Comment 866

Response Section in Chapter 32 ➥

Comment #: 866

Date: 9/5/2013

Source: Email

Name: Katie Holmes

Location: Farmington

Comments:

32.30F
32.1.2F
32.31R
32.2.1G
32.30F

I am becoming ABSOLUTLEY more and more frustrated with UDOT and the many others who are working to continue with plans for the West Davis Corridor. I feel that the tactics being used are dishonest as more plans ("suggested" interchanges in the heart of Farmington) for the road are emerging after the DEIS has been presented. Farmington has NO need for this road and the City Officials do not like it. Clearly the Department of Interior does not like it. Support a Shared Solution. Be honest with the plans from the beginning, (ooops, too late). I have utterly lost my confidence in many of my elected officials. They are neither supporting the environment nor the voters who put them in office in the first place. Bad politics and bad business.

Sincerely,
Katie Holmes

Comment 867

Response Section in Chapter 32 ➥

Comment #: 867

Date: 9/5/2013

Source: Email

Name: Chris Burns

Location: Farmington

Comments:

James Christian,

I've been writing letters to everyone I can find that may have a say in this issue. You will have a large impact on the outcome of this roadway project. Please know that I oppose this roadway being built, let alone being studied and proposed to being built.

Please see the below points in this reasoning.

32.2.2H
32.11.1A
32.27A
32.2.13C
32.14.2A
32.2.13D
32.12A
32.18B
32.15A
32.2.1H
32.2.13C

The WDC should not be considered or built. For any number of points all by themselves. Gov Herbert himself has said that he wants to reduce air pollution significantly. No matter what the studies say there will be increased air pollution from the WDC. So many reason not to propose or build the WDC. Violation of DOTA Section 4(f), Buffalo Ranch Conservation Easement. Anyone that knows about the fog in Farmington knows that there will be fatalities, this is negligence on the part of UDOT. Wild life will be impacted negatively in this proposed route. The birds I see daily will not be around after a road is built. Not connection to mass transit, which is a major point of building the road in the first place. Completely bypasses Farmington Station Park. The sound pollution will be unacceptable due to how close the road is to homes. The light pollution will affect the health and sleep of people due to how close the road is. Flood plain issues. This will be like an earthen dam, no matter what drainage studies are put into effect. It will make west Farmington a more prone to flooding area. Its unacceptable that the WDC will have no semi restrictions, no speed limit restrictions, no noise reducing pavement, no sound barriers, billboards are allowed. Its unacceptable that the WDC will be an elevated roadway, more sound and sight pollution. This roadway has many many faults and its unbelievable that it has been allowed to get to this point in planning. Do not build this road!

Chris Burns

Comment 868

Response Section in Chapter 32 ➥

Comment #: 868
Date: 9/5/2013
Source: Email
Name: Lori Kalt
Location: Farmington

Comments:

Steve and Kevin,

Thank you for listening to public comment tonight at the library. I appreciate your time.

32.30F I am a resident of Farmington and as you know, UDOT is planning a freeway through our community. I oppose this road, as do many of the residents here in Farmington. Many of the citizens have organized themselves into a group, a citizen group, and the group has been active in trying to work with UDOT throughout the federal EIS process. Earlier this year, our group tried to meet with UDOT for the purpose of gleaning more information about the project, and also to give UDOT some public comment regarding the project. It actually turned into more of a demonstration and the media was informed and planned on attending. Upon hearing this information, UDOT declined meeting with our group. That was in February 2013. Following the event, we still wanted to meet with UDOT, again for the purpose of asking them questions about the project, becoming more informed, and in general, to give them some comments. They agreed to an indoor meeting, which was scheduled for April 18th 2013. It was to be a public meeting and anyone was invited to attend. We reserved a space in Farmington for the event. Approximately 48 hours before the event, UDOT e-mailed us and told us that they were not willing to meet with our group afterall. Then they e-mailed us and said, ok we will meet with you guys, but only under these circumstances:

1 - that there is no media present
2 - that no special interest groups will be allowed to speak
3 - that no Farmington city officials (i.e. the Mayor) are allowed to speak
4 - that UDOT will moderate the meeting
5 - questions will be submitted ahead-of-time on notecards
6 - that we e-mail those invited specific information from UDOT (but that we make it sound like it is from us) - UDOT provided us with verbage that we should use

32.30F We were outraged to say the least!! In was most certainly a violation of the Federal process. It was clear to us that UDOT had already made their decision on their "preferred alternative" and they certainly did not want media attention from opposed citizens shortly before the release of the DEIS - that would not look good for UDOT.

32.30F Approximately 2 weeks later, UDOT held another meeting with another citizens group, in a different location. This time, a state senator spoke at the meeting, the Kaysville city mayor spoke, and there were no restrictions on media. And I'm pretty sure UDOT didn't stipulate that the citizens group had to e-mail all invitees pre-written verbage (from UDOT) about what to expect at the upcoming meeting. It was a completely different meeting.

Soon after, UDOT released it's DEIS, naming Farmington Bay/Glover Lane as it's "preferred alternative."

Attached is the e-mail from UDOT.

Sincerely,
Lori Kalt

Comment 869

Response Section in Chapter 32 ➥

Comment #: 869
Date: 9/5/2013
Source: Mailed In
Name: David Millheim
Location: Farmington

Comments:

<See letter on next page, titled UDOT_Letter_Farmington_City_9-6-13>

Comment 869 (continued)

Response Section in Chapter 32

FARMINGTON CITY

FARMINGTON
Historic Beginnings · 1847

Scott C. Harbertson
Mayor
John Bilton
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council
Dave Millheim
City Manager

September 6, 2013

VIA U.S. MAIL AND E-MAIL
Paul Ziman
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

Re: Farmington City's Comments on Draft Environmental Impact Statement and Section 4(f) Evaluation for the West Davis Corridor

Dear Mr. Ziman:

I. GENERAL COMMENTS

32.31Q Farmington City appreciates the obvious time and effort that has been invested to date in this process, but unfortunately, the DEIS falls short of the mark required by applicable law and does not provide the public with sufficient relevant information to allow meaningful feedback and discussion regarding whether such a road is needed, whether the trade-offs required are worth it and whether less damaging or more feasible and prudent alternatives have been fairly analyzed.

Farmington City has provided its comments on the West Davis Corridor ("WDC") in an effort to protect its territorial and proprietary interests from direct harm and indirect and cumulative impacts to its wildlife, water, city-owned property interests, ecosystem resources and Conservation Easements. The current preferred alignment of the Project frustrates the City's intention to remain a rural community with planned areas of functioning commercial development, will injure the quality of life of its residents, will injure the quality of the environment, will create economic losses and create other environmental injuries.

32.1.1C Based on the information in the DEIS, it is currently unclear whether this Project is needed at all for the Region in 2040 and it is clearly not needed by that point in time in Farmington City. The problematic road segments under the 2040 model located in the northern portion of the Study Areas are close to I-15 and are located almost exclusively on the East/West roads. Only certain discrete portions of I-15 in the Study Area appear not to meet an acceptable LOS in 2040. With the high local employment increases projected for both Davis and Weber Counties, we question whether the assumptions regarding future North/South travel demand are accurate, especially in view of the noted preferences of the younger workers in the Region to find local employment and to not become commuters. 32.1.2F An outdated travel and

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Response Section in Chapter 32

transportation paradigm may have been applied here and in the modeling, which needs to be corrected.

32.1.1C The Need issue is further complicated by the scope and extent of the selected Study Area. To fully understand Regional Need and to provide the most effective and efficient Regional solutions, the Study Area needs to include all of the lands East of I-15 and to the North with a connection to I-15 North of Ogden. If a Need can be demonstrated for the WDC, we also question whether Centerville, Farmington City and Kaysville should be part of the Study Area, as so little Need appears to exist there. We also believe it is critical to fully explore at least one alternative interchange located on I-15 to the North of Farmington City.

32.27A There are significant problems with the Section 4(f) Evaluation ("4(f)"). The fundamental problem is that the Farmington City Conservation Easements qualify as properties that must be protected under Section 4(f) under applicable law and they are not accorded that status, nor are they included in that analysis and Evaluation. Not only do these Conservation Easements perform significant recreational, park, open space, farmland and wildlife, waterfowl and wetland habitat functions, they are perpetually protected for those purposes and owned by the City. While the trails to, through, and around these conservation easements have been accorded 4(f) status, the properties containing the very conservation values protected by the Conservation Easements which those trails use as a destination are completely ignored. This is a serious legal flaw and makes no sense. The trails were designed and built concurrently with the establishment of the Conservation Easements they serve and the two must be considered unitary 4(f) resources. Farmington City is required by contract to protect these Conservation Easements from encroachment in perpetuity and intends to do so.

32.23C The cumulative impacts to and the direct and indirect effects on the Conservation Easement properties are also insufficiently explored in the Chapters of the DEIS designed to array and explore the impacts to and effects on parks, recreation areas, wildlife refuges, area habitat, farmland, wetlands, community cohesion, community facilities and otherwise. This is an issue separate and apart from the incorrect 4(f) legal status of these properties.

32.23C The Direct Effects Chapters represent noticeable effort by the Preparers, but generally they do not go far enough, as set forth in Section V(A) hereof. Specific comments regarding the Indirect Effect analysis are set forth in Section V(B) hereof, but that effort is fundamentally flawed due to the failure to provide an alternative-by-alternative analysis of the comparative Indirect Effects and to discern all of the Indirect Effects. The failure to adequately discuss the Indirect Effects on the Farmington City Conservation Easements and the Indirect Effects created by the preferred alignment off of those properties as they relate to the rest of Farmington City

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Comment 869 (continued)

Response Section in Chapter 32 ➥

is also problematic. Lastly, because of these problems with the Direct and Indirect Effects analysis, the Cumulative Impacts analysis fails as well. The problems with that effort are further discussed in Section V(C) hereof.

The problems with this DEIS are significant and far reaching enough that a new or revised DEIS must be undertaken before a final EIS may be prepared. The issues concerning the size of the Study Area and Purpose and Need, including the failure to rely on the current local planning for Farmington City disable not only those Sections, but the entire DEIS. The 4(f) issue created by the failure to accord the Farmington City Conservation Easements 4(f) status disables the Alternatives Analysis and the 4(f) Evaluation and forecloses the use of the Glover's Lane Alternatives.

32.31Q

There are issues with the Shepard Lane Alternatives, but they are far less than Glover's Lane. Further effort must be invested in the Alternatives Analysis to include the roads located in the entire corrected Study Area and allowing for full review of an alternative or alternatives that do not require the WDC. If it is concluded that a portion of the currently contemplated WDC is required based on a revised effort on the Need for the Project, then interchanges located North of Farmington City must be studied.

32.1.1C

32.2.1Q

II. STUDY AREA

The selected Study Area is improperly drawn in several respects. The first is the decision to use I-15 as a boundary. It is clear the purpose of the Project is to find a solution to an alleged Regional set of problems and Need. Arbitrarily bisecting the Region by a North/South line at I-15 forecloses the review of the entire Regional Need and the review of all reasonable alternatives. It is also our belief that the logical terminus lies at I-15 somewhere North of 12th South in Ogden. As currently contemplated, the Project basically ends in no man's land and will not provide a complete future route through and around Ogden. To the South, even the 2040 traffic numbers show (at best) minimal Need in Farmington and Kaysville, save on I-15 North of Shepard Lane. Simply widening I-15 in this area should solve that problem and that alternative must be studied. The improperly drawn Study Area has failed to capture all of the Regional Need and has resulted in the selection of a preferred alignment that creates severe, irreversible and unnecessary impacts, because all reasonable alternatives were not reviewed.

32.1.1C

III. ALTERNATIVES SCREENING AND SELECTION

As previously mentioned, the improper selection of the boundaries of the Study Area foreclosed the review of all reasonable alternatives, so this effort must again be undertaken. US 89, I-84 and the East/West roadways East of I-15 might well contribute to a Regional solution that does not require the WDC. In that the only Need-based problem located South of 200 North in

32.2.1Q

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Comment 869 (continued)

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Kaysville in 2040 is on I-15, the focus should be on simply widening I-15 not on the Shepard Lane and Glover's Lane alternatives. If the Need for the WDC proves real, then a new Interchange must be explored near 200 North in Kaysville to connect to the undeveloped area to the North.

The geography of the Farmington/Kaysville area basically dictates this result due to the bottleneck created by the Great Salt Lake and the mountains, as there is insufficient space with existing and planned land uses to fit either of the contemplated southern interchanges. Of those two Interchanges, Glover's Lane cannot be built due to the 4(f) nature of the Farmington City Conservation Easements and while Shepard Lane does not cross those Easements, it has some traffic and design related issues such as infringement on the Business Park area, access to Lagoon and Station Park, impact to the golf course and motorist confusion. Shepard Lane is still an option, but a new interchange Alternative must be studied to the North if the WDC is actually needed. That Need must be demonstrated based on the enlarged Study Area and a full review of the potential contributions that may come from US 89, I-84 and all of the East/West roadways. The alternatives must be reviewed again with all of this in mind.

32.2.1Q

32.1.1C

IV. PURPOSE AND NEED

The articulated Purposes are vague but generally acceptable. However, this Section and effort is fatally flawed. First, the Study Area was reduced in size to the point where it was impossible to capture the true Regional Need and to then discuss and review all of the reasonable alternatives available in the Region to meet that Need. There are also two levels of Need – regional and local. By way of example, as to Regional Need, the 2040 employment numbers for Davis and Weber Counties are high, (42% and 66% respectively). It would appear local employment opportunities are increasing and the anticipated use of I-15 for North/South commuter traffic may not come to pass. More work must be accomplished in this regard, together with a review of the preference of the younger workers in the area to work locally. Also, one of the articulated future Needs is to facilitate freight trips, yet the DEIS states that trucks will account for only 6% of the trips on the WDC in 2040. This does not make sense from a logical or a planning perspective.

32.1.1C

32.1.2F

A. <u>The Project is Not Consistent with the Farmington City Plan.</u>

It appears insufficient effort was made to understand local Needs as well. We will now turn to Farmington City as an example of that problem and a document entitled *Technical Supplemental Memo in Support of Farmington City WDC DEIS Response*, dated September 5, 2013 is attached hereto as Exhibit A.

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Comment 869 (continued)

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32.3E

32.2.13D

32.2.13O

32.10H

32.2.13O

The authors of the DEIS consistently mention the importance of City governments as part of the NEPA process (S.4, p. S-6), and state great deference is given to locally adopted General Plans and Transportation Plans. These plans constitute one of the primary reasons the WDC project was initiated (S.1, p S-1; S.1.2, p. S-5). Notwithstanding, UDOT's preferred alignment is B1 and that Alternative is not consistent with the Purpose and Need for the WDC in the Farmington. The B1 alignment is not compatible with the Farmington City General Plan, nor its Master Transportation Plan, it does not improve mobility (or safety) in this area, nor does it enhance peak-period mobility over the no action alternative. The DEIS states East/West congestion will continue to increase in the Study Area, which includes Farmington City. The B1 alternative does not provide inter-connection of transportation modes for the community, it does not sufficiently facilitate continuous pedestrian and bicycle facilities, and it does not support local growth objectives.

The Farmington City Master Transportation Plan (MTP) (back when the City supported the WDC) recommended interchanges on the WDC at 950 North and 1100 West near Glover's Lane. Alternative B1 does not. Section 1.6.2 discusses local transportation planning and delineates where local jurisdictions show elements of the Regional Transportation Plan ("RTP") in their respective plans. Sub-section 1.6.2.1 discusses conditions in Farmington, but fails to mention that the City's MTP shows local connection(s)/interchanges consistent with the "Corridor Connection" area set forth on the RTP.

The Farmington City Trails Master Plan (TMP) shows a continuous future Great Salt Lake Shoreline Trail. Alternative B1 does not fully support such a trail. In addition, this Alternative detrimentally impacts the trails that access Farmington City's Conservation Easements along the shore of the Great Salt Lake and will destroy the Conservation Easements, the Purposes for which they were entered and the numerous conservation values they are designed to protect.

The Farmington City General Land Use Plan and Zoning Ordinances, and local RDA plans supported by the County, School District, and other entities show a major 500 acre employment/mixed use center between I-15 and the UTA tracks, north of Clark Lane, and south of Shepard Lane. The DEIS incorporates old 2009 demographic date for this area (see 1.5, p. 1-11 to 1-12). In the intervening 4 years, the General Plan and Zoning Ordinances have changed. Market and demographic projections for this area have and will increase dramatically over the 2009 figures. Nevertheless, alternative B1 shows no opportunity for access to this 500 acres even though the west edge of this area is only 3/4 mile away from the B1 alignment and the City has already provided most of the right-of-way necessary to make connection

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32.2.13O

32.2.13O

32.7F

32.2.13C
32.7F

happen by carefully preserving corridors consistent with its Transportation Plan.

The B1 alternative also provides no local access to the area between 200 North in Kaysville and Parrish Lane in Centerville. The corridor bypasses west Kaysville and west Farmington and sustains the no-action deficiencies for these communities. These deficiencies are set forth in Section 1.4.2 of the DEIS for the entire Study Area and include, but are not limited to increased East/West congestion, user delay and lost productivity, inadequate connection of transportation modes, and lack of continuous pedestrian/bicycle facilities.

1. Improve Region Mobility (1.4.1, p 1-9). This will not occur for Farmington City. UDOT's preferred alignment does not show an interchange between 200 North in Kaysville and Glover's Lane and I-15/Legacy Highway in south Farmington–a distance of approximately 7 miles and no local access is proposed between the 200 North in Kaysville and Parish Lane in Centerville–a distance of approximately 10 miles. The Glover's Lane interchange on I-15 does not provide local access, only system to system mobility.

2. Automobile and freight trips. The existing Park Lane/1-15/US 89/Legacy Highway interchange represents one of the largest regional transportation hubs on the entire UDOT system. Nevertheless, UDOT's preferred alignment curtails the regional movement of automobile traffic from the WDC to this hub. For instance, for automobiles traveling southbound from Kaysville, one must travel approximately 9 miles to access this interchange, even though the interchange is physically less than two miles from the WDC. Such movements do not reduce use delay or enhance peak-period mobility. Alignment B1 does not reduce or mitigate the ever increasing congestion from the growing areas of west Kaysville and west Farmington east to I-15, because alignment B1 does not provide a second option for access to these areas.

3. Transit. Transit facilities that serve Davis County include, among other things, Front Runner commuter rail service (which was identified as an element of the preferred alignment of the 1995-1998 Western Transportation Corridor Major Investment Study (1.3.1, p. 1-6)) and several north to south bus routes, including the 470 and the 455, primarily on SR 106 in Farmington. Only four commuter rail stations exist in the Study Area, which include stations in Farmington, Layton, Clearfield, and Roy. East to west connectivity exists between the latter 3 and the B1 alignment of the WDC, but no east to west connectivity is available under the B1 alignment for the Farmington station. Such a result is untenable. The same distances apply for one attempting to access transit from the WDC and those traveling to the Park Lane interchange by automobile.

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4. Safety and Emergency Vehicle Response Time. Because there is no interchange providing local access between 200 North in Kaysville and Parrish Lane in Centerville, emergency service providers must travel up to 10 to 12 miles (or more) before arriving at the scene of an accident. Such events can close down an entire facility, which would leave motorists stranded in traffic with no way out because there is no local access planned for the WDC between these two points. Such an access failure is inconsistent with traffic planning nationwide and should not be countenanced here.

32.2.13C

5. Support local growth objectives. (See Section 1.4.1, p. 1-9). A major 500 acre regional employment/mixed use center is planned in the vicinity of I-15, US 89, Legacy Highway, and the WDC. Almost half of the acreage has already been built in the last two years, but the preferred alignment provides no access to this major Regional employment and shopping center. Three of these four facilities (I-15, US 89, and Legacy Hwy.) support this growth objective, but under the preferred alignment the WDC does not, because it passes by and provides no access to this area. The preferred alignment also provides no access to a business development site located near Glover's Lane.

32.7F

32.2.13D

6. Increase bicycle and pedestrian options. (See Section 1.3.1, p. 1-9). The Farmington TMP shows a shoreline trail running the full length of the City and with the intent to extend to points north and south, and with the potential for a multitude of access points to this trail (especially near the Farmington Bay Water Fowl Management area). Alignment B1 reduces the number access possibilities to these options. Farmington City has the highest number of developed trail miles per resident in the State. The preferred alignment limits trail opportunities under the City Master Plan and detrimentally impacts current and future trails. In the case of the Conservation Easements, it will destroy the destinations for a number of trails.

32.10H

7. Cost. A proposed multi-million dollar interchange is planned on I-15 at Shepard Lane, which is identified as a phase one project on the WFRC's RTP. It is the understanding of Farmington City that the cost of this interchange is included in the overall cost of alternatives A3, A4, B3 and B4, but is not incorporated as part of the cost of the other alternatives (including UDOT's preferred alignment)[1]. This misguided methodology skews the cost

32.2.13C

[1] 1) Shepard alternative includes a local access interchange on the alignment between the D&RG and I-15 + a Shepard Lane interchange (serves both I-15 and Shepard alignment) + local access to Park Lane from the Shepard Lane alternative. These "improvements" are all reflected in the EIS cost estimate, but it is actually an independent project slated for construction in phase 1 of the WFRC Long Range Plan.
2) Glovers Lane alternative includes NO local access to Farmington as a part of its cost estimate. To make it an apples to apples comparison, you must add the cost of the Shepard Lane interchange, which is on the WFRC Long Range Plan (Phase I) with a price tag of $73 million or subtract it from the cost of the Shepard Lane alternatives.
(http://www.wfrc.org/new_wfrc/UnifiedPlan/Unified%20Plan%20Booklet%20Web%20Version%20Final%206%20Aug%202013.pdf – see page 36, 6th line up from bottom of pg) + the cost of a local access interchange in the Mink Farm area (perhaps $20-30 million).

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figures in favor of the remaining alternatives A1, A2, B1, and B2 (Table S-3, p. S-22; Table S-5, p. S-24).

The value of the Conservation Easements to Farmington City is irreplaceable. There is no mention of how or what must be paid to the City in the Glover's Lane cost figures, nor is the cost of mitigation included, should these Conservation Easements be taken. It is Farmington City's opinion that these losses cannot be mitigated.

32.3F

B. Traffic Analysis

UDOT did not obtain or incorporate the correct land uses assumptions for Farmington. As a result, all future traffic volume projections are significantly low and future traffic operations analyses elements are inaccurate.

UDOT did not meet with the City to discuss or confirm the roadway network assumptions included in Chapter 1. Several improvement assumptions are listed in Table 1-2. This table contains several errors in what was assumed for "Local Transportation Projects Included in City Master Plans" that we expect could have an impact on the modeling results. Errors include: Widening Shepard Lane (Farmington): Frontage Road to 1875 West form 2 to 4 lanes. This represents new construction on a new alignment not widening to 4 lanes. New Construction 1100 West (Farmington): Shepard Lane to 100 North; 2 Lanes. This future roadway will be at least 4 lanes, not 2. Widening Park Lane (Farmington): Main Street to 1100 West from 2 to 4 lanes. This roadway has been 4 lanes for some time with no planned improvements other than restriping. Widening Clark Lane (Farmington): I-15 to 1100 West from 2 to 4 lanes. There are no plans for this roadway to be widened to 4 lanes. The provision for a future WDC local access interchange located near 1100 West/Glovers Lane was not included. The provision for a future WDC local access interchange located on 950 North was also not included. New construction of 950 North out to the WDC was not included either.

32.1.2K

It appears that there are additional 2040 roadway network "Improvements" that are shown in Figure 1-6 but which are not included in Table 1-2. There are also discrepancies in the roadway functional classifications depicted in Figure 1-7 within Farmington as follows: State St/Clark Lane is depicted as a collector but it should be a minor arterial; all of Shepard Lane is shown as a collector but portions are minor arterials; and 200 West is shown as an arterial, but it is a collector

The Existing Conditions Report (Technical Memorandum 06) incorrectly shows Main Street, State St, 200 West and 200 East as Arterial roads (Figure 9). Figure 10 incorrectly shows Shepard Lane as having two

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Comment 869 (continued)

Response Section in Chapter 32

lanes rather than four lanes between US-89 and Main Street. 200 West between 200 South and State Street is incorrectly shown as a two lane road instead of a four lane road.

Based on the results of the transportation analysis (Chapter 7: Transportation), it is clear that there is no advantage to any of the "A" or "B" Alternatives in comparison to the No-Action Alternative in 2040 within the Farmington City area. Likewise, there is little, if any, difference with traffic operations on Farmington's Key Roadways and Intersections between the No-Action Alternative (2040) and the four "A" Alternatives (2040) and four "B" alternatives (2040). (See Tables 7-4, 7-5, 7-9 & 7-10)

32.7I

Tables 7-4 and 7-5 indicate that the No-Action Alternative (2040) for Farmington's Key Roadway Segments and Intersections maintains very acceptable traffic operations in 2040. This is in error as the 2013 peak hour operating conditions are already below what is being projected for 2040 under the No-Action Alternative. Tables 7-9 and 7-10 indicate little if any difference between operating conditions on Farmington's Key Roadway Segments and Intersections between the No-Action Alternative, the four "A" Alternatives, and the four "B" alternatives.

The purpose of Technical Memorandum #19 was to compare and evaluate the Shepard Lane and Glovers Lane interchange options at the southern termini for the WDC. This comparison is misleading in that it does not take into account, discuss, or consider how the lack of "local access" to/from the WDC in the Glovers Lane option affects the comparison. The Shepard Lane option provides three connections (New East/West connection between I-15 and the D&RG trail, Shepard Lane, Park Lane) whereas the Glovers Lane option provides no local connections to Farmington.

32.2.13O

The Conclusion Section (4.0) notes that, "The Glovers Lane option performed better than the Shepard Lane option in every measure, having higher speeds, reduced travel times, and significantly less delay." This is an obvious yet meaningless conclusion for any option that provides no local access. This is similar to saying that an express bus is a "better" option over a local bus because it has a higher speed, lower travel time and less delay. A road with no local access (but everything else pretty much the same) will always have higher speeds, lower travel times and less delay than one with local access.

32.2.13O

Other comments are as follows: Table 1, Average Network Speed: The description for this element includes the statement, "Higher speeds reflect better operation." This is misleading because it assumes that the primary function of the WDC (with the Glovers Lane option) is to move vehicles past Farmington, which cannot be the case. Table 3, Minimizes Number and Size of Structures. The length of several bridge structures in the Glovers option are

32.2.13R

9

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clearly greater than those in the Shepard option. The greater length increases maintenance and motorists exposure to icy/snowy conditions. This is not considered. Also not considered are the significant and historically documented fog conditions that exist in the West Farmington City along the Glover's Lane alignment. This will likely produce more accidents at higher speeds.

32.2.13C

Table 3, Provides Independent Bypass Route. There are freeway facilities all over the country that do not have an adjacent/parallel "independent bypass route." In Maryland, I-270 between I-495 and I-370 is an example of a high capacity, limited right-of-way, collector/distributor freeway corridor without an independent bypass facility. The need for an independent bypass is overstated. Table 3, Provides Local Interchange Access at Shepard Lane. The Glovers Lane option actually provides NO local access options. The statement that an "Interchange is not precluded but would remain as a planned future project" is misleading. The interchange would provide access only to I-15 with no connection/relation to the WDC. The Shepard Lane option provides an independent access point directly to/from the West Davis between I-15 and the D&RG trail. The interchange footprint/area for each option should be considered. The Glovers Lane options clearly results in the loss of a greater amount of developable land and impacts Farmington City's only light manufacturing area, which possesses valuable developable land.

32.2.13R

32.23C

In addition to the problems present in the DEIS with respect to Regional Need, the Needs of Farmington City have not received the attention they are legally due in the DEIS. This Chapter must be redone, but first the entire focus must be recalibrated based on a revised Study Area.

32.1.1C

V. IMPACTS AND EFFECTS ANALYSIS.

A. <u>Direct Effects Analysis:</u>

1. <u>Impacts Review in general</u>. Alternative B1 creates the largest number of impacts of the B alternatives with regard to conservation easements, wetlands, wildlife habitat loss, floodplains, and also involves 20 combined impacts to Section 4(f) properties. Also, because the Direct Effects to the Farmington City conservation easements are generally ignored, the Direct Effects analysis fails. The A Alternatives suffer the same fate, for the same reason and both Alternative groups also fail for reasons that will be more specifically discussed below. It should be noted that the entire discussion of impacts appears designed to result in the forgone conclusion that Alternative B1 would be the preferred alignment. Much of the problem in this regard is due to the foreshortened or non-existent impact and effects analysis with respect to the various alternatives.

32.2.13C

32.3F

32.2.13C

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Comment 869 (continued)

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2. Land use impacts (Chapter 3): The fundamental problem with this analysis in the Southern portion of the Project is that it ignores the planning of Farmington City as discussed in Section IV(A). The main conclusion of this Chapter, which is restated throughout, is that growth will occur with or without the WDC and because of that, there is a minimal review of the actual induced growth impacts created by the WDC. As a result, the DEIS contains a limited review and discussions of the actual indirect effects and cumulative impacts, despite the fact that the DEIS also concludes "[t]he WDC would shift and affect the pace and type of some of the projected development planned by the Cities in certain locations." (3-16) This change in type and pace of growth that will be induced by the WDC must be analyzed in detail for the public in the DEIS, so the citizens may understand the future impacts of this road and because such an approach is required by law.

32.23C

In Farmington City, there are a number of detrimental impacts whose scope and impact is unknown. First, there are the issues relating to access regarding the planned business developments located near Glover's Lane and Station Park/Shepard Lane. Also, no interchange is planned on the WDC for the entire length of the road in Farmington City, which basically leaves the west side of Farmington City as an isolated area with no access benefits provided for these properties. This road has a large footprint, will create significant noise in a formerly quiescent areas and will create many other detrimental impacts to the natural environment and to the existing uses. What are the expected impacts in this report to the existing and new developments? Will those neighborhood lots sell? Will the remaining open space be converted to other uses?

32.2.13O

32.2.13C
32.8A
32.3F

There are serious detrimental impacts to the Conservation Easements from the preferred alignment, as well as the other Alternatives that rely on the Glover's Lane option. These qualify as 4(f) properties and must be protected as such by FHWA. Putting that issue aside for the moment, there is no review of the impacts of the preferred alignment on the values and purposes for which these Conservation Easements have been perpetually preserved. These values include open space, wetlands, wildlife habitat and refuge, farmland, parks, community cohesion, viewshed and others. One reason the Conservation Easements were acquired in concert with the adjacent and nearby approved development to provide a buffer from development, and the DEIS has selected a route for the Project that will cannibalize them. It may be that the road will ultimately destroy all of the conservation values and purposes of the Farmington City Conservation Easements, yet there is little or no review of such impacts, much less mitigation or recompense provided.

32.3F

Farmington City was recently recognized by CNN/Money Magazine as the 14th most livable City in the United States. Much of this award was based on the land use plans, which clustered housing near transit opportunities. Those same land use practices created the very Conservation

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Easements UDOT wishes to cannibalize for its preferred alignment. This is the sort of value the preferred alternative will strip from Farmington City, yet it is not discussed in the DEIS, nor is any mitigation or recompense for the losses provided.

3. Farmlands: (Chapter 4) at P. 4-22- Agriculture Protection Areas: Alternatives B1 and B3 have the least impacts to Agriculture Protection Areas (4-22). The DEIS states UDOT will not relocate these alternatives away from the farmlands protected by this Utah Statute, because that would move the alternatives into developed areas. The DEIS states that result would render the alternatives unreasonable and imprudent, so they may not be utilized.

32.4F

The alternatives analysis here should be analogous to the one performed under Section 4(f) – of course avoiding protected farmland will require additional relocations of developed property. The whole point is to protect farmland from these types of projects because it is usually the most attractive for transportation agencies. Just because a different alternative requires more taking of developed property does not necessarily mean the alternative is unacceptable. Also, the Farmington City Conservation Easements were designed to perpetually protect certain farmland operations. These are 4(f) properties and must be avoided in favor of the use of developed property. Lastly, the farmland protected by the Farmington City Conservation Easements is ignored in the analysis, as are the impacts thereto.

32.4F

4. Community Impacts (Chapter 5): As previously mentioned, the Farmington City Conservation Easements will basically be destroyed by this road, as will the benefits provided thereby to the remainder of Farmington City, such as viewshed, recreational opportunities, quality of life, community facilities and community cohesion. These Conservation Easements also function as community facilities and parks, as well as neighborhood and recreational resources, yet there is little or no mention of the significant impacts created by this alignment on the Conservation Easements and on the larger Farmington City community.

32.3F

It is noted at page 5-21 that park and recreational opportunities are a benchmark and priority for the quality of life in Farmington City. At 5-24 it is noted that recreation, city parks, and open space are important to the community. As previously mentioned, the only reason the development was approved in the vicinity of the Conservation Easements was because the Conservation Easements were required to be transferred to Farmington City to facilitate preservation of each of these community resources and to perpetuate the conservation values protected under the Conservation Easements. In addition to avoiding the designation of these obvious 4(f) resources as 4(f) properties, there is little or no discussion in this Chapter of the impacts to these Conservation Easements by the road, to the resources protected by these

32.3F

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Conservation Easements from the road, nor to the impact the loss of these resources will work on the remainder of the Farmington community. That impact will be felt all the way to the East benches due to the impact on the viewshed and the members of the community will no longer be able to enjoy the resources they present. It is unacceptable to not include these Conservation Easements in the tables relating directly to Recreational Facilities (5-25 and 26).

32.5.1E

The DEIS states the following at page 5-42:

"The natural beauty of the area comes from features such as The Great Salt Lake and associated wetlands. However, The Great Salt Lake Shorelands Preserve and various conservation easements are in place, which prohibit development in the flood plains and would help retain the look and feel of the impact analysis area."

32.5.1E

This statement will no longer be true once this road cannibalizes the Farmington City Conservation Easements. The mitigation measures suggested for community cohesion, quality of life, recreation resources and community facilities cannot mitigate the loss of these values currently protected by these Conservation Easements. Conspicuously, they are not even mentioned in the analysis, nor in the Mitigation Section (5-65 to 5-67).

32.3F

Page 5-67 of the DEIS states "of these resources, the WDC action alternatives would not have any substantial adverse effects on recreation resources, community facilities, public safety, or public services and utilities." Because of the impacts to the Conservation Easements, this is untrue as to the first two resources, as is the statement that the WDC's impact to community cohesion and quality of life is limited to residences adjacent to the highway. As to public health and safety, the lack of access to Farmington City from the preferred alignment is potentially life-threatening. Lastly, it is unknown how or even if the Conservation Easements could possibly be managed (or even used) should this roadway be placed on them and those outcomes are not discussed.

32.5E
32.2.13C
32.3F

5. Transportation (Chapter 7): As previously mentioned, the Study Area needs to be much larger and include all of the land East of I-15 to the mountains and North to I-15 above Ogden. That would allow the review of other roads within the complete regional Study Area and a review of additional alternatives to meet the actual Regional Need.

32.1.1C

As to Local Need in Farmington, this Chapter supports the City's contention that the problems with congestion, delay and LOS do not exist during the 2009 timeframe (7-5) and are not expected to exist in 2040. In fact, the No Action Alternative performs just as well as any of the

32.2.1Q

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Comment 869 (continued)

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suggested alternatives in the area within Farmington City (7-11). The vast majority of the traffic issues within the Study Area in 2040 are located to the North of Kaysville (Figure 1-9), yet it appears no alternative interchange in that location to the North of Farmington City was given serious consideration in the DEIS.

6. Economics (Chapter 8): An inconsistency appears to be created by some of the information in this Chapter. At 8-2 it is noted that employment was up in Davis County by 61.8% and in Weber by 41.9% from 1990-2011 and the 2040 numbers demonstrate an increase of 49% for both counties. With this significant increase in employment in the area it would appear the commuter-based Need for North/South traffic has been and will continue to decline. It may be that a paradigm shift has begun to occur that will continue through 2040. The trend is toward more local employment and living, rather than a more traditional, commuter-based, suburban lifestyle. Additional work in this regard must be accomplished by the Wasatch Front Regional Council, FHWA and UDOT to ensure that roads are not being built based on the old paradigm.

32.1.2F

Simply looking at whether the land will be converted for development and not at the impacts created by the timing of the development or changes in the type of use created by the Project is an unacceptable approach. Also, the nature of the WDC preferred alignment and the failure to provide connections to the WDC in Farmington City will have a negative impact on its growth, none of which is discussed in this document. It is hard to imagine an overall increase in property values for the Farmington City portion of the WDC Study Area due to this project (See 8-20). Rather, they are likely to decrease because of lack of access to Farmington City under the preferred alignment.

32.23C
32.8A

The DEIS also fails to discuss the economic impact to property and other related values due to the placement of this road directly on properties preserved as open space, on the viewshed of all of Farmington City. There is also no discussion of the type of development that will occur near the Project due to these changes in the Conservation Easement. The Conservation Easements provide significant economic value throughout the City and this is not recognized nor discussed.

32.8A
32.3F

Farmington City intentionally created its economic development and land use plans around the area where I-15, US 89 and the Legacy Parkway come together in the vicinity of Park Lane. The preferred alignment not only does not respect this prior planning and investment by Farmington City, it ignores it and will reduce its economic value.

32.2.13D

7. Joint Development (Chapter 9): This entire section fails due to the fact that impacts to the Farmington City trail system are

32.9A

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Comment 869 (continued)

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basically ignored, as are the Conservation Easements that provide most of the destinations for the use of these trails.

32.10H

8. Consideration Related to Pedestrians and Bicyclists (Chapter 10): This Chapter does not adequately discern and discuss the nature of these resources, the reason why these resources exist, the purposes they are trying to meet, nor the impacts on not only the trails, but the areas they access (the Conservation Easements). Rather than speaking in terms of impacts to these resources, the DEIS simply discusses the ability to relocate the trails. Maps showing the existing and future trails within Farmington City are attached hereto as Exhibit B with the Glover's Lane and Shepard Lane Alternatives juxtaposed upon them. This Section needs to be entirely redone with this in mind.

32.11.1B

9. Air Quality (Chapter 11): The DEIS recognizes that the State of Utah is currently finalizing the $PM_{2.5}$ SIP for the region where the WDC is located. This SIP is expected to be completed in 2013. Part 11.4.2 of the DEIS fails to review the Technical Support Document or TSD for the proposed $PM_{2.5}$ SIP. This document provides the technical basis for the decisions made in the proposed $PM_{2.5}$ SIP for this area including the emissions inventories, modeling, and control strategies. Because it is likely this Project will not be constructed until after the proposed SIP is adopted, the DEIS should have studied whether the Project will comply with the proposed $PM_{2.5}$ emissions limitations in this area.

32.11.2B

The MSAT's analysis only modeled alternatives A3 and B1. Both of these alternatives showed an increase in MSAT's from 3.79 in 2009 to 6.14 and 6.16 respectively. However, the other alternatives were not modeled and the reader is unable to compare or determine if other alternatives would have less of an impact from MSAT's. The same is true for the DEIS' review of greenhouse gas emissions.

32.11.4A

Finally, the DEIS relies on the example in the preamble to the March 10, 2006 rule (71 FR 12491) requiring project level quantitative analyses for projects in non-attainment areas that will have more traffic than "125,000 average daily traffic (AADT) and 8% or more such AADT is diesel truck traffic." The DEIS goes on to conclude that because the WDC's projected traffic numbers are far below this example, the local conformity analyses is not required. The DEIS ignores the other factors in the regulations that require local conformity analyses, including: (i) New highway projects that have a significant number of diesel vehicles, and expanded highway projects that have a significant increase in the number of diesel vehicles; (ii) Projects affecting intersections that are at Level-of-Service D, E, or F with a significant number of diesel vehicles, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes from a significant number of diesel vehicles related to the project;…(v) Projects in or affecting

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Comment 869 (continued)

Response Section in Chapter 32

locations, areas, or categories of sites which are identified in the PM_{10} or $PM_{2.5}$ applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation." 40 CFR §193.23(b)(1). Here, there is a proposed $PM_{2.5}$ SIP for the area that could very well require the quantitative local analyses for $PM_{2.5}$ that the DEIS has completely ignored.

32.12B
32.12A
32.3F
32.12B

10. Noise (Chapter 12): The impacts analysis area used to study noise impacts is vague. It states this area was the land adjacent to the proposed alternatives that could be affected by changes in noise levels. (12-1) The boundaries of this area are never defined and it is therefore unclear which areas were studied for noise impacts. Also, the impacts of noise on the purposes of and values preserved by the Farmington City Conservation Easements were never discussed and they could be severe, especially as to wildlife. Likewise, there is insufficient discussion of noise impacts on the nearby residential and other users. If the impacts to the resources that are protected by the Farmington City Conservation Easements were fairly considered from a noise standpoint, it is unlikely the Glover's Lane could have been advanced.

32.13B

11. Water Quality (Chapter 13): The DEIS completely fails to identify impacts to water quality that will be caused by construction of the project, and specifically, 7 new stream crossings in the study area. The Project will impact these streams if petroleum products or other construction-related wastes, such as cement, solvents, and or disturbed and eroded soil, are discharged into storm water runoff and/or groundwater during construction and operation. The Construction Impacts, Chapter 20, Section 20.3.4 refers the reader to the mitigation measures in Chapter 13, Section 13.4.5. This section fails to describe any mitigation measures that will be used during construction other than acquiring a Storm Water General Permit for construction activities and the requirement to adopt a Stormwater Pollution Prevention Plan.

32.13B

The DEIS also contains no specifics as to where runoff is expected from the proposed WDC and where specific design features for storm water management will be placed (revegetation, erosion control measures, etc.) and more importantly, why. These features are identified in the roadway plan drawings in the appendices to the DEIS, but the water quality analysis fails to inform the public of the logic behind the decisions to locate these features where they are shown on the drawings. The DEIS should have included an estimate of potential increases in storm water runoff at these locations, the volume, and rationale for the specific design features that would minimize the discharges.

12. Ecosystem Resources (Chapter 14): There are significant problems in this area and the major one is the scope and extent of the Study Area. At page 14-12 it is telling that there is no mention of the

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Comment 869 (continued)

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Farmington City Conservation Easements in the conservation areas, wildlife habitats, wetlands and water and uplands sections. This is unacceptable. At page 14-17, there is no discussion of the impact the road will work on habitat fragmentation, or on any related wildlife issues should the Great Salt Lake level rise and force wildlife inland. This would appear to be a significant wildlife mobility and fragmentation issue, yet it is not sufficiently discussed. Likewise, the other buffer areas may change and the impacts in that regard must be reviewed and discussed.

32.14.1A

The 300 foot buffer from right-of-way adopted for noise is not acceptable for the purposes of wildlife and, again, should the Great Salt Lake increase in elevation there is no discussion of what impacts will occur. The future changes in the Great Salt Lake's elevation is also problematic for the wildlife habitat and fragmentation discussion and it is clear that no conclusive information was gathered as to the actual impact on all aspects of wildlife including invertebrates, reptiles, amphibians, fish, birds and mammals. Until these impacts are better understood, no aspect of this Project that may affect them may be undertaken. Likewise, the impacts of lighting are not well understood with respect to the status quo, nor as to impacts that may arise as the elevation of the Great Salt Lake changes.

32.14.2C

32.14.1B

The impacts to the conservation areas ignores the impacts to the Farmington City Conservation Easements and there is no effort to review the impacts to the Conservation Easements with respect to wildlife, wildlife habitat fragmentation, general habitat buffer zones, noise impacts, and artificial lighting in that regard for each alternative. No mitigation is suggested that will deal with these problems. Ironically, at page 14-110, the DEIS contains the suggestion that "compact development" is the desired outcome, yet the preferred alignment completely unravels Farmington City's attempt to do just that by clustering development and acquiring the Conservation Easements to perpetually preserve the open space and many other resources contained therein.

