

CHAPTER 5.0
CONSULTATION AND COORDINATION

Provo Westside Connector Acronym List

ACHP: Advisory Council on Historic Preservation

MOA: Memorandum of Agreement

APE: Area of Potential Effects

NAAQS: National Ambient Air Quality Standards

BLM: U.S. Bureau of Land Management

NEPA: National Environmental Policy Act

BMP(s): best management practice(s)

NHPA: National Historic Preservation Act

BRT: Bus Rapid-Transit

NOI: Notice of Intent

CAAA: Clean Air Act as Amended

NRCS: Natural Resources Conservation Service

CEQ: The Council on Environmental Quality

NRHP: National Register of Historic Places

CFR: Code of Federal Regulations

OPA: Office of Public Archaeology

the Corps: U.S. Army Corps of Engineers

ROD: Record of Decision

CWA: Clean Water Act

ROW: right-of-way

DEIS: Draft Environmental Impact Statement

SAFETEA-LU: Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

EIS: environmental impact statement

EPA: Environmental Protection Agency

SHPO: Utah State Historic Preservation Office

FAA: Federal Aviation Administration

TMDL(s): Total Maximum Daily Load(s)

FHWA: Federal Highway Administration

UDOT: Utah Department of Transportation

FTA: Federal Transit Authority

USDOT: U.S. Department of Transportation

I-15: U.S. Interstate 15

USFWS: U.S. Fish and Wildlife Service

MAG: Mountainland Association of Governments

UTA: Utah Transit Authority

5.0 CONSULTATION AND COORDINATION

5.1 INTRODUCTION AND OVERVIEW

The Provo Westside Connector Environmental Impact Statement (EIS) team solicited public, agency, and stakeholder participation throughout the process of developing this Draft EIS (DEIS). This chapter provides an overview of consultation and coordination at each stage of the process. Additional details are summarized in other chapters of the DEIS and in the appendices.

5.1.2 Agency Coordination

Federal legislation was enacted in 2005 to streamline the environmental documentation process for transportation projects. This legislation is known as the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users, enacted August 10, 2005 (SAFETEA-LU). A major feature for streamlining is Section 6002 of SAFETEA-LU, which specifies a process for efficient coordination between lead agencies, the public, Native American tribes, and other Federal, State, and local agencies with interests in a proposed project. Lead agencies for this EIS were the Federal Highway Administration (FHWA), the Utah Department of Transportation (UDOT), and Provo City, Utah (Provo City). The EIS team was composed of representatives of the lead agencies and their consultants.

The EIS team developed a SAFETEA-LU Section 6002 Coordination Plan to facilitate and document the lead agency's interaction with all other interested parties (a copy of the Coordination Plan is found in Appendix A). The plan identified all points of coordination and the responsible individuals from each organization.

5.1.3 Public Comments and Meetings

Public comments on the proposed transportation improvements (Proposed Project) were accepted at any time. Comments were received in the form of letters, e-mail messages, phone calls, a website comment form, and in-person visits. Contact information for submitting comments was provided at all public meetings, on websites, in press releases, newsletters and on the project website. Comment forms were circulated at all public meetings, and oral comments were recorded and transcribed by a stenographer. A comment database was developed to track, organize, and respond to comments.

Notification of public meetings was given through press releases, a project newsletter, road signs posted in the Project Area, invitations sent to elected officials, and on websites (including the project website, www.provowestsideconnector.com, and the Provo City website). All public meeting handouts and illustrations were made available on the project website. A list of project newsletters is found in Table 5-1.

Local and regional events were used to communicate with the public; for example, the Mountainland Association of Government (MAG) hosts an annual open house to inform the public of major projects in the region. Information regarding the Provo Westside Connector (PWC) was available at the MAG open houses in October 2007, 2008, and 2009. Additionally, representatives of the Proposed Project were present at the Utah Lake Festival on June 9, 2007, which was just prior to the first public meeting for the EIS process.

