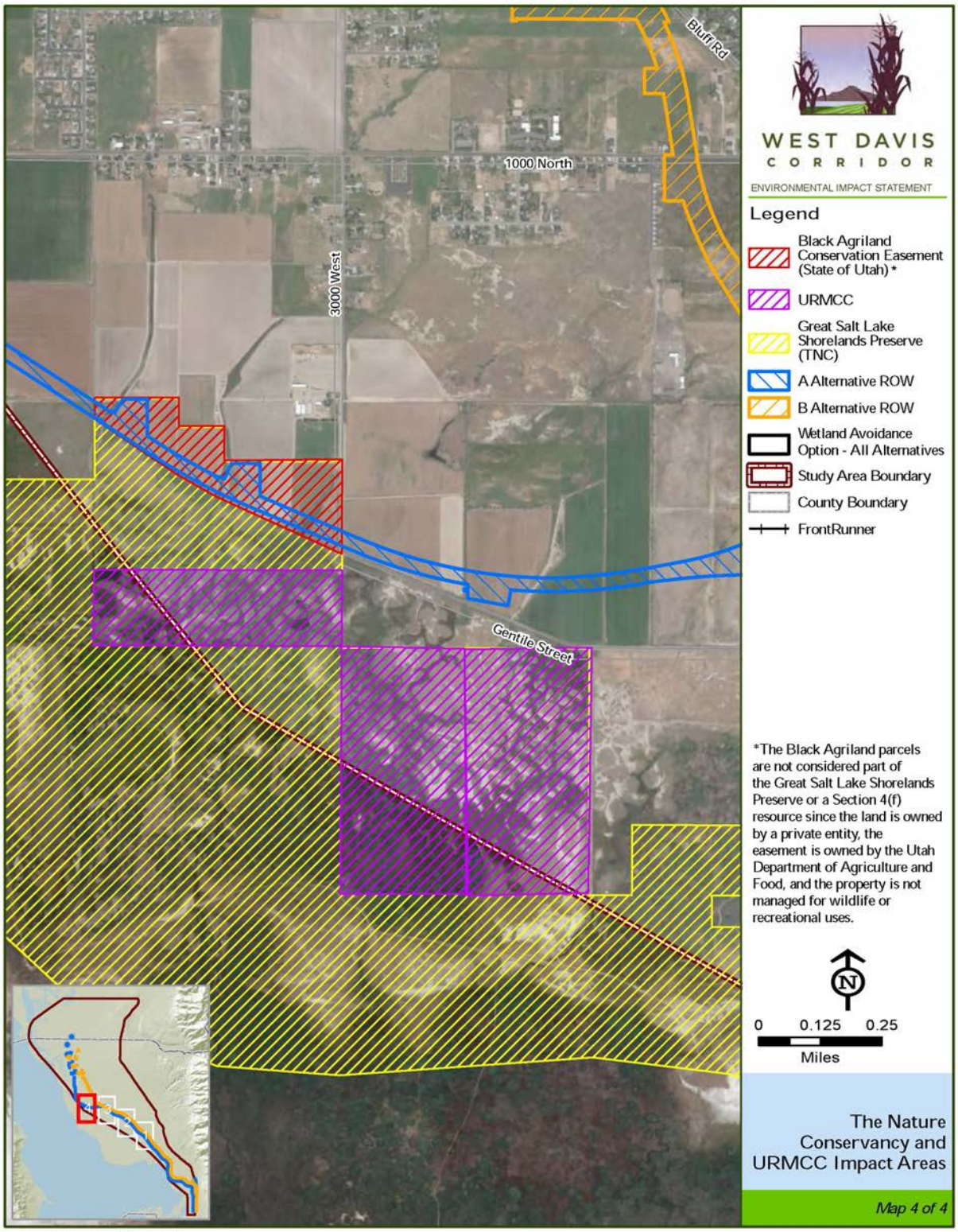
Monday, June 12, 2017 11:08:48 AM SRIGARD
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_TNC_URMCC_Impact_Areas.mxd



Monday, June 12, 2017 11:08:48 AM SRIGARD
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_TNC_URMCC_Impact_Areas.mxd



Monday, June 12, 2017 11:08:48 AM SRIGARD
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_TNC_URMCC_Impact_Areas.mxd



Monday, June 12, 2017 11:08:48 AM SRIGARD
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_TNC_URMCC_Impact_Areas.mxd

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

Gregory Sheehan, Director
Utah Division of Wildlife Resources
P.O. Box 146301
Salt Lake City, UT 84114-6301

March 17, 2017

Subject: West Davis Corridor and UDWR Sportsman's Access in Kaysville

Dear Mr. Sheehan:

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including the Federal Highway Administration (FHWA).

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resources listed in the table in this letter are not locally significant, please provide a written response to FHWA with a basis for this determination.

Section 4(f) distinguishes between a *use* of the resource and a *de minimis* impact of the resource.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use*. Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use*.

FHWA can only make a finding of *de minimis* impact if the project (1) will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife refuge eligible for protection under Section 4(f), and (2) if the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge concur with the *de minimis* impact finding.

The following table describes the UDWR Sportsman's Access in Kaysville that would be affected by the WDC alternatives, the proposed Section 4(f) use, the WDC alternatives that would have that use, a description of the use, and proposed mitigation for the resource.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
UDWR Sportsman's Access in Kaysville	*de minimis*	All alternatives (A1, A2, B1, and B2)	These alternatives would permanently incorporate 0.18 acres of the 2.2 acre Sportsman's Access to roadway use and the existing road access would be terminated at the powerlines.	UDOT is planning to move Roueche Lane, the access to the Sportsman's Access, further north in order to avoid impacting the powerlines east of the Sportsman's Access. Access would be maintained and an additional 0.5 acres of land would be available for the Sportsman's Access between the relocated Roueche Lane and the existing Sportsman's Access.

Finding of *De Minimis* Impact:

As described in the table above, WDC Alternative A1, A2, B1, and B2 would impact 0.18 acres of the 2.2 acres Sportsman's Access in Kaysville. The 0.18 acre impact would be caused by the relocation of the access road to the Sportsman's Access. Due to the relocation of the access road, there would be an additional 0.5 acres of land available between the existing Sportsman's Access and the relocated Roueche Lane for UDWR to use to increase the parking capacity at the Sportsman's Access. The access to the Sportsman's Access would be maintained, and would not affect the activities, features, or attributes that qualify the Sportsman's Access for protection under Section 4(f). The mitigation measures proposed by UDOT would ensure continued sportsman's access from Roueche Lane to the UDWR property. UDOT will also continue to work with UDWR, the U.S. Army Corps of Engineers and The Nature Conservancy during the Clean Water Act 404 permitting process to maintain perpetual sportman's access to state sovereign lands, including Great Salt Lake wetlands, across the properties already acquired by UDOT as part of the proposed mitigation plan.

Public Review and Comments

Public notice and an opportunity for public review and comment concerning the effects on the Section 4(f) properties will be provided with the public comment period for the WDC Final EIS in 2017.

Summary

This letter provides notice to UDWR, which has jurisdiction for the Sportsman's Access, of FHWA's

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS
CORRIDOR

proposed Section 4(f) determinations as previously described in this letter.

If UDWR agrees with this proposed Section 4(f) determination, concurrence with this letter is requested.

If you do not agree with this proposed Section 4(f) determination as described in this letter, please provide a written response to FHWA stating why you do not agree with the proposed Section 4(f) determination.

We request your reply to this information within 30 days from the date you receive this letter.

UDWR, which has jurisdiction over the Sportsman's Access in Kaysville, has been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding for the Sportsman's Access for Alternatives A1, A2, B1, and B2. FHWA requests written concurrence from UDWR, which has jurisdiction for the Sportsman's Access in Kaysville, that the project will not adversely affect the activities, features, or attributes that qualify this resource for protection under Section 4(f).

Concurrence: _____ Date: 3/20/17

Gregory Sheehan
Director
UDWR

ACTING DIRECTOR

Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

Sincerely,

Randy Jefferies
UDOT Project Manager

In accordance with 23 CFR 774, FHWA has determined that there will be a *de minimis* impact for the western part of Sportsman's Access in Kaysville for Alternatives A1, A2, B1, and B2.