32.14.1A

As to wetlands, Alternative B1 has the largest number of impacts to wetlands as compared to the other alternatives. The CWA guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a *practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.*" 40 CFR 230.10(a). Based on this provision, the applicant is required in every case (irrespective of whether the discharge site is a special aquatic site or whether the activity associated with the discharge is water dependent) to evaluate opportunities for use of non- aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic ecosystem. *A permit cannot be issued, therefore, in circumstances where a less environmentally damaging practicable alternative for the proposed discharge*

32.14.3D

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exists (except as provided for under Section 404(b)(2)). Here, the agency did not do a complete wetlands delineation for the DEIS and is saving that for the Section 404 permitting process.

The agency also appears to be relying on the other B alternatives direct impacts to Section 4(f) properties as justification that this is the only practicable alternatives, because the other alternatives have significant adverse environmental consequences. However, those alternatives affect fewer Section 4(f) sites combined than does alternative B1 (notwithstanding the issue regarding the inclusion of the Farmington City Conservation Easements). Further, those alternatives have less impacts to wildlife habitat and floodplains, impacts to conservation easements, etc. The agency also did not consider impacts to the Farmington City Conservation Easements under Section 4(f). Had they done so, Alternative B1 would directly affect and significantly impact or destroy at least 2 or 3 additional Section 4(f) properties. In reality, Alternative B1 is the alternative that has the most adverse environmental consequences.

32.14.3D

13. Floodplains (Chapter 15): This section is far too conclusory and fails to explore the impacts in detail. All the issues related to habitat and habitat fragmentation mentioned above apply here, yet the flood plains preserved in the Farmington City Conservation Easements are nowhere mentioned, nor are the impacts thereon. It should be noted that in a summary contained at page 15-21 the transverse crossings are the same for the alternatives utilizing Shepard Lane and Glover's Lane, yet the longitudinal crossings required by the Glover's Lane Alternative is over three times larger than those required by Shepard (201.2 vs. 61.8). The habitat and other wildlife related issues also require additional inquiry and more detailed discussion in the cumulative impact section.

32.15C

14. Visual Resources (Chapter 18): This section is far too spare with respect to the review of the major impacts created by the preferred alignment on the visual resources of Farmington City. The Key Observation Points (KOP) do not include much of Farmington City proper and include none of the bench areas. There are an insufficient number of KOPs in Farmington City and overall and no KOPs that will deal with the issue of the magnitude of losses on and impacts to the rest of the City from the impacts on the Farmington City Conservation Easements. This Chapter must be significantly revised.

32.2.13C

15. Irreversible and Irretrievable Commitment of Resources (Chapter 22): It is acknowledged there will be irreversible and irretrievable commitments of wetlands, farmland, wildlife habitat, together with historic, archaeological and paleontological resources, but the comparative scope of these sorts of impacts between the various alternatives is not discussed. Of greater importance is the failure to discuss the impact on the Farmington City

32.22A

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Comment 869 (continued)

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32.3F

Conservation Easements. Farmington City is legally obligated to perpetually protect all of the conservation values and purposes articulated therein, yet the preferred alignment will destroy them. Farmington City is obligated to resist this alternative by all means at its disposal and it may be that UDOT's power of eminent domain is not sufficient to allow a taking of these public interests, even if they were correctly valued.

B. Indirect Effects Analysis. Chapter 23:

32.23D

As previously mentioned there is no comparative alternative-by-alternative analysis for the indirect effects on land use. The DEIS generally states the indirect effects for all of the action alternatives as a whole. The CEQ regulations, however, require the DEIS to study all indirect effects including "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 CFR 1508.8(b). The DEIS failed to do this by generalizing the analysis of some of these categories of impacts, many of which will have different impacts on the rate of change of land use in the area. For instance, the impacts to the Farmington City Conservation Easement land from alternative B1 will hasten changes to the area that will not happen as quickly under other alternatives, yet there is no analysis of the indirect effects thereon as a parcel of property, much less as property protected under 4(f). Also, if the Purposes of these Conservation Easements is frustrated by this road, which is likely, what will the ultimate use be and how will it be developed? These issues may not be ignored.

32.23E

The DEIS does contain an alternative-by-alternative analysis for indirect impacts to Ecosystem Resources and Wildlife, then returns to a conclusory analysis for Farmlands and Land Use without an alternative-by-alternative analysis. The same is true for economics, community and noise. Remarkably, no induced growth issues are shown to exist until near 200 North in Kaysville (See Figure 23-1). This is simply impossible and underscores the inadequate examination of all aspects of the indirect effects was undertaken.

32.23F

It is not simply about induced growth and land development, as the DEIS Chapter would have the reader believe; there are as many other elements to the inquiry as there are under direct impacts. It is also improper to eliminate the review of indirect effects East of I-15 and the lack of access into Farmington City will create significant indirect effects as well by inhibiting growth. There will also be significant, yet undisclosed indirect effects to social resources, recreation resources, community facilities, public safety and security, public facilities and services, transportation, bicyclists and pedestrian resources and visual resources.

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Comment 869 (continued)

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32.14.2H

Farmington City hereby adopts the comments provided by the United States Department of the Interior dated August 14, 2013 with respect to the many failures to review impacts and effects to Ecosystem Resources and otherwise.

C. Cumulative Impacts Analysis (Chapter 24):

32.24C

Cumulative impacts include the direct and indirect impacts to the area combined with reasonable foreseeable future actions. 40 CFR 1508.7. Since the indirect impacts analysis is incomplete, the cumulative impacts analysis is also distorted. This review is inadequate.

D. Mitigation Summary (Chapter 26):

32.3F

This section is far too conclusory and lacks significant detail. It also fails to deal with mitigation for the impacts mentioned in the comments. By way of example, the only mitigation for the enormous magnitude of loss created by impacts to the Farmington City Conservation Easements is monetary. There is basically no mitigation for the impacts to community cohesion, quality of life, recreation resources and community facilities due to the loss of these Conservation Easements. Mitigation for trails and wildlife as well as the visual impacts to and from the loss of the Farmington City Conservation Easements are again not mentioned, nor is mitigation for the impacts to emergency services.

VI. SECTION 4(F)

32.27A

The DEIS was required to treat the Farmington City Conservation Easements as Section 4(f) properties. The federal guidance on the topic supports this argument. (See Section 4(f) Policy Paper July 20, 2012). In a letter from Vincent Izzo on behalf of the WDC Project Team to Dave Millheim, City Manager of Farmington City dated April 27, 2012, Mr. Millheim was asked a series of questions based on this Policy Paper. Mr. Millheim responded to these questions in a letter dated May 11, 2012, which response is attached hereto as Exhibit C. A review of these responses reveals that these Conservation Easements perform all of the functions typically associated with 4(f) properties.

For instance:

"Each easement, as expressly stipulated therein, possesses unique and sensitive natural scenic, open space, wildlife, farmland, floodplain, and/or wetland conservation values, and was recorded for the purpose of preserving and maintaining these uses. Publicly-owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement

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area. Presently, for example, the City has an improved trail approximately 3 miles in length (and additional 1.3 miles of trail soon to be improved) available to the public across all three easements and the yet to be recorded 4th easement.

32.27A Farmington City is legally responsible and must expend public monies to enforce violations of the easement and ensure that parks, recreation areas, or wildlife/waterfowl uses of the easement are still available to the public."

32.27A These lands were acquired to preserve the open space and the listed resources in perpetuity and the Conservation Easements were designed to enhance community cohesion, the ecosystems, recreational opportunities and the viewshed of all Farmington City. Furthermore, when determining if a Property is a Section 4(f) property, Courts have held that the Secretary "may properly rely on, and indeed should consider…local officials' views." *Concerned Citizens on I-90 v. Secretary of Transp.*, 641 F.2d 1, 7 (1st Cir. 1981). The views of the officials with jurisdiction is also required by the Policy Paper. (Part II, Question 1B). Those officials are at Farmington City.

32.27A Remarkably, the trails to, through, and around these Conservation Easements accorded 4(f) status in the DEIS, but the Conservation Easements were not. This makes no sense and is a clear violation of the law. As a result, no avoidance alternatives were developed, nor were any attempts made to avoid these Conservation Easements. There was also no review of the use and harm to the Conservation Easements by the Preferred Alignment and no attempt was made to minimize that harm. The fact that these tasks were not undertaken is a fatal legal flaw. The Glover's Lane Alterative could not have moved forward in the process had these been 4(f) properties.

32.27A In addition to the fundamental 4(f) issue, there are numerous other failures regarding impact analysis and review with respect to the Conservation Easement. These lands were obtained under the Farmington City General Plan and Zoning Ordinances and were necessary to meet the requirements thereof. They are "significant" because of the numerous and varied conservation values conserved thereon and for the current and future purposes for which they were acquired. Despite the fact that these are unique and sensitive, natural, scenic, open space, wildlife, farmland, floodplain and/or wetlands, the impacts thereto were not reviewed in the Chapters of the DEIS devoted to direct effects, indirect effects, and cumulative impacts. It should also be noted that parks, recreation areas, recreation uses, community open space, educational structures, water structures, and wildlife and waterfowl refuges are allowed future uses and those resources were not reviewed as to impacts and effects either.

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32.27A Specifically, Farmington Meadows Phase I and Farmington Ranches Phase VI contain wetlands and wildlife habitat with some permitted uses for pasture and farmlands. Buffalo Ranch permits a farm, but includes significant areas of wetlands and wildlife habitat. All of these easements support floodplains, natural and scenic areas, open space and are a critical aspect of the Farmington City viewshed. They also provide for recreational uses such as hiking, bicycling, bird watching and equestrian uses, which are allowed by the public and facilitated by the adjacent trails.

32.27A Other problems with this Chapter are as follows. The entire table located at 27-45 is flawed. Impacts are missing. There is a distinct preference for quantity of 4(f) impacts versus quality of 4(f) impacts, so the conclusions are skewed. Had the Conservation easements been included, the impacts could not be minimized, as the use is permanent. Because the use of the Conservation Easements was not reviewed, all of the sections discussing use of parks, use of recreational areas, use of refuges, community cohesion impacts, community facility impacts, wildlife habitat and wetland impacts and farmland impact in the DEIS are flawed.

32.27A Not only were the Farmington City Conservation Easements not accorded their rightful status as 4(f) properties, the direct effects, indirect effects and cumulative impacts to these Conservation Easements were not fairly arrayed in the respective sections of the DEIS as required. The result of this is that the 4(f) overall harm table located at 27-36 is inaccurate and the preferred alignment cannot be said to create the least overall harm. This conclusion as to 4(f) is exacerbated by the failure to review and compare the impacts to the Conservation Easements vis-à-vis the other Alternatives in the DEIS.

32.27B It should be noted that the same treatment is accorded The Nature Conservancy (TNC) Conservation Easements, which are interspersed with the land acquired by the URMCC. These properties were acquired as a block, at essentially the same time and perform the same functions with respect to protection of the ecosystem, preservation of open space and many of the other natural resources protection performed by the Farmington City Conservation Easements. Despite that, the TNC Easements are not considered 4(f), even though the URMCC properties are. This is another serious flaw.

VII. CONCLUSION

32.31Q In view of the many problems and issues set forth in detail herein and summarized in the General Comments in Section I, Farmington City requests the DEIS be revised in accordance with these comments and then re-issued. First, however, all of the relevant information must be assembled and analyzed.

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Comment 869 (continued)

Response Section in Chapter 32 ➥

We look forward to continuing to work with the local, state and federal officials involved in this Project.

Sincerely yours,

Dave Millheim
City Manager

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EXHIBIT A

Comment 869 (continued)

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FARMINGTON CITY

FARMINGTON
Historic Beginnings - 1847

Scott C. Harbertson
Mayor

John Bilton
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council

Dave Millheim
City Manager

To: FHWA

From: David E. Petersen, Community Development Director

Date: September 5, 2013

SUBJECT: **Technical Supplemental Memo in Support of Farmington City WDC DEIS Response**

The purpose of this memo is to supplement Farmington City's response to the WDC DEIS. It provides comments specific to narrative, figures, tables, etc. in support of, but not explicitly set forth in the response.

32.3E

1. The Farmington Master Transportation Plan (MTP) is "correctly" referenced in Section 1.6.2.1 (p 1-6). However, it should be emphasized that Farmington adopted the 2009 MTP in such a manner because at the time UDOT informed Farmington that any similar alignment to the now Shepard Lane alternative was not an option. And Farmington officials did not want the DRG&W option, which at the time was UDOT's preferred alignment. This matter was later set straight as to the City's preferred alignment (the Shepard Lane alternative) by resolution. Attached is the 2009 Roadway Functional Classification Plan, which is part of the Farmington City MTP.

32.2.13O

2. Corridor maps RD1-01, RD1-02, RD1-03 show no future interchanges on the Glover Lane alternative, this is inconsistent with the Farmington City MTP.

32.24D

3. Table 24-1 (p. 24-10) does not include the South Davis Corridor Transit Study.

32.2.4C

4. Access to the Davis County owned "Sheep Road" is blocked south of Glover's Lane by the Glover's Lane alignment (RD1-01). Although access to this corridor is provided further south via a proposed local street from 650 West, it appears that the Glovers Lane option will forever preclude the County road as a viable north to south corridor in the future. This is one of the few continuous north to south routes in this geographically narrow area of the County that does not impact wetlands. Losing a corridor like this, in an increasingly urbanizing area, will detrimentally impact growth in Farmington City. It also is not identified in the "Other North-South Corridors" in 27.5.2.5 (p. 27-28).

32.1.1C

5. The DEIS suggests that the US 89 corridor does not serve areas west of I-15 and therefore does not meet the purpose and need for the project (27.5.24, p. 27-27 and 27-28). However, in Farmington, the US 89 corridor connects to the Park Lane interchange, and directly impacts areas west of I-15.

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Comment 869 (continued)

Response Section in Chapter 32 ➥

32.2.1R

6. Davis School District's major transportation facility for school busses for south Davis County is located in Farmington. Did the DEIS account for the need to enhance local traffic patterns for this facility?

32.10H

7. Section 1.7.5 (p. 1-29) discusses the lack of east/west bicycle facilities in the Study Area, yet some of these east/west facilities exist in Farmington. Nevertheless, the Glovers's Lane alternative compromises one of these east/west facilities planned for the future. Attached is the Farmington City Trails Master Plan.

32.2.1A

8. The possible need for local BRT/light rail is not discussed when it could have been (p. 2-40).

32.2.13C

9. In describing the Glover alternatives, the DEIS fails to mention that these options are not consistent with the Farmington MTP in that they do not allow 1100 West (a major collector) to connect to Glover's Lane–another major collector (2.2.6 (beginning p. 2-55, and elsewhere).

32.2.13C

10. Thus far, the Glovers Lane alignment is not designed to accommodate an interchange at 1100 West and the WDC, even though the DEIS acknowledges that this is in the future plan for the City.

32.24E

11. Table 24-2 (p. 24–13) identifies a new "school" but it should be mentioned that this is a "high school"; also as this table describes growth in other municipalities it reported anticipated dwelling units related to those cities, but not in Farmington. It is anticipated that Farmington will add another 3,430 units in west Farmington by 2040–this number should be added to the table. Attached are updated demographic tables for Farmington City.

32.2.13C

12. Section 26.4.5 (p. 26-7) regarding "Mitigation Measures for Impacts to Public Health and Safety" fails do mention that the lack of local access to the Glover's Lane Alignment in Farmington and southwest Kaysville will severely compromise emergency and public safety operations.

32.1.2G

13. Updated employment data from Farmington City will increase 2040 projections more than shown on Chart 1-1 (1.5.2) (p 1-12). Attached are updated demographic tables for Farmington City.

32.1.2G

14. Figure 1-5 significantly underestimated employment growth. West Farmington may experience employment totals up to 27,000 people. Attached are updated demographic tables for Farmington City.

32.3G

15. Figure 3-2 shows the existing Station Park area as "open space" when almost 950,000 s.f. of commercial and 200,000 s.f of office is now built, occupied, and/or under construction.

2

Comment 869 (continued)

Response Section in Chapter 32	
32.23G	16. Figure 23-2 Developed Land map (2005) is not accurate.
32.23G	17. Figure 23-3 Developed Land map (2030) is not correct. It still shows, among other things, the Station Park area as "Agriculture". Attached is the future Land Use Plan/General Plan map for Farmington City.
32.10H	18. Trail Mitigation Measures in 10.4.5 and 26.9 do not address Farmington Creek trail or the Haight Creek Trail in the Hunters Creek subdivsion. The Glovers Lane Alignment prevents these trails from connecting to trails in Farmington Bay and the Great Salt Lake Shoreline Trail.
32.13C	19. Figure 13-1 ("Water Bodies and Watersheds") is missing some of the Creeks in Farmington City.
32.3G	20. The DEIS states that the land use impact analysis area encompasses existing and planned land-use patterns (3.1 (p. 3-1)–but it did not accurately do so in Farmington City.
32.5.1F	21 Figure 5-2 ("Subdivisions and Neighborhoods") is out of date.
32.5.1F	22. Figure 5-5 ("Non-school Community Facilities") does not show the County Fairgrounds or Justice Complex (and jail); and it is missing a church.
32.5.1F	23. Figure 5-6 ("Schools") shows an extra school in west Farmington City that does not exist.
32.4G	24. The Bangerter farm was not adequately addressed (Section 26.3.3, p. 26-5).
32.4H	25. Figure 4-4 ("Croplands") is not completely accurate.
32.4I	26. Glovers Lane Alignment makes the Buffalo Ranch difficult to operate as agriculture or ranch property (RD1-02).
32.14.3O	27. The wetlands depicted in Farmington City's office park area are not as widespread as shown on Figure 14-2.
32.3H	28 Sections 2.4.2.2 and 3.3.5, and Figure 3-4 and 14.3 do not mention or illustrate the existing and soon to be recorded Hunter Creek's conservation easements (pg. 2-82 and 3-12).
32.27A	29. Section 27.4 "Identification of Section 4(f) Resources" does not identify Farmington City's conservation easements as 4(f).
32.3F	30. The Glover's Lane alignment disrupts all of the Farmington City conservation easements as shown on map RD1-02.

3

Comment 869 (continued)

Response Section in Chapter 32	
32.15C	31. Section 2.4.2.2. shows that the Glovers Lane option would affect 173 acres of flood plain while the Shepard Lane option would impact 34 acres. Yet the DEIS states that actual impacts of flood plain functions with the Glover Lane option are considered less (p. 83). The DEIS then compares the two very different flood plains--- one an immense multi-regional flood plain, and the other—a very localized flood plain on a small creek which is the drainage tributary for an exponentially smaller area. It erroneously demonstrates that the Glovers Lane impacts (.0007% of the Great Salt Lake Flood Plain) is less than the Shepard Lane option (which impacts 100% of the Haight Creek Flood Plain). Moreover, regarding Haight Creek, it appears from the information presented that the Shepard Lane Alignment may occupy 100% of the "FEMA" floodplain, but it certainly does not occupy 100% of the remaining Haight Creek floodplain outside the FEMA designation.
32.15C	32. It appears that the flood plain in the Shepard Lane alignment is much less than 34 acres (see Figures 15-3 and 15-4).
32.14.2B	33. The bald eagle habitat is not correctly addressed along Farmington Creek (Section 14.2.2 (p. 14-4)).
32.23H	34. The City overview in Section 23.5.1.2 (p. 23-9) is not correct in that it states that 1100 West (a major collector will eventually connect to Glover's Lane (another major collector) under all of the alternatives; however, it will only do so under the Shepard Lane Options---it appears that it will never do so under the Glover Options.
32.23D	35. Section 23.5.1.2 (p.23-9) of the DEIS incorrectly quotes Farmington City planners as follows: 1) the 4,218 elevation mark is a "development boundary" (not "the" development boundary as referenced in the study)–and it is not the "Great Salt Lake floodplain elevation" also referenced in therein; 2) the Section also states: "Since most of the land west of Alternatives A1 - A2 and B1 - B2 is lower than this elevation, no development would occur in this area", but development can occur in this area–just at lower densities; 3) the Section further states: "Current and planned development would occur out to the location of the conservation easement the City has in place to restrict development in western Farmington near the Great Salt Lake. Therefore, Alternatives A1--A2 and B1–B2 would not induce development in this part of the Western Farmington". This is not true–it would induce development. This is a big issue for Farmington City. These alignments would unravel years of the planning efforts---these indirect and cumulative impacts are huge for the community.
32.23D	36. Table 23-1 "Summary of indirect effects of the WDC by City" (p.23-14) is incomplete. More indirect impacts should be listed as conservation easement and long standing General Plan designations will likely change if the Glover's Lane alignment is chosen. It will dramatically change west Farmington.
32.23E	37 Figure 23-1 ("Location of Potential Indirect Effects") should be updated to the indirect negative impacts in Farmington City related to Glover's Lane alignment.

4

Comment 869 (continued)

Response Section in Chapter 32 ➥

32.23I 38. In Section 23.5.2 the potential indirect effects of farmland in west Farmington City related to the Glovers Lane alignment are not discussed (p. 23-20).

32.23D 39. Page 23-21 of Section 23.5.2 discusses the indirect effects on economics due to interchanges along the WDC. Farmington City is conspicuously absent from this discussion because no interchanges are planned on the Glovers Lane alignment in our community. Any interchange in Farmington City would have a positive indirect effect: however, because there is not an interchange on the Glovers Lane alignment, it is a negative economic effect for the City.

32.12B 40. Page 23-22 of Section 23.5.2 states the potential indirect effects of noise are anticipated to be negligible. Notwithstanding this, in west Farmington City they will be significant in the future if the Glovers Lane alignment is chosen

32.23D 41. The indirect effect of future growth in Farmington City are more certain than described in Section 23.6. If no local access is provided on the Glovers Lane alignment economic growth will be slowed.

32.23D 32.24C 42 Indirect impacts are very significant in Farmington City and they should be considered as an "Important Cumulative Impacts Issue", but they are not (see 24.3.1.2 (p. 24-5); and 26.21.7 (p. 26-9)).

32.10H 43. Figure 2-16 does not show connections from the sidewalks and roads to the trails themselves so that bikes/peds on Shepard Lane and Clark Lane can access the trails after they are grade separated; nor is the trail crossing at Shepard Lane designed such that it also helps transition the Haight Creek Trail across the WDC.

32.10L 44. Table 10-1 shows all three classes of trail facilities while Table 10-2 only shows Class 1 facilities, but it is not obvious that Table 10-2 shows only the Class 1 facilities.

32.10I 45. Section 2.1.6.2 states in part: "UDOT would consider implementing the trail improvements listed below only if there is coordination and support from the local governments. The following trail improvements would be implemented by local governments and UDOT…". The meaning of this is vague. Is the intent to give notice that the local governments will have to pay for the improvements but that UDOT will actually construct those improvements along with the WDC as a betterment? Or is the intent to say that if the communities are interested in implementing certain improvements that UDOT will include those items in the WDC project budget?

32.10J 46. Both unpaved and paved trails show up under the moniker of "Class 1", and some side paths along rights of way are also erroneously identified as Class 1 facilities.

32.10J 47. Section 10.1, 2nd paragraph, 3rd sentence incorrectly states that both Class 2 and 3 facilities are "typically considered a bicycle 'route'…" when this is a term usually reserved for Class 3 facilities.

5

Comment 869 (continued)

Response Section in Chapter 32 ➥

32.10K 48. Some maps (e.g. Figure 2-16) show the Kays Creek Trail between the D&RG Trail and the WDC alignment. Other maps (e.g. Figure 10-2) show that there is a gap west of the D&RG Trail. Meanwhile, the EIS highlights that the WDC will provide a connection from the D&RG Trail to the Emigrant Trail.

ATTACHMENTS:
A. 2009 Roadway Functional Classification Plan (part of the Farmington City MTP).
B. Farmington City Master Trails Plan.
C. Future Land Use Plan/General Plan map for Farmington City.
D. Updated Demographic Tables.

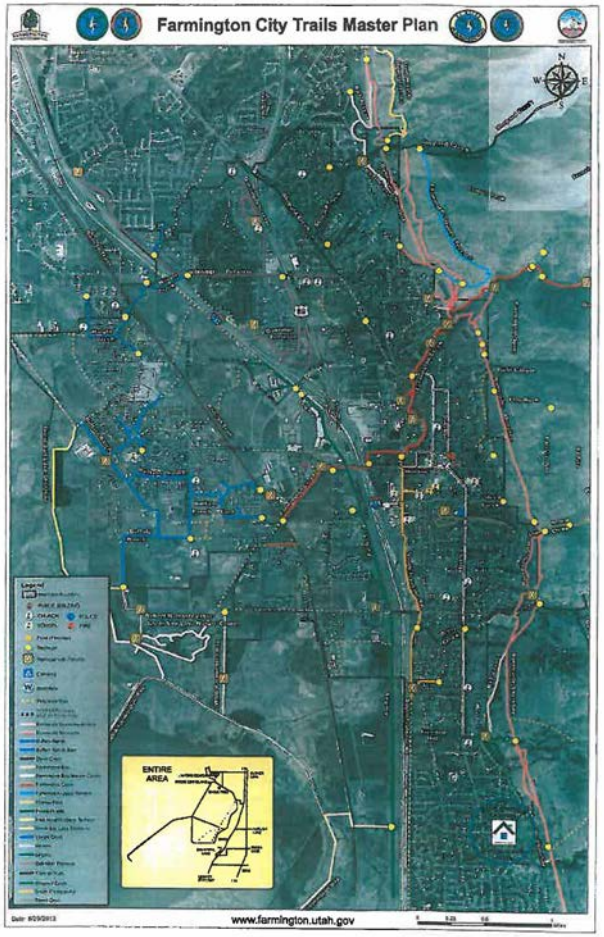
6

Comment 869 (continued)

Response Section in Chapter 32 ➥

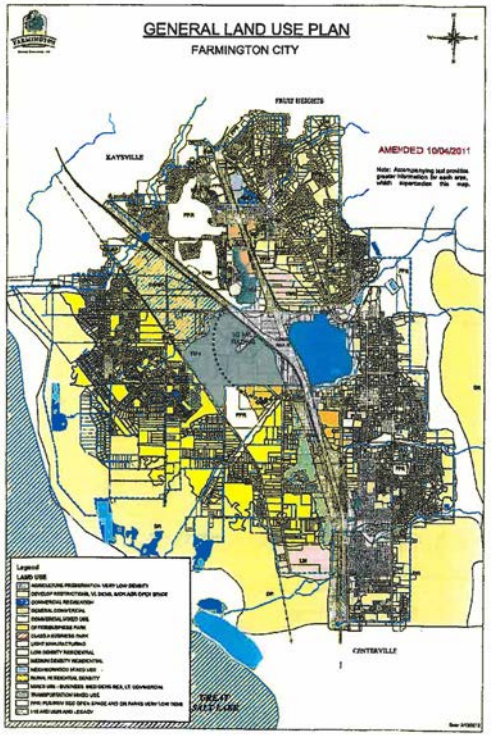
Comment 869 (continued)

Response Section in Chapter 32 ➥



Comment 869 (continued)

Response Section in Chapter 32 ➥



Comment 869 (continued)

Response Section in Chapter 32 ➥

FARMINGTON

Modified 2040 Socio-Economic Data: Revised August 2013

Without Public Schools, Lagoon, Church Buildings, Fairgrounds, and Park Buildings

*See comments/questions below

	Traffic Analysis Zone	Total Population	Modified Total Population	Total Dwelling Units	Modified Total Dwelling Units	Total	Modified Total	Retail	Modified Retail	Industrial	Modified Industrial	Other	Modified Other	Household Size	Modified Household Size	Average Income	Notes:
1*	267	3,700	31	432	689	148	400	5	159	0	0	43	60	9.249	3.24	$13,874	In Fruit Heights except for about 12 Homes
	267	1,341		432	9	65	9 405	5	159	0	0	43	60		2.97	63,350	
	268	1,873	2,122	483	639	276	469	60	188	0	0	95	95		3.00	63,264	
	269	3,300	3,378	997	1,032	90	498	60	195	0	0	30	291		3.41	102,514	
	270	404		603		237		1		0	1	6			3.40	63,264	kt Kaysville except for one home
	271	1,158		1,057	220	449	5	1	3	13	2	18	5		3.09	63,264	
	272	3,320		2,365	1,100	1,064	23	662	7,238	285	1,149	69	0		3.20	63,350	
	273	238		2,516	80	1,108	913	7,303	307	0	831	0	531		2.98	63,264	
	274	605		810	155	239	0	0	1	3	0	0	6,562		3.00	63,264	
	275	890		1,641	300	723	2,400	3,740	1,002	2,141	0	65	1,398		3.20	63,350	
	276	1,311		1,385	259	410	15	63	0	1	0	0	1,534		2.27	63,350	
	277	605		810	155	239	8	0	1	3	0	0	0		3.00	63,264	
	278	73		311	19	117	1,220	100	4	2	0	26	698		3.39	63,264	
	279	473		600	98	150	20	0	1	0	0	8	18		2.27	63,350	
	280	583		810	180	180	0	12	0	0	0	0	0		3.00	63,264	
	281	70		66	22	20	0	1	0	1	0	0	5		3.18	63,350	
	282	187		180	36	53	1,150	562	14	0	0	17	0		3.39	64,003	
	283	560		1,451	354	451	541	43	57	0	17	1,002	407		2.93	63,264	
	284	1,878		1,961	574	601	1,410	43	38	95	2	664	1,369		3.15	88,870	
	285	6		7	2	2	10	19	1	0	0	0	6		2.92	88,870	
	301	573		600	119	177	309	3	16	0	0	286	19		3.27	63,264	No more homes will locate here due to Bird Refuig
	302	3,034		2,222	1,157	890	500	165	300	16	0	200	146		3.39	63,350	
	303	1,650		1,616	484	485	1,000	256	450	143	5	48	85		4.82	63,264	
	304	20		14	4	3,075	141	2 100	0	0	25	0	500		2.62	63,350	
	305	1,500		1,734	538	511	10	10	0	0	10	0	62		2.50	63,264	
	306	2,288		2,488	671	752	33	10	0	0	0	19	23		3.41	102,514	
Avg 2013 Estimate--->		29,290	31,001	8,871	10,530	12,665	33,496	4,853	5,050	807	944	6,975	27,502		3.30	63,264	
Original 2009 Estimate--->			29,640		9,895		11,253		3,308		917		7,028				

* Comments/Questions

1 Do you want me to account for the approx. 12 homes TAZ 261 that are in Farmington?

2 This is fairly accurate as per Farmington City records, but much depends on how accurate your HH size numbers are compared to ours.

Comment 869 (continued)

Response Section in Chapter 32

EXHIBIT B

Comment 869 (continued)

Response Section in Chapter 32

Farmington

2040 Socio-Economic Data Estimate
Selected Traffic Analysis Zones (TAZs)
Submitted 2009, Revised December 2012

Residential	Commercial	Other
75.0%	110.0%	48.0%

Residential Estimates

TAZ	Population	Revised Population	Dwelling Units	Revised Dwelling Units	House-hold Size	Revised House-hold Size
267	1,407	31	415	9	3.39	
273	1,486	2,395	654	1,055	2.27	
274	2,011	2,516	885	1,108	2.27	
275	629	1,641	277	723	2.27	
279	376	311	166	137	2.27	
TOTAL	5,909	6,893	2,397	3,032		

Non Residential Development Estimates
(by square feet in 1,000s)

TAZ	Retail	Revised Retail	Industrial	Revised Industrial	Other	Revised Other	Total	Revised Total
267	0	100	0	0	64	2,872	64	2,972
273	378	720	0	0	0	1,892	378	2,613
274	745	523	0	0	2,104	2,038	2,849	2,561
275	1,427	1,347	38	38	795	476	2,260	1,861
279	25	25	0	0	1,189	1,189	1,214	1,214
TOTAL	2,575	2,715	38	38	4,152	8,468	6,765	11,220

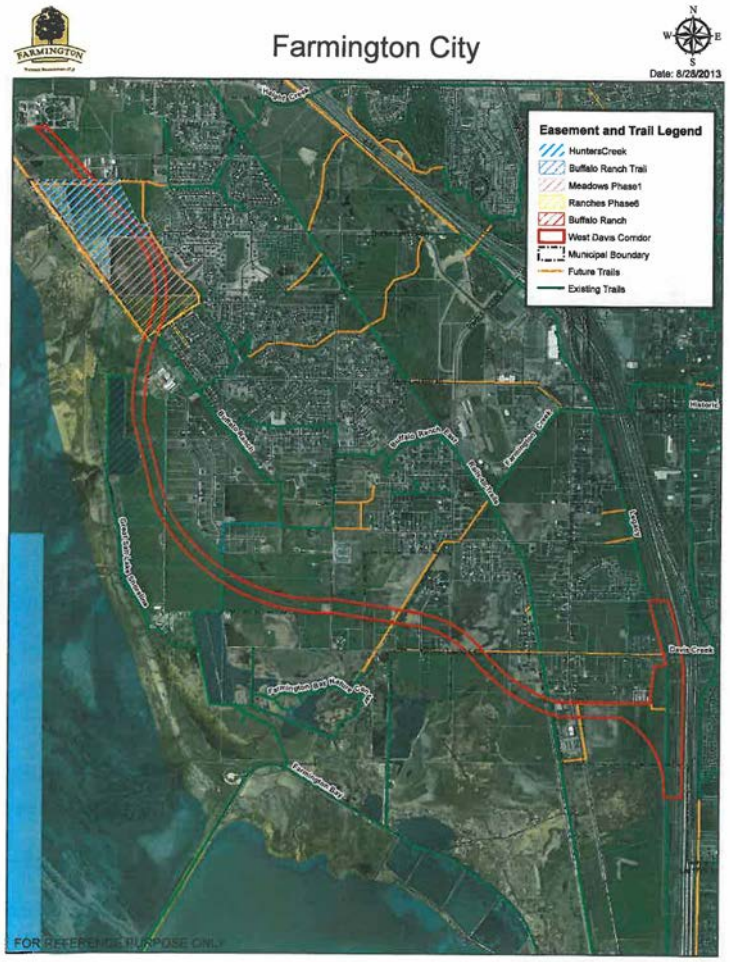
	Acres	s.f. Office	s.f./acre
Millrock	22	625,000	29,070
Old Mill/Cottonwood Corp Center	72	2,500,000	34,722
Total	94	3,125,000	33,422

TAZ	Acres	s.f. Office	s.f./acre
267	85.53	2,872,336	33,583
273	96.15	1,892,140	19,680
274	96.22	2,037,629	21,179
275	86.85	476,288	5,484
279			
TOTAL	365	7,278,592	19,955

TAZ	Population	Revised Population	Dwelling Units	Revised Dwelling Units	House-hold Size	Revised House-hold Size	Retail	Revised Retail	Industrial	Revised Industrial	Other	Revised Other	Total	Revised Total
267	1,407	31	415	9	3.39		0	159	0	0	64	9,249	64	9,408
273	1,486	2,395	654	1,055	2.27		378	1,145	0	0	0	6,093	378	7,238
274	2,011	2,516	885	1,108	2.27		745	831	0	0	2,104	6,562	2,849	7,393
275	629	1,641	277	723	2.27		1,427	2,141	38	65	795	1,534	2,260	3,739
279	376	311	166	137	2.27		25	40	0	0	1,189	1,189	1,214	1,229
TOTAL	5,909	6,893	2,397	3,032			2,575	4,316	38	65	4,152	24,626	6,765	29,007

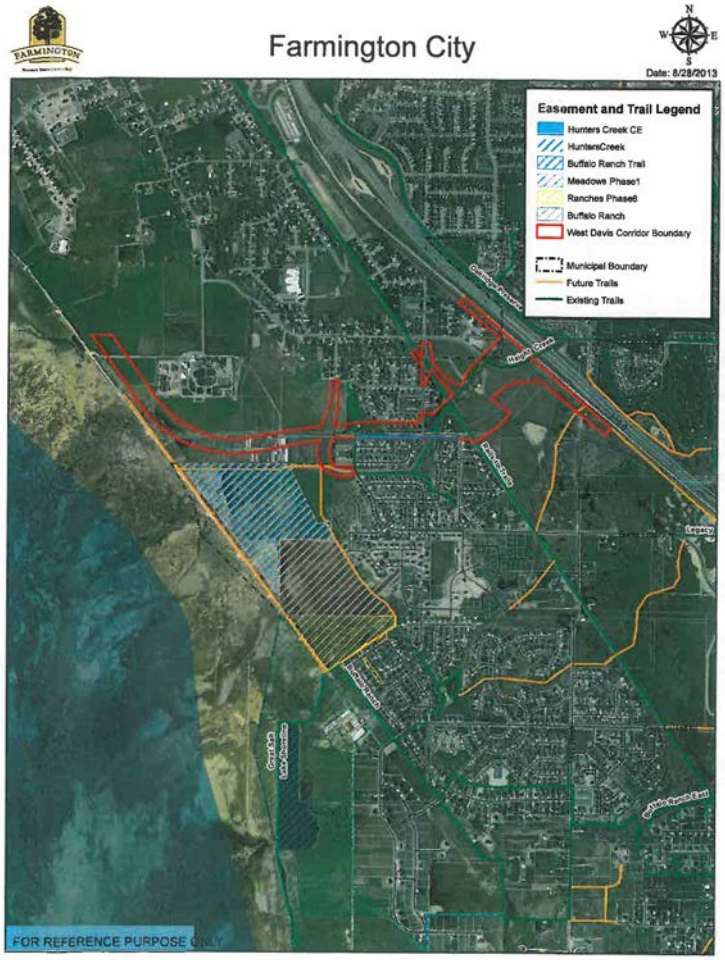
Comment 869 (continued)

Response Section in Chapter 32



Comment 869 (continued)

Response Section in Chapter 32



Comment 869 (continued)

Response Section in Chapter 32 ➥

EXHIBIT C

Comment 869 (continued)

Response Section in Chapter 32 ➥

FARMINGTON CITY

FARMINGTON
Historic Beginnings · 1847

Scott C. Harrington
Mayor

John Bilton
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council

Dave Millheim
City Manager

May 11, 2012

Vincent Izzo
HDR Engineering
West Davis Corridor Consultant Project Manager
466 North 900 West
Kaysville, Uth 84037

Mr. Izzo:

I received your request for a written response to eight questions presented in your letter to me dated April 27, 2012. Thank you for taking the time to seek Farmington City's input regarding the large tracts of open space preserved on the west side of our community. Your questions are set forth below, with my response following each question:

1. Does the City of Farmington, as the public body with jurisdiction over the Farmington conservation easements, consider these land and easements, or delineated portions of them, to be publicly-owned parks, recreation areas or wildlife/waterfowl refuges? Please provide any documentation of their designation or management for these purposes.

Yes. The public owns the easements, they are under the ownership of Farmington City. The City acquired these easements through in-kind compensation of comparable value by substantially increasing in the number of lots available to the then existing property owners for their proposed developments. Our records show that three conservation easements (please see attached documents), and soon to be a fourth, encumber the ground in the path of the proposed westerly alignment of the West Davis Corridor (WDC) [note: the conservation easement for the Hunters Creek development will be recorded soon and will be similar to the others].

Each easement, as expressly stipulated therein, possesses unique and sensitive natural scenic, open space, wildlife, farmland, floodplain, and/or wetland conservation values, and was recorded for the purpose of preserving and maintaining these uses. Publicly-owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement area. Presently, for example, the City has an improved trail approximately 3 miles in length (and additional 1.3 miles of trail soon to be improved) available to the public across all three easements and the yet be recorded 4th easement.

Farmington City is legally responsible and must expend public monies to enforce violations of the easement and ensure that parks, recreation areas or wildlife/waterfowl uses of the easement are still available to the public (see enclosed easements). The City has taken such enforcement action in the past when debris has been dumped on the property, when property owners have desired to encroach on conservation land with buildings or unauthorized improvements, or to construct buildings beyond what the easements would allow, etc.

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Comment 869 (continued)

Response Section in Chapter 32 ➥

2. Does the City of Farmington consider these lands, or delineated portions of them to be "significant" (as defined in the quote above) as parks, recreation areas, or refuges?

Yes. The lands are significant due to their location along the shore of the Great Salt Lake, and their unique conservation values previously mentioned, and the lands are identified on the City's Resource and Site Analysis Plan (an element of the City's General Plan) and must be preserved for such things as parks, recreation areas or wildlife/waterfowl refuges. The lands are also significant because of the magnitude of the size of area that they encompass. They cover hundreds of acres.

3. How and by which department does the City manage or oversee these lands and terms of the easements?

AND

4. What group or organization actively manages the land for the purpose stated in the conservation easements.

The Farmington City Community Development Department, with the assistance of its legal consultants, enforces and oversees the lands in terms of the conservation easements, and the City's Public Works and Parks and Recreation Departments, and the City's Trail Committee, manage and oversee these lands in terms of trail use. A "Trail Boss" (or in certain circumstances more than one trail boss) is assigned by the Trails Committee to walk and inspect the trails/lands on a regular basis.

5. How are conservation easements currently used?

Recreation (trails), natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of streams, stream corridors, and water courses.

6. How does the City view the similarities and differences among the easements (including mentions of agriculture, trails, recreation and wildlife), the City's land use plan, and the city's zoning plan? Are other parks or conservation areas in the City designated with the same zoning and land use as the conservation easements?

I will answer this question in three parts because it appears that one can construe the first question in this section regarding "similarities and differences" in two ways. Section A and B below deal with the first question and Section C is in response to the question in the last sentence.

A. Similarities and differences among the easements, the land use plan, and zoning [ordinance]: The easements, the City's land use plan (or General Plan), and the city's zoning plan (or Zoning Ordinance) are similar in purpose and function. Farmington views no differences in purposes among the three documents. They are extremely compatible.

All the easements were obtained consistent with purposes set forth in Section 11-12-010 of the Farmington City Municipal Code including, among other things, 1) "conservation of open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them

2

Comment 869 (continued)

Response Section in Chapter 32 ➥

aside from development"; 2) "provide incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents"; and 3) "create neighborhoods with direct visual and/or recreational access to constrained sensitive and conservation land".

The purposes of this Section of the Municipal Code (as well as the easements) are consistent with goals, objectives, policies of the General Plan. These include, but are not limited to the following: 1) "The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This is the most significant element underlying the General Plan", 2) "Maintain Farmington as a community with a rural atmosphere, preserving its historic heritage, and the beauty of the surrounding countryside", 3) "Develop a trails system in the City which includes bike paths, jogging/hiking trails, and equestrian trails, etc.", 4) "Explore the potential of preserving open space and greenbelt areas for recreation purposes and for use as buffer zones in developed areas where appropriate and cost efficient", 5) "Encourage the maintenance of farmland and other open lands if they are historically or environmentally unique", 6) "The acquisition and development of open space and park property should be a priority of the Capital Improvement Program", 7) "Continue to conserve conservation and open space land including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls berms, watercourses, farmland, wildlife corridors, and/or habitat, historical buildings and/or archeological sites, and green space by setting them aside from development", 8) "Foster an environment within the City in which agriculture lands can co-exist in urbanized areas", 9) "Explore alternatives for preservation of agriculture lands as open space through purchase, lease, conservation easements, or otherwise", and 10) "Maintain Farmington as a predominately low density residential community".

As mentioned previously the easements also protect sensitive land resources identified on the City's Resource and Site Analysis plan, and element of the City's General Plan.

B. Similarities and differences among the easements. The three existing conservation easements include the easement recorded in conjunction with the Farmington Meadows Phase 1 Subdivision dated October, 12, 2007, the easement associated with Farmington Ranches Phase 6 dated December 22, 2005, and the easements regarding the Buffalo Ranch project dated July 3, 2003. All easements were recorded for the purpose of preserving and maintaining the same unique and and sensitive natural, scenic, open space, wildlife, farmland, flood plain, and/or wetland values; and three additional values were contained in the recitals to Farmington Meadows easement: aesthetic, ecological, agriculture and recreational values [note: the other easements mention farmland but the Farmington Meadows easement does not]. It is anticipated that the soon to be established easement with the Hunters Creek subdivision will be recorded with similar purposes.

