

ENVIRONMENTAL STUDY

Project Name: **3800 SOUTH SKYLINE HS ROUNDABOUT**

PIN: **n/a**

Project No.: **n/a**

Job/Proj: **n/a**

Prepared By: **Craig A Bown**

For guidance in preparing this environmental study, refer to the UDOT Environmental Process Manual of Instruction:

<http://www.udot.utah.gov/go/environmental>

REQUIRED SIGNATURES

I have reviewed the information presented in this Environmental Study and I hereby attest that the document is complete and the details of the document are correct.

Reviewer (Signature): _____ **Date:** _____

Reviewer (Printed): _____

Firm/UDOT Region: _____

FEDERAL AID PROJECTS

Based upon the information provided in this document and the analysis contained herein, the State has determined that, pursuant to the provisions of 23 CFR 771.117(a), this project has no significant impacts on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the State has determined that the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act per 23 CFR 771.117 c(26). The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated June 22, 2020 executed between the FHWA and the State.

Approved: _____ **Date:** _____

UDOT Region Environmental Manager

1. Purpose and Need for Action

Upland Drive in Millcreek, Utah, experiences westbound congestion near Skyline High School during peak travel periods due to the high school and nearby Wasatch Junior High School commuter/student drop-off traffic. During peak travel periods, multiple intersections along Upland Drive (Birch Drive, Virginia Way, and I-215 northbound on-ramp) become congested, which diminishes the operating conditions and increases the likelihood of traffic accidents due to reduced vehicle spacing. Congestion on Upland Drive in this area could potentially increase with the rebuild of Skyline High School (anticipated opening day August 2022) and increased student enrollment.

The purpose of this project is to improve traffic operations and safety conditions along Upland Drive and the intersections at Birch Drive, Virginia Way, and the I-215 northbound on-ramp. This project is one of many solutions to improve the local transportation network and does not restrict the consideration of other reasonably foreseeable transportation improvements.

2. Description

Millcreek is proposing operational and safety improvements along Upland Drive between 3276 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 625 feet. The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing (likely a rectangular rapid flashing beacon) west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

3. Public Hearing/Opportunity for Public Hearing

- YES** This project could result in public controversy or substantial impacts to adjacent properties, or substantially changes roadway geometry.
- NO** There are significant social, economic, environmental or other effects. If YES, a Categorical Exclusion is not applicable. Consult with UDOT Central Environmental Services.
- NO** UDOT/FHWA has determined that a public hearing is in the public interest.

If the answer to ANY of the above questions is YES, a public hearing or opportunity for a public hearing is required (attach documentation identifying date and location of hearing, summary of comments, and responses to substantial comments, or include certification of opportunity for hearing.)

The following types of public involvement have been provided:

- NO** Public Hearing in accordance with state and federal procedures
- YES** Opportunity for Public Hearing
- NO** Open House
- YES** Other: A project summary will be presented during a Millcreek City Council meeting to explain the proposed changes.
- YES** Documentation is attached identifying the date and location of hearing, summary of comments, and responses to substantial comments; or the Certification of Opportunity for a Hearing is attached.

Comments: An opportunity for a public hearing will be solicited because the project would change the function of connecting roads or streets.

4. Right-of-Way

- YES** Acquisition of Right-of-Way is required.
- NO** The right-of-way required is significant because of its size, location, use, or relationship to remaining property and abutting properties. (If the right-of-way required is significant, the project does not qualify as a Categorical Exclusion.)

Comments: The project is anticipated to partially acquire right-of-way at nine properties for an approximate total of 9,515 square feet. See attached Right-of-Way Acquisition Memo for full details.

5. Cultural

According to the UDOT Region NHPA/NEPA Specialist and/or the Architectural Historian, the Finding of Effect for the project is one of the following:

NO No historic properties affected

YES No adverse effect

NO Adverse effect

Project documentation for determination of eligibility and finding of effect consists of one of the following and is attached:

NO Memo from UDOT Region NEPA/NHPA Specialist and/or Architectural Historian stating a finding of No Historic Properties Affected.

YES SHPO concurrence with the Determinations of Eligibility and Finding of Effect AND memo from UDOT Region NEPA/NHPA Specialist and/or Architectural Historian stating a finding of No Adverse Effect or Adverse Effect.

YES Have letters for Native American Consultation been sent? Attach letters.

NO Have letters for federal and state agencies, CLGs, historical societies, etc. been sent? If so attach letters.

NO Do the impacts to historic properties require mitigation?

If YES, a signed Memorandum of Agreement (MOA) is attached.

Comments: See attached Determination of Eligibility and Finding of No Adverse Effect with Tribal Consultation Letters. Native American consultation was initiated through letters sent to the Eastern Shoshone Tribe of the Wind River Reservation, Shoshone-Bannock Tribes, Northwestern Band of Shoshone Nation, Uintah and Ouray Ute Tribes, and the Skull Valley Band of Goshute Indians (sent August 7, 2020). In addition, notification was also sent to those tribes with whom UDOT has Section 106 Programmatic Agreements: Cedar Band of Paiutes, Shivwits Band of Paiute Indian Tribe, and the Confederated Tribes of the Goshute Reservation (sent August 7, 2020). To date, none of the tribes have responded to these notifications.

6. Paleontological

- NO** This project is one of the 16 types of projects listed in Stipulation III of the Memorandum of Understanding (MOU) with the Utah Geological Survey (UGS) that has no effect on paleontological resources and does not require notification to the UGS. If YES, a memo from the UDOT Region NEPA/NHPA Specialist is attached (can be included in cultural memo).

For all other projects, the UGS has been notified and has responded with the following (attach UGS letter and memo from the UDOT Region NEPA/NHPA Specialist):

- YES** There are no known paleontological localities in the area of potential effects and the formations in the project area have a low potential for containing fossil remains (Class 1 or 2).
- NO** Fossil-bearing formations (Class 3-5) and/or known paleontological localities are present in the area of potential effects, but the UDOT Region NEPA/NHPA Specialist (or paleontologist) has determined that they will not be affected by the project.
- NO** Fossil-bearing formations (Class 3-5) and/or known paleontological localities are present in the area of potential effects and may be affected by construction activities. A survey and/or monitoring by a qualified paleontologist is required.

Comments: See attached Utah Geological Service correspondence letter.

7. Threatened, Endangered, or Candidate Species

For Federally or State Funded Projects:

- YES** Project will have **"no effect"** to T&E species, or their critical habitats, protected under the Endangered Species Act. If YES, attach **"no effect"** memo or review/comments (in the case of local government projects) from UDOT's Wildlife Biologist.
- NO** Project **"may affect, but is not likely to adversely affect"** T&E species, or their critical habitats, protected under the Endangered Species Act. If YES, attach BA and "concurrence" from the U.S. Fish and Wildlife Services (USFWS). List all mitigation/conservation measures.
- NO** Project **"may affect, and is likely to adversely affect"** threatened and endangered species, or their critical habitats, protected under the Endangered Species Act. If YES, attach BA and USFWS BO. List all mitigation/conservation measures.
- NO** The USFWS has issued a **"jeopardy"** opinion regarding this project. If YES, attach BA and BO as above. This project cannot go forward without being reconsidered.

Comments: See attached threatened and endangered species and wildlife clearance.

8. Wildlife

NO Project has the potential to affect state-sensitive species, important wildlife habitat, big game migration routes, habitat connectivity, migratory birds, or fish spawning habitat or fish passage.

Memo from UDOT Wildlife Biologist is attached.

Comments: See attached threatened and endangered species and wildlife clearance.

9. Invasive Species

If the project involves earthwork, grading or landscaping, there is potential to introduce or spread invasive weed species.

YES Based upon location, this project has the potential to introduce or spread invasive species included on the noxious weed list of the State of Utah and the county noxious weed lists.

10. Noise

Projects that may affect noise levels to adjacent receptors include changes in roadway alignment, roadway widening and the addition of traffic lanes.

NO This project has the potential to increase noise to adjacent receptors.

N/A A noise study is attached.

