

# Appendix F

## Section 4(f) *De Minimis* Impact Finding Form



**Federal Highway Administration  
Alaska Division  
P.O. Box 21648  
Juneau, AK 99802**

**and**

**Alaska Department of Transportation  
and Public Facilities  
P.O. Box 196900  
Anchorage, AK 99519-6900**

**February 2018**

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**Section 4(f) *De Minimis* Impact Finding  
for  
Parks, Recreation Areas, and Wildlife & Waterfowl Refuges  
For FHWA Projects**

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Project Name: Sterling Highway MP 45–60

Project Number (State and Federal): STP-F-021-2(15)/53014

Property Name: (Site 1) Forest Service Kenai River Recreation Area

Property Name: (Site 2) Not applicable

*Applicable only if the use of Section 4(f) property, including consideration of avoidance, minimization, mitigation, or enhancement measures, does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).*

### **I. Project Description:**

The Sterling Highway Milepost (MP) 45–60 Project would reconstruct the Sterling Highway in the project area to reduce congestion, meet current rural principal arterial standards, and improve safety. It would do this by widening lanes, flattening curves, improving site distance, adding shoulders, and ensuring adequate clear zones. The project would add passing lanes and turning lanes as necessary. Depending on the alternative, more or less of the existing alignment would be rebuilt, and a corresponding segment would be built on an entirely new alignment. The build alternatives are the Cooper Creek Alternative, the G South Alternative, the Juneau Creek Alternative, and the Juneau Creek Variant Alternative, as shown on the attached maps. Additional information is available at [www.sterlinghighway.net](http://www.sterlinghighway.net).

This document describes the effects of the project on the U.S. Department of Agriculture, Forest Service, Kenai River Recreation Area. The Cooper Creek, G South, and Juneau Creek Variant alternatives each would use a portion of the recreation area. The Juneau Creek Alternative would not. The Cooper Creek and G South alternatives would follow the existing alignment in the MP 51–55 area, where the recreation area is located. The alternatives would affect the recreation area along the existing alignment, where straightening and widening the highway would require acquisition of new right-of-way from the recreation area. The Juneau Creek Variant Alternative would clip a corner of the recreation area at its western end.

## **II. Section 4(f) Property Description(s):**

*Describe each impacted Section 4(f) property. Description should include size; location; type of property; ownership and identification of official jurisdiction over the Section 4(f) property; and existing and/or documented planned activities, features, and attributes of the property. Include a map depicting the boundaries and major features of the Section 4(f) property.*

### **Forest Service Kenai River Recreation Area**

**Section 4(f) property type:** Recreation Area

#### **Size and Ownership, Including Agreements Related to Ownership**

The Kenai River Recreation Area (350 acres) is located entirely within the Chugach National Forest (CNF) and is owned by the United States of America. It is shown on Map 1 and Map 2. The area parallels the Kenai River and the existing Sterling Highway from the CNF western boundary east to Cooper Creek Campground (another recreation area). The recreation area was designated with the highway as a reference point. The area is defined as:

- All land between the highway and the Kenai River.
- On the side of the highway opposite the river, all lands in a strip between the highway and a line set 400 feet from and parallel to the highway.

See “Other Factors,” below.

The Forest Service considers this area a “special place” recognized by the public. The recreation area generally is the Kenai River and Russian River confluence area. The Forest Service had also, during earlier coordination, indicated the importance of the Kenai River Recreation Area as a buffer and as a Federal holding that prevented transfer of the land for other purposes, such as State or Native corporation selection and potential private development.

#### **Functions, Available Activities, Existing and Planned Facilities**

Much of the recreation area along the highway is not developed. The Forest Service has indicated the main recreation function of the area is to allow the public to access land along the Kenai River. Portions of the recreation area that are developed include the driveway entrance that leads to the Russian River Campground and to the trailhead for the Russian Lakes Trail. Located off the driveway and within the recreation area is a large overflow parking area used principally at the height of fishing season. The parking area also serves as the winter trailhead for the Russian Lakes Trail when the driveway is not plowed. The Resurrection Pass Trail’s trailhead and driveway, as well as a small parking area and informal trail near MP 53.7, also are located within the Kenai River Recreation Area.