PAUL C ZIMAN

Digitally signed by PAUL C ZIMAN
DN: c=US, o=U.S. Government, ou=DOT FHWATaylorsvilleUT, ou=FHWA FHWATaylorsvilleUT, cn=PAUL C ZIMAN
Date: 2017.06.07 18:24:55 -06'00'

Concurrence: _____ Date: _____

Paul Ziman
Area Engineer
Federal Highway Administration

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

UDWR Sportsman Access
WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
UDWR Sportsman's Access
A Alternative ROW
B Alternative ROW
CACHE COUNTY
BOX ELDER COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 200 feet
UDWR
Sportsman's Access
Wednesday, February 22, 2017 3:54:59 PM RREISE

WEST DAVIS
CORRIDOR

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

Craig Carter, Business Administration
Davis School District
45 E. State Street, P.O. Box 588
Farmington, UT 84025-0588

March 28, 2017

Subject: West Davis Corridor and Canyon Creek Elementary School Playing Fields in Farmington

Dear Mr. Carter:

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including the Federal Highway Administration (FHWA).

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resources listed in the table in this letter are not locally significant, please provide a written response to FHWA with a basis for this determination.

Section 4(f) distinguishes between a *use* of the resource and a *de minimis* impact of the resource.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use*. Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use*.

FHWA can only make a finding of *de minimis* impact if the project (1) will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife refuge eligible for protection under Section 4(f), and (2) if the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge concur with the *de minimis* impact finding.

The following table describes the Canyon Creek Elementary School Playing Fields in Farmington that would be affected by the WDC alternatives, the proposed Section 4(f) use, the WDC alternatives that would have that use, a description of the use, and proposed mitigation for the resource.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
Canyon Creek Elementary School Playing Fields in Farmington	*de minimis*	All alternatives (A1, A2, B1, and B2)	These alternatives would permanently incorporate less than 0.1 acres of the 3.5 acre Canyon Creek Elementary School Playing Fields to roadway use from the eastern shift of 1100 West. The impacted area would be in the southwest corner of the playing fields where there is a sidewalk and a gravel parkstrip.	UDOT will provide compensation for any property acquired and will ensure that the playing fields, sidewalks, storm drains and any other infrastructure affected by the WDC alternatives are returned to their existing conditions after construction.

Finding of *De Minimis* Impact:

As described in the table above, WDC Alternatives A1, A2, B1, and B2 would impact less than 0.1 acres of the 3.5 acres Canyon Creek Elementary School Playing Fields in Farmington. The less than 0.1 acre impact would be caused by the eastern shift of 1100 West that is needed to accommodate the proposed WDC alternatives. UDOT would compensate for any property acquired and would ensure that the Canyon Creek Elementary School Playing Fields, sidewalk, storm drains, and any other infrastructure are returned to their existing condition after construction. The WDC Alternatives A1, A2, B1, and B2 would not affect the activities, features, or attributes that qualify the Canyon Creek Elementary School Playing Fields for protection under Section 4(f).

Public Review and Comments

Public notice and an opportunity for public review and comment concerning the effects on the Section 4(f) properties will be provided with the public comment period for the WDC Final EIS in 2017.

Summary

This letter provides notice to the Davis School District, which has jurisdiction for the Canyon Creek Elementary School Playing Fields, of FHWA's proposed Section 4(f) determinations as previously described in this letter.

If Davis School District agrees with this proposed Section 4(f) determination, concurrence with this letter is requested.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS
CORRIDOR

If you do not agree with this proposed Section 4(f) determination as described in this letter, please provide a written response to FHWA stating why you do not agree with the proposed Section 4(f) determination.

We request your reply to this information within 30 days from the date you receive this letter.

Davis School District, which has jurisdiction over the Canyon Creek Elementary School Playing Fields, has been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding for the Canyon Creek Elementary School Playing Fields for Alternatives A1, A2, B1, and B2. FHWA requests written concurrence from Davis School District, which has jurisdiction for the Canyon Creek Elementary School Playing Fields, that the project will not adversely affect the activities, features, or attributes that qualify this resource for protection under Section 4(f).

Concurrence: _____ Date: 3/29/17
Craig Carter, Business Adminstration
Davis School District

Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

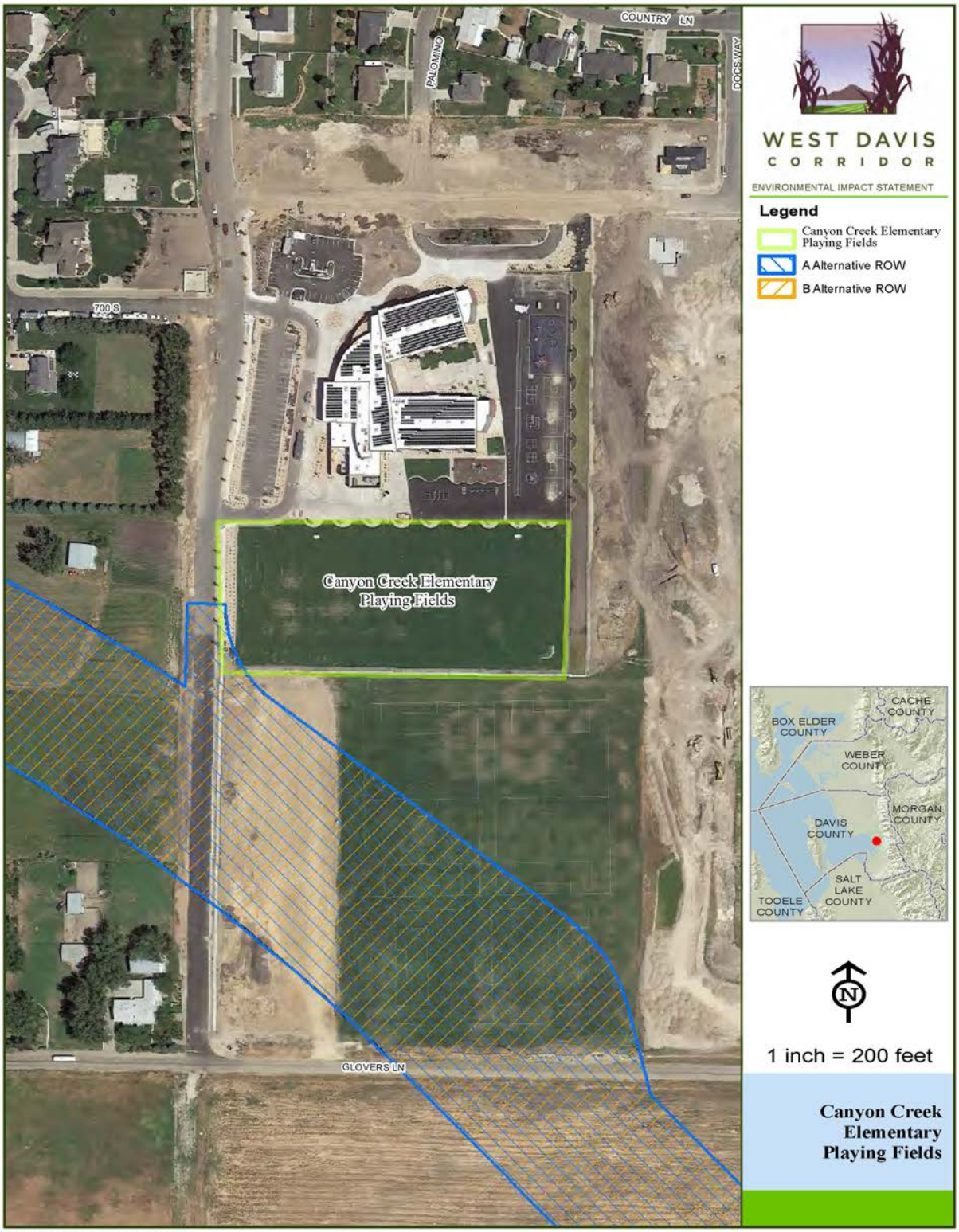
Sincerely,

Randy Jefferies
UDOT Project Manager

In accordance with 23 CFR 774, FHWA has determined that there will be a *de minimis* impact for the western part of Canyon Creek Elementary School Playing Fields for Alternatives A1, A2, B1, and B2.

Concurrence: _____ Date: _____
Paul Ziman, PE
Area Engineer
Federal Highway Administration

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450



Tuesday, February 21, 2017 1:17:43 PM RREISE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_CanyonCreek_Playing_Fields.mxd

W 700 S

This page is intentionally blank.

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

Jim Talbot, Mayor
Farmington City Hall
160 S. Main Street
Farmington, UT 84025

March 28, 2017

Subject: West Davis Corridor and South Park, Buffalo Ranches Trail, and Great Salt Lake Shoreline Trail

Dear Mayor Talbot:

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including FHWA.

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resources listed in the table in this letter are not locally significant, please provide a written response to FHWA with a basis for this determination.

Section 4(f) distinguishes between a *use* of the resource and a *de minimis* impact of the resource.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use.* Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use.*

FHWA can only make a finding of *de minimis* impact if the project (1) will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife refuge eligible for protection under Section 4(f), and (2) if the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge concur with the *de minimis* impact finding.