11. Wetlands, Water Resources, Storm Water, and Floodplains

Wetlands and Water Resources

- NO** The project is a type that does not have the potential to affect or cross Waters of the United States. If YES, no concurrence letter is needed.
- NO** Project affects waters of the United States (e.g. wetlands, mudflats, lakes, or perennial or ephemeral streams). If NO, have a UDOT Landscape Architect provide a concurrence letter stating they agree with the determination. In order to indicate "NO" on this question, answers to the following statements must also be "NO".
- NO** Project impacts perennial, intermittent, or ephemeral streams that have a riparian vegetation component. If YES, a Programmatic General Permit 40 (PGP40), also known as a Stream Alteration Permit, from the Utah Division of Water Rights will be required.
- NO** Project exceeds the impact limitations for streams or washes indentified in the PGP40. If YES, both a PGP40 and a separate Department of the Army permit will be required.
- NO** Project impacts an ephemeral wash not captured under PGP40 that has an ordinary high water mark (OHWM) with a connected flow to a downstream Traditional Navigable Water and the impact below the OHWM exceeds 1/10 of an acre per crossing. If YES, a Department of the Army permit will be required.
- NO** Project impacts a perennial or intermittent stream below the OHWM less than 1/10 of an acre per crossing. If YES, notification to the U.S. Army Corps of Engineers will be required.
- NO** Project impacts navigable waters of the United States (Lake Powell, Flaming Gorge Reservoir, Bear Lake, Green River - mouth to 20 miles above Green River Station, Colorado River - mouth of Castle Creek to Cataract Canyon - 4.5 miles below mouth of Green River) below the OHWN. If YES, a Section 10 Department of the Army permit will be required.
- NO** Project impacts jurisdictional wetlands. If YES, a Department of Army Nationwide Permit (NWP) will be required for wetland impacts under the 1/2 acre threshold; a Letter of Permission (LOP) will be required for wetland impacts between 1/2 and 1 acre; an Individual Permit (IP) will be required for impacts greater than 1 acre.
- NO** Project impacts non-jurisdictional wetlands. If YES, wetland mitigation may still be required under the federal policy of "no net loss." Consult UDOT Environmental Section.

Storm Water Runoff

- YES** Project disturbs 1 acre or more of ground surface.

If YES, a UPDES Storm Water Discharge Permit for Construction Activities is required from the Utah Division of Water Quality.

Floodplains

NO This project requires new construction or alteration of existing structures within the FEMA designated 100-year flood plain.

If YES, a Development Permit is required from the local permit official.

Comments: See attached wetland and water resource clearance.

12. Hazardous Waste

NO Has a visual inspection of the project area found substances that may be hazardous to human health and/or the environment?

YES This project involves excavation beyond or below the existing roadway footprint.

If YES to either question 1 or 2, then site investigations and coordination with DEQ may be necessary.

Comments: The study area was reviewed for hazardous materials using the Utah Division of Environmental Response and Remediation (DERR) Interactive Map and the EPA EnviroMapper database on August 31, 2020. No hazardous waste sites were identified. See attached hazardous material review maps. Any contamination encountered during project activities will be handled in accordance with UDOT Standard Specification 01355, Section 3.1.

13. Prime, Unique, Statewide, or Locally Important Farmland

Projects in areas whose land use maps indicate no current or future farming activities would not usually affect farmlands.

NO This project MAY affect Prime, Unique, Statewide, or Locally Important Farmlands.

N/A The Natural Resource Conservation Service letter and Form AD1006 are attached.

14. Air Quality

YES This project has the potential to increase particulate matter due to construction activities.

NO This project adds or alters roadway capacity or will result in increased traffic volumes at signalized intersections.

If YES, the Air Quality Supplement is attached.

15. Relocations

NO There may be relocations of residences or businesses as a result of this project.

Comments: See attached Right-of-Way Acquisition Memo for full details.

16. Land Use/Urban Policy

NO This project may affect land use or urban policy.

17. Section 4(f) Properties

- YES** Section 4(f) properties are impacted.
- NO** An Individual Section 4(f) Evaluation AND written concurrence from UDOT Environmental Services on the Individual Section 4(f) determination is attached.
- NO** A Programmatic Section 4(f) Evaluation AND written concurrence from UDOT Environmental Services on the Programmatic Section 4(f) determination is attached.
- YES** The 4(f) property(s) is an historic property and the impact is considered **de minimis**.
- YES** SHPO has concurred in writing on UDOT's "**no adverse effect**" determination to historic properties and has been notified of the intent to make a **de minimis** finding. Attach letter to SHPO and **de minimis** agreement letter.
- NO** The 4(f) property(s) is a park, recreational area, wildlife or waterfowl refuge and the impact is considered **de minimis**.
- N/A** The official(s) with jurisdiction have concurred, in writing, that the project will "**not adversely affect**" the activities, features, and attributes that qualify the resource for protection under Section 4(f) and have been notified of the intent to make the **de minimis** impact finding. Letters are attached.
- N/A** The project sponsor has provided public notice and opportunity for public review and comment. Describe public involvement efforts in the comments below.
- N/A** Written concurrence from UDOT Environmental Services is attached.
- Comments:** Proposed improvements would not affect recreational areas at Skyline High School. Therefore, Section 4(f) for recreational properties does not apply.

18. Other Environmental Factors Considered

This Project, except as noted and explained in attachments, will have no disproportionate, serious or lasting effect on the following:

- NO** Visual
- NO** Social/Economic
- NO** Title VI and/or Environmental Justice
- NO** Natural Resources
- NO** Construction
- NO** Energy
- NO** Geology/Soils
- NO** Wild/Scenic Rivers
- NO** Ecology

19. Conclusion

- NO** This project may have substantial controversy or significant impacts.

MITIGATION COMMITMENTS

CONSTRUCTION		Responsible
Air Quality	Requirements outlined in Standard Specification 01572 titled "Dust Control and Watering" will be followed.	Contractor
Cultural	UDOT Standard Spec 01355, Parts 3.7 and 3.8	Contractor
Hazardous Waste	Any contamination encountered during project activities will be handled in accordance with UDOT Standard Specification 01355, Section 3.1.	Contractor
Invasive Species	Comply with UDOT Special Provision Section 02924S NOXIOUS WEED CONTROL requirements by properly cleaning all earthmoving construction equipment before mobilizing onto the project site and avoiding unnecessary earth disturbances.	Contractor
Visual	Reclaim all disturbed areas per UDOT standard specifications.	Contractor
Water Quality 2	Comply with UCGP, by finalizing the SWPPP prior to beginning earth disturbing activities; implementing and maintaining the project SWPPP throughout project construction.	Contractor
Wildlife	If tree or tree limb removal is proposed to begin after April 15 or before July 31, a UDOT-approved biologist would need to assess any affected trees to ensure that no nesting birds would be impacted.	Contractor
PRELIMINARY ENGINEERING		Responsible
Invasive Species	Include UDOT Special Provision Section 02924S NOXIOUS WEED CONTROL in the contract documents to require that earthmoving construction equipment is to be properly cleaned before mobilizing onto the project.	Consultant Designer
Water Quality	Comply with UCGP, by preparing a SWPPP during design and advertisement; provide SWPPP to the project awarded contractor prior to Notice to Proceed.	Consultant Designer

Environmental Commitments Signature Page

Project Name: 3800 South Skyline High school Roundabout

Project Number: n/a

PIN: n/a

The purpose of this page is to ensure the environmental commitments that are made while following the environmental process are reasonable and feasible to those divisions they will affect. Frequently, as in maintenance preservation projects, UDOT Standard Specifications will provide the mitigation necessary for potential environmental impacts and only require review by the Environmental Manager. However, if special commitments exist that cannot be mitigated by current UDOT Specifications, then additional review is required from both the Project Manager and District Engineer (or Designee). This signature page is required to be included on all UDOT environmental documents regardless of type.

☐

The environmental commitments in this document can be mitigated by following current UDOT specifications.

Required Signatures:

UDOT Environmental Manager:

Signature

Printed Name

Date

☐

The environmental commitments in this document require mitigation beyond what is provided by following current UDOT specifications. Special commitments are believed to be designable, financially feasible, constructible, and maintainable.

Required Review and Signatures:

UDOT Project Manager:

Signature

Printed Name

Date

District Engineer or Designee:

Signature

Printed Name

Date

ATTACHMENTS

3800 SOUTH SKYLINE HS ROUNDABOUT

- Project Map
- Right-of-Way Memo
- Determination of Eligibility and Finding of No Adverse Effect with Tribal Consultation Letters
- Utah Geological Service Correspondence Letter
- Threatened and Endangered Species and Wildlife Clearance
- Wetland and Water Resource Clearance
- Hazardous Material Review Maps



3800 South Skyline HS
PIN: 18827

 Study Area

1" = 300'

0 150 300 600 Feet





MEMORANDUM

To: Project File
From: Justin Peterson, Avenue Consultants
Date: September 1, 2020
Subject: PIN 18827; 3800 South Skyline HS Right-of-way Acquisition

Millcreek is proposing operational and safety improvements along Upland Drive between 3276 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 625 feet. The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes.

This memo describes the right-of-way acquisition that would be required.