In addition to these access and parking facilities, the K’Beq Footprints Heritage Site is a developed feature within this recreation area (see Map 1 and Map 2). The K’Beq Footprints Heritage Site encompasses approximately 34 acres and is managed by the Kenaitze Indian Tribe through an agreement with CNF. While it is focused primarily on cultural interpretation, it is also available for recreation that is not related to archaeology or the Tribe. There are picnic tables, people fish from the site, and people pay to park there and walk offsite to hike or fish nearby (particularly when other parking is full). The Forest Service mandates that the Tribe allow this kind of use, and the Tribe is working to increase use of the site by others, such as boaters stopping for lunch. The Tribe is working toward slow expansion of services and facilities offered at the K’Beq site, including potential new trails and facilities. The K’Beq site replaced an earlier interpretive site called Beginnings, also located within the recreation area. It is now closed as an interpretive site. A small pulloff along the highway still is sometimes used for informal access to the Kenai River.

Cook Inlet Region, Incorporated (CIRI) Tract B (20.5 acres), adjacent to the K'Beq site, was transferred from the CNF in 2012, removing 20 acres of Kenai River Recreation Area land from Federal ownership. However, the Forest Service retained a public easement along the river through this parcel for recreational access to the river, and this easement retains Section 4(f) protection as part of the recreation area. The K'Beq site is shown on Map 1 and Map 2; the CIRI parcel appears in Map 4-12 in Chapter 4 of the Sterling Highway MP 45–60 Project Environmental Impact Statement (EIS).

### **Access and Use Levels**

Access to the recreation area is directly from the Sterling Highway and from the Kenai River (for boaters). Short driveways lead from the highway to the K'Beq site and Resurrection Pass trailhead, and a longer driveway leads to the Russian River Campground. Use of the Kenai River Recreation Area is dispersed and visitors are not formally counted.

### **Relationship to Similarly Used Lands in the Vicinity**

This recreation area abuts the Russian River Campground and Cooper Creek Public Camp and Picnic Ground (see Map 1), both designated for recreation purposes. It also abuts the Sportsman's Landing Boat Launch and the Kenai National Wildlife Refuge (KNWR); see Map 1 and Map 3. The K'Beq site, in addition to providing interpretation of area archaeology, offers some recreation amenities similar to those offered at nearby campgrounds and the KNWR visitor contact station (e.g., short trails, information, public toilets, public parking, and river access).

### **Other Factors**

The public land order that created the recreation area defines the boundaries in terms of distance from the highway but does not define “the highway,” so it is not clear whether the 400-foot measurement is meant to be taken from the centerline of the highway, the edge of the constructed highway, or the edge of the highway right-of-way. Title research indicated that the recreation area was established “subject to valid existing rights,” and the highway right-of-way predated the 1991 establishing public land order. The State of Alaska believes the edge of the right-of-way is the appropriate point of reference. The maps for the Sterling Highway MP 45–60 Project EIS portray the recreation withdrawal based on this interpretation and have been presented to Forest Service officials with jurisdiction. The public land order indicates the recreation withdrawal area is 350 acres. Since that time, two large parcels have been transferred to CIRI, and recreation area boundaries also encompass other private parcels. Calculations for this project using geographic information systems result in a total of 282 acres. It appears the acreage was originally estimated based on inclusion of all lands adjacent to the highway, including the parcels in private hands today. Even then, the total does not reach 350 acres.

### **Activities, Features, and Attributes**

The important activities, features, and attributes of the Forest Service Kenai River Recreation Area are as follows.

**Activities:** These include sport and subsistence fishing from the Kenai River bank, viewing and photography, cultural interpretation/touring cultural sites, and guiding (e.g., float trip participants coming to shore for lunch, etc.), and parking for trailheads and fishing.