The following table describes parks and recreation areas identified as Section 4(f) resources in Farmington that would have a proposed *de minimis* impact from the WDC alternatives, a description of the use, and proposed mitigation for the resource.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
South Park	*de minimis*	A1, A2, B1, and B2	135 square feet at southwestern corner of park, which includes the park's sign, would be impacted by these alternatives. There would be no impact to any park playing fields, pavilions, or parking facilities.	Replace existing park sign located at southwest corner of the park.
Buffalo Ranch Trail	*de minimis*	A1, A2, B1, and B2	The alternatives would cross the trail south of Buffalo Circle.	A grade-separated trail crossing will be provided where the alternatives cross the trail. The grade-separated trail crossing will meet equestrian clearance requirements.
Great Salt Lake Shoreline Trail	*de minimis*	A1, A2, B1, and B2	The alternatives would cross the trail at the north end of the loop, immediately west of the Farmington Ranches subdivision.	A grade-separated trail crossing and connections to the existing trails will be provided where the alternatives cross the trail. The grade-separated trail crossing will meet equestrian clearance requirements.

Finding of *De Minimis* Impact:

As described in the table above, UDOT is proposing that the transportation use by WDC Alternatives A1, A2, B1 and B2 with the mitigation proposed for South Park, Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail would not adversely affect any of the activities, features, or attributes that qualify these resources for protection under Section 4(f).

Public Review and Comments

Public notice and an opportunity for public review and comment concerning the effects on the South Park, Buffalo Ranch Trail, and Great Salt Lake Shoreline Trail Section 4(f) properties was provided with

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS
CORRIDOR

the public comment period for the WDC Draft EIS in 2013. Comments were received about the proposed Section 4(f) *de minimis* impact finding from Farmington City and other commenters during the public comment period. FHWA has reviewed these comments and has determined that the proposed Section 4(f) *de minimis* impact findings are appropriate for the transportation uses of South Park, the Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail with the mitigation proposed.

Summary

This letter provides notice to Farmington City, which has jurisdiction for South Park, the Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail of FHWA's proposed Section 4(f) determinations for these resources as previously described in this letter.

If Farmington City agrees with these proposed Section 4(f) determinations, concurrence with this letter is requested.

If you do not agree with these proposed Section 4(f) determinations as described in this letter, please provide a written response to FHWA stating why you do not agree with the proposed Section 4(f) determinations.

We request your reply to this information within 30 days from the date you receive this letter.

Farmington City, which has jurisdiction over all of the resources listed above, has been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding for South Park, Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail for Alternatives A1, A2, B1, and B2. FHWA requests written concurrence from Farmington City that the project will not adversely affect the activities, features, or attributes that qualify these resources for protection under Section 4(f).

Concurrence: _____ Date: 4/18/17
Jim Talbot, Mayor
Farmington City

Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

Sincerely,

Randy Jefferies
UDOT Project Manager

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

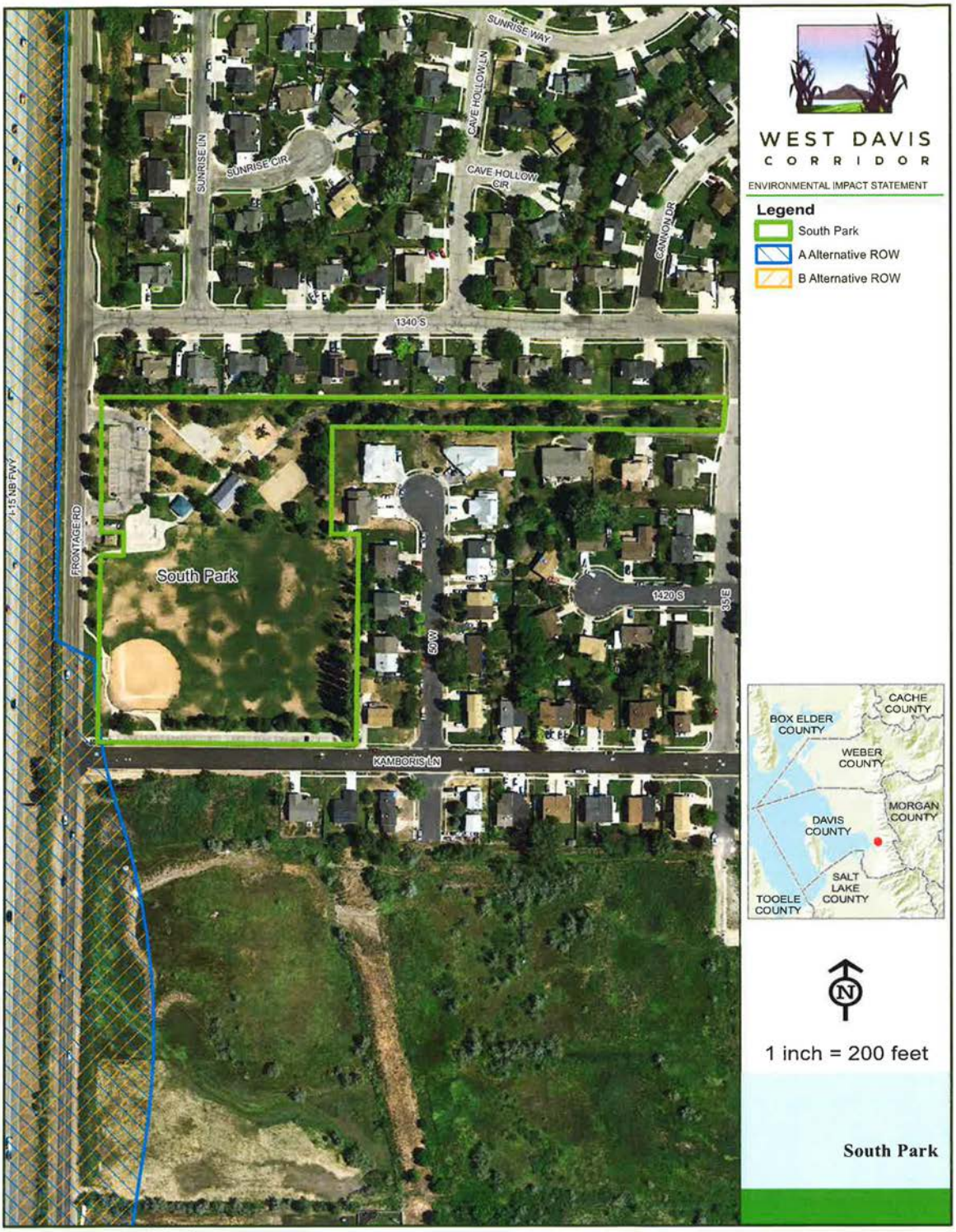
WEST DAVIS CORRIDOR

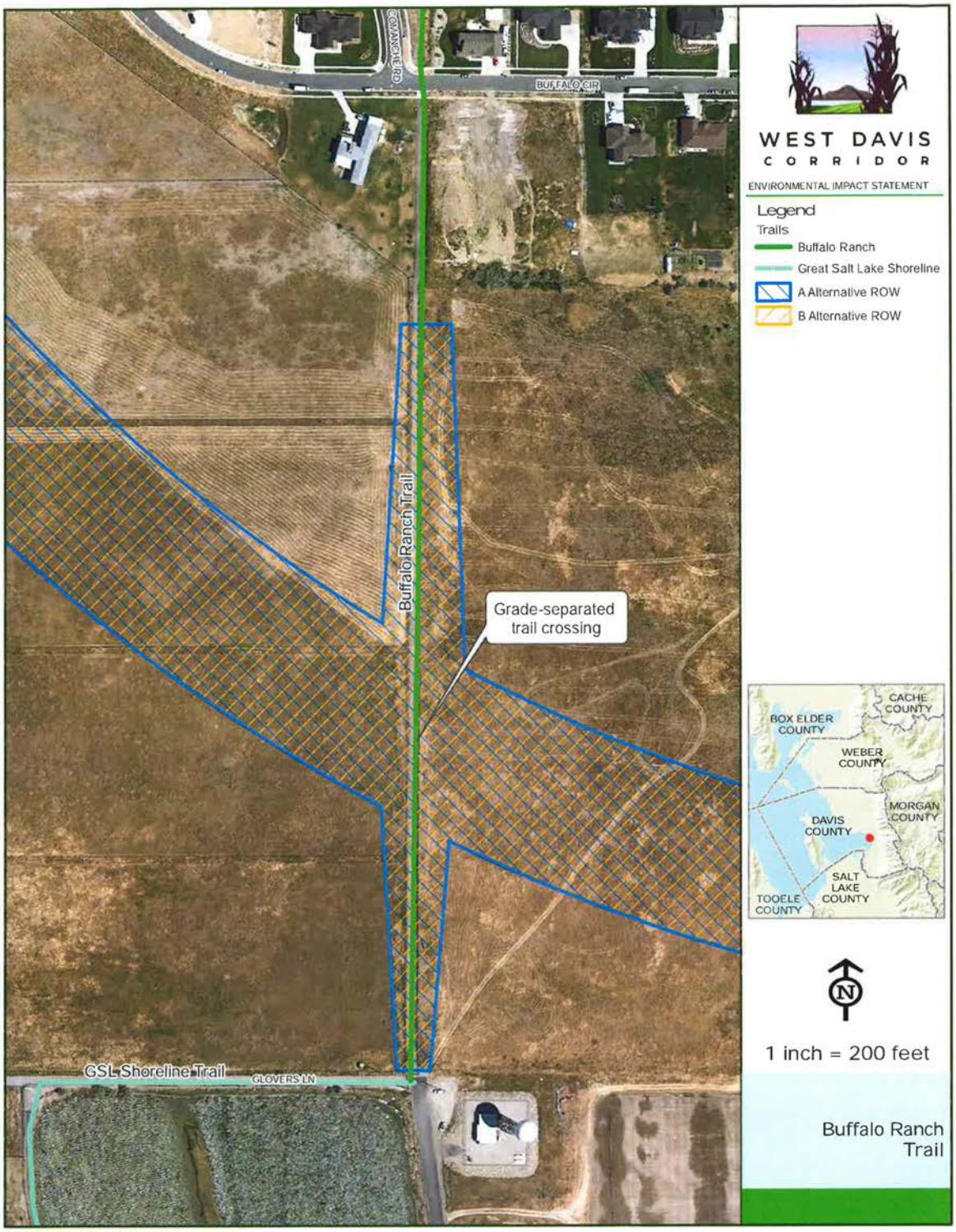
In accordance with 23 CFR 774, FHWA has determined that there will be a *de minimis* impact for South Park, the Buffalo Ranch Trail, and the Great Salt Lake Shoreline Trail for Alternatives A1, A2, B1, and B2