The first two easement primarily encompass wetlands and wildlife habitat with some acreage available for pasture and farm land. Meanwhile, the Buffalo Ranch Easement constitutes a horse farm, with several out-buildings. Nevertheless, this easement also includes significant areas of wetlands and wildlife habitat. All three easements include flood plains, natural and scenic areas, and open space. Public recreational opportunities including but not limited to, hiking, bicycling, bird watching, equestrian uses, etc., are also prevalent to all three easements.

3

Comment 869 (continued)

Response Section in Chapter 32 ➥

C. Yes, there are other parks or conservation areas in the City designated with the same zoning and/or land use as the conservation easements. These include, but are not limited to 1) the public trail and quasi-public park in the Hunter's Creek subdivision, 2) the public park in the Spring Creek Estates subdivision, 3) the public park and public trail system in the Farmington Ranches subdivision, 4) the public trail and board walk system in the Farmington Greens Planned Unit Development, 5) the addition of public park property to the Farmington Pond park, 6) public trails and trail access/trail heads in the Deer Pointe, Shepard Heights, Oakwood Estates, Compton's Pointe, Farmington Manner, Silverwood, Farmington Ranches, Farmington Ranches East, Chestnut Farms, Eagle Creek, Miller Meadows, Deer Hollow, Sunset Hills, Mountainside, Hughes Estates, Tuscany Cove, Tuscany Village, and Willow Creek subdivisions/PUDs.

7. Are the conservation easement land, or delineated portions of them, specifically open to the public or closed/restricted?

Yes, portions of the conservation easement lands are open to the public. The easements contain the Great Salt Lake Shoreline Trail, a segment of the City's Trail Master Plan, an element of the Farmington City General Plan. Approximately, 3 miles of this trail are improved with 1.3 miles still to be developed.

8. Are there designated areas within the easement lands that are specifically planned to be developed for park, recreation, or waterfowl/wildlife refuge purposes? Please provide any documentation showing official intent to develop these lands for such purposes.

Yes, these areas include the trail system as discussed above. Enclosed for your review are photos of the trail. Copies of the easements enclosed herein also delineate the trails.

Thank you for your efforts regarding the EIS for the WDC. If you are in need of further information, please contact me at [redacted] or contact our Community Development Director, David Petersen at [redacted] or by email at [redacted]

Sincerely,

Dave Millheim
City Manager

cc: Mayor and City Council

4

Comment 870

Response Section in Chapter 32 ➥

Comment #: 870

Date: 9/6/2013

Source: Email

Name: Kimberlee Anderson

Location:

Comments:

32.2.13B
32.2.6A
32.2.13B
32.2.6A

I just wanted to say I support UDOT's decision to use the Glover's Lane option. I feel it is the best way to truly have an alternate route. This last year there were two different times when I-15 was entirely shut down that stand out in my mind. One time it was shut down because of something that happened on the train tracks, I believe (my memory is foggy!). It seems to me if something on the train shut down something on I-15, then adding another road right in the same area makes it so there isn't another way out. If the WDC went the Shephard Lane option, it seems like it would have shut down. I'm not saying it clearly. Hopefully somebody else has already mentioned this, but I feel the Glover's Lane option is the best way to provide a true alternative. Plus, I think traffic will flow better with that option. I worry about traffic jams with the Shephard option with so many lanes flowing together. Also, thank you for not destroying the Oakridge golf course and most especially for keeping Quail Crossing and Hunter's Creek neighborhoods from being divided by a major freeway. Thank you for listening to us! It gives me renewed faith in government processes. Thanks!
-Kim Anderson

Comment 871

Response Section in Chapter 32 ➥

Comment #: 871

Date: 9/6/2013

Source: Email

Name: Brandon & Tara Beckstead

Location:

Comments:

32.31D
32.2.1G

We do not want this freeway in our city. We support a shared solution in our household.
Tara Beckstead

Comment 872

Response Section in Chapter 32 ➥

Comment #: 872

Date: 9/6/2013

Source: Email

Name: Tyler Yeates

Location: Bountiful

Comments:

32.11.2A

I am writing as a concerned citizen, father, and local physician. Our air pollution is already among the worst in the nation. People living within 2 miles of a freeway live in a zone of increased air pollution. Those within 165 feet are exposed to 25---30 times more fine particulate matter than other people, and studies show this increases heart and lung disease, strokes, mortality rates, affects
pregnancy outcomes, leads to cancer and autism etc. Freeways are cancer and autism corridors. This is reason enough to not produce any more freeways. The safer, wiser, economical choice is with public transportation expansion.

32.2.1A

Thank you,

Tyler Yeates, MD
Bountiful, Utah

Comment 873

Response Section in Chapter 32 ➥

Comment #: 873

Date: 9/6/2013

Source: Email

Name: Gregory Zeigler

Location:

Comments:

To Whom it May Concern,

32.1.2A

I drive northern I-15 (we have never felt the need to use the Legacy Freeway) from the Idaho border to Salt Lake City on a regular basis and I feel any additional freeway, and especially the proposed West Davis freeway, is utterly unnecessary.

Thank you for your attention.

Comment 874

Response Section in Chapter 32 ➥

Comment #: 874

Date: 9/6/2013

Source: Email

Name: Dimmie Zeigler

Location:

Comments:

To Whom it May Concern,

32.1.2A
32.14.3A

My family and I drive northern I-15 (we have never felt the need to use the Legacy Freeway) from the Idaho border to Salt Lake City on a regular basis. It is my opinion that any additional freeway, and especially the proposed West Davis Corridor freeway, is utterly unnecessary. The wetland areas that exist there should not be disturbed by highway traffic, noise and polution.

Thank you for your attention.

Dimmie Weller Zeigler
Jackson Hole, WY and former SLC resident

Comment 875

Response Section in Chapter 32 ➥

Comment #: 875

Date: 9/6/2013

Source: Email

Name: Cindy and Carter Haacke

Location: Syracuse

Comments:

32.30B

Brianne, will you get this to the proper place if this isn't the right place. First I want to thank you and Randy for the assistance that you have given us. You have been very approachable, informative and understanding during this time of uncertainty. We have been involved in monitoring this "legacy highway" since we heard about it years ago. We were not old of this plan when we bought our house 28 years ago. Since it had the possibility of going in front of our house and changing our peaceful way of life we have been very interested in the outcome. Many meetings, open houses, city council meetings and discussion have occurred over the years. The choice of UDOT to follow the Bluff Rd plan is not our first choice, we would have wanted it to go further west. We also understand that there are many who wanted it up on Bluff. We could play the whining political game that those with agricultural interests were better organized, etc. I hope you know us well enough to know that we aren't 'crying sour grapes'. We have come to the conclusion that the highway is going to be built in front of our house. We have followed the different engineering changes and feel that some have improved the situation. The current interchange is much better than the original design, though we would like it changed one more time. At this time we would ask for further engineering to proceed to keep the road level as LOW as possible. We were happy to hear that there would not be sound walls built on the Bluff, until we heard that the highway will be 30 feet high from the Antelope interchange to the 3000 west overpass, directly in front of our house. Instead of looking at sound walls we will be looking a the 'the great wall of Syracuse'. If it is possible to keep the road at ground level we, along with our Bluff neighbors, will look right over it and the disruption will be minimal. Please consider taking the over pass of the West Corridor off of Antelope, which is already elevated and make the concrete structure by the school running east and west. No one will have to look at it. This would necessitate widening the road to the east of the interchange. If it is possible to buy property at today's prices it might be worth looking into. We realize that this is not in UDOT's current plan, though something will need to be done in the near future because of the added traffic flow. The road has been widened from the east to Walmart and will again be widened at the Antelope interchange and a little to the west. Leaving the two lane road in between. This could cause major traffic issues. This action would allow the corridor to stay at ground level, thus causing the least amount of noise and visual disruption. We just wanted to go on record with our comments. We have trust in the process and trust that everything will be engineered to cause the least degree of disruption. Thank you again Brianne it has been a pleasure working with you and Randy. I guess we are not through so we will meet again. Carter and Cindy Haacke

32.2.13G

32.2.8F

Comment 876

Response Section in Chapter 32 ➥

Comment #: 876

Date: 9/6/2013

Source: Email

Name: Matthew & Nikki Gore

Location: Farmington

Comments:

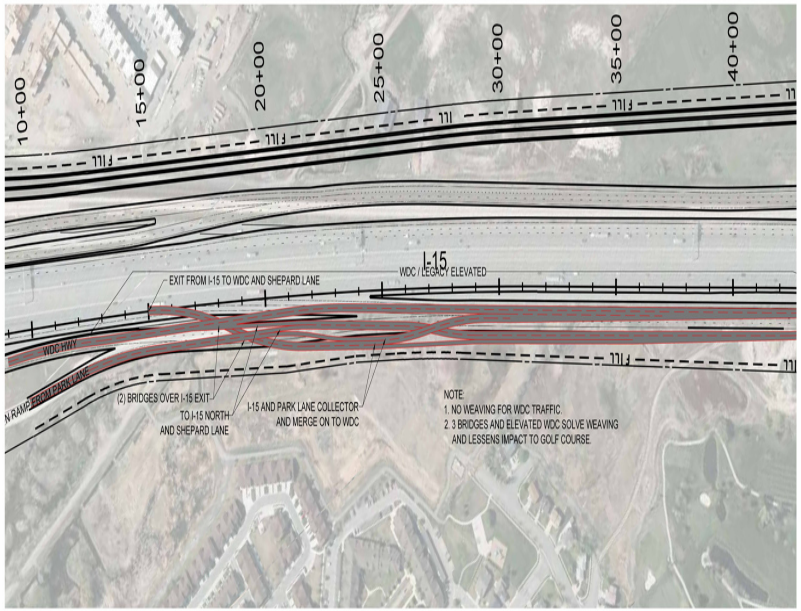
<See email attachments on next page, titled 00876_Matt_Gore_1_9-6-13 and 00876_Matt_Gore_2_9-6-13>

32.2.6H

The Shepard Lane option can be improved and flow better by elevating and adding some bridges right after Park Lane. (see attachments)

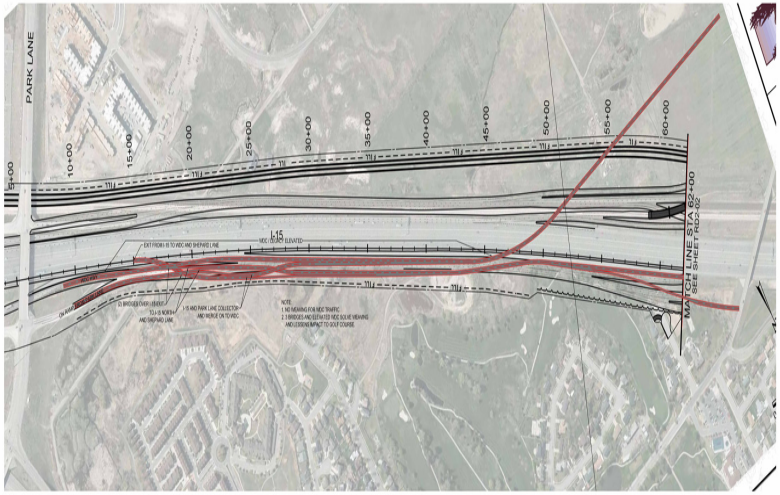
Comment 876 (continued)

Response Section in Chapter 32



Comment 876 (continued)

Response Section in Chapter 32



Comment 877

Response Section in Chapter 32 ➥

Comment #: 877

Date: 9/6/2013

Source: Email

Name: Suzanne Stensaas

Location: salt Lake city

Comments:

32.1.2A
32.2.1A
32.2.1J
32.2.3A

I think this is unnecessary and not environmentally appropriate. There are other solutions to the transit problem and they don't cost so much. Alternatives include cleaner autos, better mileage, hybrid, electric cars, car pool, lower transit fares, more frequent schedules. Use the $600,000 to subsidize mass transit.
I OPPOSE THE PROPOSED ROAD/HIGHWAY

Comment 878

Response Section in Chapter 32 ➥

Comment #: 878

Date: 9/6/2013

Source: Email

Name: Andrea Richman

Location:

Comments:

32.14.2A
32.14.2B

I am a volunteer at the great salt lake nature center.which serves thousands of children teaching them about the importance of open spaces to protect wildlife. The highway would affect so many species of birds that come to rest and nest there, not to mention the hundreds of eagles that migrate to farmington bay from Alaska and Canada. Please do not let our beautifull nature reserve be just another piece of land surrounded by cement and traffic. When the open spaces are gone they are gone. Please do not ruin this precious place. Let it live, let it live.....thank you Andrea Richman

Comment 879

Response Section in Chapter 32 ➥

Comment #: 879
Date: 9/6/2013
Source: Email
Name: Mark Holbrook
Location: Farmington
Comments:

West Davis Team,

32.2.13C Here are the 7 reasons not to go Glover or to Scrap the whole thing:
1-The winter fog is extremely and dangerously heavy in that area and is a safety concern

32.2.13C 2-Farmington City's preferred route that they planned for since the late 90's is no where near Glover lane. Don't you think Farmington City understands what's best for their city and citizens more so that UDOT? Go with what the city suggests

32.2.13C 3-The path taken will run right next to a new Elementary school by Shirley Rae on glover then near a future high school.

32.11.1A 32.2.1A 32.2.2H 32.14.2A 32.2.13C 4-Winter Red Burn days, we have enough of these already, should we look at mass transit options? Air Quality is horrible IE: Trax lines heading east in Syracuse up then to frontrunner.
Our Governor is asking us to drive less, this Freeway says, "DRIVE MORE."

5-Bird Preserve for humans and birds to get away from the noise of life. That is all gone with this option and can never come back

6-I find it interesting that there a many politicians that would benefit more Glove lane option either personally or financially from the Glover Lane option. Looks like dirty politics to me.

32.2.1G 32.11.2A 7-Let's look at a shared solution and scrap the entire 660 million dollar freeway, that will help our future generations avoid cancer, autism, asthma and even death.

Thank you!

Comment 880

Response Section in Chapter 32 ➥

Comment #: 880
Date: 9/6/2013
Source: Email
Name: Bob Brister
Location: Salt Lake City
Comments:

Dear UDOT,

32.14.2D 32.14.2G 32.2.3A 32.11.1A Please protect what is left of the wetland mosaic which now exists along the Great Salt Lake shoreline and uplands. Do not to build a freeway through this globally important migratory bird habitat.
I enjoy visiting the Great Salt Lake and its bird population and don't want to see them degraded. I am also concerned about increase air pollution.

Sincerely,

Bob Brister

Comment 881

Response Section in Chapter 32 ➥

Comment #: 881

Date: 9/6/2013

Source: Email

Name: Mark Lamon

Location:

Comments:

Dear Sir/Madame, 9/4/13

32.14.2A

I just read with concern about the UDOT's interest in developing a new highway to run close to and/or through the wetlands of Farmington Bay. Ocean Star International, Inc is a brine shrimp egg harvesting company operating on the main body of the South Arm of the Great Salt Lake. Being on the lake for the last 25 years, I have seen the lake loosing more and more area for waterfowl. Of course the loss of habitat in the North Arm has been already a major disaster for the waterfowl. The drought has also reduced lake levels causing existing wetland areas to shrink. There is no indication that the drought will break anytime soon. Now, if the proposed project goes through, the waterfowl area will be further reduced. The waterfowl themselves with even less land will also decline. I don't think this loss is in the interest of the people of the State of Utah.

Sincerely,
Mark Lamon, VP
Ocean Star International, Inc.

Comment 882

Response Section in Chapter 32 ➥

Comment #: 882

Date: 9/6/2013

Source: Email

Name: Susan Gurr

Location: Ogden

Comments:

32.2.3A
32.14.2A
32.2.1A
32.2.3A

I am against the proposed West Davis Freeway that impacts the Great Salt Lake for all the reasons you have heard plenty of times regarding this important migratory bird habitat.
In addition, we have a great start on a very efficient public transportation system. Let's use it! Building another freeway just adds to our culture of driving more. We need to find ways to drive less.

Comment 883

Response Section in Chapter 32 ➥

Comment #: 883

Date: 9/6/2013

Source: Email

Name: Richard Ludlow

Location:

Comments:

32.14.2A Please do everything that can be done to protect the valuable and necessary wetlands of Utah, specifically those around the Great Salt Lake.....

This ecosystem is a tremendously important part of our Utah environment.

Comment 884

Response Section in Chapter 32 ➥

Comment #: 884

Date: 9/6/2013

Source: Email

Name: Irene Terry

Location: Park City

Comments:

Dear UDOT

32.2.3A 32.2.1A After examining the proposed West Davis Corridor, I am opposed to its construction for a number of reasons. For one, we all should be helping to reduce traffic in congested areas where we can by using alternative transportation. After finally having alternative transportation to our work, my husband and I gladly pay to not drive to our work, even though it takes longer and costs some out of pocket. Once discovering some of the advantages of taking mass transit, people will begin to take it more often. This reduces environmental damage and healthy air concerns, especially in our inversions during the winder and our ozone creating days in the hot summer. Cleaner air should be a high priority for all of us that live in this beautiful area. Adding more car and truck capacity does not accomplish this. It has been well established the detrimental health concerns (lung development impairment in young, damage to arteries and increased atherosclerosis, potential autism, lung and DNA damage, and numerous other possible health effects) that spin off from roads with high capacity. Why not work with The Shared Solution to help us all reduce our impact? Why not help us to adhere to Governor Herbert's call for each of us to consider how we can help reduce our impact? Adding a new road like this goes against this aim.

32.11.2A 32.2.1G 32.2.2H

32.14.2A A second major reason that I oppose this is where the additional road will be built in sensitive wildlife habitat. These bays around the Great Salt Lake have endured numerous human perturbations, and this is one that can be avoided. We know the damage that some of these impacts have had, and this will add to the damage by interfering with bird flyways, groundwater movement and potential effects on food for migrating birds. This area is unique and we need to preserve what is left.

32.27A Thirdly, the Great Salt Lake Shoreline trail and Buffalo Ranch and public trails will be damaged by the West Davis Corridor, in violation of Department of Transportation Act 4 (f) . These areas need to be protected.

32.31L 32.1.2A Fourthly, costs of maintaining this road after its construction will compete with numerous other taxpayer money for road maintenance costs and schools, etc, especially when numerous organizations show that this road is not necessary.

Thank you for your time.

Dr. Irene Terry

Comment 884 (continued)

Response Section in Chapter 32 ➥

Comment 885

Response Section in Chapter 32 ➥

Comment #: 885
Date: 9/6/2013
Source: Email
Name: Shane Bennett
Location:
Comments:

32.2.3A

Please DO NOT build a freeway through Farmington Bay. I love that place!

Comment 886

Response Section in Chapter 32 ➥

Comment #: 886
Date: 9/6/2013
Source: Email
Name: Sylvia Torti
Location:
Comments:

Dear UDOT,

32.2.3A
32.14.2A

As a professional ecologist and citizen of this valley, I am writing to express both my professional and personal dissatisfaction with this unsound plan to build yet another road through prime wetland. The Great Salt Lake and surrounding wetlands are crucial for hundreds of species of waterfowl, as well as culturally for hunters and environmental enthusiasts.

32.11.1A

In addition, at a time when our air quality is worsening, we need to think proactively about how to decrease emissions from commuting.

32.2.3A

I am fully against this proposal.

Sylvia Torti, Ph.D.

Comment 887

Response Section in Chapter 32 ➥

Comment #: 887
Date: 9/6/2013
Source: Email
Name: R. Jefre Hicks
Location: Weber
Comments:

<See email attachment on next page, titled 00887_Jefre_Hicks_9-6-13>

Dear UDOT,
I have attached my comments on the West Davis Corridor.
Thank you.

Comment 887 (continued)

Response Section in Chapter 32 ➥

September 4, 2013

From: R. Jefre Hicks

To: UDOT –Attn: West Davis Highway Comments

Dear UDOT,
Thank you for the opportunity to comment on the proposed West Davis Freeway.
There are several areas of concern with the westernmost corridor, and I will outline them as succinctly as possible given the incredible complexity of the topic.

32.14.2A
32.14.2H

1. Wildlife impacts- The Great Salt Lake is of hemispherical importance to millions of migrating birds each year. Many of these millions of birds rely on the wetlands located on the east shoreline of the GSL. A highway in the proposed area would dramatically impact these birds (many of them federally protected). The available croplands and pastures along the site of the proposed highway are crucial to feeding, mating, nesting and hatching of these sensitive species.

32.2.13C

2. Recreational impacts – Many thousands of people enjoy the public and private lands along this section of the shoreline every year. Hunters pursue ducks and geese in extremely close proximity to the proposed highway. The Utah DWR has been actively trying to increase hunter recruitment in our state and has several public access points along the West Davis corridor. Having an elevated highway cutting through the dwindling hunting and bird watching areas in Farmington, Kaysville and Layton, would seem to be in direct contrast to other state entities trying to encourage recreational use of our public resources.

32.5.2C

32.11.1A
32.11.2A

3. Air pollution – Having many thousands of vehicles running through this area is not conducive to having a safe and clean breathing environment for families and children in the general vicinity of a highway. Small particulate matter can travel in and out of homes, causing the incidence of lung diseases to increase.

32.14.3A
32.14.2I
32.3C

4. Mitigation concerns – There are areas in the proposed corridor that adversely impact existing mitigation areas as well as existing conservation easements. It is nearly impossible to fully mitigate the loss of wetlands anymore. There are almost no places left that new wetlands can be created, and the loss of these particular wetlands can never be replaced. The highway would also impact several existing conservation easements in the area. What good is creating a conservation easement if a highway can be built over it or along it, negating the benefits originally designed into the easement?

32.2.1A

5. Need for an additional highway – I believe that there are many ways of addressing the coming population expansion in the west Davis area without building a major highway. Expanding arterial routes is one way to handle the east/west needs of the expanding communities. A north/south configuration only leads to more sprawl and tends to invite even more congestion as population growth follows the highway and its access points.

Comment 887 (continued)

Response Section in Chapter 32 ➥

32.2.1A
32.2.1P

I-15 could also be expanded by using the middle (borrow pit) areas between north and southbound traffic. As is done in many urban areas, this area of the freeway can directionally switched and be used by southbound traffic in the mornings and northbound traffic in the evenings. There is no valid reason to build a new freeway through sensitive areas when these two options alone would handle the anticipated traffic flow.

32.11.1A

In my final thoughts, I hope that UDOT will realize that the West Davis Freeway is toxic to the nearby communities in terms of the way it pollutes and the way it divides the residents of the nearby neighborhoods. A freeway will have devastating effects on the remaining wetlands along this corridor and harm many species of protected species. Recreational activities will be negatively impacted in most of the area and destroyed in much of the freeway corridor. Please consider using alternate routes and increase arterial roads to accomplish the same goal without destroying our communities.

32.5.1D

32.2.1A

Regards,
R. Jefre Hicks

Comment 888

Response Section in Chapter 32 ➥

Comment #: 888
Date: 9/6/2013
Source: Email
Name: Mark Holbrook
Location: Farmington

Comments:

Subject: Listen to the FED

m.sltrib.com/sltrib/mobile3/56826689-219/alternative-department-freeway-impacts.html.csp

32.31R They say the glover lane option shouldn't be UDOT preferred

Comment 889

Response Section in Chapter 32 ➥

Comment #: 889
Date: 9/6/2013
Source: Email
Name: Maunsel Pearce
Location: Holladay

Comments:

I am sending these comments to the Draft EIS as a concerned conservationist, Trustee of the Nature Conservancy of Utah, Vice President of the Utah Wetlands Foundation, and a Board member of the Utah Wildlife Conservation Foundation. I have also been a major donor to the TNC Shorelands Preserve. These comments are my own.

32.14.2A All of your Highway Alternatives will cause serious and permanent direct and indirect damage to the Ecosystem Impact Area as defined in the DEIS and specifically to;

32.14.2H The Nature Center and Trail at Farmington Bay WMA in the Glovers Lane portion.

32.14.2I The TNC Shorelands Preserve by all routes.

32.14.2M The DEIS minimizes the value of bird habitat managed by TNC by describing the Ecosystem Impact area as "intensively altered and degraded by human activities". This is twisted political science on your part designed to minimize the importance of 11 miles of natural Lakeshore wetlands and uplands carefully managed to maximize wildlife habitat. I have personally walked on every mile of this Preserve and can attest to its value. Read the Nature Conservancy of Utah Comments to DEIS carefully to understand the importance to nearby communities and avian species documented in GSL Shorelands Bird Survey 2013, including State and Federal Sensitive Species present in the impact zone.

32.31R This Freeway is poorly chosen in location and hardly justified by outdated modeling. I favor the Shared Solutions approach and oppose all Highway Alternatives.

32.1.2A
32.2.1G
32.2.3A

Maunsel B. Pearce

Comment 890

Response Section in Chapter 32 ➥

Comment #: 890

Date: 9/6/2013

Source: Email

Name: Don Garner

Location: SLC

Comments:

<See email attachment on next page, titled 00890_Don_Garner_9-6-13>

Dear Mr. Braceras,

Please find in the attached letter my comments on the draft West Davis Corridor Environmental Impact Statement.

Sincerely,
Don Garner

Comment 890 (continued)

Response Section in Chapter 32 ➥

Donald N. Garner

September 5, 2013

Carlos Braceras, Executive Director
Utah Department of Transportation
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

RE: Draft WDC Environmental Impact Statement

Dear Mr. Braceras:

Thank you for the opportunity to comment on the West Davis Corridor Draft EIS. Important as the document may be, I believe that it contains significant flaws and omissions.

32.2.1G

The primary flaw is that the draft EIS addresses and implicitly endorses a highway that does not uphold UDOT's mandate to provide the least damaging solution. One example of a less damaging solution is the "Shared Solution Alternative" outlined by Utahns for Better Transportation.

32.14.2D
32.14.2K
32.14.2I

The damage from such a highway would be considerable. The Nature Conservancy's Great Salt Lake Shorelines Preserve is a locally and globally significant area that provides essential resources for the great majority of the 7.5 million birds that move within and through Utah each year. The 800 ft. indirect impact buffer referenced in the draft EIS is less than one forth the minimal impact buffer recommended by the U.S. Fish and Wildlife Service. Eight hundred feet is inadequate.

32.14.2J

The proposed highway alternatives would cause damage to the birds of the TNC Shorelines Preserve, but also to the many organizations and people, myself included, who have collectively invested more than $25 Million in the Preserve. No mention is made of mitigation for the Preserve.

32.2.1A

I strongly urge you to evaluate other alternatives and/or modify the EIS to more accurately and comprehensively outline the real impact to this irreplaceable band of wildlife habitat and open space for the people of Utah.

Sincerely,

Don Garner

cc: Governor Gary Herbert, Lt. Governor Greg Bell, Alan Matheson, Jeffrey Holt, Wayne Barlow, Meghan Holbrook, Maunsel Pearce, Chris Montague

Comment 891

Response Section in Chapter 32 ➥

Comment #: 891
Date: 9/6/2013
Source: Email
Name: Anonymous
Location:
Comments:

32.2.3A
32.14.3A
32.2.3A
32.1.2A
32.14.3F

Please DO NOT put your road near the wetlands!!! Don't you think it's time that we give the native inhabitants a break and let them keep their habitat!?! We are so selfish as humans. We think what we need comes before anything or anyone else. We are destroying our own planet for the sake of what we call progress. This Road is NOT progress, but destruction of more land that is required for animals to survive. PLEASE DO NOT BE SELFISH. PLEASE DO WHAT IS RIGHT AND PUT THIS ROAD..IF NEEDED, AWAY FROM THE WETLANDS. PROVE THAT WE CAN BE GOOD STEWARDS OF OUR PLANET AND THOSE CREATURES WHO SHARE IT WITH US. Thank you.

Comment 892

Response Section in Chapter 32 ➥

Comment #: 892
Date: 9/6/2013
Source: Email
Name: Karen Kelsey
Location:
Comments:

32.1.2A

I do home visits all over Davis County for my work, and nobody I've talked to out in Syracuse and West Point and west Layton and Clinton think this freeway is needed. I don't have problems going north-south either. My problem (and theirs) is going east-west when you have to cross I-15.

Comment 893

Response Section in Chapter 32 ➥

Comment #: 893
Date: 9/6/2013
Source: Email
Name: Amelia Mun
Location: Farmington

Comments:

<See email attachment on next page, titled 00893_Amelia_Mun_9-6-13>

Attached is a letter I would like to submit for comment on the WDC.

Thanks,

Amelia Mun

Comment 893 (continued)

Response Section in Chapter 32 ➥

Tuesday, September 5, 2013

To whom it may concern:

I am writing to express my concern about the transportation system and the possibility of a new freeway in Davis County. I am a resident of Farmington and will be deeply affected by the new freeway. It is very close to our home which will increase dramatically air and noise pollution to our neighborhood. I have young kids and this is a great concern for me.

32.11.1A
32.12A

Initially when we heard about the freeway we thought it was an extension of Legacy Highway. We have learned that is not true. Most of Davis County residents do not know that. They don't understand the difference and how not having the same restrictions will deeply affect those who have to live so near it.

Living in Farmington we already have 2 freeways running through our city. We do benefit from Legacy Highway and I-15. However, this new freeway does not help serve our community – it tramples right over it. It has divided some of the citizens on this issue and it does not serve our needs. We are just a means to get people out north and west. It also bypasses our major shopping area and a stop for the frontrunner.

32.2.13C

A lot of money is needed to build this new freeway. Not only with the initial cost be astronomical but the upkeep as well. There will be more need for snow removal, highway patrol, and emergency response. Plus it does not make sense for the freeway to end in the middle of Hooper. It seems ridiculous that it doesn't connect back to the freeway – similar to how the belt route functions for Salt Lake City. If this is the future plan then there is more money again needed to complete this project.

32.2.3A
32.1.1A
32.7A

The other concern is safety on the new freeway. Fog is very dense and appears often in this area. It is dangerous to be driving under that type of condition.

32.2.13C

Another huge aspect is to look at are the beautiful birds that dwell in this area. I did not realize we had these types of birds in Utah until I moved to Farmington. I run in the mornings and enjoy seeing them at the ponds or flying above. I am amazed at what wildlife we have access to in Farmington.

32.14.2A

Farmington city planning commission purposefully put large open space in the west of Farmington so that the city could have some beautiful areas for the citizens to enjoy. Putting a freeway just west of that beautiful space completely destroys the whole purpose of their planning. We have a wonderful community and we don't want to see it ruined because of this proposed freeway. Our views are fantastic and we want to keep them! Also, the new freeway will damage and impact the Buffalo Ranch Trail and Great Salt Lake Shoreline trails.

32.3C
32.3E
32.10F

I have done research on the Shared Solution proposed by some citizens in our community. It completely makes sense and solves not only the transportation problem but a lot of the air pollution problems that we are dealing with here in Utah – especially during inversion days. Mass transit will not only help people today but it will help our future generation. I have heard that "people won't change and are too

32.2.1G

Comment 893 (continued)

Response Section in Chapter 32 ➥

32.2.1J

32.2.3A

used to the convenience of a car". But I know that many other areas around the world have made it convenient and affordable to use mass transit. Many times it is preferred. If we used the money to improve and add mass transit including making it affordable (cheaper than driving a car) then people will use it. People want better air quality and people want to make a difference. We don't want our kids stuck inside during recess because of the bad air quality.

Please consider carefully all aspects of building this freeway. I know I only touched on a few. It is very sad for us to see our wonderful views and our forever home changed for the worse because of a freeway. We are strongly against building the proposed West Davis Corridor.

Sincerely,

Amelia and Mark Mun

Farmington Residents

Comment 894

Response Section in Chapter 32 ➥

Comment #: 894

Date: 9/6/2013

Source: Email

Name: Mary Ann Garner

Location: Salt Lake City

Comments:

<See email attachment on next page, titled 00894_Mary_Ann_Garner_9-6-13>

Please see attached letter.

Comment 894 (continued)

Response Section in Chapter 32 ➥

September 5, 2013

Carlos Braceras, Executive Director
Utah Department of Transportation
West Davis Corridor EIS
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

RE: Comments on Draft WDC Environmental Impact Statement

Dear Mr. Braceras:

As you no doubt know, the Great Salt Lake is part of the Western Hemisphere Shorebird Reserve Network. It is critical to millions of migrating shorebirds and waterfowl. For some it is a place to rest and refuel so they can continue their journey north. For some it is a place to nest and reproduce. And as you probably know, 90% of the 7.5 million birds that visit the Great Salt Lake use the Eastern side where there are fresh water wetlands and uplands. A recent 2013 Survey identified 134 different species, including six State Sensitive birds using the area.

The West Davis Corridor Draft Environmental Impact Statement which was released and will supposedly be used by UDOT to determine the West Davis corridor is incomplete and flawed. It does not adequately consider the numbers and diversity of avian life nor does it consider the importance of critical uplands.

32.14.2H

I am particularly sensitive to the flaws of this report because of its impact on the 4,400 acre Great Salt Lake Shorelands Preserve that is owned and managed by The Nature Conservancy. This natural Preserve which protects eleven miles of wetland/shoreland has been painstakingly put together over a period of 27 years. It is one of the most important and most highly used sections of the Eastern shore. Both Alignment A and Alignment B would cause damage to this Preserve not only by taking critical acres but also by blocking water sources and creating noise pollution. The USFWA literature indicates there will be an indirect and significant impact to the shorebirds from a highway located within 3/4 of a mile of their activity.

32.14.2M
32.14.2H
32.14.2I

As a former banker and construction lender in Davis County, I appreciate the demand for new housing and infrastructure. But there are some lands too important to pave over with asphalt. The Great Salt Lake is considered one of the top five most important birding sites in the world. It would be a tragedy if our political leaders did not protect the wetlands/uplands that so many shorebirds and waterfowl need to survive.

32.2.1G
32.14.2J

I understand that UDOT must select the least damaging alternative. The Shared Solution Alternative which has been outlined by Utahns for Better Transportation is the better choice. And before either Alignment A or B is selected, the EIS needs to address more thoroughly how the loss of these important lands will be mitigated.

1

Comment 894 (continued)

Response Section in Chapter 32 ➥

32.14.2H
32.1.2A

Not only did the EIS fail to fully consider the impacts to wildlife and to clearly address mitigation, it does not present appropriate alternatives. Is this highway really needed? I hope you and your team will really think about the damage that it will do to a critical and wonderful resource for millions of living creatures.

Sincerely,

Mary Ann Garner

cc: Governor Gary Herbert, Lt. Governor Greg Bell, Alan Matheson, Jeffrey Holt, Wayne Barlow, Meghan Holbrook, Maunsel Pearce, Chris Montague

2

Comment 895

Response Section in Chapter 32 ➥

Comment #: 895

Date: 9/6/2013

Source: Email

Name: Maria Goller

Location:

Comments:

To whom it may concern,

I am writing to express my concerns about the plans to build a highway through West Davis. The area in question contains wetlands that serve as vital bird habitat. This intricate and complex wetland mosaic also serves an important function in protecting and filtering groundwater. As a recent Utah State University graduate with a B.S. in biology/ecology, I know how important such intact ecosystems are. Furthermore, as an experienced birder who has visited Farmington Bay frequently over the years, I have always been amazed at the masses of species that use the wetlands. It is impossible to fully understand what negative impacts a highway through this area would have, however, loss of these wetlands would undoubtedly be catastrophic. Therefore I am voicing my support for the Shared Solution, both as a scientist and as a tax-payer.

32.14.2H
32.2.1G

Sincerely,
Maria Goller

Comment 896

Response Section in Chapter 32 ➥

Comment #: 896

Date: 9/6/2013

Source: Email

Name: Ken Payne

Location: West Point

Comments:

UDOT

My name is Ken Payne and my Address is

My wife and I moved to West Point in 2001 because it was pretty close the last of the rural areas left in Davis County.
We built a barn and other out buildings and run a cow & calf operation, wintering our cattle at our home for 5 to 6 months a year.
We have six acres to feed thru the winter, then calf in the spring. We have it set up to calf in the pasture next to our home, then
relocate each cow and calf as they are born to the far and larger pasture across the Hooper Canal to the East. The calves need a larger
area when they are young to avoid scours and getting sick.
The West Davis Corridor proposes they want to run the highway on the East side of our property, taking the large pasture away.

32.5.6A

I love the rural way of life, and love raising the animals. The highway will stop what we have going and will change the atmosphere
of living in our area forever. Please leave the rural areas alone.

32.2.3A

I would like to emphasize the our opinion that we don't want the highway to come thru.

I would like to see our $ spent encouraging business to come to our area and stop the travel required to travel to SLC.
It's my feeling that a lot of our money is being spent to send the $ to SLC. Let's keep the $ in our community by keeping business here.

32.1.2C

I would like to see us upgrade existing roads, and try to make it more cost effective to use our rail system. The Trax system is expensive
keeping many from using it. Let's use our resources to make this work.

32.2.1A
32.2.1J

I would love to talk to anyone that can offer some help. It's practically impossible to sell here since they announce the new highway,
This has turned out to be the nightmare that will not go away.

32.5.6G

I am 63 years old, to late to start over and feel like everything I have ever worked for is being taken away.

Let's work to improve our community, not destroy it.

Regards,

Ken Payne

Comment 897

Response Section in Chapter 32 ➥

Comment #: 897

Date: 9/6/2013

Source: Email

Name: constance crompton

Location: Salt Lake City

Comments:

32.31D
32.2.1G

How lucky we are to have rich wetlands and the astonishing variety of migratory birds they attract. How unlucky we will be if UDOT fails to help save this shared resource. Unchecked growth is not progress.

Please seek a shared solution.
C. Crompton
Salt Lake City, Utah

Comment 898

Response Section in Chapter 32 ➥

Comment #: 898

Date: 9/6/2013

Source: Email

Name: Alexis Cairo

Location:

Comments:

To Whom It May Concern,

32.2.3A
32.2.1G
32.14.2D

I am writing in my capacity at a member of the Board of Trustees of the Utah Nature Conservancy. I strongly oppose both alternatives A and B for the West Davis Corridor. I urge UDOT to consider the Shared Solution Alternative by Utahns for Better Transportation. At the very least, UDOT must consider more and better data regarding one of the State's great treasures and most critical ecosystems: the Great Salt Lake. Both alternatives A and B will significantly affect the south half of the Great Salt Lake Shoreland Preserve, severely impacting wetlands, bird habitat, water flow, upland and agricultural uses.

Specifically, UDOT must consider:
The Great Salt Lake is part of the Western Hemisphere Shorebird Reserve Network. The WHSRN works to protect key habitats throughout the Americas to sustain healthy populations of shorebirds. The GSL ecosystem is home to 75% of Utah's wetlands. Ninety percent of the 7.5 million birds within the WHSRN use the eastern side of the Great Salt Lake every year.

32.14.2I
32.14.2M

The draft EIS has drastically minimized the importance of the the Great Salt Lake Shorelands Preserve. As the the largest protected natural wetland/shoreland on the eastern side of the Lake, this area is unique and cannot be compared to impounded wetland values. Many partners have invested $25 million over 30 years to protect this intact ecosystem for migrating, nesting and foraging birds. The value of this area to the public is critical. It provides open space, recreation, nutrient recycling, storm water drainage and flood control.

32.14.2H
32.14.2K

UDOT uses the Legacy Avian Noise Research Program results to justify its position that the West Davis Corridor will have minimal impacts and only have indirect impact within 800 feet of the highway. A USFWS review states that vehicles travelling 65 miles per hour will indeed have a direct impact on areas within nearly 1200 meters of the highway. We agree.

32.14.2I

The draft EIS has no assessment of the number and species of birds in the Shoreline Preserve, or the impact on migration and foraging. The Nature Conservancy and its partners have this data. Preliminary results for 2013 indicate 29,000+ birds identified between April and August of this year. We have identified 134 species, the majority of which are with the 1200 meter impact zone. There were more than 300 sightings of six State Sensitive Birds.

32.14.2J
32.2.3A

The draft EIS is incomplete. We have no information on mitigation that would compensate for direct and indirect loss and damage to the Preserve.
I urge you to consider these comments and to look for better alternatives to options A and B for the West Davis Corridor.

Sincerely,

Alexis Cairo
Trustee
The Nature Conservancy/Utah Chapter

Comment 899

Response Section in Chapter 32 ➥

Comment #: 899
Date: 9/6/2013
Source: Email
Name: Kristina Allison
Location: Farmington
Comments:

To whom it may concern,

32.11.2A

I'm concerned about the location of the Farmington corridor in general. I am an RN and see, experience and understand the effects of air pollution on our bodies and of the studies from the U of U showing the effects to our actual DNA increasing known and unknown risks to the fetus' and already living from our choices to ignore (largely as a community) our pollution problem here. Now we're talking of creating/supporting even more emissions west of homes/people that can cause even more harm to humans. Our air mostly pushes west to east so this means more exposure to us than we have now. I wish our public transportation was more accessible and plentiful which takes more thought and money and less profits being pocketed. I live in Farmington Crossing, a dense housing development I chose mainly for environmental reasons; a smaller carbon footprint left for us all to burden. There is NO GOOD OR TIMELY ALTERNATIVE for anyone in my neighborhood to access the light rail system at Farmington Station at this time or I'd be using it. I was told when I bought my home by Garbett that there were plans to put in a tunnel to the rail station which has never materialized. I just read that now citations will be given for people or bikes using Park Lane to get to Farmington Station!! I'm from Portland Oregon where light rail is used by a huge amount of the population to get about. Why isn't Utah more proactive in this pursuit to help people live less harmfully in this environment and more safely health-wise? I think Utah officials need to think of LONG-TERM SOLUTIONS instead of short-term fixes. I'm hoping UDOT will quickly cooperate financially to assist with any supportive measures that have long-term solutions to our obvious air issues. Thank you

32.2.1A

32.31D

32.1.2C

Comment 900

Response Section in Chapter 32 ➥

Comment #: 900
Date: 9/6/2013
Source: Email
Name: donna gelfand
Location: salt lake city
Comments:

32.1.2A
32.31R

There is no pressing need to destroy the remaining migratory waterfowl corridor with this proposed highway. Even the U. S. Government argues against the devastating effectss of this Highway to Nowhere. We need the small numbers of remaining aquatic and bird species, some of which are in marked decline. The UDOT and the Utah State Government seem to have gone mad.

Donna M. Gelfand

Comment 901

Response Section in Chapter 32 ➥

Comment #: 901

Date: 9/6/2013

Source: Email

Name: Mary Ellen Robertson

Location: Ogden

Comments:

I grew up in Southern California in the 1970s when smog alerts obscured the nearby San Gabriel mountains and kept schoolchildren indoors during recess.

32.2.1J I now live in Ogden and commute to Salt Lake for work. I would rather see UDOT redirect millions of dollars toward enhancing public transit than build another freeway--especially one that would destroy neighborhoods, farms, wetlands, and bird and wildlife habitats along the Great Salt Lake.

32.2.3A 32.2.1J As a community member and a commuter, I respectfully ask you to consider NOT building the WDC and redirect UDOT's efforts toward enhancing public transit and reducing car traffic and the pollution that comes with it.

