SALT LAKE COUNTY
ECONOMIC DEVELOPMENT

Brownfields Assessment Grant
Advisory Board Meeting

Tuesday, July 9, 2024
11:00AM

2001 S. State Street, South Building, Room S2-114,
and virtually as described below

AGENDA

1. Welcome and Introductions – **Dina Blaes**, Salt Lake County – 5 mins
2. Approve minutes from 5/7/2024 meeting **(action) – Dina**
3. Community Feedback or Board comments **(discussion) – Dina**
4. EPA-SHPO Process **(discussion)** – **Kate Gregory,** U.S. EPA Region 8 – 10 mins
5. Potential KSU TAB visit **(discussion)** – **Kersten Swinyard,** Salt Lake County – 10 mins
6. Assessment work updates **(discussion)** – **Kelci Dansie,** Salt Lake County **–** 10 mins
    a. Brownfields Projects Map
    b. Phase Is approved by staff
    c. Status of existing projects
7. Budget overview/updates **(discussion) – Kersten** – 5 mins
8. New assessment properties **(discussion, action) – Kersten, Dina –** 5 mins
    a. Major St – SAP: $6,500; Phase II: $28,750
    b. SSL Public Works Phase II – $11,000 increase for hazardous building materials surveys; New total: $51,000
9. Any additional properties from board members/attendees **(discussion) – Dina**
10. Next meeting: August 6, 2024
11. Adjourn

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SALT LAKE COUNTY
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Advisory Board Meeting

BOARD MEETING MINUTES

TUESDAY, 05/07/2024
11:00 AM

Board Members in Attendance

Dina Blaes (Director, Salt Lake County Office of Regional Development), acting chair
Corbin Anderson (Bureau Manager, Salt Lake County Air Quality Bureau)
Emily Paskett (Environmental Programs Manager, Salt Lake County)
David Foster (Construction Manager, NeighborWorks Salt Lake)

Staff

Adam Miller (Deputy District Attorney, Salt Lake County)
Kersten Swinyard (Senior Economic Development Manager, Salt Lake County)
Kelci Dansie (Economic Development Coordinator, Salt Lake County)

Others in Attendance

Joe Katz (VCP/Brownfields, Utah Department of Environmental Quality)

Excused

David Brickey (City Manager, Magna Township)
Kate Gregory (Project Officer, U.S. Environmental Protection Agency)

Kersten Swinyard welcomed everyone and introduced Dina Blaes, Director of the Office of Regional Development, and acting chair.

Dina requested a motion to approve the minutes from the April 2nd meeting either as is or with any requested revisions. Corbin Anderson motioned to approve as is, and Dave Foster seconded the motion. Approved.

Dina offered up some time to address any community feedback or board comment. No comments from any attendees.

Kelci Dansie provided updates on the recently completed Phase I assessment for the South Salt Lake Park property that was completed mid-April. No RECs were found on that site, so no further assessment is needed.

DRAFT

Next, Kelci gave updates on the assessment work in progress. Sampling and Analysis Plans are still being finalized for the Magna Main St and Public Works properties but should be completed within the next few weeks. Kersten noted that the State has raised some eligibility questions regarding Magna Main St and its location, and Joe Katz agreed that further investigation/discussions with the EPA will be necessary for that property. Ben Bowers added that due to that site's status as a target area, it has been reviewed by the EPA and a No Further Action Letter was granted to the surrounding site, potentially clearing the eligibility issues. A meeting will be set up with DEQ, the EPA, Terracon and the County to determine the next steps.

Kersten then went over the current budget values and noted that personnel and fringe benefits will be updated more frequently as requested by the EPA. Currently no budget items need board approval, and no questions from attendees.