Concurrence: PAUL C ZIMAN Digitally signed by PAUL C ZIMAN DN: c=US, o=U.S. Government, ou=DOT FHWATaylorsvilleUT, ou=FHWA FHWATaylorsvilleUT, cn=PAUL C ZIMAN Date: 2017.06.07 18:22:57 -06'00' Date:_____

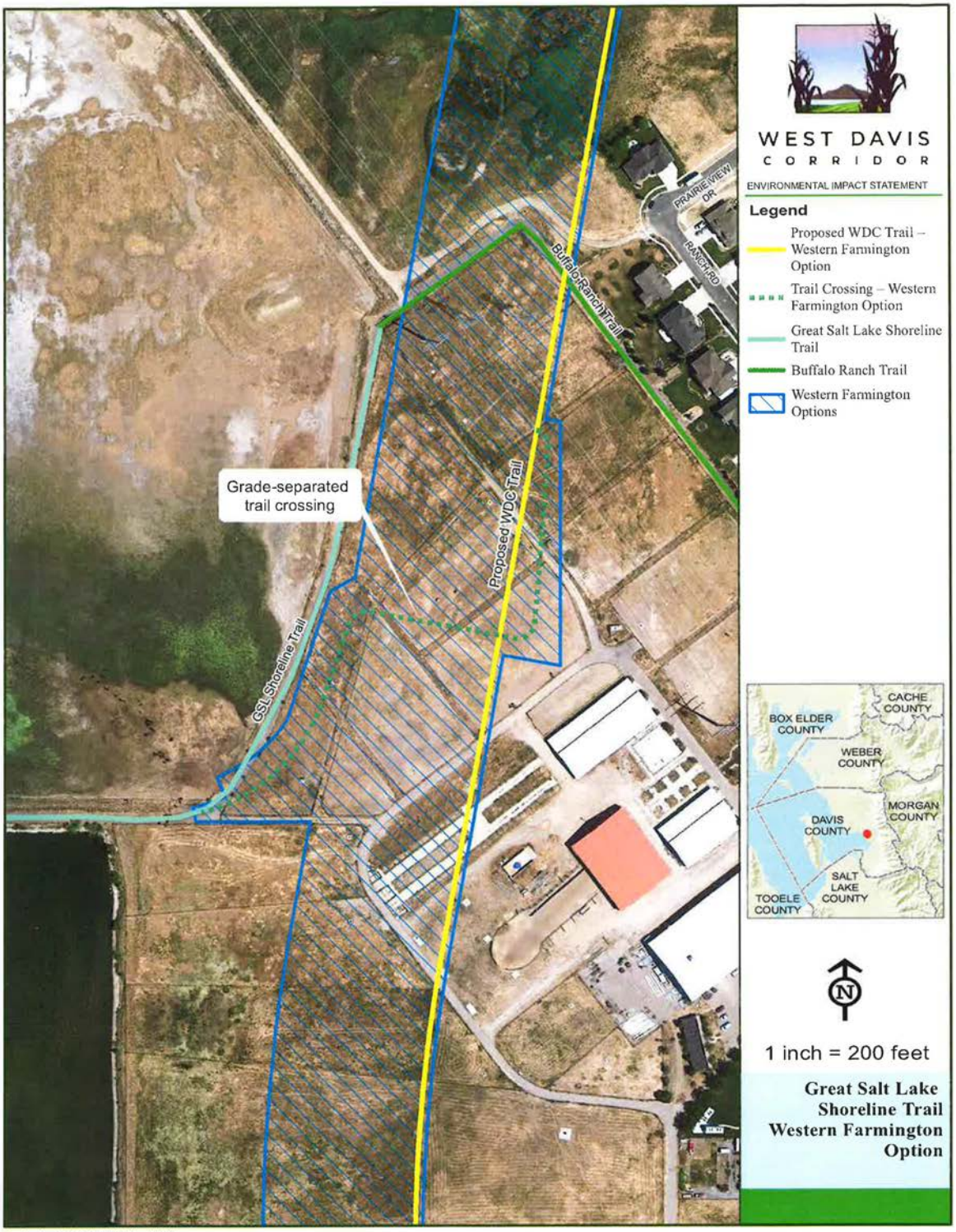
Paul Ziman
Area Engineer
Federal Highway Administration

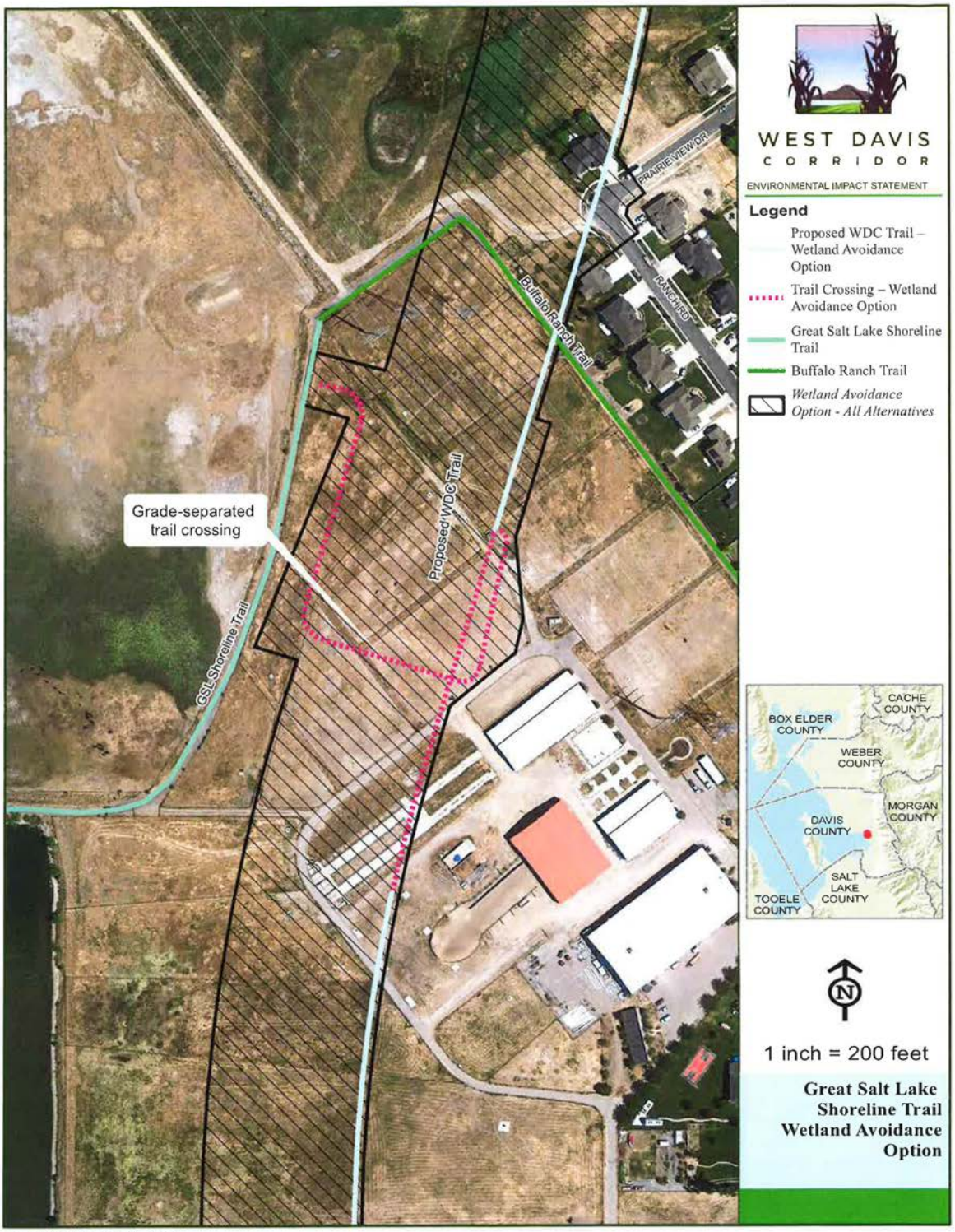
Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450