Mary Ellen Robertson
Ogden, UT

Comment 902

Response Section in Chapter 32 ➥

Comment #: 902

Date: 9/6/2013

Source: Email

Name: Carl Hansen

Location:

Comments:

<See email attachment on next page, titled 00902_Carl_Hansen_9-6-13>

To the West Davis Corridor (Draft) EIS Team:

32.5.5E Per the above attachment, Davis County Public Works [Flood Control/Roads] is completing a brief review of the Draft EIS of the alignments for the West Davis Corridor to be submitted before the public comment deadline of September 6, 2013. The only purpose of our informal review at this time is to help identify areas where it appears the resulting chosen alternative alignments, which we now see as B1 and A1, cross, overlap, or closely parallel the Davis County Designated Storm Drainage System throughout Unincorporated Davis County and the 15 incorporated cities, which has the potential to affect access, maintenance, and operation of the various waterways that we operate and maintain for storm drainage. To a much lesser extent, some of our road system in the Unincorporated County has been labeled in order to emphasize our interest in its continued proper operation, especially some of the lesser known roads. Included in the drainage system of natural and man-made channels are a number of roadside ditches that function as storm drainage conveyances throughout the County in spite of their limited size, capacity, and lack of improvements beyond an open ditch. This is typical of the convenience system of past years that develops from a ditch that can serve as irrigation supply, roadway drainage, and agricultural waste water/storm water drainage. We felt that the EIS mapping was fairly complete for the major culverts and crossings serving our system, yet there are minor and relatively obscure drainages and roadside ditches that may not be fully recognized as needing more than minimal capacity or the simple piping of a street drain. These ditches are often combined and confused with the local city drainage system and have, of necessity and convenience, sometimes been operated and maintained in cooperation with these local jurisdictions.

Our review has been fairly cursory due to the scale and level of detail available and the limited amount of time to study the mapping and preferred alignments. Our comments may be fairly rough and similarly lacking in detail, yet we felt that by pointing out the basic location/alignment of our system and portions of the local drains that some critical omissions might be avoided in your planning and review process. We don't expect that this is either the only or final chance to review and comment.

We intend to hand deliver an electronic cd copy of the mapped alternatives with an overlay layer added, roughly showing the above comments/items of our systems. We trust that there will be someone at the office of the WDC EIS Team at 466 North 900 West, Kaysville, on Friday, September 6, 2013, where we will deliver the cd during business hours. A drop box would probably be adequate if the office is closed. If the cd cannot be delivered that day we will drop it off the following Monday for your use.

Comment 902 (continued)

Response Section in Chapter 32 ➥

West Davis Corridor EIS August 9, 2013

WEST DAVIS CORRIDOR

Study Update

This email is provided to keep you updated on the progress of the West Davis Corridor Environmental Impact Statement study. If you would like to be removed from the list simply click the SafeUnsubscribe link below.

For more information or to make a comment:

Phone: 877-298-1991
E-mail: westdavis@utah.gov
Mail : 466 North 900 West
Kaysville, UT 84037
Web:
www.udot.utah.gov/westdavis

Helpful Links:

Review the Draft EIS
Study Maps
Locally Preferred Alternative Video
How We Got Here Video
Submit a Public Comment
Open House/Public Hearings
EIS Process & Schedule
FAQ

What's Happening Now

The WDC study team is continuing to receive and evaluate formal comments on the Draft EIS during the current public comment period.

To ensure all stakeholders have ample opportunity to review the Draft EIS, UDOT and FHWA have extended the public comment period to **Friday, Sept. 6, 2013.** Between now and that deadline, the public is encouraged to review the contents of the Draft EIS and provide their comments to the study team

The Draft EIS is available in electronic form on the study website and in hard copy form at city buildings and libraries within the study area. Click here for a list of those locations.

Comments on the Draft EIS can be submitted the following ways:

Online: Comment Form

Email: westdavis@utah.gov

Mail: West Davis Corridor EIS Team
466 North 900 West
Kaysville, UT 84037

Next Steps

Following the public comment period, the study team will evaluate and respond to every comment in the Final EIS document, which will be prepared throughout the remainder of the year. A final Record of Decision from the Federal Highway Administration is expected in spring 2014.

Questions? Concerns?

For specific questions, or if you would like to speak to a study representative, please contact a member of the project team at 877-298-1991 or westdavis@utah.gov.

Stay Involved and Informed

We invite you to keep learning about the EIS process and to be involved in the West Davis Corridor Study. Please visit www.udot.utah.gov/westdavis for all the latest updates, information and ways you can get involved.

On our website you can:

Comment 902 (continued)

Response Section in Chapter 32 ➥

- Learn about the EIS process;
- Review the EIS timeline and schedule;
- View upcoming events and how you can be involved;
- Contact our team to ask questions;
- Review EIS phases and chapters, local city master plans, previous planning studies, press releases and frequently asked questions.

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West Davis Corridor | 466 North 900 West | Kaysville | UT | 84037

Comment 903

Response Section in Chapter 32 ➥

(See responses noted on comment #869)

Comment #: 903
Date: 9/6/2013
Source: Email
Name: David Millheim
Location: Farmington
Comments:

<See email attachment on next page, titled 00903_David_Millheim_9-6-13>

Dave Millheim

From: "Dave Millheim" <dmillheim@farmington.utah.gov>
To: "Randy Jefferies" <rjefferies@utah.gov>
Sent: Thursday, September 5, 2013 4:25:05 PM
Subject: Farmington EIS Comments

A hard copy of this attachment is on the way to your office and FHWA. We are also putting it on the City web page since many parties are asking for it. Thank you for allowing us the time to put this together. It was a lot of work and gave me a greater appreciation for the very large job you have.

Dave Millheim

Comment 903 (continued)

Response Section in Chapter 32 ➥

FARMINGTON CITY

FARMINGTON
Historic Beginnings · 1847

Scott C. Harbertson
Mayor

John Bilton
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council

Dave Millheim
City Manager

September 6, 2013

VIA U.S. MAIL AND E-MAIL
Paul Ziman
FHWA Utah Division
2520 West 4700 South, Suite 9A
Salt Lake City, UT 84118

Re: Farmington City's Comments on Draft Environmental Impact Statement and Section 4(f) Evaluation for the West Davis Corridor

Dear Mr. Ziman:

I. GENERAL COMMENTS

32.31Q

Farmington City appreciates the obvious time and effort that has been invested to date in this process, but unfortunately, the DEIS falls short of the mark required by applicable law and does not provide the public with sufficient relevant information to allow meaningful feedback and discussion regarding whether such a road is needed, whether the trade-offs required are worth it and whether less damaging or more feasible and prudent alternatives have been fairly analyzed.

Farmington City has provided its comments on the West Davis Corridor ("WDC") in an effort to protect its territorial and proprietary interests from direct harm and indirect and cumulative impacts to its wildlife, water, city-owned property interests, ecosystem resources and Conservation Easements. The current preferred alignment of the Project frustrates the City's intention to remain a rural community with planned areas of functioning commercial development, will injure the quality of life of its residents, will injure the quality of the environment, will create economic losses and create other environmental injuries.

32.1.1C

32.1.2F

Based on the information in the DEIS, it is currently unclear whether this Project is needed at all for the Region in 2040 and it is clearly not needed by that point in time in Farmington City. The problematic road segments under the 2040 model located in the northern portion of the Study Areas are close to I-15 and are located almost exclusively on the East/West roads. Only certain discrete portions of I-15 in the Study Area appear not to meet an acceptable LOS in 2040. With the high local employment increases projected for both Davis and Weber Counties, we question whether the assumptions regarding future North/South travel demand are accurate, especially in view of the noted preferences of the younger workers in the Region to find local employment and to not become commuters. An outdated travel and

160 S Main · P.O. Box 160 · Farmington, UT 84025
Phone (801) 451-2383 · Fax (801) 451-2747
www.farmington.utah.gov

Comment 903 (continued)

Response Section in Chapter 32 ➥

transportation paradigm may have been applied here and in the modeling, which needs to be corrected.

32.1.1C The Need issue is further complicated by the scope and extent of the selected Study Area. To fully understand Regional Need and to provide the most effective and efficient Regional solutions, the Study Area needs to include all of the lands East of I-15 and to the North with a connection to I-15 North of Ogden. If a Need can be demonstrated for the WDC, we also question whether Centerville, Farmington City and Kaysville should be part of the Study Area, as so little Need appears to exist there. We also believe it is critical to fully explore at least one alternative interchange located on I-15 to the North of Farmington City.

32.27A There are significant problems with the Section 4(f) Evaluation ("4(f)"). The fundamental problem is that the Farmington City Conservation Easements qualify as properties that must be protected under Section 4(f) under applicable law and they are not accorded that status, nor are they included in that analysis and Evaluation. Not only do these Conservation Easements perform significant recreational, park, open space, farmland and wildlife, waterfowl and wetland habitat functions, they are perpetually protected for those purposes and owned by the City. While the trails to, through, and around these conservation easements have been accorded 4(f) status, the properties containing the very conservation values protected by the Conservation Easements which those trails use as a destination are completely ignored. This is a serious legal flaw and makes no sense. The trails were designed and built concurrently with the establishment of the Conservation Easements they serve and the two must be considered unitary 4(f) resources. Farmington City is required by contract to protect these Conservation Easements from encroachment in perpetuity and intends to do so.

32.23C The cumulative impacts to and the direct and indirect effects on the Conservation Easement properties are also insufficiently explored in the Chapters of the DEIS designed to array and explore the impacts to and effects on parks, recreation areas, wildlife refuges, area habitat, farmland, wetlands, community cohesion, community facilities and otherwise. This is an issue separate and apart from the incorrect 4(f) legal status of these properties.

32.23C The Direct Effects Chapters represent noticeable effort by the Preparers, but generally they do not go far enough, as set forth in Section V(A) hereof. Specific comments regarding the Indirect Effect analysis are set forth in Section V(B) hereof, but that effort is fundamentally flawed due to the failure to provide an alternative-by-alternative analysis of the comparative Indirect Effects and to discern all of the Indirect Effects. The failure to adequately discuss the Indirect Effects on the Farmington City Conservation Easements and the Indirect Effects created by the preferred alignment off of those properties as they relate to the rest of Farmington City

2

Comment 903 (continued)

Response Section in Chapter 32 ➥

is also problematic. Lastly, because of these problems with the Direct and Indirect Effects analysis, the Cumulative Impacts analysis fails as well. The problems with that effort are further discussed in Section V(C) hereof.

32.31Q The problems with this DEIS are significant and far reaching enough that a new or revised DEIS must be undertaken before a final EIS may be prepared. The issues concerning the size of the Study Area and Purpose and Need, including the failure to rely on the current local planning for Farmington City disable not only those Sections, but the entire DEIS. The 4(f) issue created by the failure to accord the Farmington City Conservation Easements 4(f) status disables the Alternatives Analysis and the 4(f) Evaluation and forecloses the use of the Glover's Lane Alternatives.

32.1.1C 32.2.1Q There are issues with the Shepard Lane Alternatives, but they are far less than Glover's Lane. Further effort must be invested in the Alternatives Analysis to include the roads located in the entire corrected Study Area and allowing for full review of an alternative or alternatives that do not require the WDC. If it is concluded that a portion of the currently contemplated WDC is required based on a revised effort on the Need for the Project, then interchanges located North of Farmington City must be studied.

II. STUDY AREA

32.1.1C The selected Study Area is improperly drawn in several respects. The first is the decision to use I-15 as a boundary. It is clear the purpose of the Project is to find a solution to an alleged Regional set of problems and Need. Arbitrarily bisecting the Region by a North/South line at I-15 forecloses the review of the entire Regional Need and the review of all reasonable alternatives. It is also our belief that the logical terminus lies at I-15 somewhere North of 12th South in Ogden. As currently contemplated, the Project basically ends in no man's land and will not provide a complete future route through and around Ogden. To the South, even the 2040 traffic numbers show (at best) minimal Need in Farmington and Kaysville, save on I-15 North of Shepard Lane. Simply widening I-15 in this area should solve that problem and that alternative must be studied. The improperly drawn Study Area has failed to capture all of the Regional Need and has resulted in the selection of a preferred alignment that creates severe, irreversible and unnecessary impacts, because all reasonable alternatives were not reviewed.

III. ALTERNATIVES SCREENING AND SELECTION

32.2.1Q As previously mentioned, the improper selection of the boundaries of the Study Area foreclosed the review of all reasonable alternatives, so this effort must again be undertaken. US 89, I-84 and the East/West roadways East of I-15 might well contribute to a Regional solution that does not require the WDC. In that the only Need-based problem located South of 200 North in

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Kaysville in 2040 is on I-15, the focus should be on simply widening I-15 not on the Shepard Lane and Glover's Lane alternatives. If the Need for the WDC proves real, then a new Interchange must be explored near 200 North in Kaysville to connect to the undeveloped area to the North.

The geography of the Farmington/Kaysville area basically dictates this result due to the bottleneck created by the Great Salt Lake and the mountains, as there is insufficient space with existing and planned land uses to fit either of the contemplated southern interchanges. Of those two Interchanges, Glover's Lane cannot be built due to the 4(f) nature of the Farmington City Conservation Easements and while Shepard Lane does not cross those Easements, it has some traffic and design related issues such as infringement on the Business Park area, access to Lagoon and Station Park, impact to the golf course and motorist confusion. Shepard Lane is still an option, but a new interchange Alternative must be studied to the North if the WDC is actually needed. That Need must be demonstrated based on the enlarged Study Area and a full review of the potential contributions that may come from US 89, I-84 and all of the East/West roadways. The alternatives must be reviewed again with all of this in mind.

32.2.1Q

32.1.1C

IV. PURPOSE AND NEED

The articulated Purposes are vague but generally acceptable. However, this Section and effort is fatally flawed. First, the Study Area was reduced in size to the point where it was impossible to capture the true Regional Need and to then discuss and review all of the reasonable alternatives available in the Region to meet that Need. There are also two levels of Need – regional and local. By way of example, as to Regional Need, the 2040 employment numbers for Davis and Weber Counties are high, (42% and 66% respectively). It would appear local employment opportunities are increasing and the anticipated use of I-15 for North/South commuter traffic may not come to pass. More work must be accomplished in this regard, together with a review of the preference of the younger workers in the area to work locally. Also, one of the articulated future Needs is to facilitate freight trips, yet the DEIS states that trucks will account for only 6% of the trips on the WDC in 2040. This does not make sense from a logical or a planning perspective.

32.1.1C

32.12F

A. <u>The Project is Not Consistent with the Farmington City Plan.</u>

It appears insufficient effort was made to understand local Needs as well. We will now turn to Farmington City as an example of that problem and a document entitled *Technical Supplemental Memo in Support of Farmington City WDC DEIS Response*, dated September 5, 2013 is attached hereto as Exhibit A.

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The authors of the DEIS consistently mention the importance of City governments as part of the NEPA process (S.4, p. S-6), and state great deference is given to locally adopted General Plans and Transportation Plans. These plans constitute one of the primary reasons the WDC project was initiated (S.1, p S-1; S.1.2, p. S-5). Notwithstanding, UDOT's preferred alignment is B1 and that Alternative is not consistent with the Purpose and Need for the WDC in the Farmington. The B1 alignment is not compatible with the Farmington City General Plan, nor its Master Transportation Plan, it does not improve mobility (or safety) in this area, nor does it enhance peak-period mobility over the no action alternative. The DEIS states East/West congestion will continue to increase in the Study Area, which includes Farmington City. The B1 alternative does not provide inter-connection of transportation modes for the community, it does not sufficiently facilitate continuous pedestrian and bicycle facilities, and it does not support local growth objectives.

32.3E

32.2.13D

The Farmington City Master Transportation Plan (MTP) (back when the City supported the WDC) recommended interchanges on the WDC at 950 North and 1100 West near Glover's Lane. Alternative B1 does not. Section 1.6.2 discusses local transportation planning and delineates where local jurisdictions show elements of the Regional Transportation Plan ("RTP") in their respective plans. Sub-section 1.6.2.1 discusses conditions in Farmington, but fails to mention that the City's MTP shows local connection(s)/interchanges consistent with the "Corridor Connection" area set forth on the RTP.

32.2.13O

The Farmington City Trails Master Plan (TMP) shows a continuous future Great Salt Lake Shoreline Trail. Alternative B1 does not fully support such a trail. In addition, this Alternative detrimentally impacts the trails that access Farmington City's Conservation Easements along the shore of the Great Salt Lake and will destroy the Conservation Easements, the Purposes for which they were entered and the numerous conservation values they are designed to protect.

32.10H

The Farmington City General Land Use Plan and Zoning Ordinances, and local RDA plans supported by the County, School District, and other entities show a major 500 acre employment/mixed use center between I-15 and the UTA tracks, north of Clark Lane, and south of Shepard Lane. The DEIS incorporates old 2009 demographic date for this area (see 1.5, p. 1-11 to 1-12). In the intervening 4 years, the General Plan and Zoning Ordinances have changed. Market and demographic projections for this area have and will increase dramatically over the 2009 figures. Nevertheless, alternative B1 shows no opportunity for access to this 500 acres even though the west edge of this area is only 3/4 mile away from the B1 alignment and the City has already provided most of the right-of-way necessary to make connection

32.2.13O

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happen by carefully preserving corridors consistent with its Transportation Plan.

The B1 alternative also provides no local access to the area between 200 North in Kaysville and Parrish Lane in Centerville. The corridor bypasses west Kaysville and west Farmington and sustains the no-action deficiencies for these communities. These deficiencies are set forth in Section 1.4.2 of the DEIS for the entire Study Area and include, but are not limited to increased East/West congestion, user delay and lost productivity, inadequate connection of transportation modes, and lack of continuous pedestrian/bicycle facilities.

32.2.13O

1. Improve Region Mobility (1.4.1, p 1-9). This will not occur for Farmington City. UDOT's preferred alignment does not show an interchange between 200 North in Kaysville and Glover's Lane and I-15/Legacy Highway in south Farmington–a distance of approximately 7 miles and no local access is proposed between the 200 North in Kaysville and Parish Lane in Centerville–a distance of approximately 10 miles. The Glover's Lane interchange on I-15 does not provide local access, only system to system mobility.

32.2.13O

2. Automobile and freight trips. The existing Park Lane/1-15/US 89/Legacy Highway interchange represents one of the largest regional transportation hubs on the entire UDOT system. Nevertheless, UDOT's preferred alignment curtails the regional movement of automobile traffic from the WDC to this hub. For instance, for automobiles traveling southbound from Kaysville, one must travel approximately 9 miles to access this interchange, even though the interchange is physically less than two miles from the WDC. Such movements do not reduce use delay or enhance peak-period mobility. Alignment B1 does not reduce or mitigate the ever increasing congestion from the growing areas of west Kaysville and west Farmington east to I-15, because alignment B1 does not provide a second option for access to these areas.

32.7F

3. Transit. Transit facilities that serve Davis County include, among other things, Front Runner commuter rail service (which was identified as an element of the preferred alignment of the 1995-1998 Western Transportation Corridor Major Investment Study (1.3.1, p. 1-6)) and several north to south bus routes, including the 470 and the 455, primarily on SR 106 in Farmington. Only four commuter rail stations exist in the Study Area, which include stations in Farmington, Layton, Clearfield, and Roy. East to west connectivity exists between the latter 3 and the B1 alignment of the WDC, but no east to west connectivity is available under the B1 alignment for the Farmington station. Such a result is untenable. The same distances apply for one attempting to access transit from the WDC and those traveling to the Park Lane interchange by automobile.

32.2.13C
32.7F

6

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4. Safety and Emergency Vehicle Response Time. Because there is no interchange providing local access between 200 North in Kaysville and Parrish Lane in Centerville, emergency service providers must travel up to 10 to 12 miles (or more) before arriving at the scene of an accident. Such events can close down an entire facility, which would leave motorists stranded in traffic with no way out because there is no local access planned for the WDC between these two points. Such an access failure is inconsistent with traffic planning nationwide and should not be countenanced here.

32.2.13C

5. Support local growth objectives. (See Section 1.4.1, p. 1-9). A major 500 acre regional employment/mixed use center is planned in the vicinity of I-15, US 89, Legacy Highway, and the WDC. Almost half of the acreage has already been built in the last two years, but the preferred alignment provides no access to this major Regional employment and shopping center. Three of these four facilities (I-15, US 89, and Legacy Hwy.) support this growth objective, but under the preferred alignment the WDC does not, because it passes by and provides no access to this area. The preferred alignment also provides no access to a business development site located near Glover's Lane.

32.7F
32.2.13D

6. Increase bicycle and pedestrian options. (See Section 1.3.1, p. 1-9). The Farmington TMP shows a shoreline trail running the full length of the City and with the intent to extend to points north and south, and with the potential for a multitude of access points to this trail (especially near the Farmington Bay Water Fowl Management area). Alignment B1 reduces the number access possibilities to these options. Farmington City has the highest number of developed trail miles per resident in the State. The preferred alignment limits trail opportunities under the City Master Plan and detrimentally impacts current and future trails. In the case of the Conservation Easements, it will destroy the destinations for a number of trails.

32.10H

7. Cost. A proposed multi-million dollar interchange is planned on I-15 at Shepard Lane, which is identified as a phase one project on the WFRC's RTP. It is the understanding of Farmington City that the cost of this interchange is included in the overall cost of alternatives A3, A4, B3 and B4, but is not incorporated as part of the cost of the other alternatives (including UDOT's preferred alignment)[1]. This misguided methodology skews the cost

32.2.13C

[1] 1) Shepard alternative includes a local access interchange on the alignment between the D&RG and I-15 + a Shepard Lane interchange (serves both I-15 and Shepard alignment) + local access to Park Lane from the Shepard Lane alternative. These "improvements" are all reflected in the EIS cost estimate, but it is actually an independent project slated for construction in phase 1 of the WFRC Long Range Plan.
2) Glovers Lane alternative includes NO local access to Farmington as a part of its cost estimate. To make it an apples to apples comparison, you must add the cost of the Shepard Lane interchange, which is on the WFRC Long Range Plan (Phase I) with a price tag of $73 million or subtract it from the cost of the Shepard Lane alternatives.
(http://www.wfrc.org/new_wfrc/UnifiedPlan/Unified%20Plan%20Booklet%20Web%20Version%20Final%206%20Aug.%202013.pdf – see page 36, 6th line up from bottom of pg) + the cost of a local access interchange in the Mink Farm area (perhaps $20-30 million).

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figures in favor of the remaining alternatives A1, A2, B1, and B2 (Table S-3, p. S-22; Table S-5, p. S-24).

The value of the Conservation Easements to Farmington City is irreplaceable. There is no mention of how or what must be paid to the City in the Glover's Lane cost figures, nor is the cost of mitigation included, should these Conservation Easements be taken. It is Farmington City's opinion that these losses cannot be mitigated.

32.3F

B. Traffic Analysis

UDOT did not obtain or incorporate the correct land uses assumptions for Farmington. As a result, all future traffic volume projections are significantly low and future traffic operations analyses elements are inaccurate.

UDOT did not meet with the City to discuss or confirm the roadway network assumptions included in Chapter 1. Several improvement assumptions are listed in Table 1-2. This table contains several errors in what was assumed for "Local Transportation Projects Included in City Master Plans" that we expect could have an impact on the modeling results. Errors include: Widening Shepard Lane (Farmington): Frontage Road to 1875 West form 2 to 4 lanes. This represents new construction on a new alignment not widening to 4 lanes. New Construction 1100 West (Farmington): Shepard Lane to 100 North; 2 Lanes. This future roadway will be at least 4 lanes, not 2. Widening Park Lane (Farmington): Main Street to 1100 West from 2 to 4 lanes. This roadway has been 4 lanes for some time with no planned improvements other than restriping. Widening Clark Lane (Farmington): I-15 to 1100 West from 2 to 4 lanes. There are no plans for this roadway to be widened to 4 lanes. The provision for a future WDC local access interchange located near 1100 West/Glovers Lane was not included. The provision for a future WDC local access interchange located on 950 North was also not included. New construction of 950 North out to the WDC was not included either.

32.1.2K

It appears that there are additional 2040 roadway network "Improvements" that are shown in Figure 1-6 but which are not included in Table 1-2. There are also discrepancies in the roadway functional classifications depicted in Figure 1-7 within Farmington as follows: State St/Clark Lane is depicted as a collector but it should be a minor arterial; all of Shepard Lane is shown as a collector but portions are minor arterials; and 200 West is shown as an arterial, but it is a collector

The Existing Conditions Report (Technical Memorandum 06) incorrectly shows Main Street, State St, 200 West and 200 East as Arterial roads (Figure 9). Figure 10 incorrectly shows Shepard Lane as having two

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lanes rather than four lanes between US-89 and Main Street. 200 West between 200 South and State Street is incorrectly shown as a two lane road instead of a four lane road.

Based on the results of the transportation analysis (Chapter 7: Transportation), it is clear that there is no advantage to any of the "A" or "B" Alternatives in comparison to the No-Action Alternative in 2040 within the Farmington City area. Likewise, there is little, if any, difference with traffic operations on Farmington's Key Roadways and Intersections between the No-Action Alternative (2040) and the four "A" Alternatives (2040) and four "B" alternatives (2040). (See Tables 7-4, 7-5, 7-9 & 7-10)

32.7I

Tables 7-4 and 7-5 indicate that the No-Action Alternative (2040) for Farmington's Key Roadway Segments and Intersections maintains very acceptable traffic operations in 2040. This is in error as the 2013 peak hour operating conditions are already below what is being projected for 2040 under the No-Action Alternative. Tables 7-9 and 7-10 indicate little if any difference between operating conditions on Farmington's Key Roadway Segments and Intersections between the No-Action Alternative, the four "A" Alternatives, and the four "B" alternatives.

The purpose of Technical Memorandum #19 was to compare and evaluate the Shepard Lane and Glovers Lane interchange options at the southern termini for the WDC. This comparison is misleading in that it does not take into account, discuss, or consider how the lack of "local access" to/from the WDC in the Glovers Lane option affects the comparison. The Shepard Lane option provides three connections (New East/West connection between I-15 and the D&RG trail, Shepard Lane, Park Lane) whereas the Glovers Lane option provides no local connections to Farmington.

32.2.13o

The Conclusion Section (4.0) notes that, "The Glovers Lane option performed better than the Shepard Lane option in every measure, having higher speeds, reduced travel times, and significantly less delay." This is an obvious yet meaningless conclusion for any option that provides no local access. This is similar to saying that an express bus is a "better" option over a local bus because it has a higher speed, lower travel time and less delay. A road with no local access (but everything else pretty much the same) will always have higher speeds, lower travel times and less delay than one with local access.

32.2.13o

Other comments are as follows: Table 1, Average Network Speed: The description for this element includes the statement, "Higher speeds reflect better operation." This is misleading because it assumes that the primary function of the WDC (with the Glovers Lane option) is to move vehicles past Farmington, which cannot be the case. Table 3, Minimizes Number and Size of Structures. The length of several bridge structures in the Glovers option are

32.2.13R

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32.2.13C

clearly greater than those in the Shepard option. The greater length increases maintenance and motorists exposure to icy/snowy conditions. This is not considered. Also not considered are the significant and historically documented fog conditions that exist in the West Farmington City along the Glover's Lane alignment. This will likely produce more accidents at higher speeds.

32.2.13R

Table 3, Provides Independent Bypass Route. There are freeway facilities all over the country that do not have an adjacent/parallel "independent bypass route." In Maryland, I-270 between I-495 and I-370 is an example of a high capacity, limited right-of-way, collector/distributor freeway corridor without an independent bypass facility. The need for an independent bypass is overstated. Table 3, Provides Local Interchange Access at Shepard Lane. The Glovers Lane option actually provides NO local access options. The statement that an "Interchange is not precluded but would remain as a planned future project" is misleading. The interchange would provide access only to I-15 with no connection/relation to the WDC. The Shepard Lane option provides an independent access point directly to/from the West Davis between I-15 and the D&RG trail. The interchange footprint/area for each option should be considered. The Glovers Lane options clearly results in the loss of a greater amount of developable land and impacts Farmington City's only light manufacturing area, which possesses valuable developable land.

32.23C

32.1.1C

In addition to the problems present in the DEIS with respect to Regional Need, the Needs of Farmington City have not received the attention they are legally due in the DEIS. This Chapter must be redone, but first the entire focus must be recalibrated based on a revised Study Area.

V. IMPACTS AND EFFECTS ANALYSIS.

A. Direct Effects Analysis:

32.2.13C

32.3F

32.2.13C

1. Impacts Review in general. Alternative B1 creates the largest number of impacts of the B alternatives with regard to conservation easements, wetlands, wildlife habitat loss, floodplains, and also involves 20 combined impacts to Section 4(f) properties. Also, because the Direct Effects to the Farmington City conservation easements are generally ignored, the Direct Effects analysis fails. The A Alternatives suffer the same fate, for the same reason and both Alternative groups also fail for reasons that will be more specifically discussed below. It should be noted that the entire discussion of impacts appears designed to result in the forgone conclusion that Alternative B1 would be the preferred alignment. Much of the problem in this regard is due to the foreshortened or non-existent impact and effects analysis with respect to the various alternatives.

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32.23C

2. Land use impacts (Chapter 3): The fundamental problem with this analysis in the Southern portion of the Project is that it ignores the planning of Farmington City as discussed in Section IV(A). The main conclusion of this Chapter, which is restated throughout, is that growth will occur with or without the WDC and because of that, there is a minimal review of the actual induced growth impacts created by the WDC. As a result, the DEIS contains a limited review and discussions of the actual indirect effects and cumulative impacts, despite the fact that the DEIS also concludes "[t]he WDC would shift and affect the pace and type of some of the projected development planned by the Cities in certain locations." (3-16) This change in type and pace of growth that will be induced by the WDC must be analyzed in detail for the public in the DEIS, so the citizens may understand the future impacts of this road and because such an approach is required by law.

32.2.13O

32.2.13C

32.8A

32.3F

In Farmington City, there are a number of detrimental impacts whose scope and impact is unknown. First, there are the issues relating to access regarding the planned business developments located near Glover's Lane and Station Park/Shepard Lane. Also, no interchange is planned on the WDC for the entire length of the road in Farmington City, which basically leaves the west side of Farmington City as an isolated area with no access benefits provided for these properties. This road has a large footprint, will create significant noise in a formerly quiescent areas and will create many other detrimental impacts to the natural environment and to the existing uses. What are the expected impacts in this report to the existing and new developments? Will those neighborhood lots sell? Will the remaining open space be converted to other uses?

32.3F

There are serious detrimental impacts to the Conservation Easements from the preferred alignment, as well as the other Alternatives that rely on the Glover's Lane option. These qualify as 4(f) properties and must be protected as such by FHWA. Putting that issue aside for the moment, there is no review of the impacts of the preferred alignment on the values and purposes for which these Conservation Easements have been perpetually preserved. These values include open space, wetlands, wildlife habitat and refuge, farmland, parks, community cohesion, viewshed and others. One reason the Conservation Easements were acquired in concert with the adjacent and nearby approved development to provide a buffer from development, and the DEIS has selected a route for the Project that will cannibalize them. It may be that the road will ultimately destroy all of the conservation values and purposes of the Farmington City Conservation Easements, yet there is little or no review of such impacts, much less mitigation or recompense provided.

32.3F

Farmington City was recently recognized by CNN/Money Magazine as the 14th most livable City in the United States. Much of this award was based on the land use plans, which clustered housing near transit opportunities. Those same land use practices created the very Conservation

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Easements UDOT wishes to cannibalize for its preferred alignment. This is the sort of value the preferred alternative will strip from Farmington City, yet it is not discussed in the DEIS, nor is any mitigation or recompense for the losses provided.

32.4F

3. Farmlands: (Chapter 4) at P. 4-22- Agriculture Protection Areas: Alternatives B1 and B3 have the least impacts to Agriculture Protection Areas (4-22). The DEIS states UDOT will not relocate these alternatives away from the farmlands protected by this Utah Statute, because that would move the alternatives into developed areas. The DEIS states that result would render the alternatives unreasonable and imprudent, so they may not be utilized.

32.4F

The alternatives analysis here should be analogous to the one performed under Section 4(f) – of course avoiding protected farmland will require additional relocations of developed property. The whole point is to protect farmland from these types of projects because it is usually the most attractive for transportation agencies. Just because a different alternative requires more taking of developed property does not necessarily mean the alternative is unacceptable. Also, the Farmington City Conservation Easements were designed to perpetually protect certain farmland operations. These are 4(f) properties and must be avoided in favor of the use of developed property. Lastly, the farmland protected by the Farmington City Conservation Easements is ignored in the analysis, as are the impacts thereto.

32.3F

4. Community Impacts (Chapter 5): As previously mentioned, the Farmington City Conservation Easements will basically be destroyed by this road, as will the benefits provided thereby to the remainder of Farmington City, such as viewshed, recreational opportunities, quality of life, community facilities and community cohesion. These Conservation Easements also function as community facilities and parks, as well as neighborhood and recreational resources, yet there is little or no mention of the significant impacts created by this alignment on the Conservation Easements and on the larger Farmington City community.

32.3F

It is noted at page 5-21 that park and recreational opportunities are a benchmark and priority for the quality of life in Farmington City. At 5-24 it is noted that recreation, city parks, and open space are important to the community. As previously mentioned, the only reason the development was approved in the vicinity of the Conservation Easements was because the Conservation Easements were required to be transferred to Farmington City to facilitate preservation of each of these community resources and to perpetuate the conservation values protected under the Conservation Easements. In addition to avoiding the designation of these obvious 4(f) resources as 4(f) properties, there is little or no discussion in this Chapter of the impacts to these Conservation Easements by the road, to the resources protected by these

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Conservation Easements from the road, nor to the impact the loss of these resources will work on the remainder of the Farmington community. That impact will be felt all the way to the East benches due to the impact on the viewshed and the members of the community will no longer be able to enjoy the resources they present. It is unacceptable to not include these Conservation Easements in the tables relating directly to Recreational Facilities (5-25 and 26).

32.5.1E

The DEIS states the following at page 5-42:

> "The natural beauty of the area comes from features such as The Great Salt Lake and associated wetlands. However, The Great Salt Lake Shorelands Preserve and various conservation easements are in place, which prohibit development in the flood plains and would help retain the look and feel of the impact analysis area."

32.5.1E

This statement will no longer be true once this road cannibalizes the Farmington City Conservation Easements. The mitigation measures suggested for community cohesion, quality of life, recreation resources and community facilities cannot mitigate the loss of these values currently protected by these Conservation Easements. Conspicuously, they are not even mentioned in the analysis, nor in the Mitigation Section (5-65 to 5-67).

32.3F

Page 5-67 of the DEIS states "of these resources, the WDC action alternatives would not have any substantial adverse effects on recreation resources, community facilities, public safety, or public services and utilities." Because of the impacts to the Conservation Easements, this is untrue as to the first two resources, as is the statement that the WDC's impact to community cohesion and quality of life is limited to residences adjacent to the highway. As to public health and safety, the lack of access to Farmington City from the preferred alignment is potentially life-threatening. Lastly, it is unknown how or even if the Conservation Easements could possibly be managed (or even used) should this roadway be placed on them and those outcomes are not discussed.

32.5E
32.2.13C
32.3F

5. Transportation (Chapter 7): As previously mentioned, the Study Area needs to be much larger and include all of the land East of I-15 to the mountains and North to I-15 above Ogden. That would allow the review of other roads within the complete regional Study Area and a review of additional alternatives to meet the actual Regional Need.

32.1.1C

As to Local Need in Farmington, this Chapter supports the City's contention that the problems with congestion, delay and LOS do not exist during the 2009 timeframe (7-5) and are not expected to exist in 2040. In fact, the No Action Alternative performs just as well as any of the

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suggested alternatives in the area within Farmington City (7-11). The vast majority of the traffic issues within the Study Area in 2040 are located to the North of Kaysville (Figure 1-9), yet it appears no alternative interchange in that location to the North of Farmington City was given serious consideration in the DEIS. 32.2.1Q

6. Economics (Chapter 8): An inconsistency appears to be created by some of the information in this Chapter. At 8-2 it is noted that employment was up in Davis County by 61.8% and in Weber by 41.9% from 1990-2011 and the 2040 numbers demonstrate an increase of 49% for both counties. With this significant increase in employment in the area it would appear the commuter-based Need for North/South traffic has been and will continue to decline. It may be that a paradigm shift has begun to occur that will continue through 2040. The trend is toward more local employment and living, rather than a more traditional, commuter-based, suburban lifestyle. Additional work in this regard must be accomplished by the Wasatch Front Regional Council, FHWA and UDOT to ensure that roads are not being built based on the old paradigm. 32.1.2F

Simply looking at whether the land will be converted for development and not at the impacts created by the timing of the development or changes in the type of use created by the Project is an unacceptable approach. Also, the nature of the WDC preferred alignment and the failure to provide connections to the WDC in Farmington City will have a negative impact on its growth, none of which is discussed in this document. It is hard to imagine an overall increase in property values for the Farmington City portion of the WDC Study Area due to this project (See 8-20). Rather, they are likely to decrease because of lack of access to Farmington City under the preferred alignment. 32.23C 32.8A

The DEIS also fails to discuss the economic impact to property and other related values due to the placement of this road directly on properties preserved as open space, on the viewshed of all of Farmington City. There is also no discussion of the type of development that will occur near the Project due to these changes in the Conservation Easement. The Conservation Easements provide significant economic value throughout the City and this is not recognized nor discussed. 32.8A 32.3F

Farmington City intentionally created its economic development and land use plans around the area where I-15, US 89 and the Legacy Parkway come together in the vicinity of Park Lane. The preferred alignment not only does not respect this prior planning and investment by Farmington City, it ignores it and will reduce its economic value. 32.2.13D

7. Joint Development (Chapter 9): This entire section fails due to the fact that impacts to the Farmington City trail system are 32.9A

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basically ignored, as are the Conservation Easements that provide most of the destinations for the use of these trails.

8. Consideration Related to Pedestrians and Bicyclists (Chapter 10): This Chapter does not adequately discern and discuss the nature of these resources, the reason why these resources exist, the purposes they are trying to meet, nor the impacts on not only the trails, but the areas they access (the Conservation Easements). Rather than speaking in terms of impacts to these resources, the DEIS simply discusses the ability to relocate the trails. Maps showing the existing and future trails within Farmington City are attached hereto as Exhibit B with the Glover's Lane and Shepard Lane Alternatives juxtaposed upon them. This Section needs to be entirely redone with this in mind. 32.10H

9. Air Quality (Chapter 11): The DEIS recognizes that the State of Utah is currently finalizing the $PM_{2.5}$ SIP for the region where the WDC is located. This SIP is expected to be completed in 2013. Part 11.4.2 of the DEIS fails to review the Technical Support Document or TSD for the proposed $PM_{2.5}$ SIP. This document provides the technical basis for the decisions made in the proposed $PM_{2.5}$ SIP for this area including the emissions inventories, modeling, and control strategies. Because it is likely this Project will not be constructed until after the proposed SIP is adopted, the DEIS should have studied whether the Project will comply with the proposed $PM_{2.5}$ emissions limitations in this area. 32.11.1B

The MSAT's analysis only modeled alternatives A3 and B1. Both of these alternatives showed an increase in MSAT's from 3.79 in 2009 to 6.14 and 6.16 respectively. However, the other alternatives were not modeled and the reader is unable to compare or determine if other alternatives would have less of an impact from MSAT's. The same is true for the DEIS' review of greenhouse gas emissions. 32.11.2B

Finally, the DEIS relies on the example in the preamble to the March 10, 2006 rule (71 FR 12491) requiring project level quantitative analyses for projects in non-attainment areas that will have more traffic than "125,000 average daily traffic (AADT) and 8% or more such AADT is diesel truck traffic." The DEIS goes on to conclude that because the WDC's projected traffic numbers are far below this example, the local conformity analyses is not required. The DEIS ignores the other factors in the regulations that require local conformity analyses, including: (i) New highway projects that have a significant number of diesel vehicles, and expanded highway projects that have a significant increase in the number of diesel vehicles; (ii) Projects affecting intersections that are at Level-of-Service D, E, or F with a significant number of diesel vehicles, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes from a significant number of diesel vehicles related to the project;…(v) Projects in or affecting 32.11.4A

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Comment 903 (continued)

Response Section in Chapter 32

locations, areas, or categories of sites which are identified in the PM_{10} or $PM_{2.5}$ applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation." 40 CFR §193.23(b)(1). Here, there is a proposed $PM_{2.5}$ SIP for the area that could very well require the quantitative local analyses for $PM_{2.5}$ that the DEIS has completely ignored.

10. Noise (Chapter 12): The impacts analysis area used to study noise impacts is vague. It states this area was the land adjacent to the proposed alternatives that could be affected by changes in noise levels. (12-1) The boundaries of this area are never defined and it is therefore unclear which areas were studied for noise impacts. Also, the impacts of noise on the purposes of and values preserved by the Farmington City Conservation Easements were never discussed and they could be severe, especially as to wildlife. Likewise, there is insufficient discussion of noise impacts on the nearby residential and other users. If the impacts to the resources that are protected by the Farmington City Conservation Easements were fairly considered from a noise standpoint, it is unlikely the Glover's Lane could have been advanced.

32.12B
32.12A
32.3F
32.12B

11. Water Quality (Chapter 13): The DEIS completely fails to identify impacts to water quality that will be caused by construction of the project, and specifically, 7 new stream crossings in the study area. The Project will impact these streams if petroleum products or other construction-related wastes, such as cement, solvents, and or disturbed and eroded soil, are discharged into storm water runoff and/or groundwater during construction and operation. The Construction Impacts, Chapter 20, Section 20.3.4 refers the reader to the mitigation measures in Chapter 13, Section 13.4.5. This section fails to describe any mitigation measures that will be used during construction other than acquiring a Storm Water General Permit for construction activities and the requirement to adopt a Stormwater Pollution Prevention Plan.

32.13B

The DEIS also contains no specifics as to where runoff is expected from the proposed WDC and where specific design features for storm water management will be placed (revegetation, erosion control measures, etc.) and more importantly, why. These features are identified in the roadway plan drawings in the appendices to the DEIS, but the water quality analysis fails to inform the public of the logic behind the decisions to locate these features where they are shown on the drawings. The DEIS should have included an estimate of potential increases in storm water runoff at these locations, the volume, and rationale for the specific design features that would minimize the discharges.

32.13B

12. Ecosystem Resources (Chapter 14): There are significant problems in this area and the major one is the scope and extent of the Study Area. At page 14-12 it is telling that there is no mention of the

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Comment 903 (continued)

Response Section in Chapter 32

Farmington City Conservation Easements in the conservation areas, wildlife habitats, wetlands and water and uplands sections. This is unacceptable. At page 14-17, there is no discussion of the impact the road will work on habitat fragmentation, or on any related wildlife issues should the Great Salt Lake level rise and force wildlife inland. This would appear to be a significant wildlife mobility and fragmentation issue, yet it is not sufficiently discussed. Likewise, the other buffer areas may change and the impacts in that regard must be reviewed and discussed.

32.14.1A

The 300 foot buffer from right-of-way adopted for noise is not acceptable for the purposes of wildlife and, again, should the Great Salt Lake increase in elevation there is no discussion of what impacts will occur. The future changes in the Great Salt Lake's elevation is also problematic for the wildlife habitat and fragmentation discussion and it is clear that no conclusive information was gathered as to the actual impact on all aspects of wildlife including invertebrates, reptiles, amphibians, fish, birds and mammals. Until these impacts are better understood, no aspect of this Project that may affect them may be undertaken. Likewise, the impacts of lighting are not well understood with respect to the status quo, nor as to impacts that may arise as the elevation of the Great Salt Lake changes.

32.14.2C
32.14.1B

The impacts to the conservation areas ignores the impacts to the Farmington City Conservation Easements and there is no effort to review the impacts to the Conservation Easements with respect to wildlife, wildlife habitat fragmentation, general habitat buffer zones, noise impacts, and artificial lighting in that regard for each alternative. No mitigation is suggested that will deal with these problems. Ironically, at page 14-110, the DEIS contains the suggestion that "compact development" is the desired outcome, yet the preferred alignment completely unravels Farmington City's attempt to do just that by clustering development and acquiring the Conservation Easements to perpetually preserve the open space and many other resources contained therein.