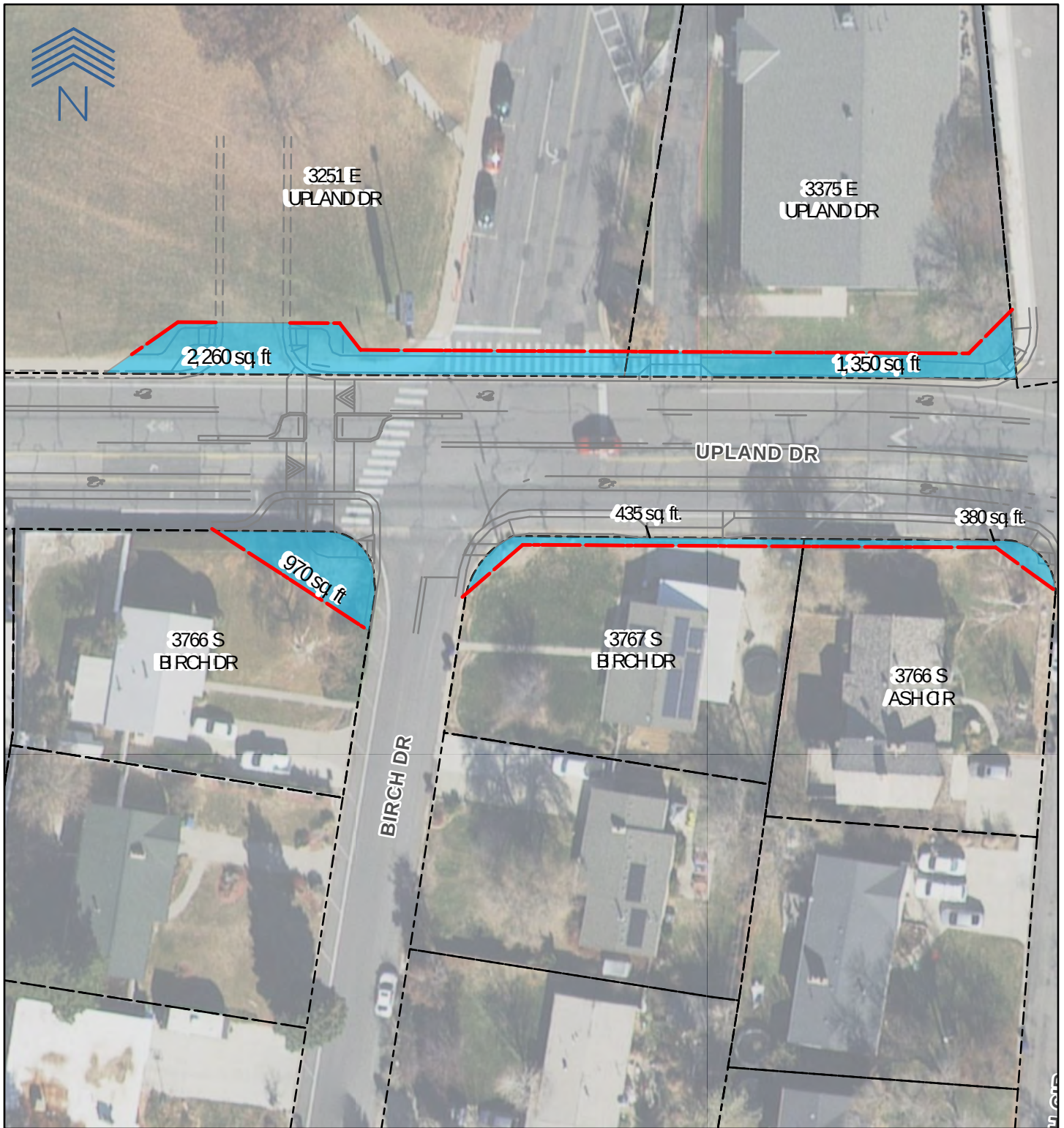
1 RIGHT-OF-WAY ACQUISITION

Table 1 identifies and Attachment 1 shows the properties that would be affected by the proposed roadway improvements. Temporary constructions would be required and will be determined during the final design phase.

Table 1: Right-of-way Acquisition

Parcel #	Address	Land Use	Partial Acquisition (sq. ft.)
16352760120000	3251 E UPLAND DR	School	2,260
16352760220000			3,305
16354010320000	3766 S BIRCH DR	Residential	970
16354260010000	3767 S BIRCH DR	Residential	435
16352760130000	3375 E UPLAND DR	School	1,350
16354260080000	3766 S ASH CIR	Residential	380
16354270010000	3771 S ASH CIR	Residential	520
16352760520000	3753 S GRANDEUR PARK LN	Residential	190
16352760530000	3745 S GRANDEUR PARK LN	Residential	105
Total			9,515 sq. ft. (0.2 Acres)





3800 South Skyline HS
PIN 18827

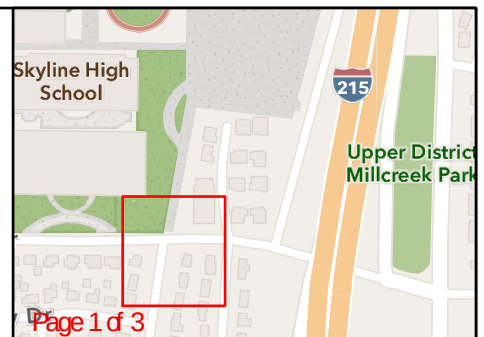
*Right-of-Way
Acquisition*

1 inch equals 50 feet

0 20 40 80
Feet

- Proposed Right-of-Way
- Partial Acquisition
- Property Boundary
- Proposed Design

Note: Areas not shown as right-of-way acquisition are assumed to be public right-of-way owned by Millcreek or UDOT based on Salt Lake County parcel data.