SUNRISE WAY
SUNRISE LN
SUNRISE CIR
CAVE HOLLOW LN
CAVE HOLLOW CIR
CANNON DR
1340 S
I-15 NB FWY
FRONTAGE RD
South Park
1420 S
35 W
35 E
KAMBORIS LN
WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
South Park
A Alternative ROW
B Alternative ROW
CACHE COUNTY
BOX ELDER COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 200 feet
South Park
Tuesday, March 28, 2017 8:10:44 AM TTZIOUMIS
\\bel-srv03\SLC_GIS\Projects\UDOT\118/35_WestDavisEIS\map_docs\mxd\4f\Section_4f_South_Park.mxd



Monday, March 06, 2017 9:34:12 AM SFRYE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_Buffalo_Ranch_Trail.mxd


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Proposed WDC Trail – Western Farmington Option
Trail Crossing – Western Farmington Option
Great Salt Lake Shoreline Trail
Buffalo Ranch Trail
Western Farmington Options
Grade-separated trail crossing
Proposed WDC Trail
Buffalo Ranch Trail
GSL Shoreline Trail
PRAIRIE VIEW DR
RANCH RD
BOX ELDER COUNTY
CACHE COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 200 feet
Great Salt Lake Shoreline Trail Western Farmington Option
Monday, March 06, 2017 9:52:14 AM SFRYE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_GSLS_Trail_A_All.mxd


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Proposed WDC Trail – Wetland Avoidance Option
Trail Crossing – Wetland Avoidance Option
Great Salt Lake Shoreline Trail
Buffalo Ranch Trail
Wetland Avoidance Option - All Alternatives
Grade-separated trail crossing
Proposed WDC Trail
Buffalo Ranch Trail
GSL Shoreline Trail
PRAIRIE VIEW DR
RANCH RD
BOX ELDER COUNTY
CACHE COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 200 feet
Great Salt Lake Shoreline Trail Wetland Avoidance Option
Monday, March 06, 2017 9:55:09 AM SFRYE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_GSLS_Trail_WetlandAvoidanceOption.mxd

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

Terry Palmer, Mayor
Syracuse City Hall
1979 West 1900 South
Syracuse, UT 84075

May 2, 2017

Subject: West Davis Corridor and Fremont Park, Old Emigration Trail, and Bridgeway Island Trail

Dear Mayor Palmer:

This letter is a follow-up letter to the letter that was sent by UDOT on April 28, 2014 and signed by Syracuse City on May 23, 2014. The reason for this letter is to account for minor changes to the West Davis Corridor Final EIS alternatives and mitigation measures for Section 4(f) resources in Syracuse. This letter also includes the Bridgeway Island Trail and Outwest Park as Section 4(f) resources in Syracuse.

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration (FHWA), is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including FHWA.

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resources listed in the table in this letter are not locally significant, please provide a written response to FHWA with a basis for this determination.

Section 4(f) distinguishes between a *use* of the resource, a *de minimis* impact of the resource, and a joint development determination for a 4(f) resource.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use*. Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use*.

FHWA can only make a finding of *de minimis* impact if the project (1) will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife refuge eligible for protection under Section 4(f), and (2) if the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge concur with the *de minimis* impact finding.

In addition, the Section 4(f) regulations exclude resources that are jointly planned for development with a future transportation corridor from the requirements of Section 4(f). Based on previous comments and plans from Syracuse City, which indicate that the WDC is planned to be located in the same corridor as Fremont Park and the Old Emigration Trail,

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

and information from the North Legacy Transportation Corridor Study, which was completed prior to development of Fremont Park and the Old Emigration Trail in Syracuse City, it appears that parts of Fremont Park and the Old Emigration Trail in Syracuse City should not be considered Section 4(f) resources since they meet the joint development criteria described in 23 CFR 774.11(i).

The following table describes parks and recreation areas in Syracuse affected by the WDC alternatives, the proposed Section 4(f) use if the resource is a Section 4(f) resource, the WDC alternatives that would have that use, a description of the use, and proposed mitigation for the resource.

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
Fremont Park (eastern part – identified as joint development area on attached figure)	Not a Section 4(f) resource; joint development	B1 and B2	These alternatives would permanently incorporate 17.0 acres of the 20.1 acre eastern part of Fremont Park to roadway use. The eastern part of Fremont Park was planned for joint development with the WDC.	Same as Fremont Park mitigation described below.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
Fremont Park (western part- not identified as joint development area on attached figure)	*de minimis*	B1 and B2	5.0 acres of the 22.4 acre western part of Fremont Park would be impacted by a new local road from Syracuse Arts Academy to 1925 South and a detention basin which will be designed to accommodate a soccer field planned for the southeast corner of the park. These impacts would not adversely impact any current park facilities or activities.	1.5 acres of undeveloped property UDOT owns on Antelope Drive south of Founders Park would be provided to Syracuse City to expand and enhance Founders Park (parcels 120520052 and 120520159). UDOT would also purchased up to 3.5 acres of parcel 121080042 near 3450 South Bluff Road and provide this property to Syracuse for a future park facility if the property owner is a willing seller. If the property owner is not a willing seller, UDOT will consult with Syracuse City to identify another suitable replacement property. The impacted detention ponds currently located on the eastern part of Fremont Park will be relocated to the west side of WDC alternatives near 2300 South. UDOT would design the detention basin in Fremont Park to accommodate the planned soccer field in the southeast corner of the park. Also see mitigation for Old Emigration Trail.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Potential Section 4(f) Park or Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with this Use	Description of Use	Proposed Mitigation
Old Emigration Trail (700 South to 2100 South)	Not a Section 4(f) resource; joint development	A1, A2, B1, and B2	About 1.8 miles of the trail would be impacted between 700 South and 2100 South in Syracuse by Alternatives B1 and B2. All WDC alternatives would also cross the southern loop of the trail between Jensen Park and Gentile Street.	For Alternatives B1 and B2, the Old Emigration Trail would be relocated to a new alignment on the east side of the WDC between 700 South and 2100 South. Connectivity would be maintained. Grade-separated trail crossings over or under WDC would be provided to Fremont Park near 1900 South and a new underpass of Antelope Drive would be provided near Bluff Road.
				For all WDC alternatives, two grade-separated trail crossings would be provided south of Jensen Park at 1500 West and 1000 West to maintain the loop trail connectivity.
Bridgeway Island Trail	*de minimis*	A1 and A2	WDC Alternatives A1 and A2 would cross the Bridgeway Island Trail at about 4100 West.	For Alternatives A1 and A2, a grade-separated trail crossing would be provided at the Bridgeway Island Trail. Connectivity would be maintained.

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

Joint Development Findings

As described above, UDOT is proposing that the eastern part of Fremont Park and the Old Emigration Trail should not be considered 4(f) resources, since this part of Fremont Park and the Old Emigration Trail meet the joint development criteria described in 23 CFR 774.11(i).

Finding of *De Minimis* Impact:

As described in the table above, WDC Alternatives B1 and B2 would impact 5.0 acres of the 22.4 acres of the western part of Fremont Park that is not planned to be part of the transportation corridor. The 5.0 acre impact would be caused by a new access road to the Syracuse Arts Academy that would connect to 3000 West near 1925 South and a detention basin. The detention basin in this area would be designed to accommodate a planned soccer field in the southeast corner of the park. This impact would be in a currently undeveloped area of Fremont Park, and would not affect the activities, features, or attributes that qualify Fremont Park for protection under Section 4(f).