Table 5-1. Project newsletters and topics.

<i>PUBLICATION DATE</i>	<i>TOPIC</i>
6/14/2007	Public scoping meeting announced
5/7/2008	Announcement of alternatives open house meeting and request for comments
12/14/2008	Alternatives selected for detailed analysis and request for comments
3/25/2010	Revised alternative selection and notification of upcoming Draft EIS

Table 5-2. Project Stakeholder Forum meeting dates and topics.

<i>MEETING DATE</i>	<i>TOPIC</i>
7/18/2007	Project start-up and issue scoping
10/17/2007	Project purpose and need
4/8/2008	Joint agency/stakeholder alternatives workshop
11/19/2008	Review alternatives screening process
3/24/2010	Review revised alternatives screening process

5.1.4 Stakeholder Forum

To provide more frequent and detailed input regarding public interests, the EIS team also organized a Stakeholder Forum composed of 12 representatives of local interest groups and decision makers. The Stakeholder Forum met at the beginning and end of each major phase of the EIS process. Table 5-2 lists Stakeholder Forum meeting dates and topics.

5.1.5 Provo City Mayor’s Office and the Provo Municipal Council

Presentations were made to the mayor and the Provo Municipal Council at the start of each major phase of the EIS process. The EIS team coordinated closely with the Mayor’s Director of Community and Governmental Relations and the UDOT Region 3 Public Involvement Manager.

5.2 DETERMINING THE SCOPE OF THE PROJECT AND THE ISSUES OF CONCERN

“Scoping” is the process of determining the significant issues to be analyzed in depth in the EIS and eliminating from consideration issues that are not significant (40 CFR 1501.7). Table 5-3 shows a chronology of project consultation and coordination activities during the issue scoping process.

Issue scoping began with publication of the Notice of Intent (NOI) to prepare an EIS in the Federal Register (72 FR 21313, Monday, April 30, 2007). The official comment period announced in the NOI was May 22 through June 30, 2007.

The EIS team organized a Stakeholder Forum composed of 12 representatives of local interest groups and decision makers.

Table 5-3. Consultation and coordination activities during the issue scoping process.

DATE	ACTIVITY	PARTICIPATION
4/30/2007	Federal Register public notice: Notice of Intent to prepare an Environmental Impact Statement (EIS) issued	<ul style="list-style-type: none"> • Lead agencies • EIS team
5/1/2007	Invitations to become cooperating and/or participating agencies mailed	<ul style="list-style-type: none"> • Federal agencies and Native American tribes were sent invitations from Federal Highway Administration • State and local agencies were sent invitations from Utah Department of Transportation
5/22/2007	Agency scoping meeting held	<ul style="list-style-type: none"> • Lead agencies • Cooperating agencies • Participating agencies
6/4/2007	Public newsletter mailed announcing issue scoping and open house comment opportunities	Sent to: <ul style="list-style-type: none"> • 388 Project Area households
6/7/2007	Project website launched	<ul style="list-style-type: none"> • Lead agencies • EIS team
6/14/2007	Open house held; scoping issues discussed	<ul style="list-style-type: none"> • Agencies • Stakeholders • General public (102 in attendance) • 46 public comments received
6/19/2007	Presentation to Provo Municipal Council on project scoping held	<ul style="list-style-type: none"> • Provo City • Lead agencies • EIS team
7/18/2007	Stakeholder Forum meeting held; scoping issues discussed.	<ul style="list-style-type: none"> • Lead agencies • Stakeholder group representatives

5.2.1 Agency Consultations

Following publication of the NOI, the lead agencies sent letters to all Federal and State agencies and Native American tribes that might have an interest in the project (copies of invitation letters are included with the Scoping Report in Appendix B). The letters announced the initiation of the Proposed Project and invited agencies and tribes to become cooperating and/or participating agencies in the EIS process.