3800 South Skyline HS
PIN 18827

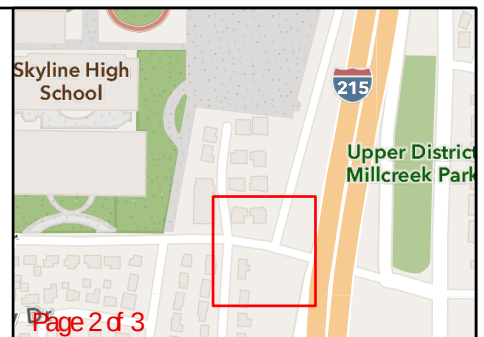
*Right-of-Way
Acquisition*

1 inch equals 50 feet

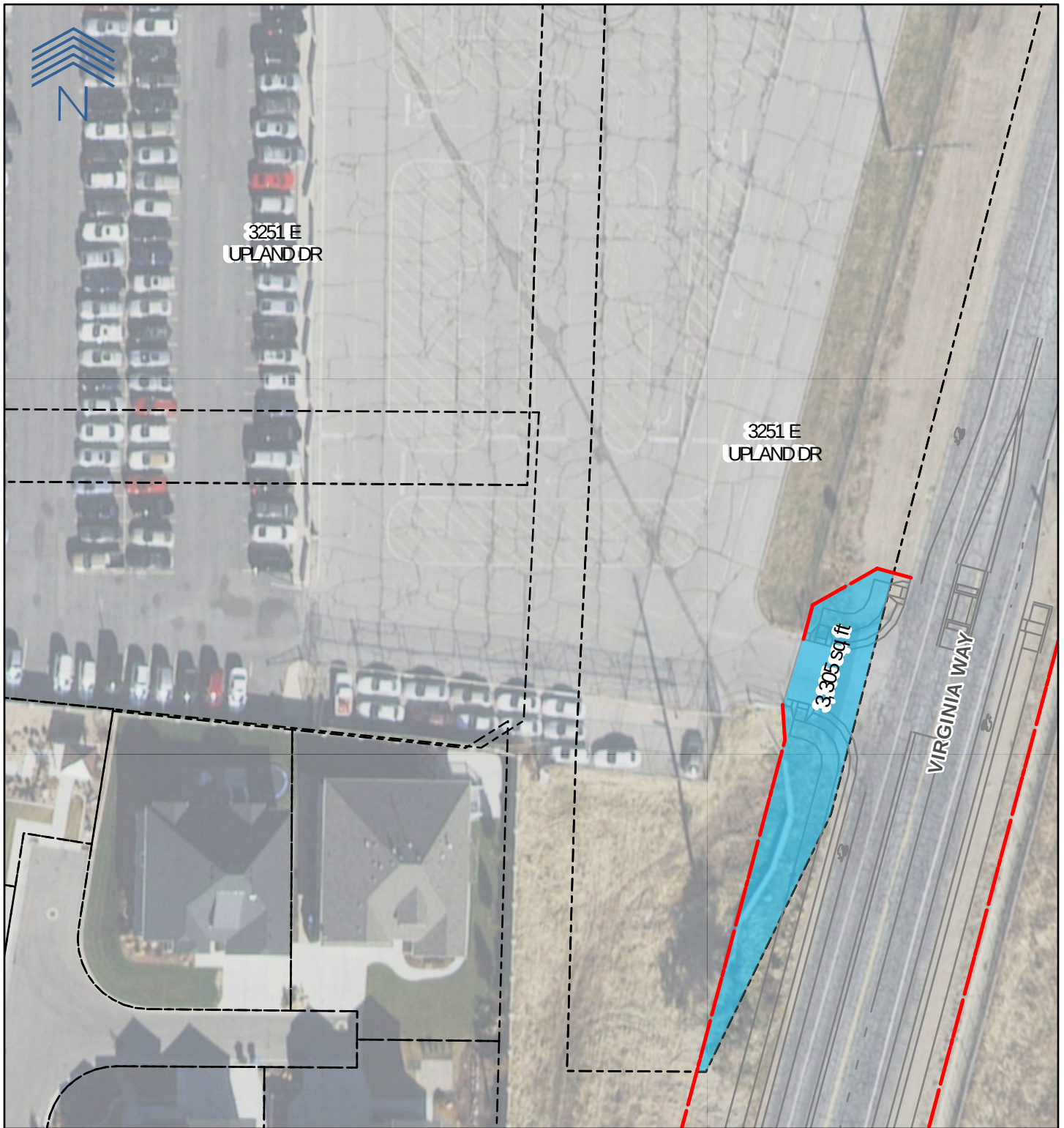
0 20 40 80
Feet

- Proposed Right-of-Way
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3800 South Skyline HS
PIN 18827

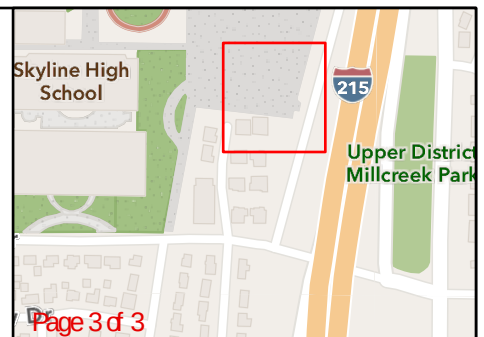
*Right-of-Way
Acquisition*

1 inch equals 50 feet

0 20 40 80
Feet

- Proposed Right-of-Way
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- Proposed Design

Note: Areas not shown as right-of-way acquisition are assumed to be public right-of-way owned by Millcreek or UDOT based on Salt Lake County parcel data.



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State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

August 26, 2020

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

RE: UDOT Project: 3800 South Skyline HS Roundabout, Millcreek, Salt Lake County, Utah (PIN 18827).
Determination of Eligibility and Finding of No Adverse Effect.

Dear Mr. Jensen:

The Utah Department of Transportation (UDOT) is preparing to undertake the subject federal-aid project. In accordance with Stipulation II, Part A and Appendix A of the *Memorandum of Understanding, State Assumption of Responsibility for Categorical Exclusions (23 USC §326)* (renewed June 22, 2020), the UDOT assumes responsibility, assigned by the Federal Highway Administration (FHWA), for ensuring compliance with Section 106 of the NHPA and with Section 4(f) of the DOT Act of 1966, as amended. Also in accordance with the *Third Amended Programmatic Agreement among the FHWA, the Utah State Historic Preservation Officer, the Advisory Council on Historic Preservation, the USACE Sacramento District, and the UDOT Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah* (executed August 23, 2017), Section 106 of the National Historic Preservation Act of 1966, as amended (54 U.S.C. § 300101 et seq.), and U.C.A.9-8-404, the UDOT has taken into account the effects of this undertaking on historic properties, and is affording the Utah State Historic Preservation Officer (SHPO) an opportunity to comment on the undertaking. Additionally, this submission is in compliance with Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. § 138 (as amended) and 49 U.S.C. § 303 (as amended).

PROJECT DESCRIPTION

Millcreek City, in cooperation with UDOT, is proposing operational and safety improvements along Upland Drive between 3290 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet. The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

The area of potential affects (APE) has been defined as Upland Drive between 3290 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet in Salt Lake County. The APE has been surveyed for archaeology by Certus Environmental Solutions, under State Antiquities Project Number U20HY0536, and the results are reported in *An Archaeological Resource Assessment for the 3800 South*

Skyline High School, Virginia Way to Birch Drive Roundabout, Millcreek, Salt Lake County, Utah, August 2020 (see enclosed report). An intensive level pedestrian survey was conducted using 15 meter transects to identify archaeological resources. A selective reconnaissance level survey was conducted to record architectural properties, and the results are reported in *A Selective Reconnaissance-Level Historic Structures Inventory for the 3800 South Skyline High School, Virginia Way to Birch Drive Roundabout, Millcreek, Salt Lake County, Utah, August 2020* (see enclosed report).

The surveys have resulted in the identification of 0 archaeological sites and 18 architectural properties. Of these, 9 architectural properties are eligible to the National Register of Historic Places (NRHP). No known traditional cultural properties or paleontological resources are located in the APE. The Determinations of Eligibility and Findings of Effects (for both Section 106 and Section 4(f)) are provided in Table 1 for architectural properties. Please see attached notification letter regarding Section 4(f) *de minimis* impacts.

ARCHITECTURAL PROPERTIES

Table 1. Determinations of Eligibility and Findings of Effect for Architectural Properties.

Address	Date	Style	NRHP Eligibility/ SHPO Rating	Finding of Effect	Section 4(f) Use	Section 4(f) Impact
3251 E. Upland Dr. (Skyline High School)	1962	Modern: Other	EC/Eligible	No Adverse Effect	Yes	<i>de minimis</i>
3280 E. Upland Dr.	1954	Early Ranch	EC/Eligible	No Historical Properties Affected	No	None
3290 E. Upland Dr.	1954	Ranch/Rambler	EC/Eligible	No Historical Properties Affected	No	None
3306 E. Upland Dr.	1955	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3316 E. Upland Dr.	1953	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3375 E. Upland Dr.	1962	Neo Classical Revival	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3505 E. Upland Dr.	1917	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3766 S. Ash Cir.	1955	Contemporary and Rustic	EC/Eligible	No Adverse Effect	Yes	<i>de minimis</i>
3771 S. Ash Cir.	1955	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3766 S. Birch Dr.	1953	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3767 S. Birch Dr.	1953	Ranch/Rambler & Minimal Traditional	EC/Eligible	No Adverse Effect	Yes	<i>de minimis</i>
3775 S. Birch Dr.	1953	Ranch/Rambler	EC/Eligible	No Historical Properties Affected	No	None
3778 S. Birch Dr.	1953	Ranch/Rambler	EC/Eligible	No Historical Properties Affected	No	None
3785 S. Birch Dr.	1954	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3786 S. Birch Dr.	1954	Ranch/Rambler & Modern: Other	EC/Eligible	No Historical Properties Affected	No	None
3795 S. Birch Dr.	1954	Ranch/Rambler & Late 20 th Century: Other	NC/Ineligible	No Historical Properties Affected	N/A	N/A
3806 S. Birch Dr.	1954	Ranch/Rambler	NC/Ineligible	No Historical Properties Affected	N/A	N/A

3811 S. Birch Dr.	1953	Ranch/Rambler	EC/Eligible	No Historical Properties Affected	No	None
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Description of Effects: This proposed project requires right of way acquisitions of approximately 3075 square feet in area from 3 properties eligible to the NRHP. The acquisitions and associated construction affect a relatively small portion of each property and will not substantially impact or alter any contributing elements of the properties or any of the character-defining features for which each were determined eligible for the NRHP. Thus, the proposed project will result in a finding of No Adverse Effect and a Section 4(f) use (*de minimis* impact) for each property.

CONSULTATION EFFORTS

Native American consultation was initiated through letters sent to the Eastern Shoshone Tribe of the Wind River Reservation, Shoshone-Bannock Tribes, Northwestern Band of Shoshone Nation, Uintah and Ouray Ute Tribes, and the Skull Valley Band of Goshute Indians (sent August 7, 2020). In addition, notification was also sent to those tribes with whom UDOT has Section 106 Programmatic Agreements: Cedar Band of Paiutes, Shivwits Band of Paiute Indian Tribe, and the Confederated Tribes of the Goshute Reservation (sent August 7, 2020). To date, none of the tribes have responded to these notifications.