As described in the table above, WDC Alternatives A1 and A2 would cross the Bridgeway Island Trail at 4100 West. For Alternatives A1 and A2, UDOT would provide a grade-separated trail crossing to mitigate this impact and allow the continuity of the Bridgeway Island Trail. This impact would not affect the activities, features, or attributes that qualify the Bridgeway Island Trail for protection under Section 4(f).

Outwest Park

All of the WDC alternatives would avoid Outwest Park and there would not be a Section 4(f) use of the planned Outwest Park from the WDC.

Public Review and Comments

Public notice and an opportunity for public review and comment concerning the effects on the Section 4(f) properties was provided with the public comment period for the WDC Draft EIS in 2013. No comments were received about the proposed Section 4(f) *de minimis* impact finding during the public comment period.

Summary

This letter provides notice to Syracuse City, which has jurisdiction for Fremont Park, the Old Emigration Trail, and the Bridgeway Island Trail in Syracuse, of FHWA's proposed Section 4(f) determinations as previously described in this letter.

If Syracuse City agrees with these proposed Section 4(f) determinations, concurrence with this letter is requested.

If you do not agree with these proposed Section 4(f) determinations as described in this letter, please provide a written response to FHWA stating why you do not agree with the proposed Section 4(f) determinations.

We request your reply to this information within 30 days from the date you receive this letter.

Syracuse City, which has jurisdiction over Fremont Park, the Old Emigration Trail, and the Bridgeway Island Trail, has been consulted and informed that it is FHWA's intent to make a Section 4(f) *de minimis* impact finding for the western part of Fremont Park for Alternatives B1 and B2 and the Bridgeway Island Trail for Alternatives A1 and A2. FHWA requests written concurrence from Syracuse City, which has jurisdiction for Fremont Park and the Bridgeway Island Trail, that the project will not adversely affect the activities, features, or attributes that qualify these resources for protection under Section 4(f).

Concurrence: T. Palmer Date: 05/17/2017

Terry Palmer, Mayor
Syracuse City

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450

WEST DAVIS
CORRIDOR

Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

Sincerely,

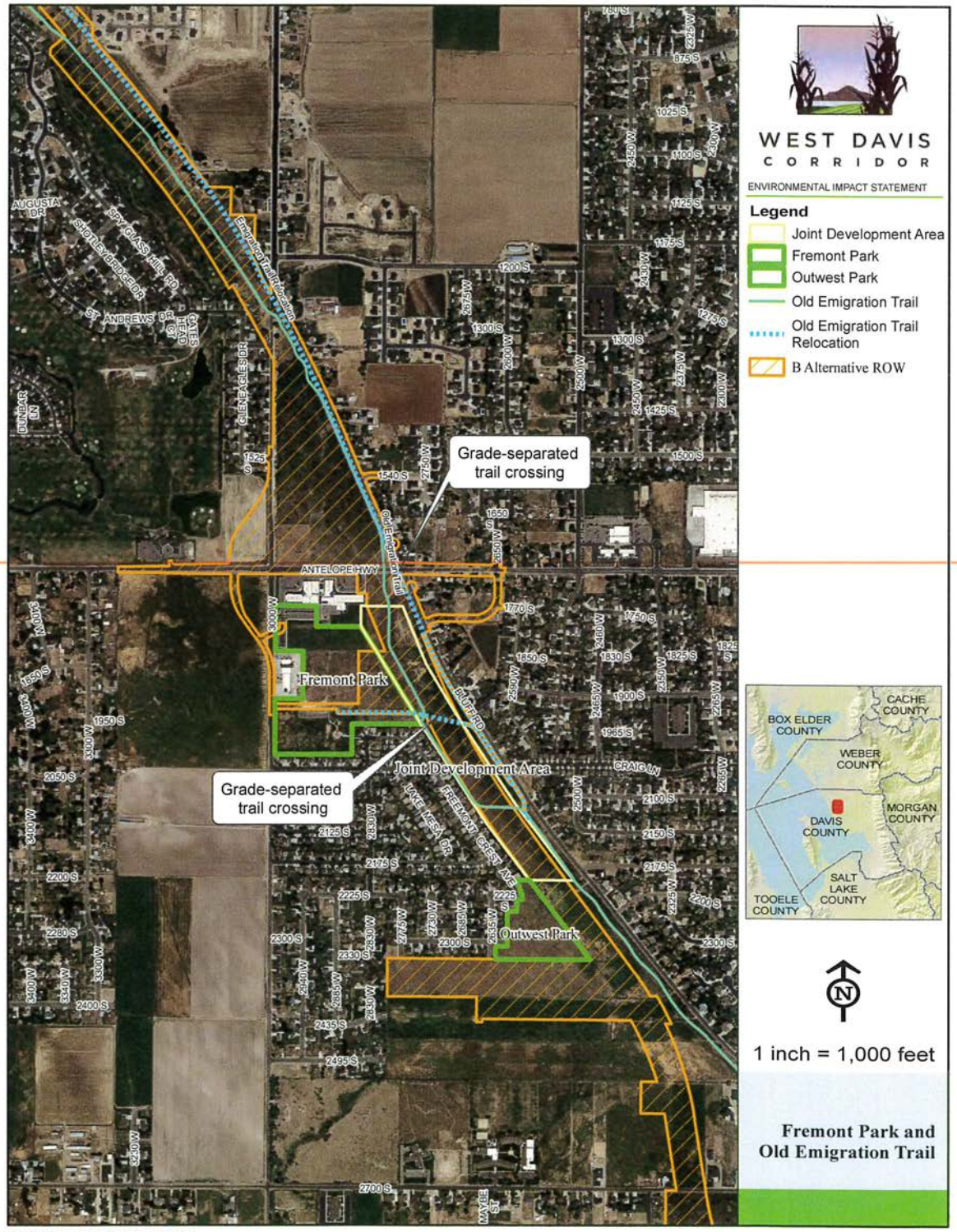
Randy Jefferies
UDOT Project Manager

In accordance with 23 CFR 774, FHWA has determined that there will be a *de minimis* impact for the western part of Fremont Park for Alternatives B1 and B2 and for the Bridgeway Island Trail for Alternatives A1 and A2.

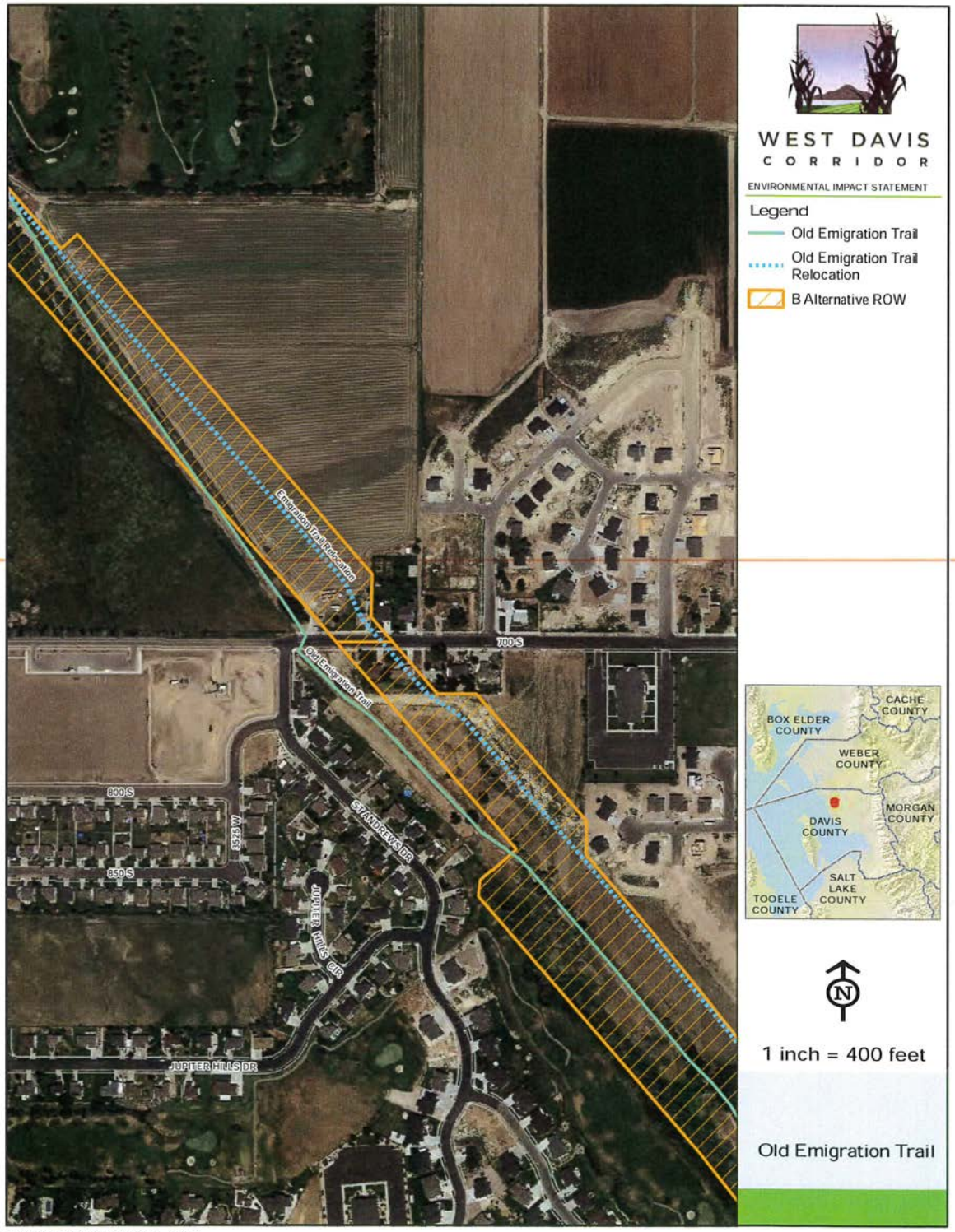
Concurrence: PAUL C ZIMAN Digitally signed by PAUL C ZIMAN DN: c=US, o=U.S. Government, ou=DOT FHWATaylorsvilleUT, ou=FHWA FHWATaylorsvilleUT, cn=PAUL C ZIMAN Date: 2017.06.07 18:20:53 -06'00' Date:_____