32.14.1A

As to wetlands, Alternative B1 has the largest number of impacts to wetlands as compared to the other alternatives. The CWA guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a *practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences*." 40 CFR 230.10(a). Based on this provision, the applicant is required in every case (irrespective of whether the discharge site is a special aquatic site or whether the activity associated with the discharge is water dependent) to evaluate opportunities for use of non- aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic ecosystem. *A permit cannot be issued, therefore, in circumstances where a less environmentally damaging practicable alternative for the proposed discharge*

32.14.3D

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Comment 903 (continued)

Response Section in Chapter 32 ➥

exists (except as provided for under Section 404(b)(2)). Here, the agency did not do a complete wetlands delineation for the DEIS and is saving that for the Section 404 permitting process.

The agency also appears to be relying on the other B alternatives direct impacts to Section 4(f) properties as justification that this is the only practicable alternatives, because the other alternatives have significant adverse environmental consequences. However, those alternatives affect fewer Section 4(f) sites combined than does alternative B1 (notwithstanding the issue regarding the inclusion of the Farmington City Conservation Easements). Further, those alternatives have less impacts to wildlife habitat and floodplains, impacts to conservation easements, etc. The agency also did not consider impacts to the Farmington City Conservation Easements under Section 4(f). Had they done so, Alternative B1 would directly affect and significantly impact or destroy at least 2 or 3 additional Section 4(f) properties. In reality, Alternative B1 is the alternative that has the most adverse environmental consequences.

32.14.3D

13. Floodplains (Chapter 15): This section is far too conclusory and fails to explore the impacts in detail. All the issues related to habitat and habitat fragmentation mentioned above apply here, yet the flood plains preserved in the Farmington City Conservation Easements are nowhere mentioned, nor are the impacts thereon. It should be noted that in a summary contained at page 15-21 the transverse crossings are the same for the alternatives utilizing Shepard Lane and Glover's Lane, yet the longitudinal crossings required by the Glover's Lane Alternative is over three times larger than those required by Shepard (201.2 vs. 61.8). The habitat and other wildlife related issues also require additional inquiry and more detailed discussion in the cumulative impact section.

32.15C

14. Visual Resources (Chapter 18): This section is far too spare with respect to the review of the major impacts created by the preferred alignment on the visual resources of Farmington City. The Key Observation Points (KOP) do not include much of Farmington City proper and include none of the bench areas. There are an insufficient number of KOPs in Farmington City and overall and no KOPs that will deal with the issue of the magnitude of losses on and impacts to the rest of the City from the impacts on the Farmington City Conservation Easements. This Chapter must be significantly revised.

32.2.13C

15. Irreversible and Irretrievable Commitment of Resources (Chapter 22): It is acknowledged there will be irreversible and irretrievable commitments of wetlands, farmland, wildlife habitat, together with historic, archaeological and paleontological resources, but the comparative scope of these sorts of impacts between the various alternatives is not discussed. Of greater importance is the failure to discuss the impact on the Farmington City

32.22A

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Comment 903 (continued)

Response Section in Chapter 32 ➥

Conservation Easements. Farmington City is legally obligated to perpetually protect all of the conservation values and purposes articulated therein, yet the preferred alignment will destroy them. Farmington City is obligated to resist this alternative by all means at its disposal and it may be that UDOT's power of eminent domain is not sufficient to allow a taking of these public interests, even if they were correctly valued.

32.3F

B. Indirect Effects Analysis. Chapter 23:

As previously mentioned there is no comparative alternative-by-alternative analysis for the indirect effects on land use. The DEIS generally states the indirect effects for all of the action alternatives as a whole. The CEQ regulations, however, require the DEIS to study all indirect effects including "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 CFR 1508.8(b). The DEIS failed to do this by generalizing the analysis of some of these categories of impacts, many of which will have different impacts on the rate of change of land use in the area. For instance, the impacts to the Farmington City Conservation Easement land from alternative B1 will hasten changes to the area that will not happen as quickly under other alternatives, yet there is no analysis of the indirect effects thereon as a parcel of property, much less as property protected under 4(f). Also, if the Purposes of these Conservation Easements is frustrated by this road, which is likely, what will the ultimate use be and how will it be developed? These issues may not be ignored.

32.23D

The DEIS does contain an alternative-by-alternative analysis for indirect impacts to Ecosystem Resources and Wildlife, then returns to a conclusory analysis for Farmlands and Land Use without an alternative-by-alternative analysis. The same is true for economics, community and noise. Remarkably, no induced growth issues are shown to exist until near 200 North in Kaysville (See Figure 23-1). This is simply impossible and underscores the inadequate examination of all aspects of the indirect effects was undertaken.

32.23E

It is not simply about induced growth and land development, as the DEIS Chapter would have the reader believe; there are as many other elements to the inquiry as there are under direct impacts. It is also improper to eliminate the review of indirect effects East of I-15 and the lack of access into Farmington City will create significant indirect effects as well by inhibiting growth. There will also be significant, yet undisclosed indirect effects to social resources, recreation resources, community facilities, public safety and security, public facilities and services, transportation, bicyclists and pedestrian resources and visual resources.

32.23F

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Comment 903 (continued)

Response Section in Chapter 32 ➥

Farmington City hereby adopts the comments provided by the United States Department of the Interior dated August 14, 2013 with respect to the many failures to review impacts and effects to Ecosystem Resources and otherwise.

32.14.2H

C. Cumulative Impacts Analysis (Chapter 24):

32.24C

Cumulative impacts include the direct and indirect impacts to the area combined with reasonable foreseeable future actions. 40 CFR 1508.7. Since the indirect impacts analysis is incomplete, the cumulative impacts analysis is also distorted. This review is inadequate.

D. Mitigation Summary (Chapter 26):

32.3F

This section is far too conclusory and lacks significant detail. It also fails to deal with mitigation for the impacts mentioned in the comments. By way of example, the only mitigation for the enormous magnitude of loss created by impacts to the Farmington City Conservation Easements is monetary. There is basically no mitigation for the impacts to community cohesion, quality of life, recreation resources and community facilities due to the loss of these Conservation Easements. Mitigation for trails and wildlife as well as the visual impacts to and from the loss of the Farmington City Conservation Easements are again not mentioned, nor is mitigation for the impacts to emergency services.

VI. SECTION 4(F)

32.27A

The DEIS was required to treat the Farmington City Conservation Easements as Section 4(f) properties. The federal guidance on the topic supports this argument. (See Section 4(f) Policy Paper July 20, 2012). In a letter from Vincent Izzo on behalf of the WDC Project Team to Dave Millheim, City Manager of Farmington City dated April 27, 2012, Mr. Millheim was asked a series of questions based on this Policy Paper. Mr. Millheim responded to these questions in a letter dated May 11, 2012, which response is attached hereto as Exhibit C. A review of these responses reveals that these Conservation Easements perform all of the functions typically associated with 4(f) properties.

For instance:

"Each easement, as expressly stipulated therein, possesses unique and sensitive natural scenic, open space, wildlife, farmland, floodplain, and/or wetland conservation values, and was recorded for the purpose of preserving and maintaining these uses. Publicly-owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement

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Comment 903 (continued)

Response Section in Chapter 32 ➥

area. Presently, for example, the City has an improved trail approximately 3 miles in length (and additional 1.3 miles of trail soon to be improved) available to the public across all three easements and the yet to be recorded 4th easement.

32.27A

Farmington City is legally responsible and must expend public monies to enforce violations of the easement and ensure that parks, recreation areas, or wildlife/waterfowl uses of the easement are still available to the public."

32.27A

These lands were acquired to preserve the open space and the listed resources in perpetuity and the Conservation Easements were designed to enhance community cohesion, the ecosystems, recreational opportunities and the viewshed of all Farmington City. Furthermore, when determining if a Property is a Section 4(f) property, Courts have held that the Secretary "may properly rely on, and indeed should consider…local officials' views." *Concerned Citizens on I-90 v. Secretary of Transp.*, 641 F.2d 1, 7 (1st Cir. 1981). The views of the officials with jurisdiction is also required by the Policy Paper. (Part II, Question 1B). Those officials are at Farmington City.

32.27A

Remarkably, the trails to, through, and around these Conservation Easements accorded 4(f) status in the DEIS, but the Conservation Easements were not. This makes no sense and is a clear violation of the law. As a result, no avoidance alternatives were developed, nor were any attempts made to avoid these Conservation Easements. There was also no review of the use and harm to the Conservation Easements by the Preferred Alignment and no attempt was made to minimize that harm. The fact that these tasks were not undertaken is a fatal legal flaw. The Glover's Lane Alterative could not have moved forward in the process had these been 4(f) properties.

32.27A

In addition to the fundamental 4(f) issue, there are numerous other failures regarding impact analysis and review with respect to the Conservation Easement. These lands were obtained under the Farmington City General Plan and Zoning Ordinances and were necessary to meet the requirements thereof. They are "significant" because of the numerous and varied conservation values conserved thereon and for the current and future purposes for which they were acquired. Despite the fact that these are unique and sensitive, natural, scenic, open space, wildlife, farmland, floodplain and/or wetlands, the impacts thereto were not reviewed in the Chapters of the DEIS devoted to direct effects, indirect effects, and cumulative impacts. It should also be noted that parks, recreation areas, recreation uses, community open space, educational structures, water structures, and wildlife and waterfowl refuges are allowed future uses and those resources were not reviewed as to impacts and effects either.

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Comment 903 (continued)

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32.27A

Specifically, Farmington Meadows Phase I and Farmington Ranches Phase VI contain wetlands and wildlife habitat with some permitted uses for pasture and farmlands. Buffalo Ranch permits a farm, but includes significant areas of wetlands and wildlife habitat. All of these easements support floodplains, natural and scenic areas, open space and are a critical aspect of the Farmington City viewshed. They also provide for recreational uses such as hiking, bicycling, bird watching and equestrian uses, which are allowed by the public and facilitated by the adjacent trails.

32.27A

Other problems with this Chapter are as follows. The entire table located at 27-45 is flawed. Impacts are missing. There is a distinct preference for quantity of 4(f) impacts versus quality of 4(f) impacts, so the conclusions are skewed. Had the Conservation easements been included, the impacts could not be minimized, as the use is permanent. Because the use of the Conservation Easements was not reviewed, all of the sections discussing use of parks, use of recreational areas, use of refuges, community cohesion impacts, community facility impacts, wildlife habitat and wetland impacts and farmland impact in the DEIS are flawed.

32.27A

Not only were the Farmington City Conservation Easements not accorded their rightful status as 4(f) properties, the direct effects, indirect effects and cumulative impacts to these Conservation Easements were not fairly arrayed in the respective sections of the DEIS as required. The result of this is that the 4(f) overall harm table located at 27-36 is inaccurate and the preferred alignment cannot be said to create the least overall harm. This conclusion as to 4(f) is exacerbated by the failure to review and compare the impacts to the Conservation Easements vis-à-vis the other Alternatives in the DEIS.

32.27B

It should be noted that the same treatment is accorded The Nature Conservancy (TNC) Conservation Easements, which are interspersed with the land acquired by the URMCC. These properties were acquired as a block, at essentially the same time and perform the same functions with respect to protection of the ecosystem, preservation of open space and many of the other natural resources protection performed by the Farmington City Conservation Easements. Despite that, the TNC Easements are not considered 4(f), even though the URMCC properties are. This is another serious flaw.

VII. CONCLUSION

32.31Q

In view of the many problems and issues set forth in detail herein and summarized in the General Comments in Section I, Farmington City requests the DEIS be revised in accordance with these comments and then re-issued. First, however, all of the relevant information must be assembled and analyzed.

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Comment 903 (continued)

Response Section in Chapter 32 ➥

We look forward to continuing to work with the local, state and federal officials involved in this Project.

Sincerely yours,

Dave Millheim
City Manager

1247291

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Comment 903 (continued)

Response Section in Chapter 32 ➥

EXHIBIT A

Comment 903 (continued)

Response Section in Chapter 32 ➥

FARMINGTON CITY

Scott C. Harbertson
Mayor

John Bilton
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council

Dave Millheim
City Manager

To: FHWA

From: David E. Petersen, Community Development Director

Date: September 5, 2013

SUBJECT: **Technical Supplemental Memo in Support of Farmington City WDC DEIS Response**

The purpose of this memo is to supplement Farmington City's response to the WDC DEIS. It provides comments specific to narrative, figures, tables, etc. in support of, but not explicitly set forth in the response.

32.3E

1. The Farmington Master Transportation Plan (MTP) is "correctly" referenced in Section 1.6.2.1 (p 1-6). However, it should be emphasized that Farmington adopted the 2009 MTP in such a manner because at the time UDOT informed Farmington that any similar alignment to the now Shepard Lane alternative was not an option. And Farmington officials did not want the DRG&W option, which at the time was UDOT's preferred alignment. This matter was later set straight as to the City's preferred alignment (the Shepard Lane alternative) by resolution. Attached is the 2009 Roadway Functional Classification Plan, which is part of the Farmington City MTP.

32.2.13O

2. Corridor maps RD1-01, RD1-02, RD1-03 show no future interchanges on the Glover Lane alternative, this is inconsistent with the Farmington City MTP.

32.24D

3. Table 24-1 (p. 24-10) does not include the South Davis Corridor Transit Study.

32.2.4C

4. Access to the Davis County owned "Sheep Road" is blocked south of Glover's Lane by the Glover's Lane alignment (RD1-01). Although access to this corridor is provided further south via a proposed local street from 650 West, it appears that the Glovers Lane option will forever preclude the County road as a viable north to south corridor in the future. This is one of the few continuous north to south routes in this geographically narrow area of the County that does not impact wetlands. Losing a corridor like this, in an increasingly urbanizing area, will detrimentally impact growth in Farmington City. It also is not identified in the "Other North-South Corridors" in 27.5.2.5 (p. 27-28).

32.1.1C

5. The DEIS suggests that the US 89 corridor does not serve areas west of I-15 and therefore does not meet the purpose and need for the project (27.5.24, p. 27-27 and 27-28). However, in Farmington, the US 89 corridor connects to the Park Lane interchange, and directly impacts areas west of I-15.

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Comment 903 (continued)

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32.2.1R

6. Davis School District's major transportation facility for school busses for south Davis County is located in Farmington. Did the DEIS account for the need to enhance local traffic patterns for this facility?

32.10H

7. Section 1.7.5 (p. 1-29) discusses the lack of east/west bicycle facilities in the Study Area, yet some of these east/west facilities exist in Farmington. Nevertheless, the Glovers's Lane alternative compromises one of these east/west facilities planned for the future. Attached is the Farmington City Trails Master Plan.

32.2.1A

8. The possible need for local BRT/light rail is not discussed when it could have been (p. 2-40).

32.2.13C

9. In describing the Glover alternatives, the DEIS fails to mention that these options are not consistent with the Farmington MTP in that they do not allow 1100 West (a major collector) to connect to Glover's Lane–another major collector (2.2.6 (beginning p. 2-55, and elsewhere).

32.2.13C

10. Thus far, the Glovers Lane alignment is not designed to accommodate an interchange at 1100 West and the WDC, even though the DEIS acknowledges that this is in the future plan for the City.

32.24E

11. Table 24-2 (p. 24–13) identifies a new "school" but it should be mentioned that this is a "high school"; also as this table describes growth in other municipalities it reported anticipated dwelling units related to those cities, but not in Farmington. It is anticipated that Farmington will add another 3,430 units in west Farmington by 2040–this number should be added to the table. Attached are updated demographic tables for Farmington City.

32.2.13C

12. Section 26.4.5 (p. 26-7) regarding "Mitigation Measures for Impacts to Public Health and Safety" fails do mention that the lack of local access to the Glover's Lane Alignment in Farmington and southwest Kaysville will severely compromise emergency and public safety operations.

32.1.2G

13. Updated employment data from Farmington City will increase 2040 projections more than shown on Chart 1-1 (1.5.2) (p 1-12). Attached are updated demographic tables for Farmington City.

32.1.2G

14. Figure 1-5 significantly underestimated employment growth. West Farmington may experience employment totals up to 27,000 people. Attached are updated demographic tables for Farmington City.

32.3G

15. Figure 3-2 shows the existing Station Park area as "open space" when almost 950,000 s.f. of commercial and 200,000 s.f of office is now built, occupied, and/or under construction.

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Comment 903 (continued)

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32.23G

16. Figure 23-2 Developed Land map (2005) is not accurate.

32.23G

17. Figure 23-3 Developed Land map (2030) is not correct. It still shows, among other things, the Station Park area as "Agriculture". Attached is the future Land Use Plan/General Plan map for Farmington City.

32.10H

18. Trail Mitigation Measures in 10.4.5 and 26.9 do not address Farmington Creek trail or the Haight Creek Trail in the Hunters Creek subdivsion. The Glovers Lane Alignment prevents these trails from connecting to trails in Farmington Bay and the Great Salt Lake Shoreline Trail.

32.13C

19. Figure 13-1 ("Water Bodies and Watersheds") is missing some of the Creeks in Farmington City.

32.3G

20. The DEIS states that the land use impact analysis area encompasses existing and planned land-use patterns (3.1 (p. 3-1)–but it did not accurately do so in Farmington City.

32.5.1F

21 Figure 5-2 ("Subdivisions and Neighborhoods") is out of date.

32.5.1F

22. Figure 5-5 ("Non-school Community Facilities") does not show the County Fairgrounds or Justice Complex (and jail); and it is missing a church.

32.5.1F

23. Figure 5-6 ("Schools") shows an extra school in west Farmington City that does not exist.

32.4G

24. The Bangerter farm was not adequately addressed (Section 26.3.3, p. 26-5).

32.4H

25. Figure 4-4 ("Croplands") is not completely accurate.

32.4I

26. Glovers Lane Alignment makes the Buffalo Ranch difficult to operate as agriculture or ranch property (RD1-02).

32.14.3O

27. The wetlands depicted in Farmington City's office park area are not as widespread as shown on Figure 14-2.

32.3H

28 Sections 2.4.2.2 and 3.3.5, and Figure 3-4 and 14.3 do not mention or illustrate the existing and soon to be recorded Hunter Creek's conservation easements (pg. 2-82 and 3-12).

32.27A

29. Section 27.4 "Identification of Section 4(f) Resources" does not identify Farmington City's conservation easements as 4(f).

32.3F

30. The Glover's Lane alignment disrupts all of the Farmington City conservation easements as shown on map RD1-02.

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Comment 903 (continued)

Response Section in Chapter 32 ➥

31. Section 2.4.2.2. shows that the Glovers Lane option would affect 173 acres of flood plain while the Shepard Lane option would impact 34 acres. Yet the DEIS states that actual impacts of flood plain functions with the Glover Lane option are considered less (p. 83). The DEIS then compares the two very different flood plains--- one an immense multi-regional flood plain, and the other---a very localized flood plain on a small creek which is the drainage tributary for an exponentially smaller area. It erroneously demonstrates that the Glovers Lane impacts (.0007% of the Great Salt Lake Flood Plain) is less than the Shepard Lane option (which impacts 100% of the Haight Creek Flood Plain). Moreover, regarding Haight Creek, it appears from the information presented that the Shepard Lane Alignment may occupy 100% of the "FEMA" floodplain, but it certainly does not occupy 100% of the remaining Haight Creek floodplain outside the FEMA designation. 32.15C

32. It appears that the flood plain in the Shepard Lane alignment is much less than 34 acres (see Figures 15-3 and 15-4). 32.15C

33. The bald eagle habitat is not correctly addressed along Farmington Creek (Section 14.2.2 (p. 14-4)). 32.14.2B

34. The City overview in Section 23.5.1.2 (p. 23-9) is not correct in that it states that 1100 West (a major collector will eventually connect to Glover's Lane (another major collector) under all of the alternatives; however, it will only do so under the Shepard Lane Options---it appears that it will never do so under the Glover Options. 32.23H

35. Section 23.5.1.2 (p.23-9) of the DEIS incorrectly quotes Farmington City planners as follows: 1) the 4,218 elevation mark is a "development boundary" (not "the" development boundary as referenced in the study)–and it is not the "Great Salt Lake floodplain elevation" also referenced in therein; 2) the Section also states: "Since most of the land west of Alternatives A1 - A2 and B1 - B2 is lower than this elevation, no development would occur in this area", but development can occur in this area–just at lower densities; 3) the Section further states: "Current and planned development would occur out to the location of the conservation easement the City has in place to restrict development in western Farmington near the Great Salt Lake. Therefore, Alternatives A1--A2 and B1--B2 would not induce development in this part of the Western Farmington". This is not true–it would induce development. This is a big issue for Farmington City. These alignments would unravel years of the planning efforts---these indirect and cumulative impacts are huge for the community. 32.23D

36. Table 23-1 "Summary of indirect effects of the WDC by City" (p.23-14) is incomplete. More indirect impacts should be listed as conservation easement and long standing General Plan designations will likely change if the Glover's Lane alignment is chosen. It will dramatically change west Farmington. 32.23D

37 Figure 23-1 ("Location of Potential Indirect Effects") should be updated to the indirect negative impacts in Farmington City related to Glover's Lane alignment. 32.23E

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Comment 903 (continued)

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38. In Section 23.5.2 the potential indirect effects of farmland in west Farmington City related to the Glovers Lane alignment are not discussed (p. 23-20). 32.23I

39. Page 23-21 of Section 23.5.2 discusses the indirect effects on economics due to interchanges along the WDC. Farmington City is conspicuously absent from this discussion because no interchanges are planned on the Glovers Lane alignment in our community. Any interchange in Farmington City would have a positive indirect effect: however, because there is not an interchange on the Glovers Lane alignment, it is a negative economic effect for the City. 32.23D

40. Page 23-22 of Section 23.5.2 states the potential indirect effects of noise are anticipated to be negligible. Notwithstanding this, in west Farmington City they will be significant in the future if the Glovers Lane alignment is chosen 32.12B

41. The indirect effect of future growth in Farmington City are more certain than described in Section 23.6. If no local access is provided on the Glovers Lane alignment economic growth will be slowed. 32.23D

42 Indirect impacts are very significant in Farmington City and they should be considered as an "Important Cumulative Impacts Issue", but they are not (see 24.3.1.2 (p. 24-5); and 26.21.7 (p. 26-9)). 32.23D 32.24C

43. Figure 2-16 does not show connections from the sidewalks and roads to the trails themselves so that bikes/peds on Shepard Lane and Clark Lane can access the trails after they are grade separated; nor is the trail crossing at Shepard Lane designed such that it also helps transition the Haight Creek Trail across the WDC. 32.10H

44. Table 10-1 shows all three classes of trail facilities while Table 10-2 only shows Class 1 facilities, but it is not obvious that Table 10-2 shows only the Class 1 facilities. 32.10L

45. Section 2.1.6.2 states in part: "UDOT would consider implementing the trail improvements listed below only if there is coordination and support from the local governments. The following trail improvements would be implemented by local governments and UDOT…". The meaning of this is vague. Is the intent to give notice that the local governments will have to pay for the improvements but that UDOT will actually construct those improvements along with the WDC as a betterment? Or is the intent to say that if the communities are interested in implementing certain improvements that UDOT will include those items in the WDC project budget? 32.10I

46. Both unpaved and paved trails show up under the moniker of "Class 1", and some side paths along rights of way are also erroneously identified as Class 1 facilities. 32.10J

47. Section 10.1, 2nd paragraph, 3rd sentence incorrectly states that both Class 2 and 3 facilities are "typically considered a bicycle 'route'…" when this is a term usually reserved for Class 3 facilities. 32.10J

5

Comment 903 (continued)

Response Section in Chapter 32 ➥

32.10K

48. Some maps (e.g. Figure 2-16) show the Kays Creek Trail between the D&RG Trail and the WDC alignment. Other maps (e.g. Figure 10-2) show that there is a gap west of the D&RG Trail. Meanwhile, the EIS highlights that the WDC will provide a connection from the D&RG Trail to the Emigrant Trail.

ATTACHMENTS:

A. 2009 Roadway Functional Classification Plan (part of the Farmington City MTP).
B. Farmington City Master Trails Plan.
C. Future Land Use Plan/General Plan map for Farmington City.
D. Updated Demographic Tables.

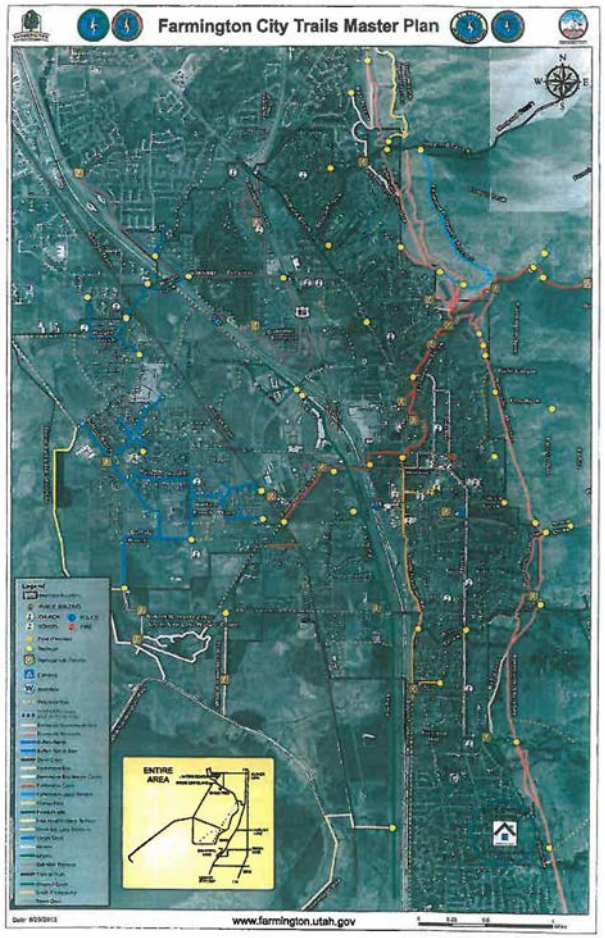
6

Comment 903 (continued)

Response Section in Chapter 32 ➥

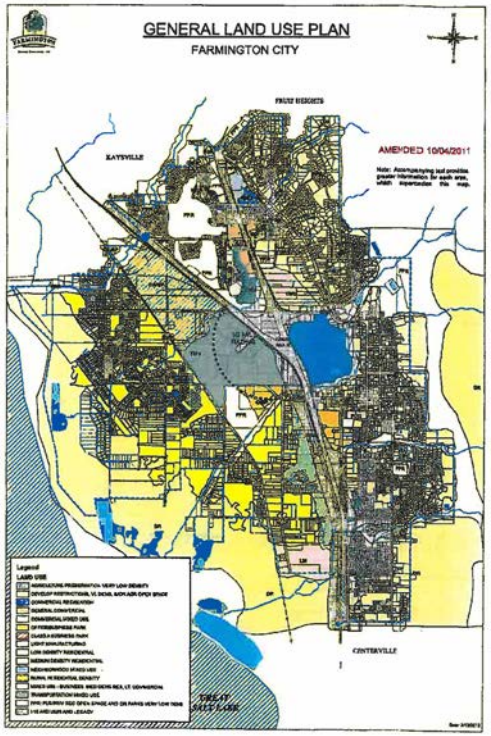
Comment 903 (continued)

Response Section in Chapter 32 ➥



Comment 903 (continued)

Response Section in Chapter 32 ➥



Comment 903 (continued)

Farmington

2040 Socio-Economic Data Estimate
Selected Traffic Analysis Zones (TAZs)
Submitted 2009; Revised December 2012

Residential	Commercial	Other
75.0%	110.0%	48.0%

Residential Estimates

TAZ	Population	Revised Population	Dwelling Units	Revised Dwelling Units	House-hold Size
267	1,407	31	415	9	3.39
273	1,486	2,395	654	1,055	2.27
274	2,011	2,516	885	1,108	2.27
275	629	1,641	277	723	2.27
279	376	311	166	137	2.27
TOTAL	5,909	6,893	2,397	3,032	

Non Residential Development Estimates
(by square feet in 1,000s)

TAZ	Retail	Revised Retail	Industrial	Revised Industrial	Other	Revised Other	Total	Revised Total
267	0	100	0	0	64	2,872	64	2,972
273	378	720	0	0	0	1,892	378	2,613
274	745	523	0	0	2,104	2,038	2,849	2,561
275	1,427	1,347	38	38	795	476	2,260	1,861
279	25	25	0	0	1,189	1,189	1,214	1,214
TOTAL	2,575	2,715	38	38	4,152	8,468	6,765	11,220

	Acres	s.f. Office	s.f./acre
Millrock	22	625,000	29,070
Old Mill/Cottonwood Corp Center	72	2,500,000	34,722
Total	94	3,125,000	33,422

TAZ	Acres	s.f. Office	s.f./acre
267	85.53	2,872,336	33,583
273	96.15	1,892,140	19,680
274	96.22	2,037,829	21,179
275	86.85	476,288	5,484
279			
TOTAL	365	7,278,592	19,955

TAZ	Population	Revised Population	Dwelling Units	Revised Dwelling Units	House-hold Size
267	1,407	31	415	9	3.39
273	1,486	2,395	654	1,055	2.27
274	2,011	2,516	885	1,108	2.27
275	629	1,641	277	723	2.27
279	376	311	166	137	2.27
TOTAL	5,909	6,893	2,397	3,032	

TAZ	Retail	Revised Retail	Industrial	Revised Industrial	Other	Revised Other	Total	Revised Total
267	0	159	0	0	64	9,249	64	9,408
273	378	1,145	0	0	0	6,093	378	7,238
274	745	831	0	0	2,104	6,562	2,849	7,393
275	1,427	2,141	38	65	795	1,534	2,260	3,739
279	25	40	0	0	1,189	1,189	1,214	1,229
TOTAL	2,575	4,316	38	65	4,152	24,626	6,765	29,007

Response Section in Chapter 32

Comment 903 (continued)

FARMINGTON

Modified 2040 Socio-Economic Data: Revised August 2013
Without Public Schools, Lagoon, Church Buildings, Fairgrounds, and Park Buildings

* See comments/questions below

	Traffic Analysis Zone	Total Population	Modified 2* Total Population	Total Dwelling Units	Modified Total Dwelling Units	Total	Modified Total	Retail	Modified Retail	Industrial	Modified Industrial	Other	Modified Other	House-hold Size	Modified House-hold Size	Average Income	Notes:
1*	~~261~~	~~3,700~~		~~989~~		~~148~~		~~400~~		0		48		3.74		~~113,874~~	In Fruit Heights except for about 12 Homes
	267	1,341	31	452	9	65	9,408	5	159	0	0	60	9,249	2.97	3.39	83,350	
	268	1,873	2,122	493	636	276	469	90	188	90	0	96	281	3.80	3.34	83,294	
	269	3,399	3,378	997	1,032	99	488	60	196	0	0	39	291	3.41	3.27	102,514	
	270	~~404~~		~~103~~		8		1		4		6		~~3.80~~		~~83,294~~	In Kaysville except for one home
	271	858	803	220	237	11	5	1	0	1	0	9	5	3.90	3.39	83,294	
	272	1,755	1,675	451	494	23	102	3	13	2	89	18	0	3.89	3.39	83,294	
	273	3,520	2,395	1,100	1,055	862	7,238	285	1,145	69	0	308	6,093	3.20	2.27	83,350	
	274	238	2,516	80	1,108	913	7,393	307	831	75	0	531	6,562	2.98	2.27	83,350	
	275	960	1,641	300	723	2,400	3,740	1,002	2,141	0	65	1,398	1,534	3.20	2.27	83,350	
	276	605	810	155	239	8	0	1	0	1	0	6	0	3.90	3.39	83,294	
	277	1,011	1,385	259	410	33	9	4	0	3	0	26	9	3.90	3.38	83,294	
	278	743	576	191	170	10	63	1	0	1	0	8	63	3.89	3.39	83,294	
	279	0	311	0	137	800	1,229	100	40	2	0	698	1,189		2.27	83,350	
	280	473	508	98	150	20	0	2	0	0	0	18	0	4.83	3.39	83,350	
	281	583	610	150	180	7	12	1	0	1	12	5	0	3.89	3.39	83,294	
	282	70	68	22	20	0	0	0	0	0	0	0	0	3.18	3.39	84,003	
	283	187	180	58	53	150	692	14	0	17	692	119	0	3.22	3.39	84,003	
	284	869	1,421	296	451	1,159	541	49	57	110	17	1,000	467	2.93	3.15	88,870	
	285	1,878	1,921	574	605	1,002	1,410	43	38	95	2	864	1,369	2.92	3.16	88,870	
	301	6	7	2	2	10	19	1	0	0	0	9	19	3.27	3.39	83,294	No more homes will locate here due to Bird Refug
	302	573	600	119	177	309	3	18	0	5	0	288	3	4.82	3.39	83,350	
	303	3,034	2,222	1,157	890	500	165	300	19	0	0	200	146	2.62	2.50	83,294	
	304	1,050	1,616	484	485	1,000	256	450	143	50	48	500	65	3.41	3.33	102,514	
	305	20	14	6	4	3,075	141	2,100	80	275	0	700	62	3.33	3.39	123,164	
	306	1,565	1,723	536	511	100	95	38	0	10	0	62	95	2.92	3.37	88,870	
	309	2,288	2,486	671	752	33	19	10	0	0	19	23	0	3.41	3.28	79,198	
Aug 2013 Estimate--->		29,296	31,001	8,871	10,530	12,665	33,496	4,883	5,050	807	944	6,975	27,502	3.30	2.94	87,859	
Original 2009 Estimate--->			29,640		9,895		11,253		3,308		917		7,026				

* Comments/Questions
1 Do you want me to account for the approx. 12 homes TAZ 261 that are in Farmington?
2 This is fairly accurate as per Farmington City records, but much depends on how accurate your HH size numbers are compared to ours.

Response Section in Chapter 32

WEST DAVIS CORRIDOR

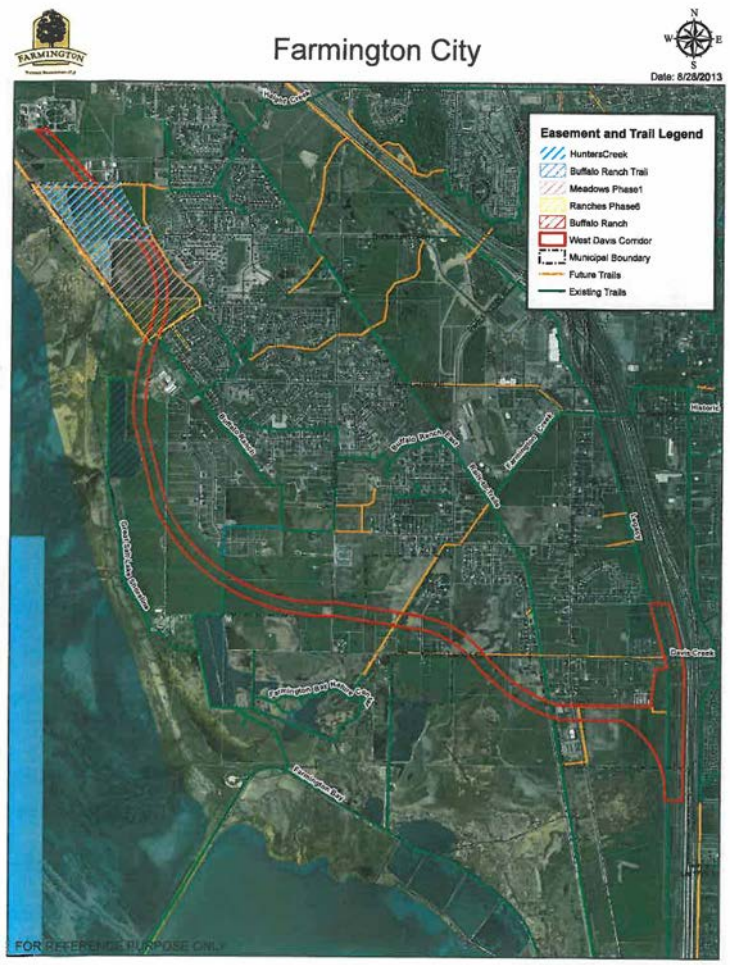
Comment 903 (continued)

Response Section in Chapter 32 ➥

EXHIBIT B

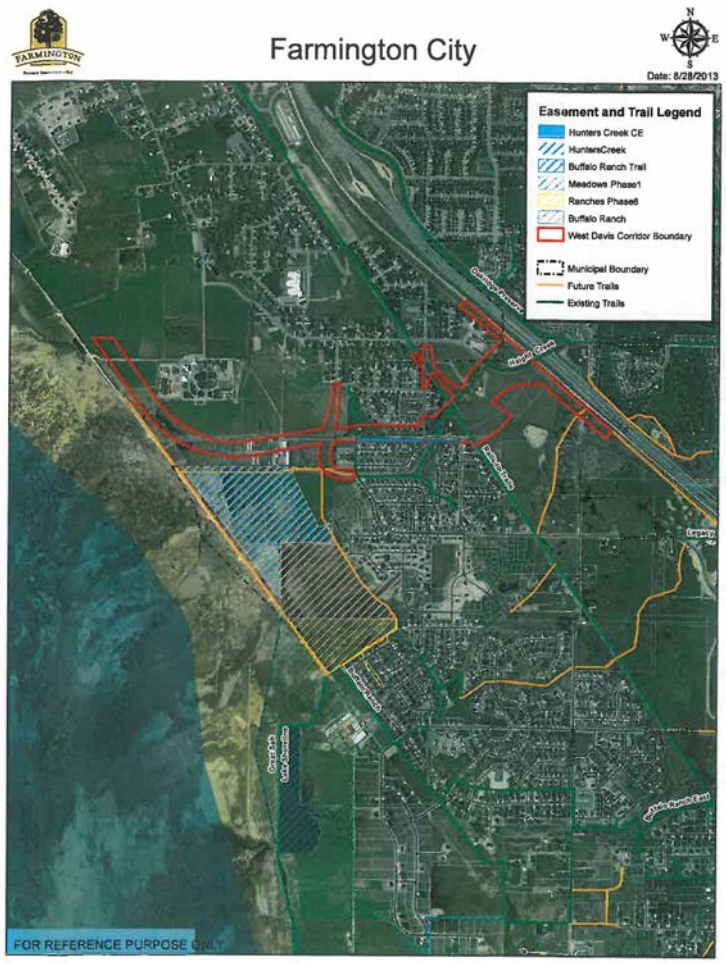
Comment 903 (continued)

Response Section in Chapter 32 ➥



Comment 903 (continued)

Response Section in Chapter 32 ➥



Comment 903 (continued)

Response Section in Chapter 32 ➥

EXHIBIT C

Comment 903 (continued)

Response Section in Chapter 32 ➥

FARMINGTON CITY

FARMINGTON
Historic Beginnings - 1847

Scott C. Harrison
Mayor

John Bilyon
Cory R. Ritz
Cindy Roybal
Jim Talbot
James Young
City Council

Dave Millheim
City Manager

May 11, 2012

Vincent Izzo
HDR Engineering
West Davis Corridor Consultant Project Manager
466 North 900 West
Kaysville, Uth 84037

Mr. Izzo:

I received your request for a written response to eight questions presented in your letter to me dated April 27, 2012. Thank you for taking the time to seek Farmington City's input regarding the large tracts of open space preserved on the west side of our community. Your questions are set forth below, with my response following each question:

1. Does the City of Farmington, as the public body with jurisdiction over the Farmington conservation easements, consider these land and easements, or delineated portions of them, to be publicly-owned parks, recreation areas or wildlife/waterfowl refuges? Please provide any documentation of their designation or management for these purposes.

Yes. The public owns the easements, they are under the ownership of Farmington City. The City acquired these easements through in-kind compensation of comparable value by substantially increasing in the number of lots available to the then existing property owners for their proposed developments. Our records show that three conservation easements (please see attached documents), and soon to be a fourth, encumber the ground in the path of the proposed westerly alignment of the West Davis Corridor (WDC) [note: the conservation easement for the Hunters Creek development will be recorded soon and will be similar to the others].

Each easement, as expressly stipulated therein, possesses unique and sensitive natural scenic, open space, wildlife, farmland, floodplain, and/or wetland conservation values, and was recorded for the purpose of preserving and maintaining these uses. Publicly-owned parks, recreation areas or wildlife/waterfowl refuges are allowed within the easement area. Presently, for example, the City has an improved trail approximately 3 miles in length (and additional 1.3 miles of trail soon to be improved) available to the public across all three easements and the yet be recorded 4th easement.

Farmington City is legally responsible and must expend public monies to enforce violations of the easement and ensure that parks, recreation areas or wildlife/waterfowl uses of the easement are still available to the public (see enclosed easements). The City has taken such enforcement action in the past when debris has been dumped on the property, when property owners have desired to encroach on conservation land with buildings or unauthorized improvements, or to construct buildings beyond what the easements would allow, etc.

160 S Main P.O. Box 160 Farmington, UT 84025
Phone (801) 451-2383 Fax (801) 451-2747
www.farmington.utah.gov

Comment 903 (continued)

Response Section in Chapter 32 ➥

2. Does the City of Farmington consider these lands, or delineated portions of them to be "significant" (as defined in the quote above) as parks, recreation areas, or refuges?

Yes. The lands are significant due to their location along the shore of the Great Salt Lake, and their unique conservation values previously mentioned, and the lands are identified on the City's Resource and Site Analysis Plan (an element of the City's General Plan) and must be preserved for such things as parks, recreation areas or wildlife/waterfowl refuges. The lands are also significant because of the magnitude of the size of area that they encompass. They cover hundreds of acres.

3. How and by which department does the City manage or oversee these lands and terms of the easements?

AND

4. What group or organization actively manages the land for the purpose stated in the conservation easements.

The Farmington City Community Development Department, with the assistance of its legal consultants, enforces and oversees the lands in terms of the conservation easements, and the City's Public Works and Parks and Recreation Departments, and the City's Trail Committee, manage and oversee these lands in terms of trail use. A "Trail Boss" (or in certain circumstances more than one trail boss) is assigned by the Trails Committee to walk and inspect the trails/lands on a regular basis.

5. How are conservation easements currently used?

Recreation (trails), natural scenic open space, wildlife habitat, farmland, floodplain and wetland preservation, and green space, preservation of streams, stream corridors, and water courses.

6. How does the City view the similarities and differences among the easements (including mentions of agriculture, trails, recreation and wildlife), the City's land use plan, and the city's zoning plan? Are other parks or conservation areas in the City designated with the same zoning and land use as the conservation easements?

I will answer this question in three parts because it appears that one can construe the first question in this section regarding "similarities and differences" in two ways. Section A and B below deal with the first question and Section C is in response to the question in the last sentence.

A. Similarities and differences among the easements, the land use plan, and zoning [ordinance]: The easements, the City's land use plan (or General Plan), and the city's zoning plan (or Zoning Ordinance) are similar in purpose and function. Farmington views no differences in purposes among the three documents. They are extremely compatible.

All the easements were obtained consistent with purposes set forth in Section 11-12-010 of the Farmington City Municipal Code including, among other things, 1) "conservation of open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them

2

Comment 903 (continued)

Response Section in Chapter 32 ➥

aside from development"; 2) "provide incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents"; and 3) "create neighborhoods with direct visual and/or recreational access to constrained sensitive and conservation land".

The purposes of this Section of the Municipal Code (as well as the easements) are consistent with goals, objectives, policies of the General Plan. These include, but are not limited to the following: 1) "The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This is the most significant element underlying the General Plan", 2) "Maintain Farmington as a community with a rural atmosphere, preserving its historic heritage, and the beauty of the surrounding countryside", 3) "Develop a trails system in the City which includes bike paths, jogging/hiking trails, and equestrian trails, etc.", 4) "Explore the potential of preserving open space and greenbelt areas for recreation purposes and for use as buffer zones in developed areas where appropriate and cost efficient", 5) "Encourage the maintenance of farmland and other open lands if they are historically or environmentally unique", 6) "The acquisition and development of open space and park property should be a priority of the Capital Improvement Program", 7) "Continue to conserve conservation and open space land including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls berms, watercourses, farmland, wildlife corridors, and/or habitat, historical buildings and/or archeological sites, and green space by setting them aside from development", 8) "Foster an environment within the City in which agriculture lands can co-exist in urbanized areas", 9) "Explore alternatives for preservation of agriculture lands as open space through purchase, lease, conservation easements, or otherwise", and 10) "Maintain Farmington as a predominately low density residential community".