SUMMARY

To summarize, the project will result in a finding of **No Adverse Effect** and Section 4(f) *de minimis* impact for 3 architectural properties, and a finding of **No Historic Properties Affected** for all remaining architectural properties. Therefore, the Finding of Effect for the proposed UDOT Project 3800 South Skyline HS Roundabout, Millcreek, Utah, Salt Lake County, is **No Adverse Effect**.

Please review this document and, providing you agree with the findings contained herein, provide written concurrence. Should you have any questions or need additional information, please feel free to contact Liz Robinson at 801-910-2035 or lizrobinson@utah.gov; or Elizabeth Giraud at 801-965-4917 or egiraud@utah.gov.

Sincerely,



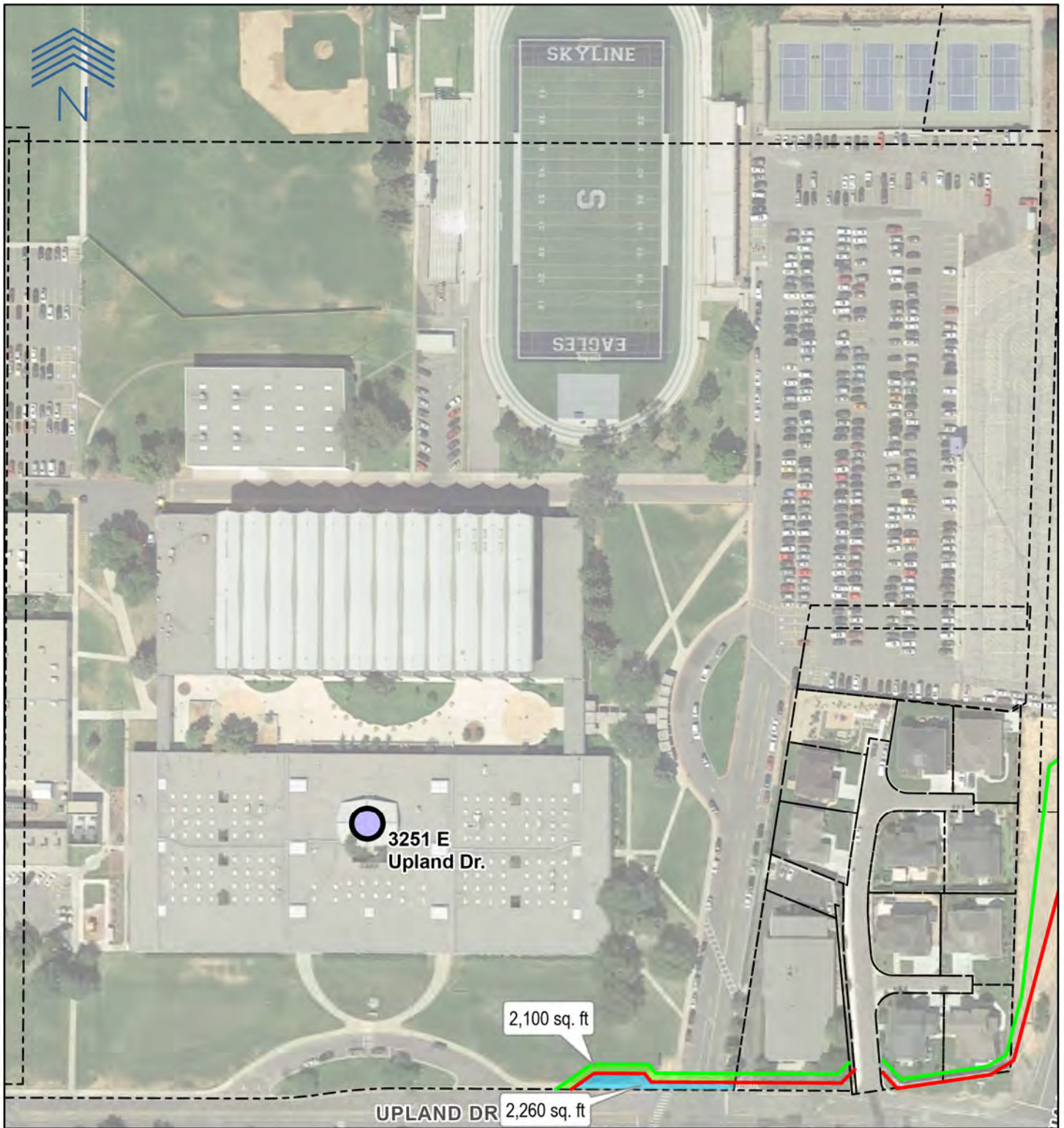
Liz Robinson, M.A., RPA
Cultural Resources Program Manager
UDOT Environmental Services



Elizabeth Giraud, AICP
Architectural Historian
UDOT Environmental Services

Enclosures

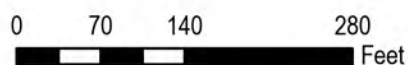
cc: Tyler Allen, Environmental Manager



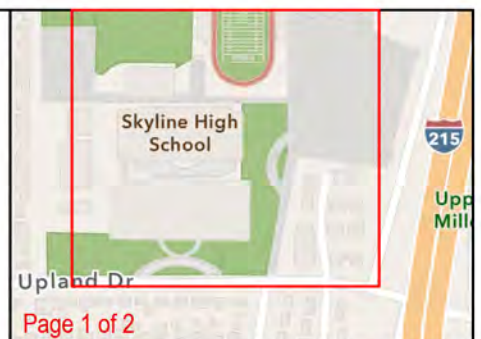
3800 South Skyline HS PIN: 18827

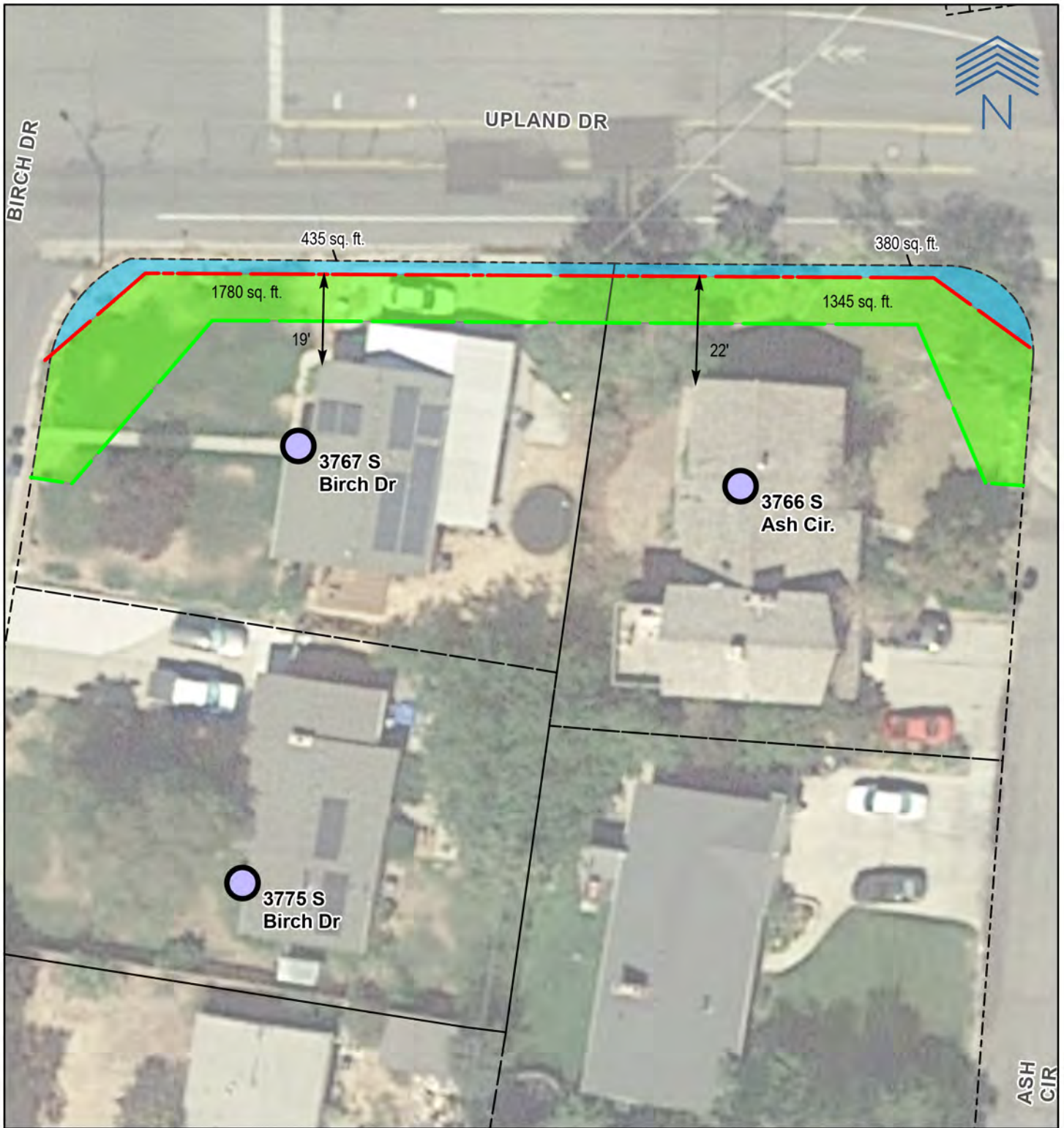
*Determination of Eligibility
Finding of Effect*