**Features:** These include mixed natural forest and developed roadside landscape, a driveway to Russian River Ferry, a trailhead for Resurrection Pass Trail and winter trailhead/overflow parking for Russian Lakes Trail/Russian River Campground, and the K'Beq Heritage Site interpretive area/parking/cabin. Non-recreational features include archaeological historic properties and a permit for the Heritage Site.

**Attributes:** These include access to the Kenai River, access to world class sport fishing, primarily natural views, easily accessible outdoor recreation, recreation access and associated highway sounds and activity, and historic and cultural importance of the area for Dena'ina people and mining history.

### **III. Project Use of the Section 4(f) Property(s):**

*Identify the impacts the project will have on the activities, features, and attributes of the Section 4(f) property that qualify the property for protection under Section 4(f).*

The Federal Highway Administration (FHWA) is making a *de minimis* impact finding for the Juneau Creek Variant Alternative's use of the Kenai River Recreation Area, should it ultimately be selected for construction.

The Cooper Creek and G South alternatives would use a larger proportion of the recreation area and would eliminate some informal parking in the highway right-of-way. Although this parking was not specifically authorized, it has customarily facilitated access to the recreation area and the Kenai River. The Official with Jurisdiction was unable to concur that there would be no adverse effect to the activities, features, and attributes of the recreation area, so FHWA no longer is pursuing a *de minimis* impact finding for these two alternatives, as proposed in the Draft Supplemental EIS and Draft Section 4(f) Evaluation. The Juneau Creek Alternative would not use land from the Kenai River Recreation Area.

The paragraphs below provide an overview of use by the Juneau Creek Variant Alternative of the Kenai River Recreation Area.

The Juneau Creek Variant Alternative would use 1.2 acres (0.4 percent of the 282-acre total). This use would include forest/habitat (a feature of the recreation area), but not any developed recreation feature. The Juneau Creek Variant Alternative would enhance access to and from the developed recreation features by reducing traffic on the "old" highway. With most traffic on a new alignment through this corner of the recreation area, the Juneau Creek Variant Alternative would substantially reduce traffic on the "old" highway through the length of the recreation area so that most traffic would be local and/or focused on recreation.

The Juneau Creek Variant Alternative's western junction with the existing Sterling Highway right-of-way would occur just east of the KNWR/CNF boundary at MP 55 (Map 1 and Map 2 provide an overview; Map 3 shows detail). At the junction, the Juneau Creek Variant Alternative would cross about 300 feet of the Kenai River Recreation Area, and a highway overpass would be placed in this location. The existing Sterling Highway would be routed under the overpass to connect with the new alignment. This would be necessary to accommodate the Sportsman's Landing/Russian River Ferry entrance, separating the entrance from the main highway. The area used would be north of the existing highway, where the ground is principally steep and forested. No substantial dispersed recreation use of this area is known to occur. With minimal recreation use, the primary impact would be loss of wildlife habitat and natural forest foreground views as seen from the Kenai River and the existing highway.

### **IV. Impact Avoidance, Minimization, and Mitigation or Enhancement Measures to the Section 4(f) Property(s):**

*Identify any avoidance (such as avoidance of a feature), minimization, and mitigation or enhancement measures that are included in the project to address the Section 4(f) use.*

Natural forest would be cleared only where necessary to widen the road and provide a safe clear zone. The appearance of the resulting landscape would remain a mix of natural forest and developed roadside.

The driveway for Sportsman's Landing and the Russian River Ferry would be improved (e.g. with turn lanes), but otherwise the developed parking lots and fee station would be avoided.

Many historic properties (archaeological sites) within the recreation area have been avoided and, during final design, efforts would be taken to avoid additional sites wherever possible. Where archaeological sites would be impacted, measures to minimize harm would be implemented. These are the subject of a programmatic agreement among consulting parties, including Tribes and government agencies, that has been drafted and is attached to the Final EIS). Anticipated measures include data recovery at select sites, public interpretation, assistance with preparation of a nomination package for the National Register of Historic Places for the Sqilantnu Archaeological District, and publications of information about the District for professional and general public audiences—all subject to the terms of the final agreement.