Dina moved to the next item, requesting information on any outreach or potential sites from board members or other attendees. Kelci mentioned that Salt Lake City RDA has requested a Phase I on a property on 1300 S and Major St. A Site Eligibility Determination will be filled out and submitted to the EPA shortly for approval to conduct a Phase I on that site. Dina informed of a site in Taylorsville that is in the early stages of investigation but may need a Phase I or other assessment done by the County. Ben inquired about the Wallace Property that has been discussed previously, and whether we are able to include that in our grant now. The EPA is still asking that the County hold off on privately-owned sites until more progress has been made on the grant workplan sites, so Wallace Property will need to be revisited further down the road.

Kersten informed the board of an educational meeting in Magna happening on June 25th, conducted by a group from KSU to discuss Brownfields, and potentially the area-wide planning efforts coming up in Magna. All board members are welcome to attend, and it is encouraged that the board invite members of their organizations and/or communities to attend as well. More information will be given at the next board meeting.

The next board meeting is set for Tuesday, June 4th at 11:00am. Meeting adjourned.

DRAFT

National Historic Preservation Act (NHPA) Section 106



WHAT IS THE NHPA?

The National Historic Preservation Act (NHPA) establishes a partnership between the federal government and state, tribal, and local governments that is supported by federal funding for historic preservation (54 U.S.C. § 300101 *et seq.*). Section 106 of the NHPA requires Federal agencies to take into account the effect of their undertakings on historic properties and aims to identify historic properties potentially affected by the undertaking, assess its effects, and seek ways to avoid, minimize, or mitigate any adverse effect to historic properties (36 CFR § 800.1(a)).

ROLE OF EPA

Projects receiving grant funding from the U.S. Environmental Protection Agency (EPA) through the Community Grant Program are subject to compliance with NHPA Section 106. EPA is responsible for reviewing Community Grant projects for Section 106 compliance and requesting project details and supporting information from the grant recipient when needed. If Section 106 compliance is outstanding, EPA is responsible for making effects determinations; consulting with the State Historic Preservation Office (SHPO), Native American tribes, and representatives of local governments; ensuring mitigation measures from the consultation are included in grant conditions; and—in the case of actions with adverse effects—consulting further to resolve the adverse effects. EPA may designate a non-federal representative to initiate consultation with the SHPO/Tribal Historic Preservation Office (THPO) by issuing a non-federal designation letter; however, the ultimate responsibility for compliance with Section 106 remains with EPA.

Key Definitions

Undertaking – A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval (36 CFR § 800.16(l)(1)).

Historic Property – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register criteria (36 CFR § 800.16(y)).

Effect – Alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (36 CFR § 800.16(i)).

SECTION 106 REVIEW REQUIREMENTS

Section 106 review is required for all levels of NEPA (CATEX, EA, and EIS). This review begins with determining if the proposed undertaking is a type of activity that has the potential to cause effects to historic properties. Any projects that involve earth disturbance and/or construction activities (i.e., nearly every Community Grant Project) have the "*potential to cause effects*" to historic properties and therefore require further review and Section 106 consultation. The review must consider the action's potential direct (e.g., alteration or removal of the resource) and indirect effects (e.g., introduction of modern intrusions to the viewshed of a resource, such as the addition of a modern facility in a historic district, or other impacts to the scenic values of the resource) to historic properties in the area of potential effects (APE). Effects can also occur further in time or distance from the initial undertaking and can include cumulative effects. This review typically involves an archival records search to assess the presence of historic properties in the APE. For archaeological and tribal resources, a Secretary of Interior qualified professional may be required to review non-public state-managed information sources. The review will result in one of three determinations: "*no historic properties affected*," "*no adverse effect to historic properties*," or "*adverse effect to historic properties*." EPA should then send this determination and supporting documentation to the SHPO for concurrence. If the undertaking occurs on or affects historic properties on any tribal lands, the THPO may, in some cases, assume the duties of the SHPO.

Determinations

No Potential to Cause Effects

The proposed project does not have the potential to cause effects to archaeological or architectural resources, regardless of the presence of historic properties in the APE. (Only applies to projects involving no construction or earth-disturbing activities.)

- No further Section 106 obligations.
- Proceed with NEPA review.

Documentation: Record the finding in the cross-cutter memo only.