1 inch equals 160 feet



-  NRHP-Eligible Historical Property
-  Temporary Construction Easement
-  Proposed Right-of-Way
-  Property Boundary
-  Partial Acquisition
-  Temporary Construction Easement

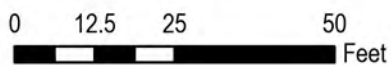




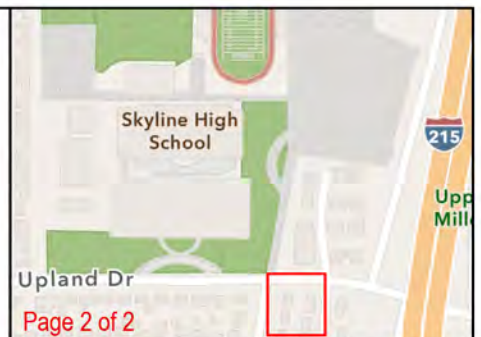
3800 South Skyline HS
PIN: 18827

*Determination of Eligibility
Finding of Effect*

1 inch equals 30 feet



- NRHP-Eligible Historical Property
- Temporary Construction Easement
- Proposed Right-of-Way
- Property Boundary
- Partial Acquisition
- Temporary Construction Easement





GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Jill Remington Love
Executive Director
Department of
Heritage & Arts



Christopher Merritt
State Historic Preservation Officer

Kevin Fayles
Interim Director

September 3, 2020

Liz Robinson
Cultural Resources Program Manager
Utah Dept of Transportation (UDOT)
4501 Constitution Blvd
Salt Lake City, UT 84119

RE: PIN 18827_ 3800 South Skyline HS Roundabout

For future correspondence, please reference Case No. 20-3001

Dear Ms Robinson,

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced project on August 27, 2020. Based on the information provided to our office, we concur with your determination of eligibility and finding of No Adverse Effect for the proposed undertaking.

This information is provided to assist with Section 106 responsibilities as per §36CFR800. If you have questions, please contact me at (801) 245-7242 or by email at coryjensen@utah.gov.

Sincerely,

Cory Jensen
National Register & Survey Coordinator



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

CARLOS M. BRACERAS, P.E.
Executive Director

JASON E. DAVIS, P.E.
Deputy Director of Engineering and Operations

TERIANNE S. NEWELL, P.E.
Deputy Director of Planning and Investment

Tribal Notification Form, Section 106 Consultation

Federally funded projects classified as delegated categorical exclusions are processed in accordance with Stipulation II, Part A and Appendix B of the Memorandum of Understanding, State Assumption of Responsibility for Categorical Exclusions (23 USC §326), by which the UDOT assumes responsibility, assigned by the FHWA, for ensuring compliance with Section 106 of the NHPA and with Section 4(f). This form is submitted on behalf of the FHWA. Direct government-to-government consultation can be conducted upon request.

This project is being conducted pursuant to the Second Amended Programmatic Agreement among the FHWA, the Utah SHPO, the ACHP, the USACE Sacramento District, and the UDOT Regarding Section 106 Implementation for Federal-Aid Transportation Projects in the State of Utah, and the Programmatic Agreement between the UDOT and the Utah SHPO Regarding Implementation of U.C.A. 9-8-404 for State Funded Transportation Projects in Utah.

UDOT Project: 18827; 3800 South Skyline HS Roundabout, Millcreek, Utah, Salt Lake County

Contact Name: Jonathan Dugmore

Date: August 7, 2020

Address: 2010 South 2760 West, Salt Lake City, Utah 84104

Telephone: 385-414-2066

Email: jdugmore@utah.gov

Project Description: Millcreek City is proposing operational and safety improvements along Upland Drive between 3290 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet. The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

Archaeological Potential (Prehistoric or Historic Sites):

☐ Known prehistoric sites in the project area

☐ Known historic sites in the project area

☐ Likely to find prehistoric sites in the project area

☐ Likely to find historic sites in the project area

☒ Unlikely to find prehistoric sites in the project area

☒ Unlikely to find historic sites in the project area

☐ No expected ground disturbance

☐ Other:

Additional Information/Comments: The project area was surveyed by Certus Environmental Solutions. No cultural properties have been identified at this time.

Tribal Information

«AddressBlock»

Copies to: «cc_1»

«cc_2»

«cc_3»

«cc_4»

Comments:

1. Do you wish to be a Section106 consulting party on this project? ☐Yes ☐No ☐Not Sure
2. If you do not wish to be a Section 106 consulting party, do you wish to continue to be involved in the development of this project? ☐Yes ☐No ☐Not Sure
- Note:** If your answer is “Not Sure,” UDOT will continue to provide information.
3. Are you aware of any traditional religious or culturally important places in or near the project area? ☐Yes ☐No ☐Not Sure
4. If yes, can you share details about the place (e.g., location and other characteristics) and any concerns you may have? ☐Yes ☐No
5. Is this information sensitive? ☐Yes ☐No

Additional Comments:

Name of person completing this form, if different from above:

Signature:

Date:

Identical copies of the Project Notification Form sent to the following recipients:

Original to:	CC to:	Email to:
Mr. Vernon Hill, Chairman Eastern Shoshone Tribe of the Wind River Reservation P.O. Box 538/15 North Fork Rd Fort Washakie, WY 82514	Ms. Glenda Trosper, Director, Cultural Center Eastern Shoshone Tribe of the Wind River Reservation P.O. Box 538/15 North Fork Rd Fort Washakie, WY 82514	vhill@easternshoshone.org glendatrosper@washakie.net wferris@easternshoshone.org
	Mr. Joshua Mann, THPO Eastern Shoshone Tribe of the Wind River Reservation P.O. Box 538/15 North Fork Rd Fort Washakie, WY 82514	
Mr. Blaine Edmo, Chair Shoshone-Bannock Tribes of Fort Hall P.O. Box 306 Pima Drive Fort Hall, ID 83203	Ms. Carolyn Smith, Cultural Resource Director Shoshone-Bannock Tribes of Fort Hall P.O. Box 306 Pima Drive Fort Hall, ID 83203	bedmo@sbtribes.com csmith@shoshonebannocktribes.com
Mr. Darren Parry, Chairman Northwestern Band of Shoshone Nation 707 North Main Street Brigham City, UT 84302	Ms. Patty Timbimboo-Madsen, Cultural Specialist Northwestern Band of Shoshone Nation 707 North Main Street Brigham City, UT 84302	dparry@arrowpoint.us ptimbimboo@nwbsoshone.com
Mr. Luke Dunkin, Chairperson Ute Indian Tribe of the Uintah and Ouray Ute Indian Reservation P.O. Box 190 Fort Duchesne, UT 84026	Ms. Betsy Chapoose, Director, Cultural Rights and Protection Ute Indian Tribe of the Uintah and Ouray Ute Indian Reservation P.O. Box 190 Fort Duchesne, UT 84026	luked@utetribes.com betsyc@utetribes.com
Ms. Candace Bear, Chairwoman Skull Valley Band of Goshute Indians 407 Skull Valley Rd Skull Valley, UT 84029	None	candaceb@svgoshutes.com
Mr. Travis Parashonts, Band Chairman Cedar Band of Paiutes 600 North 100 East P.O. Box 235 Cedar City, UT 84721	Mr. Robert Pete, Cultural Resources Representative Cedar Band of Paiutes 601 North 100 East P.O. Box 235 Cedar City, UT 84721	parashonts@hotmail.com robertpete58@yahoo.com
Mr. Patrick Charles, Band Chairman Shivwits Band of Paiute Indian Tribe of Utah 6060 West 3650 North Ivins, UT 84738	Ms. Sabrina Redfoot, Cultural Resources Director Shivwits Band of Paiute Indian Tribe of Utah 6060 West 3650 North Ivins, UT 84738	pcharles@fourpointshealth.org mohave_paiute@yahoo.com
Mr. Rupert Steele, Chairman Confederated Tribes of the Goshute Reservation P.O. BOX 6104 195 Tribal Center Rd. Ibapah, UT 84034	Ms. Mary Pete-Freeman, Cultural Resources Coordinator Confederated Tribes of the Goshute Reservation P.O. BOX 6104 195 Tribal Center Rd. Ibapah, UT 84034	rupertsteele@yahoo.com mary.freeman@ctgr.us