According to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (40 CFR 1508.5), a "cooperating agency" is any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative.

Under Section 6002 of SAFETEA-LU, a "participating agency" can be any agency with

an interest in the project (nongovernmental organizations and private entities cannot serve as participating agencies). The intent of the concept of “participating agency” is to allow for early and timely input regarding issues of concern; therefore under Section 6002 the lead agencies must invite other potentially interested agencies to become participating agencies early in the EIS process. For the PWC project, the following agencies accepted invitations to become participating agencies:

- U.S. Army Corps of Engineers (the Corps)
- U.S. Bureau of Land Management (BLM)
- U.S. Environmental Protection Agency (EPA)
- U.S. Fish and Wildlife Service (USFWS)
- Federal Aviation Administration
- Natural Resources Conservation Service
- Utah Reclamation, Mitigation, and Conservation Commission
- Utah Division of Forestry, Fire, and State Lands
- Utah Division of State History – State Historic Preservation Officer (SHPO)
- Utah Division of Water Quality
- Utah Lake Commission
- Utah Transit Authority
- Utah County

The first four agencies listed—the Corps, BLM, EPA, and USFWS—were Federal cooperating agencies in the preparation of this DEIS.

The EIS team held an introductory meeting for all cooperating and participating agencies on May 22,

2007. Thirteen agencies were represented at the meeting, and nine written comment letters were received following the meeting.

5.2.2 Public Involvement

An open house on June 14, 2007, at Amelia Earhart Elementary School was attended by 102 members of the public. Those who attended were invited to submit written or oral comments. Comment forms were provided and could be submitted during the meeting or mailed. A stenographer was available at the meeting to record oral comments. A total of 46 public comments were received at or following the open house. At the meeting, a total of 16 comment forms were received and 18 oral comments were recorded. Later, comments were received via e-mail (five comments), personal contact (two comments), telephone (three comments), and from the project website comment form (two comments).

Additional public involvement during scoping included a presentation that introduced the Proposed Project to the Provo Municipal Council on June 19, 2007.

5.2.3 Stakeholder Forum

Stakeholder Forum representation included Project Area residents, regional neighborhood chairs, environmental interest groups, the Orem-Provo Chamber of Commerce, the Utah Valley Homebuilders Association, and representatives of the Provo Municipal Council, the Airport Board, and Provo City’s Community and Economic Development Departments. The purpose of the first Stakeholder Forum meeting on July 18, 2007 was to introduce the Proposed Project, establish the purpose and role of the Stakeholder Forum, and to discuss public comments received from the open house. Attendees also provided comments on issues to be addressed in this DEIS.

5.2.4 Local Government

The planned EIS process and initial scoping issues were presented to the Mayor of Provo and the Provo Municipal Council at the council meeting on June 19, 2007.

Copies of all pertinent correspondence and comments received during the scoping process are included in the Scoping Report (Appendix B). The report provides a summary of issues derived from scoping and copies of all comments received during the scoping process. Comments received during this time helped to determine the issues to be addressed

in this DEIS, and provided the initial guidance on methods used to evaluate the issues.

5.3 DEFINING THE PURPOSE OF THE PROJECT AND THE RANGE OF ALTERNATIVES

Table 5-4 summarizes the major points of consultation and coordination leading up to the determination of alternatives to be evaluated in this DEIS.

Table 5-4. Consultation and coordination activities for determining project needs and identifying alternatives.

