



## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Availability of the Finding of No Significant Impact for the Midvalley Highway Project in Utah and Final Federal Agency Actions

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation, Utah Department of Transportation (UDOT).

**ACTION:** Notice of Availability and notice of limitations on claims for judicial review of actions by UDOT and other Federal agencies.

**SUMMARY:** The FHWA, on behalf of UDOT, is issuing this notice to announce actions taken by UDOT. The actions relate to the proposed Midvalley Highway S.R. 170 Project, in the Cities of Erda, Grantsville and Tooele, Tooele County, State of Utah. Those actions grant licenses, permits, and approvals for the project.

**DATES:** This decision became operative on February 21, 2024. By this notice, FHWA, on behalf of UDOT, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before **[INSERT DATE 150 DAYS AFTER PUBLICATION IN THE *FEDERAL REGISTER*]**. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** Naomi Kisen, Senior Environmental Program Manager, UDOT Environmental Services, PO Box 143600, Salt Lake City, UT 84114; (801) 965-4005; email: [nkisen@utah.gov](mailto:nkisen@utah.gov), Monday-Friday, 8 a.m. to 5 p.m. (Mountain Time Zone), except State and Federal holidays.

**SUPPLEMENTARY INFORMATION:** The environmental review, consultation, and other actions required by applicable Federal environmental laws for this action are being, or have been, carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding (MOU) dated May 26, 2022, and executed by FHWA and UDOT. Actions taken by UDOT on FHWA's behalf pursuant to 23 U.S.C. 327 constitute Federal agency actions for purposes of Federal law. Notice is hereby given that UDOT has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and/or approvals for the Midvalley Highway SR-179 Project in the State of Utah.

The purpose for this project is to:

- Improve regional connectivity within the Tooele Valley.
- Reduce existing and future (2050) congestion on SR-36.
- Provide better access to planned development in the study area; and
- Improve public welfare and safety by providing a high-capacity alternative to SR-36, in the case of an emergency.

The selected alternative would construct: a new four-lane grade separated freeway from the end of existing Midvalley Highway to SR-112, a new four-lane arterial between SR-112 and SR-36, a new interchange at Midvalley Highway and SR-138, and a shared use path along the alignment of Midvalley Highway. The project is identified in UDOT's adopted 2023-2028 State Transportation Improvement Program as project number S-0179(2)0 with funding identified for right-of-way acquisition. The project is also included in UDOT's 2023-2050 Long Range Transportation Plan.

The actions by UDOT, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project, approved on September 7, 2023, in the Finding of No Significant Impact (FONSI) for the project, approved on February 21, 2023, and in other documents in the project record. The EA and FONSI are available for review at the UDOT Central Complex, 4501 South 2700 West, Salt Lake City, Utah.

In addition, the EA and FONSI documents can be viewed and downloaded from the project website at <https://udot.utah.gov/midvalley/#/>. This notice applies to the EA, the FONSI, and all other UDOT and Federal agency decisions and other actions with respect to the project as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to the following laws (including their implementing regulations):

1. General: National Environmental Policy Act [42 U.S.C. 4321–4370m–12]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128]; 23 U.S.C. 139.
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544], Fish and Wildlife Coordination Act [16 U.S.C. 661–667d]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Bald and Golden Eagle Protection Act [16 U.S.C. 668–668d].
5. Historic and Cultural Resources: National Historic Preservation Act of 1966, as amended [54 U.S.C. 300101–307108]; Archaeological Resources Protection Act of 1979 [16 U.S.C. 470aa–470mm]; Archeological and Historic Preservation Act [54 U.S.C. 312501–312508]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].
6. Social and Economic: Title VI of Civil Rights Act of 1964 [42 U.S.C. 2000d–2000d–7]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1389]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund Act [54 U.S.C. 200301–200310]; Safe Drinking Water Act

[42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Appropriation Act of 1899, as amended [33 U.S.C. 401–418]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [42 U.S.C. 9671–9675]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992k].
9. Noise: Noise Control Act of 1972 [42 U.S.C. 4901–4918].
10. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; E.O. 13985 Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; E.O. 13990 Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis; E.O. 14008 Tackling the Climate Crisis at Home and Abroad.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139 (l)(1)

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