State of Utah

DEPARTMENT OF NATURAL RESOURCES

BRIAN STEED
Executive Director

Utah Geological Survey
R. WILLIAM KEACH, II
State Geologist/Division Director

July 20, 2020

Sheri Murray Ellis
CERTUS Environmental Solutions, LLC
655 7th Avenue
Salt Lake City UT 84103

RE: Paleontological file search and recommendations for UDOT Project NEWPROJ (18827), PIN 18827, 3800 South; Skyline High School Virginia Way to Birch Drive, Salt Lake County, Utah
U.C.A. 79-3-508 (Paleontological) Compliance; Request for Confirmation of Literature Search according to the UDOT/UGS Memorandum of Understanding.

Dear Sheri:

I have conducted a paleontological file search for the Skyline High School Roundabout Project in response to your letter of July 17, 2020. This project qualifies for treatment under the UDOT/UGS executed Memorandum of Understanding.

There are no paleontological localities recorded in our files in this project area. Quaternary and Recent alluvial and lacustrine deposits that are exposed here have a low potential for yielding significant fossil localities (PFYC 2). Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden
Paleontological Assistant





Memorandum

Environmental Services

DATE: August 26, 2020
TO: Craig Bown, Avenue Consultants
FROM: Matt Howard, Natural Resources Manager
SUBJECT: 3800 South Skyline HS PIN 18827

Craig,

I have reviewed the biological memo report for the proposed operational and safety improvements concerning potential impacts to threatened and endangered species and concur with its findings. The proposed improvements would not negatively impact federally listed species due to the extensive development in the area and a lack of suitable habitat. If tree or tree limb removal is proposed to begin after April 15 or before July 31, a UDOT-approved biologist would need to assess any affected trees to ensure that no nesting birds would be impacted. If this measure is followed, the project would not result in direct or incidental take under the BGEPA and MBTA. I have evaluated the project for impacts to greater sage-grouse. The project does not take place within a SGMA, nor does it take place within mapped habitat for sage-grouse and would therefore have no impact on sage-grouse or its habitat.

Sincerely,

Matt Howard
Natural Resource Manager



MEMORANDUM

To: Matt Howard, UDOT Natural Resource Manager

From: Craig Bown, Avenue Consultants

Date: August 21, 2020

Subject: T&E and Wildlife Review: 3800 South Skyline HS

Project No.: n/a

PIN: 18827

////////////////////////////////////

The purpose of this memorandum is to 1) identify if federally listed species and/or designated critical habitat would be affected in the study area, 2) evaluate the effects, if any, on migratory birds and Utah sensitive species, and 3) request UDOT's review of the findings herein.

1 PROJECT BACKGROUND

Millcreek is proposing operational and safety improvements along Upland Drive between 3276 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet (see Figure 1). The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

2 EVALUATION SOURCES

A desktop evaluation of the study area has been completed for federally listed species and designated critical habitat protected under the Endangered Species Act (ESA), migratory birds, and Utah sensitive species. Online databases that were reviewed include the U.S. Fish and Wildlife Information for Planning and Consultation (IPaC) system, NatureServe, and the Utah Division of Wildlife Resources Utah Conservation Data Center. The study area setting narrative was based on aerial photography and streetview images.

3 EVALUATION

3.1 Study Area Setting

The study area is in an urban setting made up of single-family homes, school buildings, and road facilities (freeways and minor arterials). The surrounding vegetation consists of residential plants, including trees, shrubs, and turf sod.

Figure 1: Study Area



3.2 Threatened and Endangered Species

According to the attached IPaC report, two federally listed species have the potential to occur in the study area; no critical habitats were identified (see Attachment A). An evaluation of these species' habitat requirements and their potential to occur in the study area is provided in Table 1. Overall, no suitable habitat for federally listed species was identified in the study area.

Table 1. IPaC Species for Consideration in the Study Area

Species Name	Status	Habitat Requirements	Is Suitable Habitat Found in the Study Area?
Fishes			
June Sucker (<i>Chasmistes liorus</i>)	Endangered	Endemic to Utah Lake and the Provo River.	Utah Lake and Provo River are not found in the project area. No suitable habitat is found in the study area.
Flowering Plants			
Ute Ladies'-tresses (<i>Spiranthes diluvialis</i>)	Threatened	Found in wet meadows, along streams, in abandoned stream meanders, and near springs, seeps, and lakeshores in sandy or loamy soils with mixed gravel.	Wetland areas are not present in the study area. No suitable habitat is found in the study area.

3.3 Migratory Birds

The study area contains suitable nesting sites (trees and shrubs) that could support migratory birds. Additionally, the scope of this project may require tree and shrub removal to facilitate the installation of the roadway improvements. However, the direct take of migratory birds would be avoided with the implementation of the following conservation measure:

- Tree removal should occur before April 15 or after July 31. If tree or vegetation removal cannot occur before or after this time period, a nest survey is required to identify active migratory bird nests in vegetation scheduled for removal. If active nests are found, suspend construction activities within 75 feet of the nest until nestlings have fledged.

3.4 Utah Sensitive Species

The Utah Division of Wildlife Resources 2017 Utah State Listed Species by County was reviewed for non-federal Utah sensitive species that have the potential to occur in Salt Lake County. Life history data for these species were reviewed and compared against the study area setting. Due to the lack of suitable habitat and the highly developed nature of the study area, it is unlikely the project would have negative impacts on state sensitive species listed for Salt Lake County.

ATTACHMENT A: IPAC REPORT

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Salt Lake County, Utah



Local office

Utah Ecological Services Field Office

☎ (801) 975-3330

📠 (801) 975-3331

2369 West Orton Circle, Suite 50
West Valley City, UT 84119-7603

<http://www.fws.gov>

<http://www.fws.gov/utahfieldoffice/>

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Fishes

NAME

STATUS

June Sucker *Chasmistes liorus*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/4133>

Flowering Plants

NAME

STATUS

Ute Ladies'-tresses *Spiranthes diluvialis*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/2159>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on

this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31
Brewer's Sparrow <i>Spizella breweri</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9291	Breeds May 15 to Aug 10
Golden Eagle <i>Aquila chrysaetos</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408	Breeds Apr 20 to Sep 30

Long-eared Owl *asio otus*

Breeds Mar 1 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3631>

Olive-sided Flycatcher *Contopus cooperi*

Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3914>

Pinyon Jay *Gymnorhinus cyanocephalus*

Breeds Feb 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9420>

Rufous Hummingbird *selasphorus rufus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8002>

Virginia's Warbler *Vermivora virginiae*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9441>

Willow Flycatcher *Empidonax traillii*

Breeds May 20 to Aug 31

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/3482>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

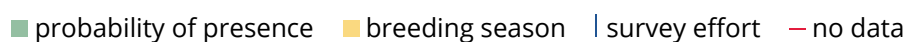
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