The roadway embankment and highway underpass in this location, which would be prominent in the view from the existing Sterling Highway through the recreation area, would be designed to minimize visual impact, particularly through landscaping and revegetation, including tree plantings as well as seeding with native seed mix. The overpass bridge would be designed with aesthetics in mind.

#### **V. Coordination with the Public:**

*The information supporting FHWA's intent to make a de minimis impact finding will be included in the National Environmental Policy Act (NEPA) document, and the public will be afforded the opportunity to comment during the NEPA review process. For those actions that may not require public review and comment, a public notice for opportunity to review and comment will be needed. Public involvement efforts must state FHWA's intent to make a de minimis impact finding and provide information necessary to solicit comments.*

Public Notice Date: March 27, 2015

Name of Newspaper: Alaska Dispatch News and Washington Post

Summarize issues raised and responses to comments (attach all comments received and a copy of the Public Notice).

Public notices included the following language: “Notice is given that FHWA intends to make de minimis impact determinations pursuant to 23 CFR 774.3(b) regarding use of Chugach National Forest’s Kenai River Recreation Area and the State of Alaska’s Kenai River Special Management Area. This comment period provides opportunity to comment concerning effects of the project on these properties.”

No comments were received specific to the Juneau Creek Variant Alternative and its impacts to the Kenai River Recreation Area, nor were there comments specifically about FHWA’s proposed *de minimis* impact finding for any alternatives. There were no comments specific to the Kenai River Recreation Area. The lack of comments about the Kenai River Recreation Area helps to indicate that the permanent impacts of using a corner of the recreation area for new highway right-of-way would have minimal impact to the recreation area or the access to the Kenai River that the recreation area was established to protect.

#### **VI. Coordination with Official(s) with Jurisdiction over the Section 4(f) Property:**

*Describe the coordination that was done prior to and after coordination with the public. A request for written concurrence from the official with jurisdiction must be initiated after the public has been afforded the opportunity to comment.*

FHWA met with Forest Service in April 2009 and September 2010 and indicated to Forest Service that the percentages of use were high enough for the Cooper Creek and G South alternatives that FHWA questioned whether to propose findings of *de minimis* use. At that time, the Forest Service indicated that none of the alternatives appeared to adversely affect the primary activity—access to the Kenai River—and they believed all of the impacts to be *de minimis*. DOT&PF sent a letter dated May 18, 2016 to the Forest Service seeking written concurrence that all three alternatives would not adversely affect the activities, features, and attributes of the recreation area and indicating FHWA’s intent to make a *de minimis* impact determination. The Forest Supervisor

responded in a letter dated August 24, 2016 that parking issues associated with the Cooper Creek and G South alternatives meant she could not concur regarding those two alternatives. She indicated concurrence regarding the Juneau Creek Variant Alternative. To ensure that the Forest Service concurred for a single alternative and using the proper regulatory language, DOT&PF sent a second letter dated October 20, 2016, seeking concurrence only for the the Juneau Creek Variant Alternative. The Forest Service responded with written concurrence in a letter dated November 21, 2016.

The official(s) with jurisdiction over the Section 4(f) property concurs in writing that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) and has been informed of FHWA's intent to make a *de minimis* impact finding based on this documentation. Attach documentation.

YES  NO

#### VII. Signatures:

A. I recommend that the FHWA find the impacts on the Section 4(f) property to be *de minimis* because this project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).



Date: 2-5-18

DOT&PF Regional Environmental Manager

B. I have determined that:

1. The transportation use of the Section 4(f) property, together with any impact, avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f);
2. The public has been informed of FHWA's intent to make a *de minimis* finding and has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) property;
3. The official(s) with jurisdiction over the property were informed of FHWA's intent to make the *de minimis* impact finding based on written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f); and
4. The project will have a *de minimis* impact on the Forest Service Kenai River Recreation Area (Property 1).
5. The project will have a *de minimis* impact on \_\_\_\_\_ (Property 2 if applicable).