As mentioned previously the easements also protect sensitive land resources identified on the City's Resource and Site Analysis plan, and element of the City's General Plan.

B. Similarities and differences among the easements. The three existing conservation easements include the easement recorded in conjunction with the Farmington Meadows Phase 1 Subdivision dated October, 12, 2007, the easement associated with Farmington Ranches Phase 6 dated December 22, 2005, and the easements regarding the Buffalo Ranch project dated July 3, 2003. All easements were recorded for the purpose of preserving and maintaining the same unique and and sensitive natural, scenic, open space, wildlife, farmland, flood plain, and/or wetland values; and three additional values were contained in the recitals to Farmington Meadows easement: aesthetic, ecological, agriculture and recreational values [note: the other easements mention farmland but the Farmington Meadows easement does not]. It is anticipated that the soon to be established easement with the Hunters Creek subdivision will be recorded with similar purposes.

The first two easement primarily encompass wetlands and wildlife habitat with some acreage available for pasture and farm land. Meanwhile, the Buffalo Ranch Easement constitutes a horse farm, with several out-buildings. Nevertheless, this easement also includes significant areas of wetlands and wildlife habitat. All three easements include flood plains, natural and scenic areas, and open space. Public recreational opportunities including but not limited to, hiking, bicycling, bird watching, equestrian uses, etc., are also prevalent to all three easements.

3

Comment 903 (continued)

Response Section in Chapter 32 ➥

C. Yes, there are other parks or conservation areas in the City designated with the same zoning and/or land use as the conservation easements. These include, but are not limited to 1) the public trail and quasi-public park in the Hunter's Creek subdivision, 2) the public park in the Spring Creek Estates subdivision, 3) the public park and public trail system in the Farmington Ranches subdivision, 4) the public trail and board walk system in the Farmington Greens Planned Unit Development, 5) the addition of public park property to the Farmington Pond park, 6) public trails and trail access/trail heads in the Deer Pointe, Shepard Heights, Oakwood Estates, Compton's Pointe, Farmington Manner, Silverwood, Farmington Ranches, Farmington Ranches East, Chestnut Farms, Eagle Creek, Miller Meadows, Deer Hollow, Sunset Hills, Mountainside, Hughes Estates, Tuscany Cove, Tuscany Village, and Willow Creek subdivisions/PUDs.

7. Are the conservation easement land, or delineated portions of them, specifically open to the public or closed/restricted?

Yes, portions of the conservation easement lands are open to the public. The easements contain the Great Salt Lake Shoreline Trail, a segment of the City's Trail Master Plan, an element of the Farmington City General Plan. Approximately, 3 miles of this trail are improved with 1.3 miles still to be developed.

8. Are there designated areas within the easement lands that are specifically planned to be developed for park, recreation, or waterfowl/wildlife refuge purposes? Please provide any documentation showing official intent to develop these lands for such purposes.

Yes, these areas include the trail system as discussed above. Enclosed for your review are photos of the trail. Copies of the easements enclosed herein also delineate the trails.

Thank you for your efforts regarding the EIS for the WDC. If you are in need of further information, please contact me at [redacted] or contact our Community Development Director, David Petersen at [redacted] or by email at [redacted]

Sincerely,

Dave Millheim
City Manager

cc: Mayor and City Council

4

Comment 904

Response Section in Chapter 32 ➥

Comment #: 904

Date: 9/6/2013

Source: Email

Name: Leslie Rossi

Location:

Comments:

11 June 2013

To Randy Jefferies, Project Manager and UDOT:

I attended the open house tonight (6/11/13) in Farmington. I realize that there really is no way to please everyone and listening to speaker after speaker kiss up to UDOT by thanking them for the good choice they made to choose Glover Lane instead of Shephard Lane made me sick and angry watching neighbor against neighbor.

32.1.2A
32.2.3A
32.2.13C
32.2.1L
32.30C

After reading your West Corridor website and the draft EIS documents and attending the open house to look at the maps, it makes me ask why. There is I-15, state road 106, highway 89, Frontrunner, and Legacy Parkway all in this area. Do we really need this road? Are we turning into California? Utah's air quality is so horrible with so many red air days and the per student spending is the lowest in the nation. Couldn't this money be more wisely spent elsewhere? Do we really need this road? I say no! If in good conscience you can say yes to that question, and really feel we need this road, then why can't it be connected to the existing Legacy Parkway? As currently proposed, it seems to lead nowhere and it seems to have no good access. I feel like it needs more work to connect it logically with existing road work.

While looking at the map, the Glover Lane route seems wrong. It seems like there is no need to build a road over I-15 to connect with Glover Lane. Why not connect with the end of Legacy? Also, why were the aerial maps so old? Homes in cricital areas and built in 2009 are not shown on those maps. It gave false impressions to those unfamiliar with these areas. Why go to so much work to share information and then use such outdated materials?

The Glover Lane option would negatively impact these items:

32.14.2A *Great Salt Lake Bird Refuge

32.14.2D *eagle nesting areas

32.14.2B *trail system

32.10F *active, working farms on and near Glover Lane

32.4A *people due to increased traffic and noise and poor quality of life

32.2.13C *loss of homes

32.2.13C *air quality by increasing pollution (A recent study has linked high air pollution with an increased risk of babies born with autism.)

32.2.13C http://www.deseretnews.com/article/865581914/Harvard-study-links-high-air-pollution-with-increased-risk-of-babies-born-with-autism.html?pg=all

32.11.2A Please carefully consider these important factors when making your decisions.

Comment 904 (continued)

Response Section in Chapter 32 ➥

Thank you,

Leslie Rossi

Comment 905

Response Section in Chapter 32 ➥

Comment #: 905

Date: 9/6/2013

Source: Email

Name: Aaron Andrade

Location:

Comments:

Dear decision maker,

32.2.3A I'm emailing to urge you not to build the West Davis Freeway. It would pass through globally important migratory bird habitat.

32.2.1G The shared solution makes more sense for dealing with traffic:
http://www.sharedsolution.org

Key reasons not to support the Freeway:

The Great Salt Lake and its surrounding wetlands are tremendously important as breeding areas and stopover points for migrating birds.
32.11.1A Air quality in the Wasatch Front is some of the worst in the nation. Encouraging more driving — rather than encouraging public transportation or ride sharing — is not good policy .
32.14.2M Utah has lost 90% of its wetlands since the 1800's. Wetlands provide vital ecosystem services and anything that jeopardizes remaining wetlands is unacceptable.
32.14.2H Noise and light pollution disrupt bird breeding behavior.
32.13B The wetlands of Farmington Bay and TNC's Shorelands Preserve, and groundwater movement that feed them, will be degraded. This will forever alter some of our favorite birding locations.
32.14.2B Wintering raptor habitat along Glover Lane will be affected by the freeway.
32.14.2H No degree of mitigation or creation of enhanced habitat will compensate for the permanent loss of this high quality, complex wetland mosaic which now exists along Farmington Bay and the GSL shoreline.

Thank you for your consideration.

Aaron Andrade

Comment 906

Response Section in Chapter 32 ➥

Comment #: 906

Date: 9/6/2013

Source: Email

Name: Ray Smith

Location:

Comments:

<See email attachment on next page, titled 00906_Ray_Smith_9-6-13>

To Whom It May Concern:

Please find our comments in the attached letter and copeid below.

Great Salt Lake Audubon (GSLA) has a longstanding mission to "protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State". With this mission in mind, we have reviewed the Utah Department of Transportation (UDOT) and Federal Highway Administration (FHWA) West Davis Corridor Draft Environmental Impact Statement (DEIS) for the proposed West Davis and Great Salt Lake Shoreline high speed freeway and provide the following comments:

1.0 Great Salt Lake Nomination as a "RAMSAR Convention on Wetlands" Globally Unique "Wetland of International Importance"
32.14.2A During July 2013, Great Salt Lake was formally nominated as a Ramsar Convention on Wetlands globally unique "Wetland (Lake) of International Importance". The U.S. Fish and Wildlife Service Division of International Conservation - Global Programs reviewed the Ramsar Information Sheet data and made a formal determination that Great Salt Lake meets the eligibility criteria for Ramsar site designation and listing as a Ramsar Convention on Wetlands "Wetland of International Importance" (USDI-FWS 2013).
32.2.3A As the largest inland sea in the western hemisphere, fourth largest terminal lake in the world, and second most hypersaline lake in the world, Great Salt Lake provides crucial migration support for millions of migratory birds, protected under The Migratory Bird Treaty Act of 1918 (a U.S. federal law), traveling the eastern Pacific Flyway and Central Flyway connecting North America and South America.
32.2.13C Great Basin geographic region arid land wetlands and open water habitats associated with the Great Salt Lake ecosystem, especially the last remaining "intact" wetland/mud flat playa/upland habitat complexes located along the north, east, and south shorelines provide critical life stage support for millions of resident and migratory birds and wildlife species in a harsh arid and semi-arid environment. Adverse effects of global warming, drought, water contamination, water diversions to support human populations growing at unprecedented rates, and subsequent lowering of Great Salt Lake water levels pose significant adverse effects to this globally important hypersaline lake and its associated brackish and freshwater wetland ecosystems.
32.14.2H We, the human race, as a conscientious society, must be responsible stewards of natural habitat on a local and global level, not only for the wildlife that depend upon it for their continued survival, but also to maintain a quality of life for humans and future generations of wildlife and people. It is for this reason, Great Salt Lake Audubon finds the UDOT/FHWA proposal to build a high-speed freeway through the last remaining "intact" wetlands and wildlife habitat conservation areas preserved by Farmington City, The Nature Conservancy, and the Utah Reclamation, Mitigation, and Conservation Commission (URMCC) along the Great Salt Lake eastern shoreline in Davis County preposterous and we ask that entertainment of this proposal be stopped.
The UDOT/FHWA proposed West Davis County freeway alignment along Glover's Lane, located immediately adjacent to the northern boundary of the Farmington Bay Waterfowl Refuge and the Great Salt Lake Nature Center and Nature Trail and open water ponds, and traversing through the Farmington City Buffalo Ranch "Wildlife and Waterfowl Refuge" Conservation Easement lands, The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC conservation easement lands, will result in significant adverse direct, secondary, and cumulative impacts to globally important migratory bird species critical habitat. Additionally, significant direct adverse impacts will result in perpetual mortality of migratory and resident birds traversing north-south along the eastern Pacific Flyway historic route of the Great Salt Lake by vehicular collision, habitat

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September 5, 2013

West Davis Corridor
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

RE: ***West Davis Corridor Draft Environmental Impact Statement (DEIS) Comments***

To Whom It May Concern:

Great Salt Lake Audubon (GSLA) has a longstanding mission to "***protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State***". With this mission in mind, we have reviewed the Utah Department of Transportation (UDOT) and Federal Highway Administration (FHWA) West Davis Corridor Draft Environmental Impact Statement (DEIS) for the proposed West Davis and Great Salt Lake Shoreline high speed freeway and provide the following comments:

1.0 Great Salt Lake Nomination as a "RAMSAR Convention on Wetlands" Globally Unique "Wetland of International Importance"

During July 2013, Great Salt Lake was formally nominated as a Ramsar Convention on Wetlands globally unique "Wetland (Lake) of International Importance". The U.S. Fish and Wildlife Service Division of International Conservation - Global Programs reviewed the Ramsar Information Sheet data and made a formal determination that Great Salt Lake meets the eligibility criteria for Ramsar site designation and listing as a Ramsar Convention on Wetlands "Wetland of International Importance" (USDI-FWS 2013).

As the largest inland sea in the western hemisphere, fourth largest terminal lake in the world, and second most hypersaline lake in the world, Great Salt Lake provides crucial migration support for millions of migratory birds, protected under The Migratory Bird Treaty Act of 1918 (a U.S. federal law), traveling the eastern Pacific Flyway and Central Flyway connecting North America and South America.

Great Basin geographic region arid land wetlands and open water habitats associated with the Great Salt Lake ecosystem, especially the last remaining "intact" wetland/mud flat playa/upland habitat complexes located along the north, east, and south shorelines provide critical life stage support for millions of resident and migratory birds and wildlife species in a harsh arid and semi-

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arid environment. Adverse effects of global warming, drought, water contamination, water diversions to support human populations growing at unprecedented rates, and subsequent lowering of Great Salt Lake water levels pose significant adverse effects to this globally important hypersaline lake and its associated brackish and freshwater wetland ecosystems.

32.2.3A

We, the human race, as a conscientious society, must be responsible stewards of natural habitat on a local and global level, not only for the wildlife that depend upon it for their continued survival, but also to maintain a quality of life for humans and future generations of wildlife and people. It is for this reason, Great Salt Lake Audubon finds the UDOT/FHWA proposal to build a high-speed freeway through the last remaining "intact" wetlands and wildlife habitat conservation areas preserved by Farmington City, The Nature Conservancy, and the Utah Reclamation, Mitigation, and Conservation Commission (URMCC) along the Great Salt Lake eastern shoreline in Davis County preposterous and we ask that entertainment of this proposal be stopped.

32.2.13C

The UDOT/FHWA proposed West Davis County freeway alignment along Glover's Lane, located immediately adjacent to the northern boundary of the Farmington Bay Waterfowl Refuge and the Great Salt Lake Nature Center and Nature Trail and open water ponds, and traversing through the Farmington City Buffalo Ranch "Wildlife and Waterfowl Refuge" Conservation Easement lands, The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC conservation easement lands, will result in ***significant adverse direct, secondary, and cumulative impacts*** to globally important migratory bird species critical habitat. Additionally, ***significant direct adverse impacts*** will result in perpetual mortality of migratory and resident birds traversing north-south along the eastern Pacific Flyway historic route of the Great Salt Lake by vehicular collision, habitat contamination, abandonment of nests and nesting sites, inability to communicate with mates during breeding season due to noise and constant high-speed freeway disturbances, and hitting concrete freeway noise barriers.

32.14.2H

GSLA does not comprehend why UDOT/FHWA would term such a devastating high-speed freeway alignment as the "Locals Preferred Alternative" – surely UDOT/FHWA have no sense of the quality of life Davis County residents and visitors admire. GSLA finds that the UDOT/FHWA preferred alternative will result in permanent, **significant adverse impacts** to globally unique, irreplaceable environmental resources which cannot be mitigated.

32.14.2H

2.0 Migratory Bird Species Act of 1918 "Taking" and "Killing" Violation and Great Salt Lake Wetland Value "Qualifiers"

According to Weber State University research, less than one percent of Utah's total land mass is wetland or open water habitat; seventy-five percent of this habitat type is associated with the Great Salt Lake ecosystem. The UDOT/FWHA DEIS shows that just within the "Ogden Hydrologic Unit" less than 26% of historic Great Salt Lake wetlands remain and less than 38% of Great Salt Lake wetlands remain within the study area extending north from West Bountiful to Ogden (Table 24-4). This data includes preserved wetland and open water habitat of the Farmington Bay Waterfowl Refuge.

The UDOT/FWHA DEIS states that "the location of the West Davis Corridor" in the Ogden Hydrologic Unit would continue this trend of substantial loss of wetlands and wildlife habitat" (p. 24-18). ***The UDOT/FHWA is clearly acknowledging that significant adverse effects and an unacceptable loss of irreplaceable, globally important migratory bird species habitat will occur from freeway impacts through West Davis County. A freeway purposely built***

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through a globally important migratory bird flyway will impose unprecedented vehicular bird mortality and unprecedented loss of life through nesting habitat destruction and daily vehicular mortality of large numbers of migratory birds. This conscious "taking" and "killing" of migratory birds is a violation of The Migratory Bird Treaty Act.

32.14.2N

Further, GSLA finds that, because of severe degradation and permanent loss of wetlands along the Great Salt Lake east shoreline, we argue all remaining wetlands, playas, and associated upland mound habitat whether classified as "jurisdictional" or not provides extremely high wildlife functional values and that no wetlands associated with the globally recognized Great Salt Lake ecosystem are considered "low" or "very low" quality habitat to migratory birds travelling thousands of miles between continents in need of a simple resting stop over or fueling location.

32.14.2O

32.14.2O

No Great Salt Lake wetlands should be discounted as described in the UDOT/FHWA DEIS (pages 14-16). GSLA believes that all remaining wetlands within the study area are valuable because they indeed still exist. Please revise the DEIS text to indicate that all wetlands categorized by the UDOT/FHWA analysis ***are*** of significant value in the study area.

3.0 UDOT/FHWA DEIS Bird Study Insufficiencies

32.14.2P

GSLA finds that the UDOT/FHWA statement "*These effects could cause a minor, detectable change in wildlife, but the change would not affect the viability of any species in the ecosystem impact analysis area.*" (Page 14-40) is ***not*** accurate and is ***not*** supported by peer reviewed research. GSLA believes, based on peer reviewed research, that the population viability of some migratory and resident bird species may be significantly adversely affected by road mortality, especially when considered cumulatively along with other recent transportation projects constructed within the Great Salt Lake shoreline ecosystem wetland and upland habitat (i.e., Legacy Highway).

32.14.2P

Numerous studies have found that roads/freeways significantly affect local populations of wildlife (Lode 2000, Puglisi et al. 1974, Maehr et al. 1991, and many others). Of specific concern to the Great Salt Lake ecosystem impact analysis area is owl species, including owls that are listed as state sensitive (i.e., burrowing owl and low-flying short-eared owls) (Moore and Mangel 1996, Catlin and Rosenberg 2006, Kociolek et al. 2011, and Boves and Belthoff 2012). ***GSLA requests the text in this section of the DEIS be revised to include these reference sources and a discussion of these significant adverse impacts.***

32.14.2H

Other sensitive bird species which are at risk of losing a significant amount of their last remaining eastern shoreline wetland and upland open/expansive habitat for foraging, resting, and nesting support within the proposed freeway greater impact area include low-flying hunting and soaring birds such as barn owls, bald eagles, long-billed curlews, great white egrets, tundra swans, trumpeter swans, sandhill cranes, northern harriers, pheasants, white-faced ibis, black-necked stilts, American avocets, yellowlegs, solitary sandpipers, and American white pelicans.

32.14.2Q

Additionally, the UDOT/FHWA's proposed high speed freeway alignment along Glover's Lane will be constructed a few hundred feet south of the highly successful Great Salt Nature Center Boy Scouts of America "Great Blue Heron Rookery Project". This ingenious children's project produces numerous Great Blue heron fledglings every year. If the freeway is built along Glover's Lane, many fledglings may be killed by fast moving vehicles and large semi-trucks while taking their first northward flight stretching their broad wings across the large pond just feet from the

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proposed freeway route. Loss of fledgling herons will be traumatic for the children involved in this special project and also for the thousands of nature center visitors who closely follow the growth and development of these young birds from hatchlings to adults.

32.14.2H

GSLA agrees with the U.S. Fish and Wildlife Service comments (Ltr. Dated 8-14-2013) that the yellow-billed cuckoo is an inappropriate species to use to determine riparian, wetland, upland, and open water habitat value of Great Salt Lake, prime farmland, and agricultural lands as they relate to wildlife habitat quality (Section 14.3.1.1). The yellow-billed cuckoo is extremely rare in Utah and rarely detected as a breeder in the state. This sets an extremely and unusually high benchmark for categorizing the importance of riparian and wetland habitat in the study area.

32.14.3P

GSLA finds that the UDOT/FHWA DEIS does not address the fact that there will be not opportunity for a **buffer zone between the UDOT/FHWA preferred alternative freeway and critical Great Salt Lake shoreline habitat. Buffer zones** as required under Clean Water Act Section 404 (b)(1) guidelines for an EPA and Corp approved permit. Additionally, during high lake levels, when the exposed shoreline width is constricted and wetland habitat acreage is significantly decreased, wildlife and birds will be forced to move east toward the high speed freeway or across the freeway to drier land increasing their risk of vehicular mortality.

4.0 Federal Clean Water Act Section 404(b)(1) Guidelines – U.S. Environmental Protection Agency (EPA)/U.S. Army Corp of Engineer's 404 Permit "Alternatives Analysis" Selection of the "Least Environmentally Damaging Practicable Alternative (LEDPA)" and the "Practicability Presumption" for Non-Water Dependent Projects with "Special Aquatic Site" Discharge

1) Least Environmentally Damaging Practicable Alternative (LEDPA)

32.14.3D

GSLA has determined, based on the data provided in Table 14-42 (*Alternatives Ecosystem Impacts Summary*), Table 2-23 (Alternatives *Cost and Environmental Impacts Summary*), and Appendix 14A (*Alternatives Habitat Fragmentation Analysis Summary*) of the DEIS, that the UDOT/FHWA preferred alternative does not comply with federal Clean Water Act Section 404(b)(1) guidelines or qualify for an EPA/Corp permit as the preferred Glover's Lane alternative is ***not*** the "Least Environmentally Damaging Practicable Alternative (LEDPA)" ***and*** there ***is*** a practicable alternative to the proposed discharge which would have ***less*** adverse impacts on the aquatic ecosystem per 40 C.F.R. Section 230.10(a). Further, ***the UDOT/FHWA preferred Glover's Lane alternative violates federal "No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".***

32.2.13P

Clearly, the UDOT/FHWA preferred "local" alternative is not a "***viable***" alternative as the Shepards Lane alignment appears to have been routed longitudinally through the Haight Creek channel for a significant length of stream corridor (Haight Creek is protected under the Clean Water Act as a "water's of the U.S.), other jurisdictional wetlands, "sensitive" community properties, and a new golf course to perhaps increase the amount of wetland, open water, and sensitive land impact acreage important to locals "quality of life".

32.2.13P

UDOT's Shepard Lane "highest impact" alternative is not viable or realistic and as such, does not make the "Glovers Lane" alignment the "least environmentally damaging" alternative" as compared to a "non-viable" alternative possibly routed in a manner to maximize impacts. Even if

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a "viable" Shepard's Lane alternative were to be proposed in terms of fewer direct impacts to total wetland "acreage", the Glover's Lane proposal would still result in far greater significant direct, indirect, and cumulative impacts to jurisdictional and non-jurisdictional wetlands, "Waters of the U.S", Farmington Bay Wildlife Refuge property quality, and globally unique Great Salt Lake shoreline habitat. Likewise, impacts associated with a Glover's Lane alignment will significantly impose impacts to properties which have been preserved and protected for decades by private conservation easements, the federal government, and non-profit environmental organizations. These are open space, farmlands, and conservation easement lands which Utahn's and visitors from around the world cherish and protect for agriculture, wildlife habitat, and visual quality of life regardless of state or federal protection status.

32.2.13C

One viable LEDPA which should be analyzed in the UDOT/FHWA DEIS is the Utahn's for Better Transportation "Shared Solution" which proposes community-based high quality east-west boulevard development to foster responsible transportation modernization in an environmentally friendly manner. Another LEDPA is the "No Action" alternative which would allow communities to develop high quality solutions for transportation and economic growth as needed while providing more local construction jobs for a more sustained period of time. ***GSLA finds that the UDOT/FHWA preferred alternative is not the LEDPA and will result in permanent, significant adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.***

32.2.1G

32.2.3A

2) "Practicability Presumption"

According to the federal Clean Water Act Section 404(b)(1) Guidelines – EPA /Corp permit application Alternatives Analysis "practicability presumption", the Corp will presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site". Special aquatic sites are defined as "sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes" (Federal Register 1980). GSLA finds that the UDOT/FHWA preferred alternative will result in **significant adverse impacts** to federally protected Great Salt Lake "special aquatic sites", "Waters of the U.S", non-jurisdictional wetlands, uplands, agricultural lands, and prime farmlands.

32.14.3Q

GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their entire proposed freeway project is "non-water dependent" and the Corp must deny a Clean Water Act Section 404 permit based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site".

32.14.3Q

The "Shared Solution" and simple road improvements within west Davis County both pose practicable alternatives to continued destruction of globally important Great Salt Lake shoreline and associated upland wildlife habitat. GSLA finds that the UDOT/FHWA West Davis County freeway alternatives are not "water-dependent" and will result in permanent, significant adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.

32.14.3Q

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5.0 Indirect Secondary Impacts and Cumulative Impacts

GSLA contends that construction of a freeway along the eastern Great Salt Lake shoreline will result in significant, indirect secondary impacts to wildlife and wetland habitat. Additionally, cumulative impacts of the proposed UDOT/FHWA freeway project, in conjunction with numerous other large-scale ongoing development and minerals extraction proposals which will impact the Great Salt Lake ecosystem and are pending U.S. Army Corp of Engineer's permit approval, will result in unacceptable and significant cumulative impacts to migratory bird habitat and federally protected wetlands, "special aquatic sites, and "Waters of the U.S".

32.24F

These other large-scale development projects pending U.S. Army Corp of Engineer's permit approval or which will formally apply for a Corp permit in the near future are located within very close proximity of the proposed West Davis County freeway and within the same geographic area of the Great Salt Lake. These large-scale development proposals are all located along the Great Salt Lake east and southeast shoreline. ***Individually and cumulatively these projects will cause irreparable, significant adverse impacts to globally important Great Salt Lake migratory shorebird breeding, nesting, and rearing habitat. These projects include:***

1. The 29-square mile, 25,000 residential housing development for as many as 300,000 people, City of Salt Lake "Northwest Quadrant Master Plan" proposed within the Great Salt Lake southeast shoreline ecosystem;
2. The 1,992-acre Kennecott Utah Copper "Magna Mine Tailings Expansion Project"; and
3. The 91,000-acre "Great Salt Lake Minerals Company Expansion Project" within the Great Salt Lake northeast shoreline ecosystem.

GSLA requests that all of the above referenced project impacts be analyzed in the UDOT/FHWA DEIS cumulative impacts section.

6.0 Farmington City Conservation Easement Land Protection by Section 4(f) of the U.S. Department of Transportation Act

GSLA strongly disagrees with UDOT/FHWA that Farmington City publicly-owned conservation easements are not protected by Section 4(f) of the U.S. Department of Transportation Act (codified at 23 USC 103(c) and FHWA Regs. 23 CFR 774).

32.27A

GSLA believes it is unwise for UDOT/FHWA to use nationwide tax payer dollars to impose significant, irreparable, adverse direct, indirect, and cumulative impacts to globally important Great Salt Lake migratory bird species Pacific Flyway and Central Flyway habitat protected within Farmington City publicly-owned conservation easements and The Nature Conservancy and URMCC Great Salt Lake Shorelands Preserve lands. This Great Salt Lake eastern shoreline habitat was purposely protected for wildlife refuge habitat and to provide "wildlife-friendly", "non-obtrusive" recreational nature trails. These conservation easement lands are protected, into perpetuity, by legal recorded instruments and serve to provide "significant" high quality, contiguous, non-fragmented habitat for wildlife refuge and public enjoyment.

32.14.2H
32.14.2I
32.14.2J
32.14.2K
32.14.1A

Farmington City publicly-owned conservation easements are not only protected by Section 4(f) of the U.S. Department of Transportation Act, but they are also protected from recreation impacts and noise due to the City's careful and thoughtful public trail planning designs.

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Farmington City purposely placed public trails along the perimeters of their protected wildlife refuge habitats to ensure proper respect and privacy for birds and wildlife such that they would not only be able to rest and feed in a protected environment but so that they would also be able to successfully reproduce and rear young to perpetuate their species. Use of perimeter trails allows recreationists to passively view and photograph migratory birds and wildlife in their natural, undisturbed behavior either close to a trail or far off into the distance with binoculars, spotting scopes, and zoom lenses. This is important because to provide a public recreation area with Section 4 (f) protection it is not necessary to have trails all through a conservation area.

32.27A

Relatively undisturbed wildlife and wetland viewsheds along the Great Salt Lake eastern shoreline are extremely rare and unique and can only be experienced unabated by noise or traffic impacts and disturbances within conservation easement lands on carefully placed perimeter trails such as those of the publicly-owned Farmington City Buffalo Ranch and Great Salt Lake Nature Center. ***The UDOT/FHWA DEIS fails to recognize the importance of conservation easement lands along the eastern shoreline and fails to recognize that significant, irreparable adverse impacts will incur to these protected areas as a result of freeway development within a broad, open Great Salt Lake landscape viewshed.***

32.3F

GSLA admires Farmington City for taking the uncommon financial initiative to preserve and protect high quality Great Salt Lake shoreline habitat, open water, playa wetlands, and uplands heavily depended upon by migrant and resident birds and other "wetland/water-dependent" wildlife species. The UDOT/FHWA proposed West Davis freeway is a "non-water dependent" project and should not be constructed in critical habitat of migratory birds or wildlife that are dependent upon wetlands and open water for their continued survival and perpetuation of their species. ***GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their proposed project is "non-water dependent" and the Corp of Engineer's must deny a Clean Water Act Section 404 permit" based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site" (See Discussion 4.0).***

32.14.3Q

7.0 Great Salt Lake Wetland and Migratory Bird Species Habitat Mitigation

32.14.3D

GSLA finds that the UDOT/FHWA preferred alternative violates federal **"No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands** which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".

With regard to compensatory mitigation requirements for unavoidable project impacts the sequencing of events is to: 1) avoid to the greatest degree possible, 2) minimize to the greatest degree possible, and 3) then mitigate for all unavoidable project impacts after all measures have been taken to revise the project design, location, and explore all practicable alternatives.

Compensatory mitigation for proposed impacts associated with the "least environmentally damaging" alternative is based on a minimum standard ratio of mitigation:wetland acreage impacts regardless of a "perceived" quality of a wetland area i.e., "low, medium, or high " placed on jurisdictional wetland. For example the Corp commonly requires three acres of wetland restoration or creation mitigation for one acre of wetland impacts where the potential for mitigation success is low or where the wetland habitat is very important such as along the Great Salt Lake shoreline.

32.14.2H

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GSLA believes that simple purchase of existing wetland properties or private "in-holdings", or providing money to pay for wetland impacts of globally important Great Salt Lake eastern shoreline habitat on a 1:1 mitigation ratio, as proposed by UDOT/FHWA for impacts within The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC lands (pages 26-16 and 2-17), violates Executive Order 11990 requiring "no net loss" of wetland acreage and President Barack Obama's "North American Wetlands Conservation Act".

Using simple purchase/preservation credits for existing properties containing wetland habitat near the proposed project area as "compensatory mitigation" results in a "net loss of wetland" acreage as jurisdictional wetlands existing with purchased "exchange" lands are already protected/regulated under the Clean Water Act while the filled/destroyed wetland acreage lost within the conservation easement areas represents a ***net*** loss of wetland acreage.

32.14.3P

"Preservation" credit land deals are often offered to land conservancies near an impact area by a project proponent when a significant amount of wetlands will be filled or impacted. These land deals often include simple purchase of "lower value" real estate property containing wetlands which most often will never be developed, or if developed, will be very costly. In other words, preservation deals are a "cheap" way for project proponents such as UDOT/FHWA to impact a great number of high quality wetland acreage with minimal compensatory mitigation costs. Under this scenario, UDOT/FHWA and private landowners make substantial profits/gains off of the purchase or sale of "lower quality" or undevelopable real estate.

GSLA strongly encourages The Nature Conservancy and URMCC to not accept any offer which will impact wetland habitat or fragment habitat associated with the Great Salt Lake Shorelands Preserve or URMCC properties. Likewise, GSLA encourages Farmington City to take whatever actions are necessary to prevent the UDOT/FHWA West Davis County freeway proposal from impacting their high quality, publicly-owned conservation easement lands.

8.0 Great Salt Lake Floodplain, Earthquake, and Fog Hazards

GSLA finds that the UDOT/DEIS underestimates the severity of consequences of building a high speed freeway in the highly fluctuating Great Salt Lake floodplain liquefaction zone as proposed under the preferred alternative. Geologic and earthquake hazards combined with lakebed sediment is the perfect recipe for disaster. GSLA fears that, if built in the Great Salt Lake floodplain, as proposed, the UDOT/FHWA preferred alternative high speed freeway will be protected in the future from high lake levels by a constructed berm or levee similar to that constructed between Willard Bay and I-15 to contain the lakes natural "ebb and flow. Levees and berms would pose detrimental, significant adverse impacts to migratory bird habitat and alter natural lake shoreline function.

32.2.13C
32.15A

GSLA also finds that dangerous fog will place humans at severe risk of injury or mortality on a high speed freeway constructed along the eastern Great Salt Lake shoreline. Migratory birds and wildlife will also become victims of unnecessary vehicular mortality if blinded by fog lights or special effects used by the highway department in an effort to reduce dense fog. ***Loss of life, whether human or animal, is a permanent, irreparable and significant adverse impact which can never be mitigated.***

32.2.13C

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32.2.3A

32.2.1G

Great Salt Lake Audubon *www.greatsaltlakeaudubon.org*

In closing, GSLA would like to go on record in support of the UDOT/FHWA DEIS "No Action" Alternative. The overwhelming extent of permanent, irreparable, significant adverse impacts to high quality, globally unique and important Great Salt Lake shoreline habitat which would result from the UDOT/FHWA preferred West Davis County freeway alternative is simply unacceptable.

GSLA would also like to support further evaluation of the "Shared Solution" and quality local road improvement projects as the only viable "least environmentally damaging practicable alternatives" for West Davis County and other Wasatch Front communities which may experience growth problems in the future within the greater Great Salt Lake area.

GSLA would also like to support the U.S. Environmental Protection agency and the U.S. Army Corp of Engineer's in denying an "Individual Permit" for the UDOT/FHWA preferred alternative.

Best Regards,

Ray Smith
Vice President, Great Salt Lake Audubon

Board of Directors, Great Salt Lake Audubon
Conservation Committee, Great Salt Lake Audubon

Great Salt Lake Audubon president@greatsaltlakeaudubon.org and conservation@greatsaltlakeaudubon.org

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Great Salt Lake Audubon *www.greatsaltlakeaudubon.org*

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Note: Duplicate of text in letter of comment #906

contamination, abandonment of nests and nesting sites, inability to communicate with mates during breeding season due to noise and constant high-speed freeway disturbances, and hitting concrete freeway noise barriers. GSLA does not comprehend why UDOT/FHWA would term such a devastating high-speed freeway alignment as the "Locals Preferred Alternative" – surely UDOT/FHWA have no sense of the quality of life Davis County residents and visitors admire. GSLA finds that the UDOT/FHWA preferred alternative will result in permanent, significant adverse impacts to globally unique, irreplaceable environmental resources which cannot be mitigated.

2.0 Migratory Bird Species Act of 1918 "Taking" and "Killing" Violation and Great Salt Lake Wetland Value "Qualifiers"
According to Weber State University research, less than one percent of Utah's total land mass is wetland or open water habitat; seventy-five percent of this habitat type is associated with the Great Salt Lake ecosystem. The UDOT/FWHA DEIS shows that just within the "Ogden Hydrologic Unit" less than 26% of historic Great Salt Lake wetlands remain and less than 38% of Great Salt Lake wetlands remain within the study area extending north from West Bountiful to Ogden (Table 24-4). This data includes preserved wetland and open water habitat of the Farmington Bay Waterfowl Refuge.
The UDOT/FWHA DEIS states that "the location of the West Davis Corridor" in the Ogden Hydrologic Unit would continue this trend of substantial loss of wetlands and wildlife habitat" (p. 24-18). The UDOT/FHWA is clearly acknowledging that significant adverse effects and an unacceptable loss of irreplaceable, globally important migratory bird species habitat will occur from freeway impacts through West Davis County. A freeway purposely built through a globally important migratory bird flyway will impose unprecedented vehicular bird mortality and unprecedented loss of life through nesting habitat destruction and daily vehicular mortality of large numbers of migratory birds. This conscious "taking" and "killing" of migratory birds is a violation of The Migratory Bird Treaty Act.
Further, GSLA finds that, because of severe degradation and permanent loss of wetlands along the Great Salt Lake east shoreline, we argue all remaining wetlands, playas, and associated upland mound habitat whether classified as "jurisdictional" or not provides extremely high wildlife functional values and that no wetlands associated with the globally recognized Great
Salt Lake ecosystem are considered "low" or "very low" quality habitat to migratory birds travelling thousands of miles between continents in need of a simple resting stop over or fueling location.
No Great Salt Lake wetlands should be discounted as described in the UDOT/FHWA DEIS (pages 14-16). GSLA believes that all remaining wetlands within the study area are valuable because they indeed still exist. Please revise the DEIS text to indicate that all wetlands categorized by the UDOT/FHWA analysis are of significant value in the study area.

3.0 UDOT/FHWA DEIS Bird Study Insufficiencies
GSLA finds that the UDOT/FHWA statement "These effects could cause a minor, detectable change in wildlife, but the change would not affect the viability of any species in the ecosystem impact analysis area." (Page 14-40) is not accurate and is not supported by peer reviewed research. GSLA believes, based on peer reviewed research, that the population viability of some migratory and resident bird species may be significantly adversely affected by road mortality, especially when considered cumulatively along with other recent transportation projects constructed within the Great Salt Lake shoreline ecosystem wetland and upland habitat (i.e., Legacy Highway).
Numerous studies have found that roads/freeways significantly affect local populations of wildlife (Lode 2000, Puglisi et al. 1974, Maehr et al. 1991, and many others). Of specific concern to the Great Salt Lake ecosystem impact analysis area is owl species, including owls that are listed as state sensitive (i.e., burrowing owl and low-flying short-eared owls) (Moore and Mangel 1996, Catlin and Rosenberg 2006, Kociolek et al. 2011, and Boves and Belthoff 2012). GSLA requests the text in this section of the DEIS be revised to include these reference sources and a discussion of these significant adverse impacts.
Other sensitive bird species which are at risk of losing a significant amount of their last remaining eastern shoreline wetland and upland open/expansive habitat for foraging, resting, and nesting support within the proposed freeway greater impact area include low-flying hunting and soaring birds such as barn owls, bald eagles, long-billed curlews, great white egrets, tundra swans, trumpeter swans, sandhill cranes, northern harriers, pheasants, white-faced ibis, black-necked stilts, American avocets, yellowlegs, solitary sandpipers, and American white pelicans.
Additionally, the UDOT/FHWA's proposed high speed freeway alignment along Glover's Lane will be constructed a few hundred feet south of the highly successful Great Salt Nature Center Boy Scouts of America "Great Blue

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Note: Duplicate of text in letter of comment #906

Heron Rookery Project". This ingenious children's project produces numerous Great Blue heron fledglings every year. If the freeway is built along Glover's Lane, many fledglings may be killed by fast moving vehicles and large semi-trucks while taking their first northward flight stretching their broad wings across the large pond just feet from the proposed freeway route. Loss of fledgling herons will be traumatic for the children involved in this special project and also for the thousands of nature center visitors who closely follow the growth and development of these young birds from hatchlings to adults.
GSLA agrees with the U.S. Fish and Wildlife Service comments (Ltr. Dated 8-14-2013) that the yellow-billed cuckoo is an inappropriate species to use to determine riparian, wetland, upland, and open water habitat value of Great Salt Lake, prime farmland, and agricultural lands as they relate to wildlife habitat quality (Section 14.3.1.1). The yellow-billed cuckoo is extremely rare in Utah and rarely detected as a breeder in the state. This sets an extremely and unusually high benchmark for categorizing the importance of riparian and wetland habitat in the study area.
GSLA finds that the UDOT/FHWA DEIS does not address the fact that there will be not opportunity for a buffer zone between the UDOT/FHWA preferred alternative freeway and critical Great Salt Lake shoreline habitat. Buffer zones as required under Clean Water Act Section 404 (b)(1) guidelines for an EPA and Corp approved permit. Additionally, during high lake levels, when the exposed shoreline width is constricted and wetland habitat acreage is significantly decreased, wildlife and birds will be forced to move east toward the high speed freeway or across the freeway to drier land increasing their risk of vehicular mortality.

4.0 Federal Clean Water Act Section 404(b)(1) Guidelines – U.S. Environmental Protection Agency (EPA)/U.S. Army Corp of Engineer's 404 Permit "Alternatives Analysis" Selection of the "Least Environmentally Damaging Practicable Alternative (LEDPA)" and the "Practicability Presumption" for Non-Water Dependent Projects with "Special Aquatic Site" Discharge
1) Least Environmentally Damaging Practicable Alternative (LEDPA)
GSLA has determined, based on the data provided in Table 14-42 (Alternatives Ecosystem Impacts Summary), Table 2-23 (Alternatives Cost and Environmental Impacts Summary), and Appendix 14A (Alternatives Habitat Fragmentation Analysis Summary) of the DEIS, that the UDOT/FHWA preferred alternative does not comply with federal Clean Water Act Section 404(b)(1) guidelines or qualify for an EPA/Corp permit as the preferred Glover's Lane alternative is not the "Least Environmentally Damaging Practicable Alternative (LEDPA)" and there is a practicable alternative to the proposed discharge which would have less adverse impacts on the aquatic ecosystem per 40 C.F.R. Section 230.10(a). Further, the UDOT/FHWA preferred Glover's Lane alternative violates federal "No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".
Clearly, the UDOT/FHWA preferred "local" alternative is not a "viable" alternative as the Shepards Lane alignment appears to have been routed longitudinally through the Haight Creek channel for a significant length of stream corridor (Haight Creek is protected under the Clean Water Act as a "water's of the U.S.), other jurisdictional wetlands, "sensitive" community properties, and a new golf course to perhaps increase the amount of wetland, open water, and sensitive land impact acreage important to locals "quality of life".
UDOT's Shepard Lane "highest impact" alternative is not viable or realistic and as such, does not make the "Glovers Lane" alignment the "least environmentally damaging" alternative" as compared to a "non-viable" alternative possibly routed in a manner to maximize impacts. Even if a "viable" Shepard's Lane alternative were to be proposed in terms of fewer direct impacts to total wetland "acreage", the Glover's Lane proposal would still result in far greater significant direct, indirect, and cumulative impacts to jurisdictional and non-jurisdictional wetlands, "Waters of the U.S", Farmington Bay Wildlife Refuge property quality, and globally unique Great Salt Lake shoreline habitat. Likewise, impacts associated with a Glover's Lane alignment will significantly impose impacts to properties which have been preserved and protected for decades by private conservation easements, the federal government, and non-profit environmental organizations. These are open space, farmlands, and conservation easement lands which Utahn's and visitors from around the world cherish and protect for agriculture, wildlife habitat, and visual quality of life regardless of state or federal protection status.
One viable LEDPA which should be analyzed in the UDOT/FHWA DEIS is the Utahn's for Better Transportation "Shared Solution" which proposes community-based high quality east-west boulevard development to foster responsible transportation modernization in an environmentally friendly manner. Another LEDPA is the "No Action" alternative which would allow communities to develop high quality solutions for transportation and economic growth as needed while providing more local construction jobs for a more sustained period of time.
GSLA finds that the UDOT/FHWA preferred alternative is not the LEDPA and will result in permanent, significant

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adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.
2) "Practicability Presumption"
According to the federal Clean Water Act Section 404(b)(1) Guidelines – EPA /Corp permit application Alternatives Analysis "practicability presumption", the Corp will presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site". Special aquatic sites are defined as "sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes" (Federal Register 1980). GSLA finds that the UDOT/FHWA preferred alternative will result in significant adverse impacts to federally protected Great Salt Lake "special aquatic sites", "Waters of the U.S", non-jurisdictional wetlands, uplands, agricultural lands, and prime farmlands.
GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their entire proposed freeway project is "non-water dependent" and the Corp must deny a Clean Water Act Section 404 permit based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site".
The "Shared Solution" and simple road improvements within west Davis County both pose practicable alternatives to continued destruction of globally important Great Salt Lake shoreline and associated upland wildlife habitat. GSLA finds that the UDOT/FHWA West Davis County freeway alternatives are not "water-dependent" and will result in permanent, significant adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.