DATE	ACTIVITY	PARTICIPATION
10/17/2007	Stakeholder Forum meeting held; the project purpose and need and the alternatives development process discussed	<ul style="list-style-type: none"> Stakeholder group representatives. Environmental Impact Statement (EIS) team
2/27/2008	Alternatives brainstorming session held	<ul style="list-style-type: none"> Agencies EIS team
4/3/2008	Agency on-site visit conducted; discussion of project needs	<ul style="list-style-type: none"> Lead agencies Cooperating agencies Provo City EIS team
4/8/2008	Joint agency/stakeholder alternatives workshop held	<ul style="list-style-type: none"> Lead agencies Stakeholder group representatives
5/7/2008	Public newsletter mailed announcing the open house and comment opportunity regarding alternatives that screened for project purpose and need	Sent to: <ul style="list-style-type: none"> 388 Project Area households 17 agency representatives 83 stakeholders and other interested parties
5/20/2008	Provo Municipal Council held; alternatives presented and discussion held	<ul style="list-style-type: none"> Provo City Lead agencies EIS team
5/22/2008	Open house held; project needs and alternatives discussed	<ul style="list-style-type: none"> Agencies Stakeholders General public (93 in attendance) (Comments received at or following the open house: 57)

Table 5-4. Continued.

DATE	ACTIVITY	PARTICIPATION
7/8/2008	Agency on-site visit conducted; project needs and alternatives discussed	<ul style="list-style-type: none"> • Lead agencies • Cooperating agencies • Provo City • EIS team
11/19/2008	Stakeholder Forum met to review alternatives screening process and potential pros and cons of alternatives selected for detailed analysis	Stakeholder group representatives
12/9/2008	Provo Municipal Council met for a presentation of alternatives selected for detailed analysis	<ul style="list-style-type: none"> • Provo City • Lead agencies • EIS team
12/14/2008	Public newsletter mailed identifying alternatives selected for detailed analysis and requesting comments	Sent to: <ul style="list-style-type: none"> • 505 Project Area households • 17 agency representatives • 148 stakeholders and other interested parties
12/19/2008	The Utah Department of Transportation (UDOT) sent letters to State and local participating agencies requesting comments on alternatives selected for detailed analysis	Sent to 10 State and local agencies (1 agency provided comments)
1/5/2009	The Federal Highway Administration (FHWA) sent letters to Federal cooperating and participating agencies requesting comments on alternatives selected for detailed analysis	Sent to 7 Federal agencies (3 reply comments were received)
1/6/2009	Provo Municipal Council met with the mayor and Provo City Council for a presentation and discussion of alternatives	<ul style="list-style-type: none"> • Provo City • Lead agencies • EIS team
1/20/2009	In-person visits with landowners	<ul style="list-style-type: none"> • All landowners whose property would be impacted by a build alternative • EIS team
3/24/2009	Project mailing – A list of answers to frequently asked questions (FAQ)	Sent FAQ to all potentially affected landowners

Table 5-4. Continued.

DATE	ACTIVITY	PARTICIPATION
6/1/2009	Administrative Draft EIS comments from Environmental Protection Agency (EPA) and U.S. Fish and Wildlife Service (USFWS)	EPA, USFWS
6/18/2009	Comment clarification meetings with cooperating agencies	<ul style="list-style-type: none"> Cooperating agencies EIS team
6/24/2009	Lead agency team meeting with participation from U.S. Army Corps of Engineers (the Corps)	the Corps
7/20/2009	EPA comment letter regarding alternatives screening process	<ul style="list-style-type: none"> EPA
8/5/2009	Cooperating Agency teleconference meeting	<ul style="list-style-type: none"> the Corps, EPA, USFWS
11/19/2009	Update meeting for cooperating agencies	<ul style="list-style-type: none"> Cooperating agencies EIS team
3/16/2010	Provo Municipal Council meeting – presentation of alternatives selected for detailed analysis	<ul style="list-style-type: none"> Provo City Lead agencies EIS team
3/24/2010	Public newsletter mailed identifying alternatives selected for detailed analysis and requesting comments on upcoming Draft EIS	<p>Sent to:</p> <ul style="list-style-type: none"> 505 Project Area households 20 agency representatives 151 stakeholders and other interested parties
4/7/2010	Executive Transportation and Environment Council Meeting	<ul style="list-style-type: none"> FHWA, UDOT, the Corps, EPA, USFWS
5/7/2010	EPA Comment letter regarding Alternatives Screening Report	<ul style="list-style-type: none"> EPA
5/12/2010	Coordination meeting with the Corps	<ul style="list-style-type: none"> the Corps, FHWA, UDOT, Provo City
3/24/2010	Stakeholder Forum meeting to review alternatives screening process and schedule for Draft EIS release and comment period	<ul style="list-style-type: none"> Stakeholder group representatives. EIS team
3/30/2010	Update meeting for cooperating agencies—Alternatives Screening Report made available	<ul style="list-style-type: none"> Cooperating agencies EIS team

