

From: **Josh Van Jura** <jvanjura@utah.gov>
Date: Mon, Sep 11, 2023 at 4:29 PM
Subject: RE: Stakeholder Commission Concerns
To: Chris Robinson <cfrobinson@summitcounty.org>, <erin.mendenhall@slcgov.com>,
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Central Wasatch Commissioners,

UDOT appreciates the time the Central Wasatch Commission has committed throughout the EIS process to review the analysis and provide detailed comments to UDOT, as we know, you represent a diverse set of stakeholders throughout the central Wasatch region. Thank you for your input on the recently published Record of Decision (ROD). Although the comment period for the project has closed and a final decision has been rendered, we'd like to provide comment and direct your attention to information from the ROD and Final EIS with regard to the items raised in the communication from the Stakeholders Council.

Item 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

The Little Cottonwood Canyon EIS and ROD were prepared in accordance with the Council on Environmental Quality NEPA Regulations (40 CFR 1500-1508) and the Federal Highway Administration (FHWA) Environmental Impact and Related Procedures Regulations (23 CFR 771). Neither of these regulations require a procedure or mechanism for filing a protest to a Record of Decision. Other federal agencies may have this requirement as part of their regulations for implementing NEPA, however FHWA does not. FHWA's procedures rely on extensive public engagement activities conducted throughout the NEPA process. FHWA has assigned their responsibilities for compliance with NEPA to UDOT pursuant to 23 USC 327 and a Memorandum of Understanding dated May 26, 2022.

Item 2: Recommending a Supplemental EIS due to the failures to follow NEPA requirements as represented by five points

Based on the comprehensive environmental review that has already been completed, UDOT has determined there is not a need to prepare a supplemental EIS at this time. UDOT has already issued its ROD approving the project and there is no remaining approval decision to be made by UDOT at this time. Even if UDOT did have an approval decision, a supplemental EIS would not be warranted because these comments do not raise any significant new circumstances or information. While UDOT appreciates the comments, these comments have been previously raised, considered, and responded to by UDOT in the NEPA process.

Item 2.1: 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.

NEPA does not require an agency to prepare a programmatic EIS before preparing a project-level EIS. The Wasatch Front Regional Council is the agency responsible for integrated regional transportation planning. UDOT used the 2019–2050 Wasatch Front Regional Transportation Plan as a guide in developing and considering the project purpose and the alternatives evaluated during the EIS process. The Little Cottonwood Canyon Project has logical termini (endpoints) and independent utility, and would not restrict reasonable alternatives for other

transportation improvements. The Final EIS, including Chapter 21, Cumulative Impacts, analyzed the cumulative effects of other past, present, and reasonably foreseeable actions and any connected actions. *Please refer to Responses 32.1.1.F, 32.21.A, and 32.21.E in Chapter 32 of the Final EIS and Responses A32.1.1.A and A32.1.1.C in Appendix A of the ROD, which address similar comments.*

Item 2.2: 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.

UDOT has a mission and jurisdiction focused on transportation; therefore, UDOT projects are primarily focused on transportation. The objective of the purpose and need chapter in an EIS is to identify the “need” for a specific project. For UDOT projects, those needs are transportation needs. The purpose and need chapter for the Little Cottonwood Canyon EIS focuses on the transportation needs on S.R. 210. The Council on Environmental Quality recognizes that, as the agency with legal responsibility for surface transportation projects and with transportation expertise, UDOT should be given “substantial deference” when identifying the transportation purposes and needs that are at issue. The intent of the project is not to increase visitation in the canyon. The Final EIS addresses the increase in both winter and summer visitation caused by the primary alternatives. *Please refer to Response 32.1.2.L in Chapter 32 of the Final EIS and Responses A32.1.1.C, A32.1.1.G, A32.1.2.B, and A32.1.2.F in Appendix A of the ROD, which address similar comments.*

Item 2.3: 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.

The needs assessment study area used in the EIS did not restrict UDOT from considering alternatives outside this area. UDOT did consider alternatives, such as a train or a gondola from Park City and a regional bus service, outside the needs assessment study area for example. The needs assessment study area only helped define the problem, and alternatives or actions that could contribute to addressing this problem could start at points outside the needs assessment study area. For example, UDOT evaluated a regional transit system across the Salt Lake Valley, light rail from the University of Utah and Murray, and mobility hubs throughout Cottonwood Heights and Sandy. Alternatives were studied despite being outside the needs assessment study area. Also see Section 2.2, Alternatives Development and Screening Process, of the Final EIS. In addition, the analysis considered the current impacts due to congestion-related back-ups on S.R. 209 (9400 South/Little Cottonwood Canyon Road) and the benefits to this road from mobility improvements on S.R. 210. *Please refer to Responses 32.1.2.J in Chapter 32 of the Final EIS and A32.1.1.A, A32.1.1.C, and A32.1.5.C in Appendix A of the ROD, which address similar comments.*

Item 2.4: failure to recognize and study the latent demand of current canyon users which is of much larger magnitude than population growth.

The Final EIS addresses the increase in both winter and summer visitation caused by the primary alternatives including latent or induced demand. *Please refer to Responses 32.1.2.C and 32.20.B in Chapter 32 of the Final EIS and Responses A32.20.C and A32.20.U in Appendix A of the ROD, which address similar comments.*

Item 2.5: 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.

UDOT evaluated impacts to roadless areas as managed under the 2003 Revised Forest Plan: Wasatch-Cache National Forest. The Roadless Area Conservation Rule (RACR) Report assessed the direct and indirect impacts of each alternative and sub-alternative to the IRAs' roadless values and the potential to change the rank or scores assigned by the USDA Forest Service to those roadless values. UDOT disagrees that the gondola alternatives would violate the intent of the RACR because they would physically impact a minimal amount of land in the IRAs and would not substantially alter the roadless values of the IRAs. The majority of physical impacts to the IRAs are from the snow sheds (8.9 to 11.8 acres in the Twin Peaks IRA) which would be included with all alternatives. Gondola Alternative B would physically impact about 1.1 acres of the Twin Peaks IRA, about 1.6 acres of the Lone Peak IRA, and about 0.06 acres of The White Pine IRA. This totals approximately 0.32% of the Twin Peaks IRA, 0.77% of the Lone Peak IRA, and 0.04% of the White Pine IRA. Any conclusions related to changes to roadless values of the IRAs and any potential exceptions per the RACR remain subject to the USDA Forest Service's review and decision. *Please refer to Responses A32.3.F, A32.3.G, and A32.3.I in Appendix A of the ROD, which address similar comments.*

Thank you again for taking the time to carefully review the ROD and supporting documents. I look forward to continued coordination with CWC member agencies and stakeholders as UDOT moves forward on implementing Phase 1 of the selected alternative.

Best Regards,
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