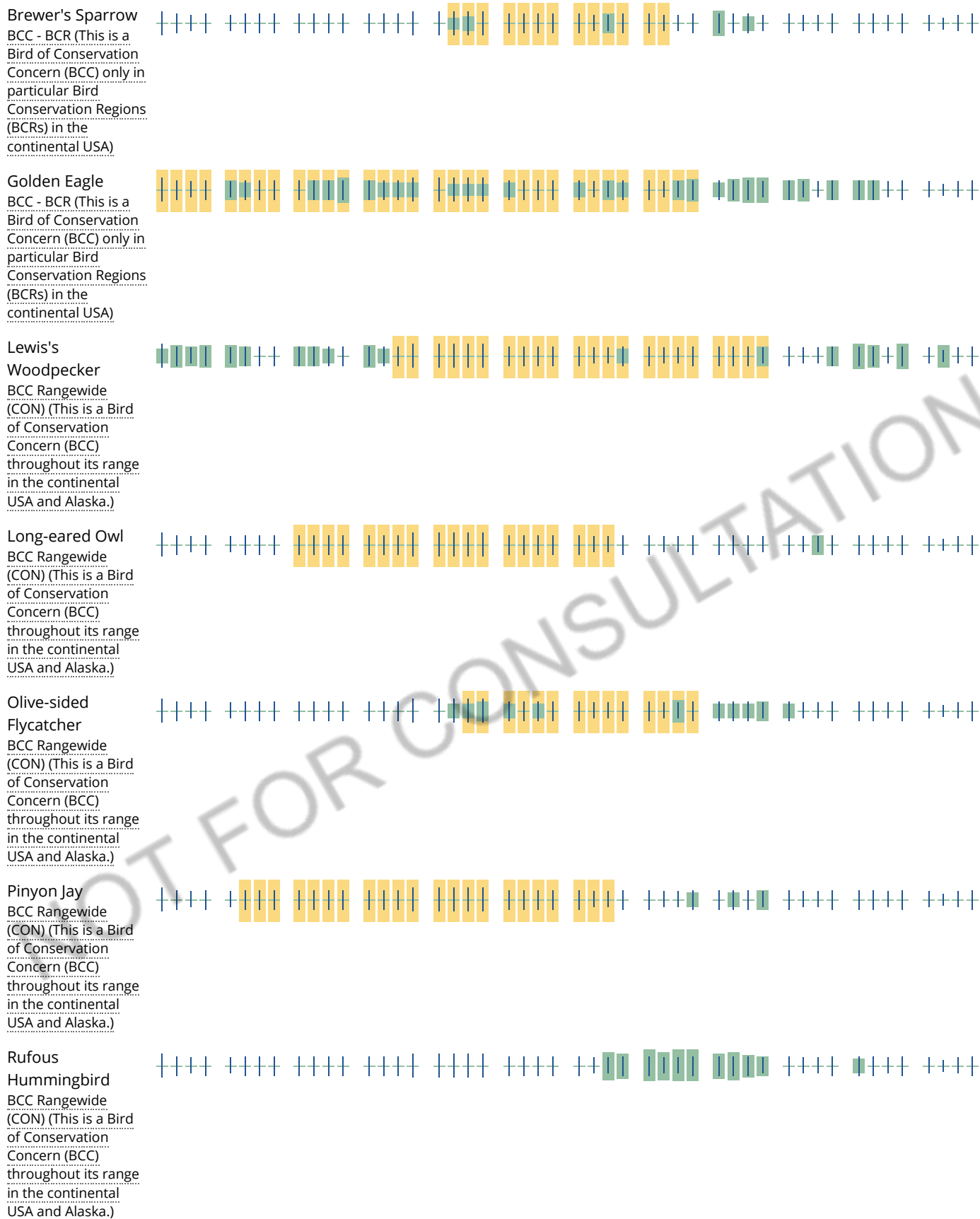
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.







Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds](#)

[guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or

minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

MEMORANDUM

Date: Monday, August 31, 2020

To: Craig Bown
Avenue Consultants

From: Dan Bolin
UDOT Landscape Architect



RE: ENVIRONMENTAL REVIEW FOR WATER RESOURCES AND WETLANDS, NOXIOUS WEED, AND VISUAL AESTHETICS

PROJECT PURPOSE, DESCRIPTION AND SCOPE OF WORK

Millcreek City is proposing operational and safety improvements along Upland Drive between 3276 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet (see Figure 1). The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

Water Resources and Wetlands:

Avenue Consultants evaluated this project for waters of the U.S. (WOTUS), including wetlands and streams regulated by the U.S. Army Corps of Engineers, and other waters under the jurisdiction of the State of Utah. A desktop evaluation for water resources was conducted using aerial imagery, U.S. Fish and Wildlife Service National Wetlands Inventory data, the US Geological Survey National Hydrography Dataset, and the FEMA Flood Map Service Center. No wetlands or other WOTUS were identified within the project limits. UDOT concurs with this WOTUS analysis. No water resource permitting is required.

Mitigation Commitments:

1. None

Utah Pollutant Discharge Elimination System (UPDES):

This project will disturb more than one (1) acre of earth and is therefore required to obtain a SWPPP to comply with the Utah Pollutant Discharge Elimination System (UPDES) Utah Construction General Permit (UCGP).

Mitigation Commitments:

1. Comply with UCGP, by preparing a SWPPP during design and advertisement; provide SWPPP to the project awarded contractor prior to Notice to Proceed. (Millcreek Responsible)
2. Comply with UCGP, by finalizing the SWPPP prior to beginning earth disturbing activities; implementing and maintaining the project SWPPP throughout project construction. (Awarded Contractor Responsible)

Federal Emergency Management Agency (FEMA) Floodplains:

The project does not occur within a FEMA Special Flood Hazard Area, therefore a floodplain development permit will not be required.

Mitigation Commitments:

1. None

Noxious Weeds:

Noxious weed species, as defined by the Utah Noxious Weed Act (Utah Administrative Code, Rule R68-9), were not identified growing within the project limits. However, the project involves earthwork, which has the potential to introduce noxious weeds. To reduce the introduction and spread of noxious weeds, the project is required to properly clean earthmoving construction equipment before mobilizing onto the project and avoid unnecessary earth disturbances.

Mitigation Commitments:

1. Include UDOT Special Provision Section 02924S NOXIOUS WEED CONTROL in the contract documents to require that earthmoving construction equipment is to be properly cleaned before mobilizing onto the project. (Millcreek City Responsible)
2. Comply with UDOT Special Provision Section 02924S NOXIOUS WEED CONTROL requirements by properly cleaning all earthmoving construction equipment before mobilizing onto the project site and avoiding unnecessary earth disturbances. (Awarded Contractor Responsible)

Visual Aesthetics:

This proposed project has limited disturbance and will not have significant visual impacts to the surrounding areas.

Mitigation Commitments:

1. Visual: Reclaim all disturbed areas per UDOT standard specifications. (Awarded Contractor Responsible)



MEMORANDUM

To: Dan Bolin, UDOT Region 2 Landscape Architect

From: Craig Bown, Avenue Consultants

Date: August 21, 2020

Subject: Waters Review: 3800 South Skyline HS
Project No.: n/a PIN: 18827

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The purpose of this memorandum is to 1) identify the presence of waters of the U.S. regulated by U.S. Army Corps of Engineers and other waters under the jurisdiction of the State of Utah in the study area, 2) evaluate the effects, if any, on these resources, and 3) request UDOT's review of the findings herein.

1 PROJECT BACKGROUND

Millcreek is proposing operational and safety improvements along Upland Drive between 3276 East and Wasatch Boulevard, on Birch Drive for approximately 300 feet, and on Virginia Way for approximately 550 feet (see Figure 1). The project would construct the following major items: 1) raised median at the Birch Drive and Upland Drive intersection to restrict northbound left-turns while still allowing westbound and eastbound left-turns; 2) a roundabout at the Virginia Way and Upland Drive intersection with a westbound right-turn bypass lane; and 3) a mid-block signalized pedestrian crossing west of Birch Drive. The project would also install new roadway signage and pavement markings, modify utilities and drainage systems (where necessary), and provide new sidewalks and bike routes. The project would acquire property to accommodate the right-of-way needs for the proposed improvements.

2 REVIEW METHODS

The study area has been reviewed for waters of the U.S. (WoUS), including wetlands and streams regulated by the U.S. Army Corps of Engineers, and other waters under the jurisdiction of the State of Utah. A desktop evaluation for water resources was conducted using aerial imagery, U.S. Fish and Wildlife Service National Wetlands Inventory data, the U.S. Geological Survey National Hydrography Dataset, and the FEMA Flood Map Service Center.

3 REVIEW

3.1 Study Area Setting

The study area is in an urban setting made up of single-family homes, school buildings, and road facilities (freeways and minor arterials). The surrounding vegetation consists of residential plants including trees, shrubs, and turf sod.

Figure 1: Study Area



3.2 Wetlands, Waters of the U.S., Other Water Resources

Construction of the roadway improvements would require work outside of the existing pavement footprint. However, based on this review wetlands, WoUS, or other water resources are not present in the study area.

3.3 Stormwater

Construction of the roadway improvements would disturb over one acre of natural ground surface.

3.4 Floodplains

The project would occur outside FEMA Special Flood Hazard Areas.

3.5 Noxious Weeds

The project includes earthwork, which has the potential to introduce noxious weeds.

Printed from the Utah DEQ Interactive Map



8/31/2020

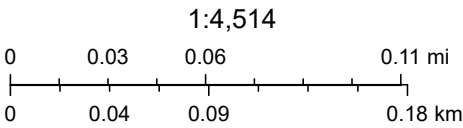
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11827_EPA EnviroMapper



August 31, 2020



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community