5.3.1 Stakeholder Forum

At the Stakeholder Forum meeting on October 17, 2007, the draft statement of project needs and the project purpose were discussed. Eight stakeholder representatives attended this meeting and provided comments. The EIS team included stakeholder comments in developing the initial draft of Chapter 1.

5.3.2 Agency and Stakeholder Forum Workshop

The EIS team held a joint agency/stakeholder forum workshop on April 8, 2008. The purpose of the workshop was to receive comments on the draft statement of the project needs and project purpose, and to identify the broadest possible range of alternatives that could meet the project needs. A draft of Chapter 1 of the EIS was sent to all agency and stakeholder forum representatives prior to the workshop. The workshop was attended by 11 agency representatives and 10 stakeholder group representatives. Following the workshop, the forum members EIS team compiled all input for project alternatives, determining the total number of distinct alternatives and the number of suggested project design considerations.

5.3.3 Local Government and Public Participation

The EIS team presented potential project alternatives to the Provo Municipal Council on May 20, 2008, and to the public at an open house meeting on May 22. Ninety-three citizens attended the open house, and submitted a total of 57 comments (methods of commenting were: 26 written comment forms, 18 oral comments, 9

Alternatives development coordination

- *Stakeholder forum representatives provided comments on the perceived pros and cons of each of the potential build alternatives.*
- *A total of 13 comments were received following publication of a newsletter to 505 Project Area households, 17 agency representatives, and 148 stakeholders and other interested individuals (e.g., anyone who had requested to receive project updates).*
- *Comments were requested from other agencies.*
- *Door-to-door contact with property owners was completed by project representatives.*
- *The screening process was revised following consultation with the cooperating agencies.*

e-mail messages, 2 telephone calls, and 2 website submissions).

The EIS team reviewed all of the comments received following the agency/stakeholder workshop, site visits, and the open house. The team reviewed the comments to identify any additional suggestions for alternatives prior to conducting additional screening of alternatives.

5.3.4 Agency, Stakeholder, and Public Comments following the Screening Process

Following screening, the EIS team presented the public and agencies multiple opportunities for additional involvement and comment. These opportunities can be generally categorized as those

taking place in fall 2008 and as those taking place in spring 2010. Appendix E also includes a summary of major points of coordination between the lead agencies and the cooperating agencies along with copies of agency letters.

5.3.4.1 Fall 2008

Following the joint agency/stakeholder workshop and agency coordination, the EIS team conducted the initial screening of alternatives based on the primary project needs. (Details of the screening process are described in Chapter 2.)

Following secondary screening, two potential build alternatives remained for detailed analysis along with the No-Build Alternative (a third alternative, the Middle Alignment, was developed at a later date). Stakeholder representatives provided comments on the perceived advantages and disadvantages of each of the potential build alternatives at a Stakeholder Forum meeting on November 19, 2008.

A newsletter that identified the selected alternatives and summarized the screening process was mailed on December 14, 2008, to 505 Project Area households, 17 agency representatives, and 148 stakeholders and other interested individuals (i.e., anyone who had requested to receive project updates). A total of 13 comments were received following publication of the newsletter. The methods of commenting were e-mail messages (five), website submissions (four), telephone calls (three), and one letter.