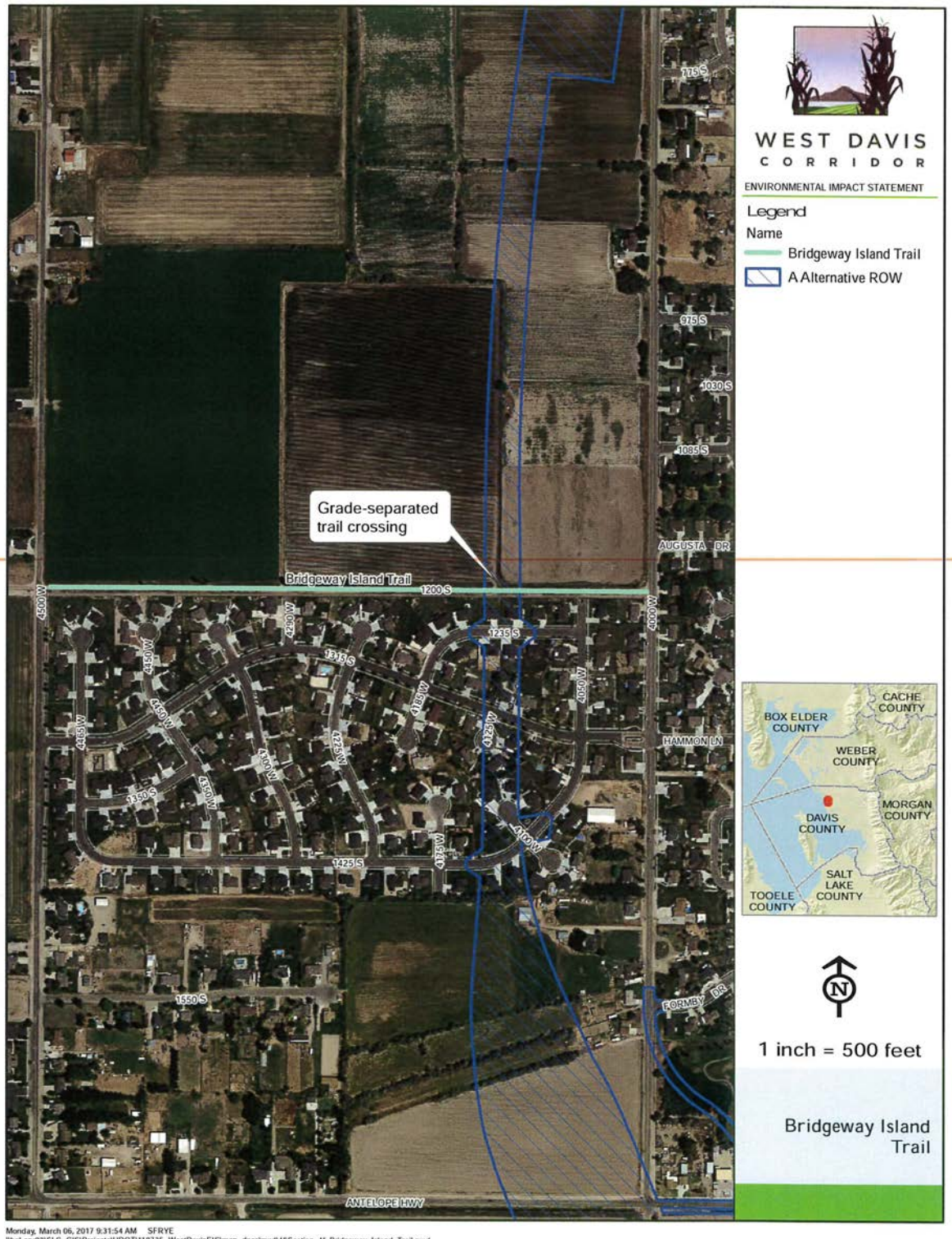
Paul Ziman
Area Engineer
Federal Highway Administration

Environmental Services Division • Telephone (801) 965-4173 • Facsimile (801) (801) 965-4403 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 148450 • Salt Lake City, Utah 84114-8450


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Joint Development Area
Fremont Park
Outwest Park
Old Emigration Trail
Old Emigration Trail Relocation
B Alternative ROW
Grade-separated trail crossing
Grade-separated trail crossing
Fremont Park
Joint Development Area
Outwest Park
ANTELOPE HWY
BLUFF RD
CRAIG LN
FREMONT CREST AVE
LAKE MESA DR
MAYBE ST
AUGUSTA DR
SPY GLASS HILL RD
SHORELINE DR
ST ANDREWS DR
GATES HEAD CT
GLENEAGLES DR
DUNBAR LN
Emigration Trail Relocation
Old Emigration Trail
BOX ELDER COUNTY
CACHE COUNTY
WEBER COUNTY
DAVIS COUNTY
MORGAN COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 1,000 feet
Fremont Park and Old Emigration Trail
Tuesday, March 28, 2017 9:28:23 AM TTZIOUMIS
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_FremontPark_OldEmigrationTrail_20170328.mxd

Thursday, March 02, 2017 5:22:06 PM RREISE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_Jensen Nature Park and Old Emigration Trail.mxd


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Old Emigration Trail
Old Emigration Trail Relocation
B Alternative ROW
Emigration Trail Relocation
Old Emigration Trail
700 S
800 S
850 S
850 W
ST ANDREWS DR
JUPITER HILLS CIR
JUPITER HILLS DR
CACHE COUNTY
BOX ELDER COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 400 feet
Old Emigration Trail
Thursday, February 23, 2017 12:53:43 PM RREISE
\\bel-srv03\SLC_GIS\Projects\UDOT\1118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_OldEmigrationTrail.mxd


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Name
Bridgeway Island Trail
A Alternative ROW
Grade-separated trail crossing
Bridgeway Island Trail
1200 S
1235 S
1315 S
1425 S
1550 S
775 S
975 S
1030 S
1085 S
AUGUSTA DR
HAMMON LN
FORMBY DR
ANTELOPE HWY
4500 W
4450 W
4400 W
4350 W
4300 W
4250 W
4225 W
4175 W
4125 W
4100 W
4050 W
4000 W
BOX ELDER COUNTY
CACHE COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
SALT LAKE COUNTY
TOOELE COUNTY
N
1 inch = 500 feet
Bridgeway Island Trail
Monday, March 06, 2017 9:31:54 AM SFRYE
\\bel-srv03\SLC_GIS\Projects\UDOT\118735_WestDavisEIS\map_docs\mxd\4f\Section_4f_Bridgeway_Island_Trail.mxd

WEST DAVIS
CORRIDOR

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

SHANE M. MARSHALL, P.E.
Deputy Director

January 27, 2014

Erik Craythorne, Mayor
West Point City
3200 West 300 North
West Point, UT 84015

Subject: West Davis Corridor and Old Emigration Trail

Dear Mayor Craythorne:

The Utah Department of Transportation (UDOT), in cooperation with the Federal Highway Administration, is preparing an environmental impact statement (EIS) and Section 4(f) evaluation for the West Davis Corridor (WDC) transportation project. Section 4(f) refers to Section 4(f) of the U.S. Department of Transportation Act, which only applies to agencies within the U.S. Department of Transportation, including the Federal Highway Administration (FHWA).