5.0 Indirect Secondary Impacts and Cumulative Impacts
GSLA contends that construction of a freeway along the eastern Great Salt Lake shoreline will result in significant, indirect secondary impacts to wildlife and wetland habitat. Additionally, cumulative impacts of the proposed UDOT/FHWA freeway project, in conjunction with numerous other large-scale ongoing development and minerals extraction proposals which will impact the Great Salt Lake ecosystem and are pending U.S. Army Corp of Engineer's permit approval, will result in unacceptable and significant cumulative impacts to migratory bird habitat and federally protected wetlands, "special aquatic sites, and "Waters of the U.S".
These other large-scale development projects pending U.S. Army Corp of Engineer's permit approval or which will formally apply for a Corp permit in the near future are located within very close proximity of the proposed West Davis County freeway and within the same geographic area of the Great Salt Lake. These large-scale development proposals are all located along the Great Salt Lake east and southeast shoreline. Individually and cumulatively these projects will cause irreparable, significant adverse impacts to globally important Great Salt Lake migratory shorebird breeding, nesting, and rearing habitat. These projects include:
1. The 29-square mile, 25,000 residential housing development for as many as 300,000 people, City of Salt Lake "Northwest Quadrant Master Plan" proposed within the Great Salt Lake southeast shoreline ecosystem;
2. The 1,992-acre Kennecott Utah Copper "Magna Mine Tailings Expansion Project"; and
3. The 91,000-acre "Great Salt Lake Minerals Company Expansion Project" within the Great Salt Lake northeast shoreline ecosystem.
GSLA requests that all of the above referenced project impacts be analyzed in the UDOT/FHWA DEIS cumulative impacts section.

6.0 Farmington City Conservation Easement Land Protection by Section 4(f) of the U.S. Department of Transportation Act
GSLA strongly disagrees with UDOT/FHWA that Farmington City publicly-owned conservation easements are not protected by Section 4(f) of the U.S. Department of Transportation Act (codified at 23 USC 103(c) and FHWA Regs. 23 CFR 774).
GSLA believes it is unwise for UDOT/FHWA to use nationwide tax payer dollars to impose significant, irreparable, adverse direct, indirect, and cumulative impacts to globally important Great Salt Lake migratory bird species Pacific Flyway and Central Flyway habitat protected within Farmington City publicly-owned conservation easements and The Nature Conservancy and URMCC Great Salt Lake Shorelands Preserve lands. This Great Salt Lake eastern shoreline habitat was purposely protected for wildlife refuge habitat and to provide "wildlife-friendly", "non-obtrusive" recreational nature trails. These conservation easement lands are protected, into perpetuity, by legal recorded instruments and serve to provide "significant" high quality, contiguous, non-fragmented habitat for wildlife refuge and public enjoyment.
Farmington City publicly-owned conservation easements are not only protected by Section 4(f) of the U.S. Department of Transportation Act, but they are also protected from recreation impacts and noise due to the City's careful and thoughtful public trail planning designs.

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Farmington City purposely placed public trails along the perimeters of their protected wildlife refuge habitats to ensure proper respect and privacy for birds and wildlife such that they would not only be able to rest and feed in a protected environment but so that they would also be able to successfully reproduce and rear young to perpetuate their species. Use of perimeter trails allows recreationists to passively view and photograph migratory birds and wildlife in their natural, undisturbed behavior either close to a trail or far off into the distance with binoculars, spotting scopes, and zoom lenses. This is important because to provide a public recreation area with Section 4 (f) protection it is not necessary to have trails all through a conservation area.
Relatively undisturbed wildlife and wetland viewsheds along the Great Salt Lake eastern shoreline are extremely rare and unique and can only be experienced unabated by noise or traffic impacts and disturbances within conservation easement lands on carefully placed perimeter trails such as those of the publicly-owned Farmington City Buffalo Ranch and Great Salt Lake Nature Center. The UDOT/FHWA DEIS fails to recognize the importance of conservation easement lands along the eastern shoreline and fails to recognize that significant, irreparable adverse impacts will incur to these protected areas as a result of freeway development within a broad, open Great Salt Lake landscape viewshed.
GSLA admires Farmington City for taking the uncommon financial initiative to preserve and protect high quality Great Salt Lake shoreline habitat, open water, playa wetlands, and uplands heavily depended upon by migrant and resident birds and other "wetland/water-dependent" wildlife species. The UDOT/FHWA proposed West Davis freeway is a "non-water dependent" project and should not be constructed in critical habitat of migratory birds or wildlife that are dependent upon wetlands and open water for their continued survival and perpetuation of their species. GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their proposed project is "non-water dependent" and the Corp of Engineer's must deny a Clean Water Act Section 404 permit" based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site" (See Discussion 4.0).

7.0 Great Salt Lake Wetland and Migratory Bird Species Habitat Mitigation
GSLA finds that the UDOT/FHWA preferred alternative violates federal "No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".
With regard to compensatory mitigation requirements for unavoidable project impacts the sequencing of events is to: 1) avoid to the greatest degree possible, 2) minimize to the greatest degree possible, and 3) then mitigate for all unavoidable project impacts after all measures have been taken to revise the project design, location, and explore all practicable alternatives.
Compensatory mitigation for proposed impacts associated with the "least environmentally damaging" alternative is based on a minimum standard ratio of mitigation:wetland acreage impacts regardless of a "perceived" quality of a wetland area i.e., "low, medium, or high " placed on jurisdictional wetland. For example the Corp commonly requires three acres of wetland restoration or creation mitigation for one acre of wetland impacts where the potential for mitigation success is low or where the wetland habitat is very important such as along the Great Salt Lake shoreline.
GSLA believes that simple purchase of existing wetland properties or private "in-holdings", or providing money to pay for wetland impacts of globally important Great Salt Lake eastern shoreline habitat on a 1:1 mitigation ratio, as proposed by UDOT/FHWA for impacts within The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC lands (pages 26-16 and 2-17), violates Executive Order 11990 requiring "no net loss" of wetland acreage and President Barack Obama's "North American Wetlands Conservation Act".
Using simple purchase/preservation credits for existing properties containing wetland habitat near the proposed project area as "compensatory mitigation" results in a "net loss of wetland" acreage as jurisdictional wetlands existing with purchased "exchange" lands are already protected/regulated under the Clean Water Act while the filled/destroyed wetland acreage lost within the conservation easement areas represents a net loss of wetland acreage.
"Preservation" credit land deals are often offered to land conservancies near an impact area by a project proponent when a significant amount of wetlands will be filled or impacted. These land deals often include simple purchase of "lower value" real estate property containing wetlands which most often will never be developed, or if developed, will be very costly. In other words, preservation deals are a "cheap" way for project proponents such as UDOT/FHWA to impact a great number of high quality wetland acreage with minimal compensatory mitigation costs. Under this scenario, UDOT/FHWA and private landowners make substantial profits/gains off of the purchase or sale of "lower quality" or undevelopable real estate.

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GSLA strongly encourages The Nature Conservancy and URMCC to not accept any offer which will impact wetland habitat or fragment habitat associated with the Great Salt Lake Shorelands Preserve or URMCC properties. Likewise, GSLA encourages Farmington City to take whatever actions are necessary to prevent the UDOT/FHWA West Davis County freeway proposal from impacting their high quality, publicly-owned conservation easement lands.

8.0 Great Salt Lake Floodplain, Earthquake, and Fog Hazards
GSLA finds that the UDOT/DEIS underestimates the severity of consequences of building a high speed freeway in the highly fluctuating Great Salt Lake floodplain liquefaction zone as proposed under the preferred alternative. Geologic and earthquake hazards combined with lakebed sediment is the perfect recipe for disaster. GSLA fears that, if built in the Great Salt Lake floodplain, as proposed, the UDOT/FHWA preferred alternative high speed freeway will be protected in the future from high lake levels by a constructed berm or levee similar to that constructed between Willard Bay and I-15 to contain the lakes natural "ebb and flow. Levees and berms would pose detrimental, significant adverse impacts to migratory bird habitat and alter natural lake shoreline function. GSLA also finds that dangerous fog will place humans at severe risk of injury or mortality on a high speed freeway constructed along the eastern Great Salt Lake shoreline. Migratory birds and wildlife will also become victims of unnecessary vehicular mortality if blinded by fog lights or special effects used by the highway department in an effort to reduce dense fog. Loss of life, whether human or animal, is a permanent, irreparable and significant adverse impact which can never be mitigated.
In closing, GSLA would like to go on record in support of the UDOT/FHWA DEIS "No Action" Alternative. The overwhelming extent of permanent, irreparable, significant adverse impacts to high quality, globally unique and important Great Salt Lake shoreline habitat which would result from the UDOT/FHWA preferred West Davis County freeway alternative is simply unacceptable.
GSLA would also like to support further evaluation of the "Shared Solution" and quality local road improvement projects as the only viable "least environmentally damaging practicable alternatives" for West Davis County and other Wasatch Front communities which may experience growth problems in the future within the greater Great Salt Lake area.
GSLA would also like to support the U.S. Environmental Protection agency and the U.S. Army Corp of Engineer's in denying an "Individual Permit" for the UDOT/FHWA preferred alternative.

Best Regards,

Ray Smith
Vice President, Great Salt Lake Audubon
Board of Directors, Great Salt Lake Audubon
Conservation Committee, Great Salt Lake Audubon

Great Salt Lake Audubon president@greatsaltlakeaudubon.org and conservation@greatsaltlakeaudubon.org

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Comment 906 (continued)

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Note: Duplicate of text in letter of comment #906

USDI-FWS 2013. U.S. Department of the Interior Fish and Wildlife Service Division of International Conservation – Global Programs. Great Salt Lake Nomination Review and Determination of Eligibility for Listing as a Ramsar Convention on Wetlands "Wetlands (Lake) of International Importance" Ltr. Dated 9/3/2013. Pers. Comm. K.A. Smith Consulting, Inc.

WEST DAVIS CORRIDOR

Comment 907

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Duplication of comment #906

Comment #: 907

Date: 9/6/2013

Source: Email

Name: Karri Smith

Location:

Comments:

<See email attachment on next page, titled 00907_Karri_Smith_9-6-13>

Comment 907 (continued)

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GREAT SALT LAKE AUDUBON

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September 5, 2013

West Davis Corridor
466 North 900 West
Kaysville, UT 84037
westdavis@utah.gov

RE: ***West Davis Corridor Draft Environmental Impact Statement (DEIS) Comments***

To Whom It May Concern:

Great Salt Lake Audubon (GSLA) has a longstanding mission to "***protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State***". With this mission in mind, we have reviewed the Utah Department of Transportation (UDOT) and Federal Highway Administration (FHWA) West Davis Corridor Draft Environmental Impact Statement (DEIS) for the proposed West Davis and Great Salt Lake Shoreline high speed freeway and provide the following comments:

1.0 Great Salt Lake Nomination as a "RAMSAR Convention on Wetlands" Globally Unique "Wetland of International Importance"

During July 2013, Great Salt Lake was formally nominated as a Ramsar Convention on Wetlands globally unique "Wetland (Lake) of International Importance". The U.S. Fish and Wildlife Service Division of International Conservation - Global Programs reviewed the Ramsar Information Sheet data and made a formal determination that Great Salt Lake meets the eligibility criteria for Ramsar site designation and listing as a Ramsar Convention on Wetlands "Wetland of International Importance" (USDI-FWS 2013).

As the largest inland sea in the western hemisphere, fourth largest terminal lake in the world, and second most hypersaline lake in the world, Great Salt Lake provides crucial migration support for millions of migratory birds, protected under The Migratory Bird Treaty Act of 1918 (a U.S. federal law), traveling the eastern Pacific Flyway and Central Flyway connecting North America and South America.

Great Basin geographic region arid land wetlands and open water habitats associated with the Great Salt Lake ecosystem, especially the last remaining "intact" wetland/mud flat playa/upland habitat complexes located along the north, east, and south shorelines provide critical life stage support for millions of resident and migratory birds and wildlife species in a harsh arid and semi-

To protect and enhance habitat for wild birds, animals and plants, and to maintain healthy and diverse environments for wildlife and people throughout the State

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arid environment. Adverse effects of global warming, drought, water contamination, water diversions to support human populations growing at unprecedented rates, and subsequent lowering of Great Salt Lake water levels pose significant adverse effects to this globally important hypersaline lake and its associated brackish and freshwater wetland ecosystems.

We, the human race, as a conscientious society, must be responsible stewards of natural habitat on a local and global level, not only for the wildlife that depend upon it for their continued survival, but also to maintain a quality of life for humans and future generations of wildlife and people. It is for this reason, Great Salt Lake Audubon finds the UDOT/FHWA proposal to build a high-speed freeway through the last remaining "intact" wetlands and wildlife habitat conservation areas preserved by Farmington City, The Nature Conservancy, and the Utah Reclamation, Mitigation, and Conservation Commission (URMCC) along the Great Salt Lake eastern shoreline in Davis County preposterous and we ask that entertainment of this proposal be stopped.

32.2.3A

The UDOT/FHWA proposed West Davis County freeway alignment along Glover's Lane, located immediately adjacent to the northern boundary of the Farmington Bay Waterfowl Refuge and the Great Salt Lake Nature Center and Nature Trail and open water ponds, and traversing through the Farmington City Buffalo Ranch "Wildlife and Waterfowl Refuge" Conservation Easement lands, The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC conservation easement lands, will result in ***significant adverse direct, secondary, and cumulative impacts*** to globally important migratory bird species critical habitat. Additionally, ***significant direct adverse impacts*** will result in perpetual mortality of migratory and resident birds traversing north-south along the eastern Pacific Flyway historic route of the Great Salt Lake by vehicular collision, habitat contamination, abandonment of nests and nesting sites, inability to communicate with mates during breeding season due to noise and constant high-speed freeway disturbances, and hitting concrete freeway noise barriers.

32.2.13C

32.14.2H

GSLA does not comprehend why UDOT/FHWA would term such a devastating high-speed freeway alignment as the "Locals Preferred Alternative" – surely UDOT/FHWA have no sense of the quality of life Davis County residents and visitors admire. GSLA finds that the UDOT/FHWA preferred alternative will result in permanent, **significant adverse impacts** to globally unique, irreplaceable environmental resources which cannot be mitigated.

32.14.2H

2.0 Migratory Bird Species Act of 1918 "Taking" and "Killing" Violation and Great Salt Lake Wetland Value "Qualifiers"

According to Weber State University research, less than one percent of Utah's total land mass is wetland or open water habitat; seventy-five percent of this habitat type is associated with the Great Salt Lake ecosystem. The UDOT/FWHA DEIS shows that just within the "Ogden Hydrologic Unit" less than 26% of historic Great Salt Lake wetlands remain and less than 38% of Great Salt Lake wetlands remain within the study area extending north from West Bountiful to Ogden (Table 24-4). This data includes preserved wetland and open water habitat of the Farmington Bay Waterfowl Refuge.

The UDOT/FWHA DEIS states that "the location of the West Davis Corridor" in the Ogden Hydrologic Unit would continue this trend of substantial loss of wetlands and wildlife habitat" (p. 24-18). ***The UDOT/FHWA is clearly acknowledging that significant adverse effects and an unacceptable loss of irreplaceable, globally important migratory bird species habitat will occur from freeway impacts through West Davis County. A freeway purposely built***

Comment 907 (continued)

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through a globally important migratory bird flyway will impose unprecedented vehicular bird mortality and unprecedented loss of life through nesting habitat destruction and daily vehicular mortality of large numbers of migratory birds. This conscious "taking" and "killing" of migratory birds is a violation of The Migratory Bird Treaty Act.

32.14.2N

Further, GSLA finds that, because of severe degradation and permanent loss of wetlands along the Great Salt Lake east shoreline, we argue all remaining wetlands, playas, and associated upland mound habitat whether classified as "jurisdictional" or not provides extremely high wildlife functional values and that no wetlands associated with the globally recognized Great Salt Lake ecosystem are considered "low" or "very low" quality habitat to migratory birds travelling thousands of miles between continents in need of a simple resting stop over or fueling location.

32.14.2O

No Great Salt Lake wetlands should be discounted as described in the UDOT/FHWA DEIS (pages 14-16). GSLA believes that all remaining wetlands within the study area are valuable because they indeed still exist. Please revise the DEIS text to indicate that all wetlands categorized by the UDOT/FHWA analysis ***are*** of significant value in the study area.

32.14.2O

3.0 UDOT/FHWA DEIS Bird Study Insufficiencies

GSLA finds that the UDOT/FHWA statement "*These effects could cause a minor, detectable change in wildlife, but the change would not affect the viability of any species in the ecosystem impact analysis area.*" (Page 14-40) is ***not*** accurate and is ***not*** supported by peer reviewed research. GSLA believes, based on peer reviewed research, that the population viability of some migratory and resident bird species may be significantly adversely affected by road mortality, especially when considered cumulatively along with other recent transportation projects constructed within the Great Salt Lake shoreline ecosystem wetland and upland habitat (i.e., Legacy Highway).

32.14.2P

Numerous studies have found that roads/freeways significantly affect local populations of wildlife (Lode 2000, Puglisi et al. 1974, Maehr et al. 1991, and many others). Of specific concern to the Great Salt Lake ecosystem impact analysis area is owl species, including owls that are listed as state sensitive (i.e., burrowing owl and low-flying short-eared owls) (Moore and Mangel 1996, Catlin and Rosenberg 2006, Kociolek et al. 2011, and Boves and Belthoff 2012). ***GSLA requests the text in this section of the DEIS be revised to include these reference sources and a discussion of these significant adverse impacts.***

32.14.2P

Other sensitive bird species which are at risk of losing a significant amount of their last remaining eastern shoreline wetland and upland open/expansive habitat for foraging, resting, and nesting support within the proposed freeway greater impact area include low-flying hunting and soaring birds such as barn owls, bald eagles, long-billed curlews, great white egrets, tundra swans, trumpeter swans, sandhill cranes, northern harriers, pheasants, white-faced ibis, black-necked stilts, American avocets, yellowlegs, solitary sandpipers, and American white pelicans.

32.14.2H

Additionally, the UDOT/FHWA's proposed high speed freeway alignment along Glover's Lane will be constructed a few hundred feet south of the highly successful Great Salt Nature Center Boy Scouts of America "Great Blue Heron Rookery Project". This ingenious children's project produces numerous Great Blue heron fledglings every year. If the freeway is built along Glover's Lane, many fledglings may be killed by fast moving vehicles and large semi-trucks while taking their first northward flight stretching their broad wings across the large pond just feet from the

32.14.2Q

Comment 907 (continued)

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proposed freeway route. Loss of fledgling herons will be traumatic for the children involved in this special project and also for the thousands of nature center visitors who closely follow the growth and development of these young birds from hatchlings to adults.

GSLA agrees with the U.S. Fish and Wildlife Service comments (Ltr. Dated 8-14-2013) that the yellow-billed cuckoo is an inappropriate species to use to determine riparian, wetland, upland, and open water habitat value of Great Salt Lake, prime farmland, and agricultural lands as they relate to wildlife habitat quality (Section 14.3.1.1). The yellow-billed cuckoo is extremely rare in Utah and rarely detected as a breeder in the state. This sets an extremely and unusually high benchmark for categorizing the importance of riparian and wetland habitat in the study area.

32.14.2H

GSLA finds that the UDOT/FHWA DEIS does not address the fact that there will be not opportunity for a **buffer zone between the UDOT/FHWA preferred alternative freeway and critical Great Salt Lake shoreline habitat. Buffer zones** as required under Clean Water Act Section 404 (b)(1) guidelines for an EPA and Corp approved permit. Additionally, during high lake levels, when the exposed shoreline width is constricted and wetland habitat acreage is significantly decreased, wildlife and birds will be forced to move east toward the high speed freeway or across the freeway to drier land increasing their risk of vehicular mortality.

32.14.3P

4.0 Federal Clean Water Act Section 404(b)(1) Guidelines – U.S. Environmental Protection Agency (EPA)/U.S. Army Corp of Engineer's 404 Permit "Alternatives Analysis" Selection of the "Least Environmentally Damaging Practicable Alternative (LEDPA)" and the "Practicability Presumption" for Non-Water Dependent Projects with "Special Aquatic Site" Discharge

1) Least Environmentally Damaging Practicable Alternative (LEDPA)

GSLA has determined, based on the data provided in Table 14-42 (*Alternatives Ecosystem Impacts Summary*), Table 2-23 (Alternatives *Cost and Environmental Impacts Summary*), and Appendix 14A (*Alternatives Habitat Fragmentation Analysis Summary*) of the DEIS, that the UDOT/FHWA preferred alternative does not comply with federal Clean Water Act Section 404(b)(1) guidelines or qualify for an EPA/Corp permit as the preferred Glover's Lane alternative is ***not*** the "Least Environmentally Damaging Practicable Alternative (LEDPA)" ***and*** there ***is*** a practicable alternative to the proposed discharge which would have ***less*** adverse impacts on the aquatic ecosystem per 40 C.F.R. Section 230.10(a). Further, ***the UDOT/FHWA preferred Glover's Lane alternative violates federal "No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".***

32.14.3D

Clearly, the UDOT/FHWA preferred "local" alternative is not a "***viable***" alternative as the Shepards Lane alignment appears to have been routed longitudinally through the Haight Creek channel for a significant length of stream corridor (Haight Creek is protected under the Clean Water Act as a "water's of the U.S.), other jurisdictional wetlands, "sensitive" community properties, and a new golf course to perhaps increase the amount of wetland, open water, and sensitive land impact acreage important to locals "quality of life".

32.2.13P

UDOT's Shepard Lane "highest impact" alternative is not viable or realistic and as such, does not make the "Glovers Lane" alignment the "least environmentally damaging" alternative" as compared to a "non-viable" alternative possibly routed in a manner to maximize impacts. Even if

32.2.13P

Comment 907 (continued)

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a "viable" Shepard's Lane alternative were to be proposed in terms of fewer direct impacts to total wetland "acreage", the Glover's Lane proposal would still result in far greater significant direct, indirect, and cumulative impacts to jurisdictional and non-jurisdictional wetlands, "Waters of the U.S", Farmington Bay Wildlife Refuge property quality, and globally unique Great Salt Lake shoreline habitat. Likewise, impacts associated with a Glover's Lane alignment will significantly impose impacts to properties which have been preserved and protected for decades by private conservation easements, the federal government, and non-profit environmental organizations. These are open space, farmlands, and conservation easement lands which Utahn's and visitors from around the world cherish and protect for agriculture, wildlife habitat, and visual quality of life regardless of state or federal protection status.

32.2.13C

One viable LEDPA which should be analyzed in the UDOT/FHWA DEIS is the Utahn's for Better Transportation "Shared Solution" which proposes community-based high quality east-west boulevard development to foster responsible transportation modernization in an environmentally friendly manner. Another LEDPA is the "No Action" alternative which would allow communities to develop high quality solutions for transportation and economic growth as needed while providing more local construction jobs for a more sustained period of time. ***GSLA finds that the UDOT/FHWA preferred alternative is not the LEDPA and will result in permanent, significant adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.***

32.2.1G

32.2.3A

2) "Practicability Presumption"

According to the federal Clean Water Act Section 404(b)(1) Guidelines – EPA /Corp permit application Alternatives Analysis "practicability presumption", the Corp will presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site". Special aquatic sites are defined as "sanctuaries and refuges, wetlands, mudflats, vegetated shallows, coral reefs, and riffle and pool complexes" (Federal Register 1980). GSLA finds that the UDOT/FHWA preferred alternative will result in **significant adverse impacts** to federally protected Great Salt Lake "special aquatic sites", "Waters of the U.S", non-jurisdictional wetlands, uplands, agricultural lands, and prime farmlands.

32.14.3Q

GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their entire proposed freeway project is "non-water dependent" and the Corp must deny a Clean Water Act Section 404 permit based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site".

32.14.3Q

The "Shared Solution" and simple road improvements within west Davis County both pose practicable alternatives to continued destruction of globally important Great Salt Lake shoreline and associated upland wildlife habitat. GSLA finds that the UDOT/FHWA West Davis County freeway alternatives are not "water-dependent" and will result in permanent, significant adverse impacts to globally unique, irreplaceable environment resources which cannot be mitigated.

32.14.3Q

Comment 907 (continued)

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5.0 Indirect Secondary Impacts and Cumulative Impacts

32.24F

GSLA contends that construction of a freeway along the eastern Great Salt Lake shoreline will result in significant, indirect secondary impacts to wildlife and wetland habitat. Additionally, cumulative impacts of the proposed UDOT/FHWA freeway project, in conjunction with numerous other large-scale ongoing development and minerals extraction proposals which will impact the Great Salt Lake ecosystem and are pending U.S. Army Corp of Engineer's permit approval, will result in unacceptable and significant cumulative impacts to migratory bird habitat and federally protected wetlands, "special aquatic sites, and "Waters of the U.S".

These other large-scale development projects pending U.S. Army Corp of Engineer's permit approval or which will formally apply for a Corp permit in the near future are located within very close proximity of the proposed West Davis County freeway and within the same geographic area of the Great Salt Lake. These large-scale development proposals are all located along the Great Salt Lake east and southeast shoreline. ***Individually and cumulatively these projects will cause irreparable, significant adverse impacts to globally important Great Salt Lake migratory shorebird breeding, nesting, and rearing habitat. These projects include:***

1. The 29-square mile, 25,000 residential housing development for as many as 300,000 people, City of Salt Lake "Northwest Quadrant Master Plan" proposed within the Great Salt Lake southeast shoreline ecosystem;
2. The 1,992-acre Kennecott Utah Copper "Magna Mine Tailings Expansion Project"; and
3. The 91,000-acre "Great Salt Lake Minerals Company Expansion Project" within the Great Salt Lake northeast shoreline ecosystem.

GSLA requests that all of the above referenced project impacts be analyzed in the UDOT/FHWA DEIS cumulative impacts section.

6.0 Farmington City Conservation Easement Land Protection by Section 4(f) of the U.S. Department of Transportation Act

32.27A

GSLA strongly disagrees with UDOT/FHWA that Farmington City publicly-owned conservation easements are not protected by Section 4(f) of the U.S. Department of Transportation Act (codified at 23 USC 103(c) and FHWA Regs. 23 CFR 774).

32.14.2H
32.14.2I
32.14.2J
32.14.2K
32.14.1A

GSLA believes it is unwise for UDOT/FHWA to use nationwide tax payer dollars to impose significant, irreparable, adverse direct, indirect, and cumulative impacts to globally important Great Salt Lake migratory bird species Pacific Flyway and Central Flyway habitat protected within Farmington City publicly-owned conservation easements and The Nature Conservancy and URMCC Great Salt Lake Shorelands Preserve lands. This Great Salt Lake eastern shoreline habitat was purposely protected for wildlife refuge habitat and to provide "wildlife-friendly", "non-obtrusive" recreational nature trails. These conservation easement lands are protected, into perpetuity, by legal recorded instruments and serve to provide "significant" high quality, contiguous, non-fragmented habitat for wildlife refuge and public enjoyment.

Farmington City publicly-owned conservation easements are not only protected by Section 4(f) of the U.S. Department of Transportation Act, but they are also protected from recreation impacts and noise due to the City's careful and thoughtful public trail planning designs.

Comment 907 (continued)

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32.27A

Farmington City purposely placed public trails along the perimeters of their protected wildlife refuge habitats to ensure proper respect and privacy for birds and wildlife such that they would not only be able to rest and feed in a protected environment but so that they would also be able to successfully reproduce and rear young to perpetuate their species. Use of perimeter trails allows recreationists to passively view and photograph migratory birds and wildlife in their natural, undisturbed behavior either close to a trail or far off into the distance with binoculars, spotting scopes, and zoom lenses. This is important because to provide a public recreation area with Section 4 (f) protection it is not necessary to have trails all through a conservation area.

32.3F

Relatively undisturbed wildlife and wetland viewsheds along the Great Salt Lake eastern shoreline are extremely rare and unique and can only be experienced unabated by noise or traffic impacts and disturbances within conservation easement lands on carefully placed perimeter trails such as those of the publicly-owned Farmington City Buffalo Ranch and Great Salt Lake Nature Center. ***The UDOT/FHWA DEIS fails to recognize the importance of conservation easement lands along the eastern shoreline and fails to recognize that significant, irreparable adverse impacts will incur to these protected areas as a result of freeway development within a broad, open Great Salt Lake landscape viewshed.***

32.14.3Q

GSLA admires Farmington City for taking the uncommon financial initiative to preserve and protect high quality Great Salt Lake shoreline habitat, open water, playa wetlands, and uplands heavily depended upon by migrant and resident birds and other "wetland/water-dependent" wildlife species. The UDOT/FHWA proposed West Davis freeway is a "non-water dependent" project and should not be constructed in critical habitat of migratory birds or wildlife that are dependent upon wetlands and open water for their continued survival and perpetuation of their species. ***GSLA finds that the UDOT/FHWA DEIS is insufficient in recognizing that their proposed project is "non-water dependent" and the Corp of Engineer's must deny a Clean Water Act Section 404 permit" based upon the "practicability presumption" that the Corp must presume that practicable alternatives exist where a project is non-water dependent and will cause discharge into a "special aquatic site" (See Discussion 4.0).***

7.0 Great Salt Lake Wetland and Migratory Bird Species Habitat Mitigation

32.14.3D

GSLA finds that the UDOT/FHWA preferred alternative violates federal **"No-Net Loss of Wetlands" Policy and Executive Order 11990 – Protection of Wetlands** which states that "unless no practicable alternatives exist, federal agencies must avoid activities in wetlands that have the potential for adversely affecting the integrity of the ecosystem".

With regard to compensatory mitigation requirements for unavoidable project impacts the sequencing of events is to: 1) avoid to the greatest degree possible, 2) minimize to the greatest degree possible, and 3) then mitigate for all unavoidable project impacts after all measures have been taken to revise the project design, location, and explore all practicable alternatives.

32.14.2H

Compensatory mitigation for proposed impacts associated with the "least environmentally damaging" alternative is based on a minimum standard ratio of mitigation:wetland acreage impacts regardless of a "perceived" quality of a wetland area i.e., "low, medium, or high " placed on jurisdictional wetland. For example the Corp commonly requires three acres of wetland restoration or creation mitigation for one acre of wetland impacts where the potential for mitigation success is low or where the wetland habitat is very important such as along the Great Salt Lake shoreline.

Comment 907 (continued)

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GSLA believes that simple purchase of existing wetland properties or private "in-holdings", or providing money to pay for wetland impacts of globally important Great Salt Lake eastern shoreline habitat on a 1:1 mitigation ratio, as proposed by UDOT/FHWA for impacts within The Nature Conservancy Great Salt Lake Shorelands Preserve and URMCC lands (pages 26-16 and 2-17), violates Executive Order 11990 requiring "no net loss" of wetland acreage and President Barack Obama's "North American Wetlands Conservation Act".

32.14.3P

Using simple purchase/preservation credits for existing properties containing wetland habitat near the proposed project area as "compensatory mitigation" results in a "net loss of wetland" acreage as jurisdictional wetlands existing with purchased "exchange" lands are already protected/regulated under the Clean Water Act while the filled/destroyed wetland acreage lost within the conservation easement areas represents a ***net*** loss of wetland acreage.

"Preservation" credit land deals are often offered to land conservancies near an impact area by a project proponent when a significant amount of wetlands will be filled or impacted. These land deals often include simple purchase of "lower value" real estate property containing wetlands which most often will never be developed, or if developed, will be very costly. In other words, preservation deals are a "cheap" way for project proponents such as UDOT/FHWA to impact a great number of high quality wetland acreage with minimal compensatory mitigation costs. Under this scenario, UDOT/FHWA and private landowners make substantial profits/gains off of the purchase or sale of "lower quality" or undevelopable real estate.

GSLA strongly encourages The Nature Conservancy and URMCC to not accept any offer which will impact wetland habitat or fragment habitat associated with the Great Salt Lake Shorelands Preserve or URMCC properties. Likewise, GSLA encourages Farmington City to take whatever actions are necessary to prevent the UDOT/FHWA West Davis County freeway proposal from impacting their high quality, publicly-owned conservation easement lands.

8.0 Great Salt Lake Floodplain, Earthquake, and Fog Hazards

32.2.13C
32.15A

GSLA finds that the UDOT/DEIS underestimates the severity of consequences of building a high speed freeway in the highly fluctuating Great Salt Lake floodplain liquefaction zone as proposed under the preferred alternative. Geologic and earthquake hazards combined with lakebed sediment is the perfect recipe for disaster. GSLA fears that, if built in the Great Salt Lake floodplain, as proposed, the UDOT/FHWA preferred alternative high speed freeway will be protected in the future from high lake levels by a constructed berm or levee similar to that constructed between Willard Bay and I-15 to contain the lakes natural "ebb and flow. Levees and berms would pose detrimental, significant adverse impacts to migratory bird habitat and alter natural lake shoreline function.

32.2.13C

GSLA also finds that dangerous fog will place humans at severe risk of injury or mortality on a high speed freeway constructed along the eastern Great Salt Lake shoreline. Migratory birds and wildlife will also become victims of unnecessary vehicular mortality if blinded by fog lights or special effects used by the highway department in an effort to reduce dense fog. ***Loss of life, whether human or animal, is a permanent, irreparable and significant adverse impact which can never be mitigated.***

Comment 907 (continued)

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32.2.3A

In closing, GSLA would like to go on record in support of the UDOT/FHWA DEIS "No Action" Alternative. The overwhelming extent of permanent, irreparable, significant adverse impacts to high quality, globally unique and important Great Salt Lake shoreline habitat which would result from the UDOT/FHWA preferred West Davis County freeway alternative is simply unacceptable.

32.2.1G

GSLA would also like to support further evaluation of the "Shared Solution" and quality local road improvement projects as the only viable "least environmentally damaging practicable alternatives" for West Davis County and other Wasatch Front communities which may experience growth problems in the future within the greater Great Salt Lake area.

GSLA would also like to support the U.S. Environmental Protection agency and the U.S. Army Corp of Engineer's in denying an "Individual Permit" for the UDOT/FHWA preferred alternative.

Best Regards,

Ray Smith
Vice President, Great Salt Lake Audubon

Board of Directors, Great Salt Lake Audubon
Conservation Committee, Great Salt Lake Audubon

Great Salt Lake Audubon president@greatsaltlakeaudubon.org and conservation@greatsaltlakeaudubon.org

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Great Salt Lake Audubon *www.greatsaltlakeaudubon.org*

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10

Comment 908

Response Section in Chapter 32 ➥

Comment #: 908

Date: 9/6/2013

Source: Email

Name: Deborah Elton

Location: Salt Lake City

Comments:

32.31R
32.2.3A
32.2.1A
32.2.1J

Please listen to the Interior Department authorities. Instead of building a freeway through wetlands used by millions of birds, lets use more mass transit, subsidize riders if necessary, and upgrade existing freeways.
Thank you for listening.
Deborah Elton

Comment 909

Response Section in Chapter 32 ➥

Comment #: 909
Date: 9/6/2013
Source: Email
Name: Paul Kelsey
Location:
Comments:

32.23A
32.1.2A
32.2.3A

WD Corridor encourages sprawl and is not needed. Do Not build it.

Comment 910

Response Section in Chapter 32 ➥

Comment #: 910
Date: 9/6/2013
Source: Email
Name: Shirley Erickson Gorospe
Location: West Jordan
Comments:

<See transcript on next pages, titled 00910_Shirley_Gorospe_9-6-13>

Dear Sirs,

Please accept these public comments regarding the UDOT Environmental Impact Statement for the proposed West Davis Corridor which will affect Farmington Bay and the rest of the Great Salt Lake.

32.14.2H
32.2.3A

Please protect what is left of the wetland mosaic which now exists along the Great Salt Lake shoreline and uplands. Please do not fill in wetlands and migratory bird habitat in order to create more surface area for roads.

Please do not to build a freeway through globally important migratory bird habitat. 90% of Utah's wetlands have already disappeared. Please protect the 10% that is left.

32.14.2M

Many people in Utah and beyond love wetlands and migratory birds. Farmington Bay and the shorelines of the Great Salt Lake need to be protected for the well being of world bird populations.

I would like to submit the transcript of my documentary, Evaporating Shorelines, for public comment. I posted it on YouTube. I have attached the 17 page transcript and also pasted it below.

32.31D (Transcript is about GSL minerals project.)

<See transcript on next pages>

Comment 910 (continued)

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32.31D

Shirley Erickson Gorospe: Dear Jason, here is my letter for public comment to the U.S. Army Corps of Engineers. You asked me to write you a letter, but my story can only be told with pictures. The Great Salt Lake is important to me. My husband and I go horseback riding there with our children and enjoy the birds and wildlife.

Many of the birds that visit the Great Salt Lake have second homes in other countries. The planet needs to know this story too, since your decision will impact them as well. You asked me to write to you to tell you what the alternatives are, the only alternative is to keep the Lake as it is, as natural as possible.

The natural beauty and wildlife habitat is what makes the Great Salt Lake valuable, since you said that you didn't think that enough people have had the chance to comment, I decided to show the world your public notice and explain what it means. You are the one who decides if this area gets destroyed or not, please protect this unique resource.

Rob Dubuc: In 2009, Great Salt Lake Minerals proposed a 91,000 acre expansion on Great Salt Lake. Great Salt Lake Minerals is a mineral extraction company that produces among other things potash and salt, road salt for instance and the state has since approved the leasing necessary for this expansion. And now the company has applied to the Army Corps of Engineers for a 404 Permit that will allow this expansion to go forward.

The Army Corps of Engineers is as you know, Federal Agency and their role is to process what's called a 404 Permit, it falls under the auspices of the Clean Water Act and it is a dredge and fill permit. So, anytime that a wetland is disturbed to a certain extent, the Army Corps of Engineers has to issue a permit. There is coalition of conservation-minded citizens from all walks of life that are concerned about the impacts that this expansion is going to have on the resources of Great Salt Lake.

Father Frederick Leroy Carter: And we pray for the State Legislators who write the laws and commit the resources for our parks. Almighty God, in the course of this busy life, give us times of refreshment and peace and grant that we may so use our leisure to rebuild our bodies and renew our minds that our spirits maybe open to the goodness of your creation. Keep us from harm's way, fill us with the love of each other as you have loved and blessed us with your creative spirit. Bless us with favorable winds and following seas, these things we pray in Christ name, Amen.

Gerry Harwood: It is valuable, when I think in a lot of different ways, first of all, from a sailing perspective, it's the greatest sailing around, but I think another value is just this esthetic value, I mean, it is the namesake for Salt Lake City. Anywhere around the valley where you can see it, it's out there, it's shinning, it sort of identifies the whole area, and I think it has great value in that respect.

Shirley Erickson Gorospe: Since 1962, the Department of Natural Resources has accommodated business, industry and agriculture. They have repeatedly approved permits for companies to extract minerals from sovereign lands held in public trust in and around the Great Salt Lake. The State of Utah's Depart of Natural Resources is the

Comment 910 (continued)

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32.31D

governing agency responsible for approving this 91,000 acre expansion for the benefit of Great Salt Lake Minerals Corporation.

The Department of Natural Resources exists to ensure that the natural resources in Utah are used in ways that will make them last and remain for future generations. The current Department of Natural Resources Executive Director is Michael R. Styler. He reports to the Governor of the State of Utah, Gary R. Herbert.

Even though scientists from the Department of Natural Resources have stated that the Great Salt Lake is a fragile ecosystem, by repeatedly approving these leases, the Department of Natural Resources is placing the Great Salt Lake at risk. In March 2012, the Utah Department of Natural Resources released the final draft of the Great Salt Lake comprehensive management plan and mineral leasing plan. The newly released plan opened up almost the entire west side of the Great Salt Lake for possible mineral leasing.

The new plan encourages the use of appropriate areas for the extraction of brines, minerals, chemicals and petrochemicals and encourages the development of an integrated industrial complex. We need to change the laws that encourage industrial expansion on the Great Salt Lake. Right now, there are very few areas on the Great Salt Lake that are protected.

Captain J.R. Reynolds: There are companies that have been dumping into this lake and have been using this lake and trying to control this lake. And the government is trying to control this lake you know, the lake levels and stuff since the white man moved in. Until industry gets so big out here, like the GSL Minerals wants to do right now where they can actually tell you how much they are going to drain the lake and that's scary, because we got companies like MagCorps and Morton Salt and a couple of other salt companies and they all evaporate water.

Shirley Erickson Gorospe: The Great Salt Lake began as Lake Bonneville at its largest; it covered about 20,000 square miles of Western Utah and smaller portions of Eastern Nevada and Southern Idaho. The Great Salt Lake is a terminal lake with no outlet rivers running to the ocean. Since water leaves the lake only through evaporation, it leaves behind its dissolved minerals making the lake much saltier than sea water.

The lake is shrinking because of the water used by industry, irrigation and humans. You can see in this picture, the Great Salt Lake used to cover a larger surface area and was deeper. Now, it is smaller and more shallow. If you keep taking water out of the Great Salt Lake and prevent water from getting into it, the lake will shrink substantially. The Great Salt Lake is fed by three main tributaries, the Jordan River, the Ogden River and the most important one, the Bear River, which provides 60% of the water that runs in from the rivers. It gets 50% of its water from direct precipitation and 50% from spring runoff through the rivers.

The Great Salt Lake is artificially divided by the Union Pacific Railroad Causeway creating the North Arm and the South Arm. There are also hundreds of miles of dikes that

Comment 910 (continued)

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32.31D

have already been built within the high water mark of the Great Salt Lake to create evaporation ponds.

The natural water flow of the Great Salt Lake has been destroyed by dissecting the lake with these dikes and causeways. The entire lake will be affected by the expansion's water usage and building of new dikes. Stansbury Bay, Clyman Bay, Gunnison Bay and Bear River Bay will be the most affected by the 91,000 acre expansion.

Rob Dubuc: Operations they have Bear River Bay are gravity fed, they are not complex operations, but there are approximately 90 ponds as part of that and they are all gravity fed, so the dikes have to be of a certain height, so that water will flow from one to the other. So, they pump the water up to the north end and then it gravity flows down through the different ponds.

And the processing is again quite simple, different minerals fall out at different percentages of concentration. And so, basically they move from one pond to the other and capture the minerals that they want. And then, eventually they flush the remainder back into Bear River Bay down towards the railroad causeway at the south end of their operations.

They flush 4.5 million tons of salt a year back into the lake into what is a relatively fresh part of the lake. So yes, it absolutely impacts it. Now, how much, and to what degree? We don't know. That's one of the things that we have asked for is a study of how that flushing operations impacts the bay and so far, we have been denied that request.

Nicole M. Anderson: Basically, what their expansion, 91,000 acres on the entire Great Salt Lake and 8,000 of those acres would be within Bear River Bay. Right now, we have between 5 and 8 million waterfowl and shorebirds in the lake at any given time. Many of them stop in Bear River Bay, because of its shallow sheet flow and its shallow water that's there. Sometimes it's only 6 inches deep and sometimes it gets up to maybe a foot, but it's still shallow enough that's calm enough that these birds can nest and forage for food.

And so, if Great Salt Lake Minerals were to put their expansion ponds in, if they went from that northern most point of their dike and went out into the bay and then, down as they proposed to do, that would actually take the water flow that's currently there coming out of the Willard Spur, it would then come in contact with the dike that's already there, which creates -- it would funnel it into a deeper, faster flow area and the birds wouldn't have that shallow sheet water anymore. There's not another place on the lake like this and so, you could never replace this area.

Scott G. Saxton: Well, my name is Scott Saxton and my son Parker is working on his eagle project, I happen to be a Scout Master and some of the scouts that are behind us there are some of our troop that are earning hours of service towards their rank advancement. Our project today is, we have been working on for the last couple of weeks, we are building geese nests.