The UDOT and FHWA sent letters to other agency representatives on December 19, 2008, and January 5, 2009, respectively, indicating that the build alternatives had been identified and requesting their comments.

Potentially affected property owners were also contacted individually to ensure that they had

adequate opportunity to participate in the EIS process. The EIS team mailed a letter of notification to each potentially affected property owner on January 13, 2009, alerting them of the EIS team's intent to visit with them at their residences in the Project Area. Property owners whose homes or businesses were outside the Project Area were invited to contact the EIS team directly to discuss potential project impacts. Members of the EIS team attempted to contact property owners door-to-door on Tuesday, January 20, 2009. When property owners were not at home, a note was left to let them know the EIS team attempted to contact them directly. The EIS team attempted to follow-up with all nonresponsive or unavailable property owners via phone and/or e-mail.

A generalized statement of frequently asked questions was sent to all Project Area property owners on March 24, 2009, addressing questions that had been raised in the individual discussions with land owners. This document was also made available on the project website. Following the mailing, a small number of follow-up meetings with individual landowners were requested and completed.

5.2.4.2 Spring 2010

In response to agency comments received in spring 2009 from the EPA, the Corps, and USFWS, the EIS team spent several months clarifying the needs of the project, exploring new options, and involving the public (discussed in Sections 2.4 and 2.5 of Chapter 2). These efforts included another Stakeholder Forum meeting on March 24, 2010, to review the revised alternatives screening process and the new alternatives. Stakeholder representatives provided comments on the perceived advantages and disadvantages of each of the new potential build alternatives.

In addition, a newsletter that identified the newly selected alternatives and summarized the new screening process was mailed on March 24,

2010, to 505 Project Area households, 20 agency representatives, and 151 stakeholders and other interested individuals (e.g., anyone who had requested to receive project updates). Newsletter recipients were informed that the DEIS was forthcoming and that comments on the DEIS would be appreciated after its release.

The EIS team also met with agency representatives from the EPA, the Corps, USFWS, and BLM on March 30, 2010, to update them on progress and inform them of the upcoming DEIS.

5.4 COORDINATION REGARDING IMPACT ASSESSMENTS

The provisions of SAFETEA-LU require lead agencies to coordinate with other agencies regarding methodologies used for impact

assessments. Federal agencies with jurisdictional authority or land administration responsibility in or near the Project Area are the Corps, EPA, BLM, and the USFWS; consequently, these agencies were involved as cooperating agencies in the preparation of this DEIS.

Coordination activities with the cooperating agencies included site visits, in-person meetings, conference calls, correspondence via letter and e-mail, and preparation of official documents. The lead agencies also coordinated with the SHPO regarding impact assessment methods and findings related to cultural resources. Key coordination points and documents related to impact assessments are summarized in Table 5-5. Coordination related to Section 4(f) is discussed in Chapter 4. Appendix E contains copies of agency letters.

Table 5-5. Coordination activities related to impact assessments.

<i>Date</i>	<i>Coordination</i>
5/30/2007	SAFETEA-LU Coordination Plan completed
4/3/2008	Environmental Protection Agency (EPA) site visit 1
7/8/2008	EPA site visit 2
4/23/2009	Meeting with U.S. Bureau of Land Management regarding impact assessments
5/7/2009	Draft document sent to cooperating agencies
6/1/2009	Comment letters from EPA and U.S. Fish and Wildlife Service (USFWS)
6/18/2009	Conference call meeting with EPA and USFWS
6/24/2009	EIS Team meeting with U.S. Army Corps of Engineers (the Corps)
7/8/2009	The Corps' Preliminary Jurisdictional Determination
7/27/2009	Cultural resources Determination of Eligibility (DOE) and Finding of Effect (FOE) signed
8/5/2009	Teleconference with EPA, USFWS, and the Corps
11/12/2009	USFWS comment letter regarding wildlife impact methods
11/19/2009	Update meeting for USFWS, EPA, and the Corps