No Historic Properties Affected
or
No Adverse Effect to Historic Properties

No historic properties are present – or – historic properties are (potentially) present but the project will incorporate avoidance measures to ensure any effects will not directly or indirectly alter any of the characteristics of a historic property that qualify it for the NRHP.

- Request review/concurrence from SHPO/THPO, wait 30 days for review or objection.
- If no objections are received, document findings and proceed with NEPA review.

Documentation: Letter to the SHPO/THPO requesting concurrence with the determination and the notification of concurrence, if received.

Adverse Effect to Historic Properties

Effects are anticipated to directly and/or indirectly alter characteristics of a historic property that qualify it for the NRHP.

- Consult further to resolve the adverse effect. Resolution takes the form of an MOA or PA.
- After a resolution is reached, proceed with NEPA review.

Documentation: All correspondence with the SHPO/THPO and other necessary consulting parties requesting further consultation to resolve the adverse effects, typically offering mitigation measures. Should include a record of the MOA/PA.

MITIGATION OF ADVERSE EFFECTS

The ACHP regulations define an adverse effect as any effect that may "diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" (36 CFR 800.5(a)(1)). Section 106 does not prohibit actions that result in adverse effects but it requires continued consultation to develop either a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) to outline measures to avoid, mitigate, or minimize adverse effects. EPA coordinates with other consulting parties, such as SHPOs and/or Tribal representatives as appropriate, to determine these measures. MOAs are typically developed for specific projects where adverse effects are clearly defined. PAs are more suitable for complex projects where effects are less clear or for a series of undertakings that will have similar and repetitive effects.

ROLE OF THE GRANT RECIPIENT

Grant recipients must demonstrate compliance (if already completed for a project with a different federal agency) or assist EPA with complying with Section 106 for a project. As soon as the decision has been made to apply for an EPA-funded grant, the recipient should contact EPA to request assistance in determining the level of involvement in the Section 106 process. Recipients are responsible for providing EPA with the information needed to properly characterize impacts. EPA may request project details or analysis to support development of a Section 106 consultation package if required. As described above, recipients may prepare information, analyses, and recommendations, as well as initiate consultation, on behalf of EPA. For more information on designation letters, the grant recipient may reach out to the regional point of contact.

ADDITIONAL TOOLS AND RESOURCES

The following tools and resources may assist you in understanding the consultation process and identifying historic properties near your project:

- The ACHP website provides resources and guides on NHPA implementation: http://www.achp.gov/
- The National Park Service's NRHP website provides information on the National Register: https://www.nps.gov/articles/nr_digitization.htm and https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm
- A Citizen's Guide to Section 106 Review provides additional guidance on the consultation process: https://www.achp.gov/sites/default/files/documents/2021-01/CitizenGuide2021_011321.pdf
- The Code of Federal Regulations provides a more in-depth explanation of the Section 106 process: https://www.ecfr.gov/current/title-36/chapter-VIII/part-800

Site Name	Address	Acreage/Parcel Amt	Estimated Total Spend	Type of Work	SED Submission Date	SED Approval	Phase I Completion	Phase II SAP
Magna Main St.	9011-9045 W Magna Main St.	0.63 Acres / 8 Parcels	$52,500.00	Phase II/SAP	3/12/2024	3/19/2024	n/a	in progress
Guadalupe Neighborhood	637 W Girard Ave.	0.31 Acres / 1 Parcel						
Poplar Grove	356-376 S. 900 W; 864 W 400 S; 321 S. 870 W; 365 S. 870 W	2.93 Acres / 11 Parcels						
Citizens West	509 W 300 N	1.42 Acres / 2 Parcels	$4,500.00	Phase I/Refresh	1/8/2024	1/17/2024	2/15/2024	n/a
Public Works	W Oakland Ave	4.79 Acres / 19 Parcels	$40,000.00	Phase II/SAP	3/18/2024	3/25/2024	n/a	in progress
SSL Park	20 W 2700 S	0.14 Acres / 1 Parcel	$4,000.00	Phase I	3/12/2024	3/19/2024	4/12/2024	
Major St SLC	1364 - 1388 S Major St	0.96 / 4 Parcels	$4,750.00	Phase I/II	5/14/2024	5/17/2024	6/10/2024	
Murray Park	1193 W. Winchester St (Murray); 1130 W Saddle Bluff Dr (WeJo)	5.28 / 2 Parcels	$4,000.00	Phase I	6/6/2024	6/6/2024		
Midvale Unique Auto	788-798 W Center St; 7697 S Holden St	0.77 / 3 Parcels		Phase I/II	6/18/2024	6/24/2024		