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32.31D

There is a real problem out in the area in the Bear River bird refuge where there used to be a lot of geese that use the area, but they are not using the area like they used to. And we are hoping with these geese nest that we can put out there that will give them a sense of security that they will start using the area again for their nesting.

R. Jefre Hicks: You know where they go? They are along the grass islands and stuff out there, so go ahead and do those. We also need to know who has room in their boats and who doesn't have a ride, if you don't have a ride on a boat for sure right now, please come here right now.

Troy: The Utah Airboat Association uses this area quite a bit. We hunt out here for ducks and geese. We have parties out here in the summer, where we have cookouts, we have obstacle courses, we have members that come out here and bird watch. We have some people that come out there and bowfish off their boats with their bows and arrows.

We come out here in the spring and we put out duck and goose nests and then, we come out in the fall and make sure that the nests will have grass in them, and make sure you know, if birds are using them, make sure that they're okay and we just do a lot of stuff like that, we come around here and really enjoy this area.

The Utah Airboat Association, every year we have a nesting project out here on the Spur, in Willard. And as members we come out and we take out our boats that just gives us one more opportunity to drive our boats together. And we go out and we put up goose boxes and duck nests and stuff and we stuff them every year with grass, so that it gives the birds a place to nest up off the ground, so the predators can't eat the babies.

You know, I think the thing that I like the most is it's just something that not everybody gets to see when we get out there on the marsh, it's just peaceful, we are away from the hustle and bustle you know, and the ecosystem that's out there in the marsh it's just, it's really it's neat to be out there and be a part of that environment.

So, as the Airboat Association, I mean one of our big goals is to make sure that the marsh is always protected, we fight not only in Congress and in legislation, but we fight out here on the marsh to keep things good and I mean it's something that we all hold pretty dear to our hearts, not necessarily keepers of the marsh, but we want to you know be the wardens of the marsh and make sure the things stay the way they are, and this is here for future generations, like my kids and my grandkids and everybody else and that's why we dedicate the time and money that we do.

It's people wanting to damage and destroy the marsh, they just think that it doesn't matter that it's just there to do whatever they want to with it. And I mean that's why we fight like we do to keep it the way it is, as natural as we possibly can keep it. We fought a bill in legislation this year, they wanted to raise phosphorous level in discharge water out of sewer plants, and if they do that that will create algae blooms on the top of the water. And when that algae blooms on top of the water, nothing can grow underneath it.

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And then, so when these birds are coming through here, all of the wildlife, shorebirds, the waterfowl they won't have anything to eat, they will just have to move on and then we'll miss all of that opportunity. I mean, during the year through the migration period, we'll have millions upon millions of birds migrate through here and it changes daily. We can come out one day and see tons of avocets and come out the very next day and they are gone and there is something new in the marsh. I mean it's just amazing how many birds fly through this marsh.

R. Jefre Hicks: Where we are now is we are floating in Bear River Bay and we are almost in the center of the area that GSL Minerals wants to expand out into. To the east of us is Willard Spur. Willard Spur comes in from the east side. Willard Bay area, Harold Crane, the Bear River Bird Refuge, all the water comes into there, it kind of necks down with the big sand bar to the east of us and that's kind of the defining boundary between Willard Spur and Bear River Bay.

And this unfortunately, because of irrigation demands upstream on the Bear River. This Bear River doesn't make it out -- it doesn't flow to the Great Salt Lake anymore. So, this area here a lot of times, so in the last like the last decade or so has gone completely dry. And that's sad because the birds really need it, but on the other hand, in the fall when the irrigation stops and they let water come back out here again, it all starts growing again and so it's viable food source again. But in the summer, sometimes it can be really dry, really dusty and until -- as long as they keep issuing more and more water permits for very little water available, it's going to go dry out here and there is really nothing we can do about it.

GSL Minerals already has 22,000 acres in Bear River Bay, they have already diked off, they want 8,000 acres more and that makes about 30,000 acres at Bear River Bay gone and this bay is the last fresh water bay left on the lake, it's the last pristine freshwater area for wildlife migratory birds to enjoy and to use and they want to destroy it and it would be gone.

Well, GSL Minerals has proposed that maybe they could change out the plan a little bit and they could say, we'll take maybe 20,000 acres on the Westside and maybe 8,000 acres on the east side and we will do it incrementally over the course of the next 20 years and they are looking for ways to make it seem more palatable to the citizens of Utah I guess, but the end result is the same. We lose prime wildlife area, prime boating areas, hunting areas, bowfishing areas, the end result will always be the same, it's gone.

Nicole M. Anderson: If their permits were to be approved for the entire 91,000 acres on the entire lake, it's a 194% increase over their current operations and really how much fertilizer can the world use.

R. Jefre Hicks: A lot of this stuff goes to almond growers, a lot of fruit growers use this as fertilizer, but another interesting thing is that a lot of the organic gardeners and stuff have kind of jumped on the band wagon to use the potash for their fertilizer. And a lot of

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them purchase the products from GSL Minerals. GSL Minerals touts this stuff as an organic fertilizer you know, that's good for the world.

So, you have people like, I think it's Doctor Earth and few other really nice companies that are trying to do their best to do organic gardening and things like that are ending up buying materials from a company that is destroying thousands and thousands and thousands of acres of wetlands and bird habitat in order to make an organic product. So, there is a kind of a tough trade-off there, where do you want to do the right thing and get organic fertilizer, but destroy 30 extra thousand acres of wetlands that wildlife depend on that's a tough call and so far, business wins.

Captain J.R. Reynolds: I know that there is a reason for a company to be in business, but I also know that what they are talking about doing is going to devastate this lake not just from my standpoint, which it could very easily put me out of business if they take the water out that they are talking about taking out. But they are going to create more issues with the dust storms, with the -- this lake bottom is very heavily saturated with heavy metals. And every time the shoreline is exposed, whether it's by Mother Nature, like it has been in the last few years and the wind comes up and that turns into dust that creates a health hazard for everybody in the Salt Lake Valley.

Brian Moench: It's hard to quantify the amount of toxicity in particular, heavy metals in the Great Salt Lake. But what we do know is that testing by the U.S. Geological Survey revealed that there are higher concentrations of mercury in the Great Salt Lake than any other inland body of water in the entire United States and in many respects, probably many times higher maybe as much as 35 times higher.

So, what exactly that means we are not sure, but it can't be good, given the intense toxicity of mercury, given the fact that it's going to be deposited in the sediment of the lake, given the fact that we are setting ourselves up for having a smaller lake and we are letting industry drain water out of the lake, we can be well assured that the toxic dust that will be created as a result of this will contain mercury and other heavy metals in it and that's not a good thing.

Bill Fenimore: The problems that we have had you know, the issue with mercury poison, we have advisories on several duck species that use the lake here telling people that if they are hunted and they harvest them not to eat them.

R. Jefre Hicks: Well, I know that you know our guys, our Airboat Association is we shoot a lot of birds out there we shoot a lot of teal and I know your association Mud Motor Association, those guys shoot a lot too.

Josh Noble: Sure.

R. Jefre Hicks: So, you know worried, because I know we have the mercury advisory.

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Josh Noble: Yeah, well I mean of course, we are concerned I mean we have got you know obviously our association with the Mud Motor Association, we you know, harvest a fair amount of birds, especially the three that are on that notice the Northern Shoveler the common Golden Eye and the Cinnamon Teal, you know shoot, I have talked to a lot of our members and they just choose not to harvest those birds just simply because of that warning and that's sad you know, when you really look at it you go out for the quality experience and maybe you don't have a whole lot of opportunities at a lot of the other ducks and you have to pass you know, whether you have to or you should you pass on those opportunities and it's again, it just takes away from that quality experience, which is sad.

R. Jefre Hicks: Besides those three birds the Golden Eye, the Cinnamon Teal and the Shoveler, it stands to reason that there are other birds out there eating this brine shrimp. We have the brine shrimp bio accumulating mercury, we have other ducks that we shoot and eat a lot of which is the Green-winged Teal, it's scary that why aren't those things listed and I'll bet they are. It stands to reason that those are getting to be at the point where it could be dangerous too.

And we don't know where the mercury is coming from, no one can figure it out exactly, it could be coming from industry pollutants, it could be coming from the exposed lake bed, when heavy metals blow off in the winds of the desert or off the lake beds and it's all coming to us eventually, and it's scary and we don't know where it is coming from.

Brian Moench: Mercury is probably on the order of a thousand times more toxic to the brain than lead is. And yet the amount of exposure that people in my generation grew up with by virtue of the lead allowed in gasoline. Studies probably estimate that the amount of IQ that we all lost, because we grew up in that area might be as much as five to seven points that's a game changer, that's a career changer.

And if the amount of lead we were exposed to has that profound an effect and mercury is that much more toxic, then that certainly amplifies the message that we can't tolerate an environment where lead and mercury, arsenic etcetera, etcetera are continually plastered into our environment. And if we continue to allow industries to drain and divert water from the Great Salt Lake that problem will become more and more acute.

Rob Dubuc: Once a year Great Salt Lake Minerals extracts brine from the North Arm, pumps it into Clyman Bay and concentrates it just a little bit more than it is in the North Arm. The reason they do that is so that they can put it into the Behrens Trench and transport it from Clyman Bay to Bear River Bay and they do that through a gravity system.

So, the brine from Clyman Bay has to be just a little bit heavier and a little bit denser than the ambient brine in the North Arm. So, that's why they do that, this is a yearly process, they pump water in, they transport it over to Bear River Bay and then they empty the ponds. So that they can bring in fresh water each spring, evaporation only occurs during

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summer months and then the process what they have already and then, they will begin again next spring.

They have about 21,000, 22,000 acres of pond in Clyman Bay now. What they are proposing is about 72,000 acres additional on that side of the lake. So, if you want to compare you know, it's triple the size of their current operations or actually a little bit more than that. And in terms of the amount of water they are going to pull out 353,000 acre feet is a tremendous amount of water, it's about three times what they are using now.

They have made assertions you know to different groups that they plan to use less water, but we haven't seen any final figure. So, we have to go with what's in front of the state engineer now and that's a 353,000 acre feet.

The shore line will basically be contained within their proposed expansion, so whatever shore line currently exists will be subsumed within that expansion, so it will no longer exist. So, they won't go beyond the shore line, but they will encompass the shore line and then, they will go out into the lake. So, basically you will lose all that shore line for those miles north of Clyman Bay all the way to north of Dolphin Island where that expansion is going to end. So, it's big impact on the shore line, it just will be gone. What they will do, is they will bring in fill and they will build up a dike, it's much wider at the bottom than it is at the top, some of it settled, so they will continue to bring in, they will drive trucks over it until it firms up.

Bill Fenimore: The railroad wanted to build a shortcut to cutoff some of the distance that it used to travel around what was called Lucin, so they come up with the idea of building the railroad causeway. The original causeway was a trestle style that allowed the exchange of water because of the open design of the trestle. Later, the Union Pacific Railroad put in a different style of causeway, which is now a mass of earth and rock and so forth, so there is no interchange.

And then, later there were a couple breaches made to try to create some interchange, not enough. More needs to be done, but hasn't been done because of the cost involved in and the railroad is not willing to go that cost. And we haven't been able to put together enough political will to create that change also and so, over time that part of the lake is becoming non-productive. As a matter of fact, you can fly over that area and you can see algae blooms.

Bonnie K. Baxter: So, the water is pink because of the microbes that live here. The bacteria and archaea that live in the water and some of the algae species have pigments in their sole membranes. And the pigments are very related to the kinds of pigments you see and fall leaves and carrots. You know before the causeway, before that time it was one lake and after the causeway was built, because of the water flow being all in the South Arm and very limited fresh water inflow to the North Arm. Because of that it's now really two lakes at one location. And this North Arm just keeps getting saltier and saltier as time goes on and it's at saturation most of the time, meaning the water is holding as much salt as it can.

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Rob Dubuc: I don't think at this point it would be possible to remove the causeway. To improve the causeway is a different matter, currently the railroad has a proposal to replace its culverts, which are non-functioning with the bridge, which will have some positive impact on the flow between the North and the South Arm, but how much difference that will make, we don't know. Other than that, it's a very complicated question. The railroad lives by a different set of rules, they basically -- I don't want to say, they do what they want but --

Bill Fenimore: The brine shrimp industry is a big important industry for the birds, as well as for some in business that harvest the brine shrimp eggs for their own trade and for the prawn industry. And some parts of the lake like the north end of the lake, north of the railroad causeway are no longer producing brine shrimp, because there is no turnover of body of water throughout the seasons as it once did, because the causeway now doesn't have enough breaches in it to allow that interchange of water.

There are whole host of birds that use the brine shrimp as a food source, Avocets is an example, phalaropes another example Goldeneye, they come here in winter use the brine shrimp as a food source and a variety of other birds as well that will feed on those invertebrates and such, but those birds no longer use that section of the lake, because there is no more food available for them.

So, now they are more mass and concentrated in other sections of the lake that still produce the shrimp, which in itself is somewhat risky as you get so many birds concentrated in areas like that, and from time to time will have botulism outbreaks, where you have mass of die-offs because of that bacteria that's been developed in that area. Now, you have this mass of birds that are all concentrated in there that's spread that disease amongst one another. So, there are a lot of hazards when you have those types of situations.

Rob Dubuc: People along the Wasatch Front really don't value the lake to the degree that they should. Most people, if you went and you interviewed people on the street and asked them what they thought about the lake, a lot of them would say, it's a buggy, stinky place you know, they never been out there or maybe they went out when they were a kid and they have not been back. The lake has an unfortunate reputation as being a dead sea and it's far from that you know, millions and millions of birds use that lake every year. People love the lake, but the state is driven by money and these decisions are being made by politicians who do not value the natural resources that we have in our own backyard and would -- basically they give the nod to extraction over those resources.

Shirley Erickson Gorospe: These dikes will decrease bird populations in the entire Western Hemisphere. The birds need someone to stand up and say no to future industrial expansions on the lake.

Michael Spackman: Well, if they change the ecosystem, I don't know if you are aware of all the birds that migrate through here, but also Great Salt Lake was the one of the first

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migratory bird refuges in the United States, and we have thousands and thousands of birds. I mean, I go out in the fall and the spring time and there are hundreds of grebes out there, it's just a beautiful place.

Gerry Harwood: The birds out here are incredible. There are so many species it's -- and there are so many species that this is very critical body of water to them, I've heard reports that 75% of the world population of some species nest and use the lake either in migration or as their home.

Jen Hajj: I teach a Bird Observation and Behavior class at the University of Utah. The classes are usually really small and maybe 15 people and I take them to different places to watch birds. These are people who have never really thought about birds before, most of the people who take the class are seniors who have one more credit left in order to graduate and they want an easy class.

And so, they take my class and we go out and we look at birds. We go to Farmington Bay and we look at the birds on Glover Pond and the students just, their jaws just drop, because they have never seen more than one kind of duck before in one place or they've never seen Avocets and Stilts or Pelicans or Cormorants, they have no idea. And they see this diversity on the lake and they just go, wow we just never even knew. And that's one of the evaluation things that always comes back, it's like we never knew that there were birds like this in some place like this.

Don S. Paul: There are two to three things that really make the Great Sale Lake important to the migratory birds. One is its locationS, it sits above the equator about 42 degrees of latitude and that puts it in a situation where it is between the equator almost at equal distance as it is from Arctic realm, so birds that go to nest in the Arctic like redneck phalaropes would be traveling to the lake about half the distance from where they would be venturing.

The other thing is it's like an oasis in a desert, large saline lake in an otherwise arid, xeric environment. Birds don't have many other places to go especially if they are travelling in large numbers, they need to put on body fat for fuel to continue their migration from a resource that doesn't take them a lot of time and energy to forge that resource.

So, a third element that's important to the lake is in terms of migratory species is the size of the lake. It's the fourth largest saline lake in the world, the lake elevations are at the long-term historic average of 4,200 feet above sea level, it's 1,500 square miles and then you have an association with that because of the Wasatch Mountains and the Uinta Mountains in the backdrop, a pretty rich drainage system that feeds this arid system from an oasis perspective that trickles through and then aggregates in these large complexes of wetlands. So, we have large systems of aquatic freshwater wetlands in association with the saline lake of that size with that volume of water and those large numbers, 400,000 acres of wetlands provides a foraging resource for these birds, especially birds that aggregate in large numbers.

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Neka Roundy: One thing that's unique about Great Salt Lake when birders come here is they are amazed at that numbers of birds that they see. It isn't just one or two hopping along the side of the road or along the beach, it's a lot of birds flying and eating and just gorging themselves at the cafeteria that the Great Salt Lake truly is. We organize our field trips for Great Salt Lake Bird Festival, we have a sub-committee Chair and that Committee Chair knows who the birders are, who the topnotch birders are for the State of Utah and they come and guide for us during bird festival.

Bill Thompson III: Okay, we got Mallard, Coot, Gadwall, Forster's Tern, Double-crested Cormorant, White Pelican, Clark's Grebe, Western Grebe, Pied-billed Grebe, Eared Grebe, Barn Swallow, Gadwall, Black-necked Stilt, American Avocet, Long-billed Dowitcher, and that's your 360 bird report, anything else?

Jen Hajj: The effect on birds from these development concerns could be in the availability of nesting grounds. There is only so much part of the lake that's really available for birds to use, the inflows of fresh water are very important, because of the kind of life that can live in brackish water and because of the kind of plant life that can live in those places as well, that's part of what makes the Great Salt Lake such a wonderful place for birds right now, is the mix between freshwater and saltwater.

Don S. Paul: Well, there are large number of birds that are associated with the Great Salt Lake, but there are maybe 10 to 15 species with the lake plays either a really important local, regional or hemispheric role and in some cases world population role in their conservation. The best example of a bird that's reliant on the Great Salt Lake would be the Eared Grebe, Eared Grebe's nest in freshwater environments on top of matted vegetation in small colonies.

And when they are here, they go through a body molt of feathers and wing molt, which makes them flightless, it means they can't escape and they are forging on brine shrimp adults at that time. So, if we don't sustain the brine shrimp adult population and the numbers that are important, the densities that are important to them to go through their physiological changes and needs, then we could be in jeopardy for that species.

Bill Fenimore: And we today we are celebrating eagle day at Great Salt Lake in Northern Utah and a big group of people gathered today to enjoy these beautiful birds. They are our national symbol, the Bald Eagle. We have large concentrations of eagles that come specifically here to Farmington Bay to exploit the carp that are available for them now at this time of the year and so, they can feed on a smorgasbord of fish and utilize them and people get to see the beautiful group of birds and the Wild Bird Center, I bring people out.

Every Saturday we go somewhere throughout Utah to enjoy birds and show them a variety of natural wonders through birds and help them get focused on nature and how important it is to protect places like this. So, this is a real neat way to show people that how they can make something happen.

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June Ryburn: My name is June Ryburn and I volunteer for the Division of Wildlife, also volunteer for the Great Lake Audubon Society, and we are interested in promoting nature, and we come here -- the Division of Wildlife probably at least probably ten events a year showcasing what other creature is available to see fairly close and get people out and enjoy nature and if you enjoy nature, you are going to want to protect it and it needs to be protected.

Wayne Martinson: The Great Salt Lake is recognized at a site of hemispheric importance under the network of the Western Hemispheric Shorebird Reserve Network that was based on the Wilson's Phalarope where over 500,000 Wilson's Phalaropes can come through the Great Salt Lake. But there are many other bird species like Black-necked Stilt and American Avocet that are shorebirds that use the lake as well as Waterfowl and Tundra Swans, American White Pelican and so forth.

There are 21 important bird areas throughout the State of Utah, we have five globally important bird areas on the Great Salt Lake. Gilbert Bay, which is a globally important bird area and the four others, are Farmington Bay, Ogden Bay, Bear River Bay and Gunnison Bay. Gunnison Bay is a globally important bird area, primarily because of Gunnison Island, which has the third or fourth largest American White Pelican colony in the United States, and is the only area where American White Pelicans nest in the State of Utah at this time.

Bonnie K. Baxter: So, the Pelicans that live here on Gunnison Island, which is just past the sightline of Spiral Jetty here, they come in March. We always appreciate them coming over watching our research on the micro organisms while we are here, they always visit us and fly over and give us a nice show. But it is a very important breeding colony and I think they probably benefit from the North Arm being so isolated and desolate, because they like to nest where they are not bothered.

Rob Dubuc: Gunnison Island is a Pelican rookery, one of the few remaining rookeries for American White Pelicans in the United States. So, the reason it's a rookery is because it's so isolated and the pelicans can nest in peace. One of the dangers of this proposal is that Great Salt Lake Minerals will extract so much water, it will create a land bridge out from the shore to Gunnison Island. If you create a land bridge, then it doesn't matter how close they are, in fact their dikes could be used for predators to travel out even closer to the island.

So, as part of the stipulation that is being proposed for their expansion, they would get no closer than three miles to Gunnison Island. Now, some would say that's a sufficient distance, but three miles in an area where sound carries very easily over great distances is not much of a buffer. Predators such as coyotes will be able to make their way out to the island and disturb the rookery, once that occurs it's likely the pelicans will abandon that.

Jen Hajj: I don't think the destruction is worth it. I think that Gunnison Island is a very special place, it's very unique and the birds use it for that reason and there are very few

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places in the world that are like it that they can use instead, if that goes away, there is not an alternative.

Chris Wall: All the evaporation ponds, it really does impact our birds, it's taking away resting areas, but the same place is where evaporating that stuff is the same place that the birds like to rest. And the Great Salt Lake is right in the middle of pacific flyway every bird comes through there, so it's impacting them. And when we are talking about taking over what 91,000 acres, to be able to do that on an entire body of water, how many thousands of animals are out in that one space, they could be displaced because of commercialism.

No matter, they will still use the water you know but, you know what kind of chemicals are going to be in it, what kind of you know concentrations of things that might be harmful and high concentrations are going to be out there you know, what kind of boats and extraction stuff are going to be -- happen to go through there, you know there is great big rest areas out there that when you go out there, you will see hundreds of thousands of birds in one tight confined space, you know there is nowhere else for them to go, because all of the other habitat has been taken away.

R. Jefre Hicks: Twenty five, thirty years ago when they were talking about this same thing where people are saying, hey you shouldn't, maybe you shouldn't dike in all this marsh, but GSL Minerals said no, no this will be great, we'll make a lot of money for the state and the county and they will even be even better for wetlands and wildlife. So, we had almost the same debate going on and money won, they bring in a lot of money to the local governments through income taxes from their employees, they make money from corporate taxes, you know there is a lot of money to be made and when you have wild life habitat versus big business, it's tough to compete against big business.

Rob Dubuc: Basically why do they allow something like this to go forward. Again, they are not in the business of disapproving a proposal like this. This goes to the very heart of the question is, how should these resources be used. So, Great Salt Lake is a sovereign land and it is to be held in what we call public trust.

So, the State Agency, the Division of Forestry, Fire & State Lands is required by statute and by their regulations to protect the public trust resources for the people of the state. We the taxpayers own these resources. The Division of Forestry, Fire & State Lands is the trustee that has a task to overlook those resources, protect those resources.

Unfortunately, the state looks at mineral extraction as a revenue source and so, the state is willing to trade money for protecting these resources. Cordially, we disagree with that perception, but all we can do is challenge that decision and ultimately the state makes that decision. We have a vote, but it's a small one and so, this is ultimately a political position and a political decision, and it's the policy makers of the state who declare that the state is open for business, for resource extraction and until that changes; these decisions will continue to be made.

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Brian Moench: The politicians who have historically run the State of Utah as a group don't seem to have much appreciation for the potential for industrial activity to cause serious public health harm. And of course, this is true with the industrial activity that's currently allowed on the lake. We know that the sediment of the lake has high concentrations of heavy metals, mercury in particular and anything that's out there that's going to increase the dry beach area is going to increase the amount of heavy metal exposure that the public is going to experience.

Yes, they should have a much greater appreciation than they do for what those consequences are, but this -- that's just one of many examples where our government and certainly, isn't just state government, but local governments as well aren't as informed about the issues as they should be, but even when they are, they tend to be suspicious about the claims made by public health advocates and they generally seem to have a bias of whatever is good for the industry is got to be good for the public. And they tend to dismiss a lot of the things, a lot of the concerns that we try and present them with, because they just can't see through the fog of whatever is good for business is got to be good for all of us.

LeLand Swaner Jr.: And taking the resources without consideration of how it affects the ecosystem, the minerals being taken out of it or structures being built that change the natural habitat and may affect the outcomes of the wildlife and the waterfowl that use the area.

Nicole M. Anderson: We support between 5 and 8 million waterfowl and 1.4 million shorebirds every year that come here. We have over 250 different species. What's really fascinating is that 80% of all wildlife require the wetlands at some point in time in their lifetime.

Male Speaker: Well, mitigation is an option, that's one of the -- we don't know how the company proposes to mitigate these impacts, how do you mitigate for 91,000 acres of the Great Salt Lake and as far as we can tell, there really is no acceptable mitigation.

R. Jefre Hicks: Well, that territory where Great Salt Lake Minerals is operating now or they want to expand varies from open water in Bear River Bay to pristine beaches on the west side of the lake to what was formally playa, and this has built up into flat sandy and muddy bottoms for over the course of thousands of years, that's where nature intended it to be. All those – the ecosystem has evolved to survive in that. If they try to mitigate this by spreading out those dikes that's going to be just a bunch of rocks spread out by bulldozers, it's not the same, it won't ever be the same.

Jen Hajj: When I was with Great Salt Lake Audubon, we had a member of our board who was – his work is in that industry and in the minerals industry and one thing that he said that I thought was really very interesting was, if they don't do this, if they are not allowed to do this, we'll just go somewhere else, we'll go to Seviere Lake and take out leases on Seviere Lake, which is mostly a dry lake bed, but still has water in it sometimes and now we'll put this ecosystem in danger, this lake system instead of this lake system or

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we'll go to Mexico or Argentina where the labor is very cheap and there are no laws to protect their resources.

And so, the truth of the matter is, we have got this enormous mouth to feed and it saying, feed me, give me minerals, I want them, I'm going to take them from wherever I'm going to get them. And maybe what we have to do is think about how we use them and maybe we don't need to use so much, maybe we don't need to put so much fertilizer on our lawns. Maybe we don't need to do four loads of laundry a week you know; maybe there are ways that we can use fewer resources like the minerals in our lakes.

Rob Dubuc: This is something we need to protect for future generations and anything short of that is just not acceptable you know, I have grandchildren and I want my grandchildren to be able to go out and have that same experience and to be able to enjoy what I have had the privilege of enjoying and it's going to take all of us to fight for that, because the state will continue to approve expansion of these type of facilities on the lake until we all stand up and say, enough and that's what we are trying to do is say, enough.

R. Jefre Hicks: If enough people care and tell their elected officials and that means the Mayor of the town, that means your County Commissioner, that means your State Legislator, your State Senator, these people need to know that this area has value and that you as a citizen want some natural areas to remain and not be destroyed. That's the very best way to do that, contact everybody you know, make your voice known. If nobody says anything, they will take this and they will destroy it.

Nicole M. Anderson: There is no way to mitigate it, there is no way to recreate what is gone, what is lost that has been here for eons, long before humans and has supported life for decades and centuries. How do you justify as a human being, to take that away, this area, this lake here. My Great Salt Lake and your Great Salt Lake is such a dynamic ecosystem, it's on the international map or part of the pacific flyway with the birds during their migrational period and it's a globally important bird area.

These are areas that we should be protecting and saving for our future generations, so that they see what's here. If it's gone it's just lost, I mean, it's our job to protect this lake, she can't speak for herself and so, I feel like it's my job to speak up for her.

Jen Hajj: We have the ability to see what we are doing that causes things to happen and we can make decisions that change that course. Learn about the lake, go to the lake, see it, smell it, look at the birds that use it, fall in love with it and understand that it's more than just a big stinky bathtub out there.

It's really a unique resource that is depended upon by millions of creatures, tens of millions of creatures, I want to include us in that and birds and insects and they all depend on that lake being as it is and that's staggering you know. And if you believe that and are passionate about that, there are ways that you can make a difference in keeping it that way.

Comment 910 (continued)

Response Section in Chapter 32 ➥

32.31D

Shirley Erickson Gorospe: These local groups oppose the Great Salt Lake Minerals Corporation 91,000 acre expansion project. We are calling on everyone, including all members of these organizations to take a few minutes to submit a letter to the U.S. Army Corps of Engineers to let your voice be heard.

Written comments, referencing public notice SPK–2007–00121, must be submitted to Jason Gipson Project Manager, U.S. Army Corps of Engineers 533 West 2600 South, Suite 150, Bountiful, Utah 84010. Email:jason.a.gipson@usace.army.mil.

Please write two letters to Jason, one now and one after the draft environmental impact statement is released for public comment later this year. Please let Laura in the Department of Natural Resources know that their plan is not acceptable. In your letter be specific about the areas on the map that are now proposed for possible mineral leasing.

If this plan gets approved, the majority of the Great Salt Lake will be available for extraction. We do not need to compromise this critical habitat for the extraction of minerals. We need to be the voice for the Great Salt Lake.

Comment 911

Response Section in Chapter 32 ➥

Comment #: 911
Date: 9/6/2013
Source: Email
Name: Randy Brown
Location: West Point
Comments:

32.2.3A
32.2.13L
32.2.1J
32.2.1A
32.2.13A

Sirs: Wanted to get a vote in for the no-build option. I think alternative forms of transportation such as more public transit is going to be better in the long term than another freeway through West Davis Co. People will use public transit when it begins to save them time and money. This option would be less polluting and less invasive on Great Salt Lake eco-systems. However if the road must be built, the most current alignment is the best one. Thank You Randy Brown

Comment 912

Response Section in Chapter 32 ➥

Comment #: 912
Date: 9/6/2013
Source: Email
Name: Karen Kelsey
Location:
Comments:

32.2.13C
32.18A

West Farmington is so beautiful to bike and hike through, because of the views west across the lake. The whole town uses these areas. A raised-freeway corridor would ruin the character of west Farmington by blocking these views and closing us in--drive along the Centerville frontage road behind the noise barrier wall and you'll see what I mean--it's not the same at all. Farmington citizens were already required to give up homes and farm property when Legacy was built; it is not fair to require us to do this again, and in a way that changes the whole rural feeling of our community--and for a freeway that doesn't even benefit our town but is just a "pass through" for other towns.

Comment 913

Response Section in Chapter 32 ➥

Comment #: 913
Date: 9/6/2013
Source: Email
Name: Maurine Kelsey
Location:
Comments:

32.2.1H
32.2.13C

If you have to build the interchange here, build it flat like Legacy with ability to be landscaped and have trails added. Farmington has worked hard to keep open spaces in our western areas for hiking and biking and to keep the rural feel that people live in Farmington for. You're proposing a major road in people's backyards and people's neighborhoods; be a good neighbor and build it as unobtrusively as possible. Do not ruin our "open space" feeling. Build it flat.

Comment 914

Response Section in Chapter 32 ➥

Comment #: 914
Date: 9/6/2013
Source: Email
Name: Scott Isaacson
Location: Farmington
Comments:

I have submitted my comments through the website. Just in case there is some problem with the system, could I receive a confirmation that my comment has been received?

If there is any question, here is the text of my comment:

I have been a resident of Davis County for 25 years and of Farmington for 8. I served as Chairman of the Centerville Planning and Zoning Commission and Board of Adjustment. I have experience in land use and city planning.

32.2.13C

I am strongly opposed to the Glover Lane option.

UDOT's recommendation of the Glovers Lane option over the Shepard Lane violates numerous basic planning principles and is not in the best interests of the affected people.

32.5.1A

The Glovers Lane option requires building around 11 miles of new divided, elevated highway, creating a second major transportation corridor through Farmington. The Shepherd Lane option calls for only 4 or so miles of new freeway by using the existing I-15 transportation corridor and then running straight from I-15 west, through what has always been designated as a transportation corridor in the applicable master plan.

32.5.1A

I suppose if you are in the business of building freeways, like UDOT, it is more fun to build 17 miles of new freeway rather than 4. It is what has been called the "law of the instrument": "if all you have is a hammer, everything looks like a nail." UDOT, being the highway building instrument, sees building a bigger freeway to be the better solution.

32.5.1A

The draft report states that the Shepherd Lane Option would disrupt the quality of life of nearby homes. The fact is, however, that there has always been a transportation corridor in the master plan for the Shepherd Lane area. There is a vacant easement set aside for the highway in a portion of the area. The people who built the homes affected were all notified before they built that they were building next to or on a future transportation corridor. No one wants a freeway in their backyard, but those living along the Shepherd Lane route were put on notice before they ever moved there of the existence of a transportation corridor there.

32.3C
32.3E
32.3F
32.2.13C
32.2.13D
32.2.1J

In designing the Glover's Lane option, UDOT has basically wound the proposed highway through some of the last remaining undeveloped fields in West Farmington. UDOT sees empty space and wants to fill it with a highway. Those empty spaces, however, are very close to several existing neighborhoods, whose residents now face the air pollution, noise and devaluation of their properties inherent in living next to a freeway, when the master plan for their neighborhoods never anticipated a freeway, the way the Shepherd Lane area did.

The Glover's Lane option completely bypasses the major mass transportation hub established at Farmington Station. It seems ironic that UTA spends millions of our tax dollars on mass transportation and then UDOT designs a 500 million dollar freeway that basically makes it impossible to get from the freeway to the mass transportation hub. We certainly should be doing more to encourage use of Frontrunner and Trax, not less.

Dividing a small and geographically limited town like Farmington by a second major freeway will have a significant adverse impact. Look around and see what happens to land bounded on both sides by freeways.

Comment 914 (continued)

Response Section in Chapter 32 ➥

Basic planning principles support locating transportation within existing corridors as much as possible to minimize the negative impacts.

32.2.1A
32.2.13C

One of the significant factors that UDOT mentions in its proposal is that the Shepherd Lane option would disrupt one hole in a private country club. This is listed along with other factors such as air pollution, noise, wetlands impact, business and residential disruption. Those of us who live in West Farmington are not amused that their health and safety takes second place to a private country club.

32.14.2A

UDOT is recommending building a major freeway right on the borders of the Farmington Bay Waterfowl Management Area, where more than 200 different bird species nest or visit, including Bald Eagles. The elementary school in West Farmington is called "Eagle Bay" and one of the churches is named "Eagle Shore Chapel" in honor of the National Bird that can be seen on numerous perches in the area in the winter. The Glovers Lane option will destroy trees where Bald Eagles perch. If there are other viable options for locating transportation rather than through the habitat of our National Bird, I would think that should be a factor.

32.14.2B

32.2.13C

The Glover's Lane option does not provide for any access to the new highway within Farmington. Thus, the residents of Farmington are being asked to accept all the negative impacts of a freeway they will be unable to use or benefit from.

UDOT has overwhelmed the process with studies and reports, but at the end of the day the question comes down to human judgment of complex factors and in this regard the UDOT recommendation fails.

32.2.1G

I urge UDOT to seriously consider the alternatives to both the Shepherd Lane and Glovers Lane options called the "Shared Alternative" that various informed groups have presented to UDOT. That proposal is more consistent with sound planning principles and the best interests of all the citizens in the area.

Scott E. Isaacson

Comment 915

Response Section in Chapter 32 ➥

Comment #: 915
Date: 9/6/2013
Source: Email
Name: Nate Swain
Location: Salt Lake City
Comments:

Ladies and gentlemen

32.2.13A
32.2.13B

In light of a number of comments I have heard and read lately, I wanted to write in support of your decision to select the Glovers Lane route for the Legacy extension. It has been interesting to see the reaction of the environmental groups and how they are merely a broken record with 501 c status. To them, any impact to wildlife is unacceptable even if it is the alternative to the needs of thousands. It also seems to be lost on them that the Glover option significantly reduces the impact to hundreds of additional homes. I hope that you dont let their hot air impact the realities of your selection process. Thank you for supporting the Glover option. Please know that their are many who back your decision.

Nathan L. Swain
Partner

Comment 916

Response Section in Chapter 32 ➥

Comment #: 916

Date: 9/6/2013

Source: Email

Name: Bruce and Amber Campbell

Location: Kaysville

Comments:

32.2.13A
32.2.13B

I wanted to take a moment to let you know that I am opposed to the Shephard route option for the West Davis Corridor.
There are many reasons including but not limited to the number of homes effected, traffic, true emergency alternatives.
thanks for your consideration,
Bruce Campbell

Comment 917

Response Section in Chapter 32 ➥

Comment #: 917

Date: 9/6/2013

Source: Email

Name: David Burns

Location: Kaysville

Comments:

Hello,

32.2.13A
32.2.13B
32.2.6A

My name is David Burns and my address is . I strongly oppose the Shepherd Route Option. I do believe that a true alternate route should exist and I believe the Glovers option is the way to go. I support the current "preferred Option." I believe that is the correct choice based on all the reasons stated below:

32.14.2E

We need an Alternate route (remember when I-15 was closed for 10 hours due to the shooting, and numerous other times), (10 homes taken on Shepard to 0 on Glovers, 214 homes within 300 feet on Shepard to only 37 on Glovers), The bird population has improved since Legacy Highway was put in (they've stated that several times)

I also like the article below

http://www.deseretnews.com/article/765606649/West-Davis-Corridor-Protecting-our-neighbors-while-paving-the-way-to-the-future.html?pg=all

Thank you for your consideration,

David Burns

Comment 918

Response Section in Chapter 32 ➥

Comment #: 918

Date: 9/6/2013

Source: Email

Name: Jason Wheeler

Location: Salt Lake City

Comments:

WDC team members,

32.2.13B 32.2.6A 32.2.13B

I have been extensively involved with this project for several years now and have voiced my input all along the way as a member of the WDC Resident Working Group, as well as in connection with the various public hearings, public and individual meetings, and in countless other emails, phone calls, and other means of correspondence with WDC representatives. I have reviewed the conclusions that UDOT has reached in its Environmental Impact Statement in connection with the West Davis Corridor, and I believe that, at least with respect to the southern terminus in Farmington, the alignment that you have proposed in the EIS is indeed the best alternative amongst those considered. While I am fully aware and sensitive to the impacts which this project will have if any alignment is chosen, I believe that the impacts to individuals and families would be significantly greater, and more direct, if the Shepard alignment were to be chosen. Therefore, of the two alternatives, I agree with UDOT that the Glovers alignment is the better of the two options presented. There is very little that I can add in addition to the feedback that I have provided all along the way in this process.

32.2.1G 32.2B 32.31F 32.31D

I have a few significant concerns and reservations about the "shared solution" being proposed by various local groups and individuals. First and foremost, I am very concerned about the timing in which this solution was brought forth. If the solution has any merit at all, I believe it should have been presented long before this stage in the project. I have yet to be convinced that the solution will achieve Davis County's long-term needs, and I am concerned that it is being used as a last-effort stalling tactic. The reality is that Utah is a unique state, one in which significant growth is inevitable. Utah families are larger than the national average, and because of our unique culture and family heritage, many Utah residents place a high value on living close to family. Which means that demand to live in Davis County is going to be very significant moving forward, and the resulting growth in population needs to be addressed very proactively in my opinion (which is why I believe UDOT has been pursuing this project). With that said, I would love to see more commuter options available (especially if they can be offered at better prices than are currently being offered – it is just not cost effective for most people right now, based upon the current pricing model). However, based upon our unique geography in Davis County, particularly in Farmington, I believe a second transportation corridor is probably inevitable due to such a narrow stretch of land available between the mountains and the Great Salt Lake to fit vehicle traffic. If not needed now, I strongly feel that another corridor will likely be needed in the near future. I have given this issue significant thought, and I strongly believe that if a highway must eventually be built, NOW is the time to do it. To continually delay and debate the issue into eternity is not in the best interest of our community. The longer this project is stalled, the more development occurs (which as you know is happening at an extremely rapid pace in Farmington as we speak), and more families and lives will be impacted. If the road is not needed, and will never be needed, then for heaven sakes don't built it. But if another corridor is ever going to be needed (especially if in the near-term), DO IT NOW! Our geography doesn't give us enough flexibility to "wait and see" and hope everything turns out okay. Let's stop unnecessarily impacting families and lives by planning ahead and making the best decisions that we can, based upon the best information that can be made available to us. I am concerned that there are people and groups who would like to impede the progress of the project indefinitely at any cost, and will do whatever is necessary to put "cogs in the wheels" so to speak. While I respect their opinion on whether a road is necessary or not, I cannot support simply creating additional legal and logistical obstacles and barriers to impede the project simply to avoid an outcome that is not favorable to them.

32.2.13B

Once again for clarity, based upon the best information available to me at this time, I support the project and UDOT's currently proposed alignments.

Comment 918 (continued)

Response Section in Chapter 32 ➥

Thank you for your consideration,

Jason Wheeler

WEST DAVIS CORRIDOR

Comment 919

Response Section in Chapter 32

Comment #: 919
Date: 9/6/2013
Source: Email
Name: Brandon and Collin Wright
Location: Kaysville
Comments:

Hello all,

32.2.13B Just a quick note to express my continued support for the Glover's Lane option that was selected as the preferred alternative (to the Shepard Ln. option) in the most recent study and report. I am strongly opposed to the Shepard option mostly due to the financial and other unnecessary people cost that option would burden homeowners and taxpayers in comparison based on the information I've seen.

32.2.6A 32.2.13B Thank you for your continued support of the Glover's Lane option! I look forward to the improved traffic flows and access / growth that will occur once the construction is complete.

Brandon Wright
Quail Crossing Subdivision Resident (Kaysville)

Comment 920

Response Section in Chapter 32

Comment #: 920
Date: 9/6/2013
Source: Email
Name: Nate Nixon
Location: Farmington
Comments:

32.31D Go green, ride share, mass transit, UCAIR. The buzzwords go on and on and make for great PR sound bites for public officials, however, when it comes to action, the State government is far behind. There is much talk about simply making citizens aware of pollution problems, etc. and they will regulate themselves. The problem is that the government (UDOT, Gov Herbert, etc.) continue to act as "enablers" skewing public behavior towards poor habits that lead to less than desirable environmental outcomes. Enter West Davis Corridor.

32.1.2C There is a better solution. It is time for Gov Herbert to lead out and coordinate the efforts of UTA and UDOT towards efficient transportation that will lead to desirable outcomes through positive public habits. The State's decision to move forward with the WDC makes it evident that there is no master plan that will help us to avoid becoming the next L.A. A simple master plan that dictates that mass transportation will have to serve the needs of commuters outside of a certain radius from a major economic hub (e.g., SLC) would serve dramatically to influence public behavior and would also lend to form more localized economic hubs and strengthen the fabric of communities all over the state. Plans such as the "Wasatch Front Transit Oriented Development Guidelines" exist, but appear to lack much backing.

32.2.3A 32.2.1A 32.2.1J In the case of WDC, I strongly oppose enabling the freeway commute of Utahans that live 40+ miles from SLC. There are better ways. I will be the first to admit that those Utahans have every right to work in SLC, however, their commute should primarily be via public transportation. We have a great asset in FrontRunner, however, the general public sentiment is that it is still more cost effective to drive than to take FrontRunner. Add to that the additional time to commute on FrontRunner and you end up with an underutilized public transportation system. Putting WDC funds towards subsidizing mass transit and further developing "final leg" options (e.g., bike share, zip cars, etc.) would push us as a State toward the environmentally-friendly, sustainable path that we want to be on.

32.31D Lastly, I challenge you to read the book, "The Long Emergency." While the book undoubtedly has some controversial views, it forces us to reflect on the future and how we will be able to sustain our quality of living well into the future. Each of you in government are some of the few people whose decisions have a highly-leveraged impact on the quality of our future - and quality of life is much more encompassing than just our commute times. If you are in the position to be making such critical decisions such as building more freeways, you owe it to the public to take the 20 hours or so to read this book. At a minimum you will gain some new perspective as you reflect on the major themes of the book. Read it.

Respectfully,

Nate Nixon
Farmington, Utah

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