Section 4(f) resources are significant publicly owned parks, recreation areas, and wildlife and waterfowl refuges, and significant publicly or privately owned historic properties. These resources are afforded protection under the Section 4(f) legislation. Note that FHWA assumes that all publicly owned parks, recreation areas, and wildlife and waterfowl refuges are locally significant unless the officials with jurisdiction provide a statement to the contrary. If you feel that the resource listed in the table in this letter is not locally significant, please provide a written response to FHWA with a basis for this determination.

FHWA can only approve a project that requires the *use* of a Section 4(f) resource if there is no prudent and feasible alternative to using that land, and the project includes all possible planning to minimize harm to the resource from the *use*. Section 4(f) does not require the concurrence of the officials with jurisdiction for a finding of *use*.

The Section 4(f) regulations exclude resources that are jointly planned for development with a future transportation corridor from the requirements of Section 4(f). Based on previous comments and plans from West Point City, which indicate that the WDC is planned to be located in the same corridor as the Old Emigration Trail, and information from the North Legacy Transportation Corridor Study, which was completed prior to development of the Old Emigration Trail in West Point City, it appears that the Old Emigration Trail should not be considered a Section 4(f) resource sine it meets the joint development criteria described in 23 CFR 774.11(i).

The following table describes the recreation area in West Point affected by the WDC alternatives, the proposed Section 4(f) use if the recreation area is a Section 4(f) resource, the WDC alternatives that would have that use, a description of the use, and proposed mitigation for the resource.

WEST DAVIS
CORRIDOR

Potential Section 4(f) Recreation Area	Proposed Section 4(f) Use	WDC Alternatives with impacts to the resource	Description of Impact	Proposed Mitigation
Old Emigration Trail	Not a Section 4(f) resource; joint development	B1, B2, B3, and B4	About 0.4 miles of the trail would be impacted between about 400 South and 700 South in West Point.	The trail would be relocated on a new alignment to the east between about 400 South and 700 South.

As described above, UDOT is proposing that the Old Emigration Trail impacted by WDC Alternatives B1, B2, B3, and B4 should not be considered a Section 4(f) resource, since the recreational trail meets the joint development criteria described in 23 CFR 774.11(i).

Public notice and an opportunity for public review and comment concerning the effects on the Section 4(f) properties was provided with the public comment period for the WDC Draft EIS in 2013. No comments on the Section 4(f) status of the Old Emigration Trail were received during the public comment period.

This letter provides notice to West Point City, which has jurisdiction for the Old Emigration Trail in West Point, that it is FHWA's intent to make a Section 4(f) joint development designation for the Old Emigration Trail for WDC Alternatives B1, B2, B3, and B4.

If West Point City agrees with this joint development designation, concurrence with this letter is requested.

If you do not agree with this proposed joint development designation, please provide a written response to FHWA stating why you do not agree with this proposed joint development designation.

We request your reply to this information within 30 days from the date you receive this letter.

Concurrence: _____ Date: 2/24/2014

Erik Craythorne, Mayor
West Point City

Should you have any questions, please contact me at (801) 620-1690.

Thank you for your assistance.

Sincerely,

Randy Jefferies
UDOT Project Manager

Administration • Telephone (801) 965-4000 • Facsimile (801) 965-4338 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 141265 • Salt Lake City, UT 84114-1265

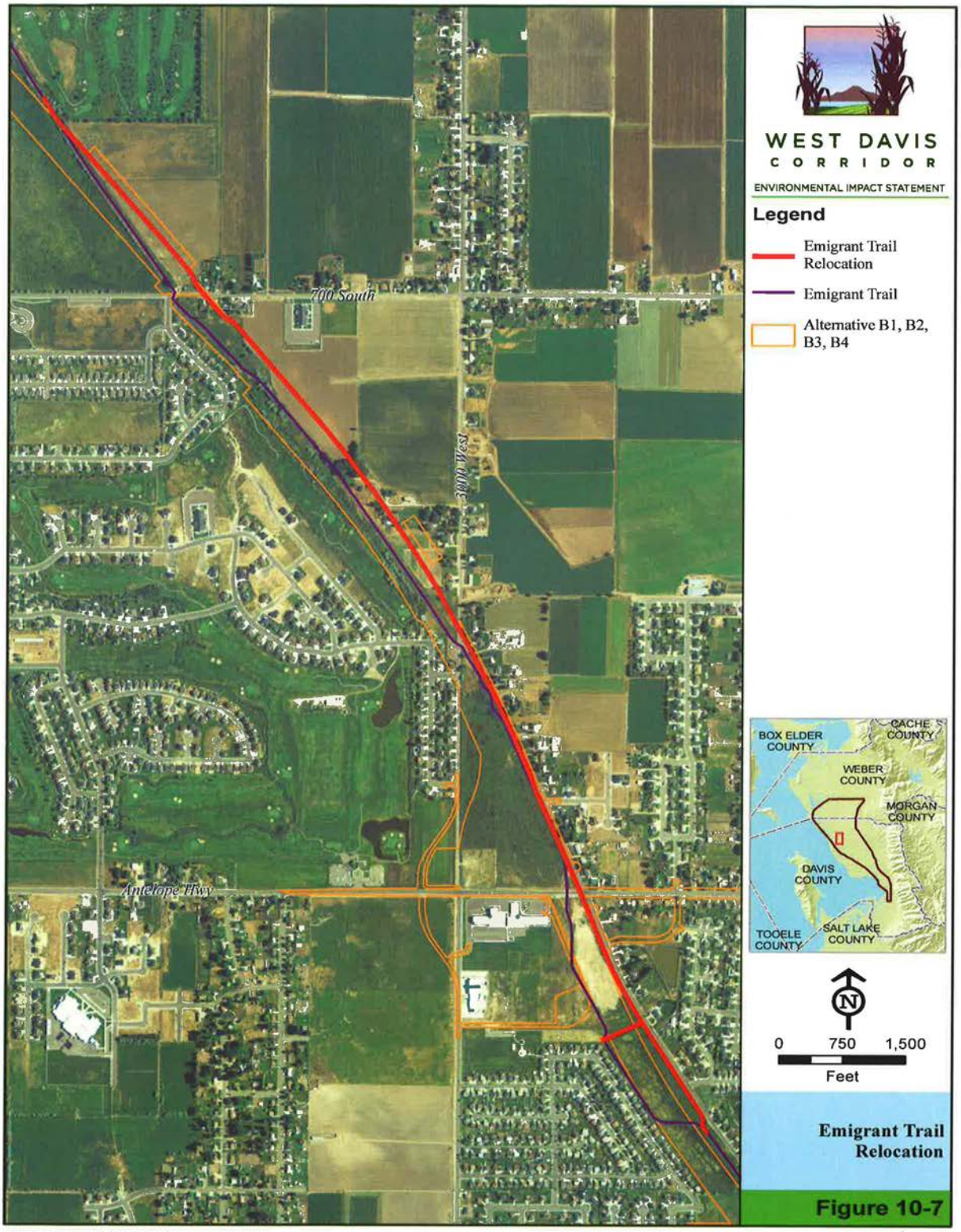
WEST DAVIS
CORRIDOR

In accordance with 23 CFR 774.11(i), FHWA has determined that the Old Emigration Trail in West Point City is a joint development with the West Davis Corridor, and the requirements of Section 4(f) will not apply for Alternatives B1, B2, B3, and B4 on this resource in West Point City.

Concurrence: PAUL C ZIMAN Digitally signed by PAUL C ZIMAN DN: c=US, o=U.S. Government, ou=DOT FHWATaylorsvilleUT, ou=FHWA FHWATaylorsvilleUT, cn=PAUL C ZIMAN Date: 2017.06.07 18:25:51 -06'00' Date:_____

Paul Ziman
Area Engineer
Federal Highway Administrator

Administration • Telephone (801) 965-4000 • Facsimile (801) 965-4338 • www.udot.utah.gov
Calvin Rampton Complex • 4501 South 2700 West • Mailing Address P.O. Box 141265 • Salt Lake City, UT 84114-1265


WEST DAVIS
CORRIDOR
ENVIRONMENTAL IMPACT STATEMENT
Legend
Emigrant Trail Relocation
Emigrant Trail
Alternative B1, B2, B3, B4
700 South
3000 West
Antelope Hwy
BOX ELDER COUNTY
CACHE COUNTY
WEBER COUNTY
MORGAN COUNTY
DAVIS COUNTY
TOOELE COUNTY
SALT LAKE COUNTY
N
0 750 1,500
Feet
Emigrant Trail Relocation
Figure 10-7