

Background:

- The EIS began in January 2010. We completed the Record of Decision in September 2017. The 150 day Statute of Limitations has expired with no lawsuits filed. Project estimate \$610 million.
- UDOT worked very closely with the EPA, USFWS, and USACE through all stages of the EIS, taking time to ensure the EIS would also support the Corps' 404 wetland permitting process.
- In doing so, UDOT considered 51 alternatives and made adjustments to the alignment that would impact homes and productive cropland to avoid wetland and wildlife areas
- The final, 19 mile Preferred Alternative would impact 48 acres of wetlands
- UDOT collaborated with the agencies for two years on developing a \$20 million, 1,100 acre environmental mitigation plan for which agency leadership expressed support

Status:

- UDOT applied for a 404 wetlands permit in July 2017 and is still working with the Corps, EPA, and other agencies on the permit approval
- UDOT is currently preparing responses to 48 pages of detailed comments by the Corps and EPA

Concerns:

- Bridging wetlands. Corps and EPA comments suggest that UDOT further consider bridging over wetlands areas. UDOT has considered bridging wetlands, but the cost was prohibitive (\$3.5 million/acre) and UDOT has concerns about maintenance, salt, and icing of lengthy structures over wet areas. UDOT also believes that this expense, in order to avoid wetlands that would never see sunlight, is not reasonable or practicable. In their comments, the EPA disagrees: *"The costs associated with bridging have not been appropriately considered in accordance with the Section 404(b)(1) Guidelines...It is unclear if the costs cited in the WDC bridging analysis are outside of what would be reasonable in terms of industry norms."*

The industry norm is to not build bridges in these situations unless no other options exist. This is due to the cost, maintenance, and safety issues noted above. The EPA comments suggest over 24 bridges at a total cost of \$80 million to save 31 acres of shaded wetlands. Some bridges would be 4,100 feet long, the longest bridges ever built in Utah.



Example area. Two 700' long bridges. Wetlands shown in pink.

That EPA staff is serious about bridging wetlands is clear given the request that UDOT conduct an analysis of the impacts of road salt to wetland areas. They state: *“An analysis of potential additional salt loadings and the availability and capacity of stormwater best management practices to treat these loadings should be part of the overall assessment of bridge alternatives.”* UDOT feels this is a costly, time consuming, and unnecessary effort.

- Violating UDOT Standards. The Corps and EPA comments suggest UDOT compromise its design standards to avoid wetland impacts. These include safety standards such as clear zones, median widths, and side slopes, as well as space requirements for drainage and maintenance. Corps comments, which were endorsed by EPA staff state: *“Based on the information you have submitted, it has not been demonstrated that carefully-targeted deviations from design standards is not feasible at specific discharge locations.”* UDOT feels strongly that, especially for new highways, full highway standards should be met. Small changes to avoid small slivers of wetlands have little benefit versus the reduction in safety and functionality over the life of the highway facility.

It is interesting to note that the agencies consider wetlands next to the highway as almost a complete loss and are requiring us to mitigate for them. If adjacent wetlands are damaged anyway, is it good practice to compromise standards to avoid them? UDOT does not believe so and has therefore assumed all wetlands within the right of way are impacted, and thus are accounted for in our mitigation plan.



Example area. Would require guardrail and steep side slopes to avoid wetlands.

UDOT feels it has gone above and beyond in avoiding, minimizing, and mitigating impacts to wetlands and wildlife. We made unprecedented efforts during the \$16 million EIS to collaborate in patience and good faith in order to do the right thing for transportation and the environment. To be receiving these comments now, after almost 8 years of working together, is deeply concerning.