Grant Period	
Beginning Date	Ending Date
10/1/2023	9/30/2027
Cooperative Agreement Number	
BF 96897201	

Workplan Budget - Combined Remaining			
Categories	Total Award	Funds Spent	Remaining Funds
Personnel	$ 82,921.00	$ (8,612.10)	$ 74,308.90
Fringe Benefits	$ 30,682.00	$ (2,400.90)	$ 28,281.10
Travel	$ 11,880.00	$ -	$ 11,880.00
Supplies	$ 1,717.00	$ (154.75)	$ 1,562.25
Contractual	$ 872,800.00	$ (26,340.00)	$ 846,460.00
Subtotal	**$ 1,000,000.00**	**$ (37,507.75)**	**$ 962,492.25**

Spending by Member	
NWSL	$0
Magna	$6,500
Salt Lake County	$19,840
Additional Planned Spending (Payables) by Member	
NWSL	$3,500
Magna	$52,700
Salt Lake County	$74,985
Total by Member	
NWSL	$3,500
Magna	$59,200
Salt Lake County	$94,825

Contractor Budget	
Total Budget	$ 872,800.00
Budget Minus Invoices	$ 796,460.00
Total Remaining Funds Budgeted for Active Projects	($131,185)
Amount Available to Spend	$ 665,275.00

Tracker to Qualify for More Funding	
Total Sites	9
Must spend to qualify for new application	($700,000)
Spent to Date	($37,508)
Budgeted/Committed for Active Projects	($131,185)
Still need to spend to qualify for new application	**$662,492**

Active Sites				
Property	Budgeted Amount	Spent To Date	Budget Remaining	Jurisdiction
Magna Main St / 9033-9045 W. Magna Main St	$ 59,200	$ 6,500	$ 52,700	Magna
Guadalupe Neighborhood / 637 W. Girard Ave	$ 3,500	$ -	$ 3,500	NWSL
Poplar Grove Intersection / 360-376 S. 900 W., 864 W. 400 South	$ 5,000	$ -	$ 5,000	Salt Lake County
SSL Public Works / Oakland Ave	$ 46,700	$ 3,700	$ 43,000	Salt Lake County
Major Street / 1364 S. Major Street	$ 4,750	$ -	$ 4,750	Salt Lake County
Murray Park Parcels / 1193 W Winchester St, 1130 W Saddle Bluff Dr	$ 4,000	$ -	$ 4,000	Salt Lake County
Midavle Unique Auto / 788-798 W Center St, 7697 S Holden St	$ -	$ -	$ -	Salt Lake County
Outreach and Site Investigation (part of Contractual)	$ 5,000	$ 663	$ 4,338	Salt Lake County
Terracon program support	$ 16,375	$ 2,478	$ 13,898	Salt Lake County
Total	**$ 144,525**	**$ 13,340**	**$ 131,185**	**n/a**

Complete Sites				
Property	Budgeted Amount	Spent To Date	Budget Remaining	Jurisdiction
Giv Development / 509 W. 300 North	$ 4,500	$ 4,500	$ -	Salt Lake County
SSL Park / 20 W. 2700 South	$ 4,000	$ 4,000	$ -	Salt Lake County
Terracon QAPP	$ 4,500	$ 4,500	$ -	Salt Lake County
Total	**$ 13,000**	**$ 13,000**	**$ -**	