

July 31, 2023

Dear Central Wasatch Commissioners,

NEPA does not end with the Record of Decision (ROD). The ROD is the start of the complex administrative appeals or litigation. A Supplemental EIS is a common next step following a controversial EIS. The CWC Stakeholders Council passed the following motion on July 31, 2023:

...motion that the SHC send a letter to the CWC recommending that the CWC submit a protest letter to the FHWA Director Shailen Bhatt, U-DOT Director Carlos Braceras, Forest Service Chief Randy Moore, Secretary of Agriculture Tom Vilsack, Secretary of Transportation Pete Buttigieg, and the Wasatch Front Regional Council and we suggest that the CWC also issue a public statement:

1. protesting the release of the LCC-EIS Record of Decision without a citizen's administrative appeals process leaving litigation as the only communication left open, and
2. recommending a Supplemental-EIS due to the failures to follow NEPA requirements as represented by five points:
  1. failure to complete a Central Wasatch Programmatic EIS covering the Central Wasatch congestion before starting the project level LCC-EIS. NEPA requires that the geographically cumulative, connected, and similar foreseeable and past actions and environmental effects be studied together.
  2. failure to use an accurate purpose statement. U-DOT described qualities of the road to be their purpose. In reality, the purpose of the road expansion is to move more people more efficiently onto the public land. By describing qualities of the road as their purpose, U-DOT avoided studying the impacts of a million people and their vehicles in LCC.
  3. failure to study the affected environment because of selecting a too-small study area in the EIS allowed U-DOT to ignore all congestion leading to SR-210.
  4. failure to recognize and study the latent demand of current canyon users which is of much larger magnitude than population growth.
  5. failure to recognize that a gondola violates the intent of the roadless rule which is to stop segmenting the designated roadless areas into smaller and less functional units.

CWC Stakeholders Council

No: Nathan Rafferty, Dave Fields

Yes: Barbara Cameron, Danny Richardson, Mike Marker, Adam Lenkowski, Tom Diegel, Rusty Vetter, Kirk Nichols, Megan Nelson, Mike Christensen, Kelly Boardman, Hilary Lambert, Carl Fisher, Roger Borgenicht, Paul Diegel, Linda Johnson, Morgan Mingle, Ed Marshall

Abstention: Amber Broadaway, John Knoblock