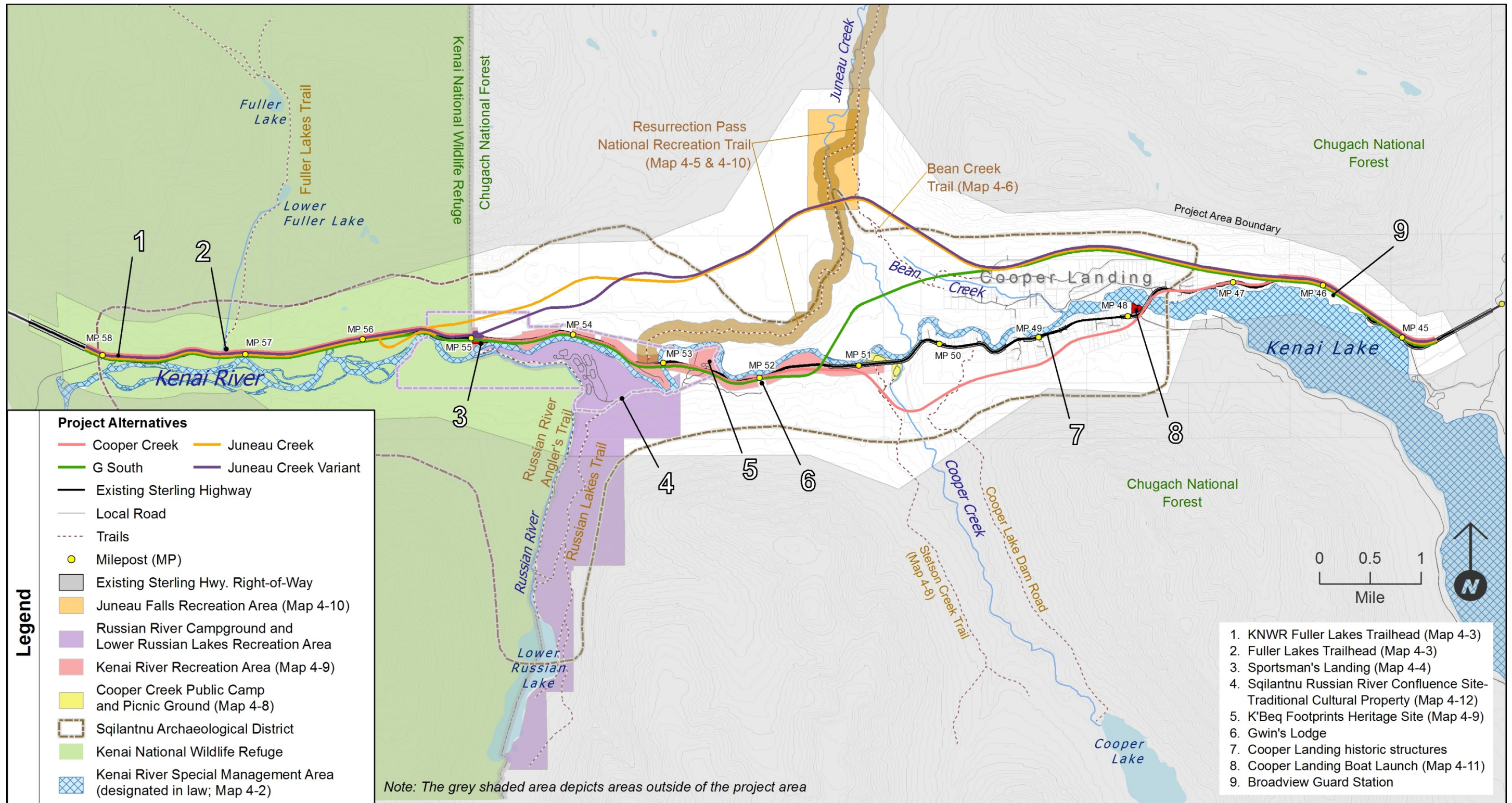
Date: 2-6-18

FHWA Environmental Program Manager

#### Attachment(s):

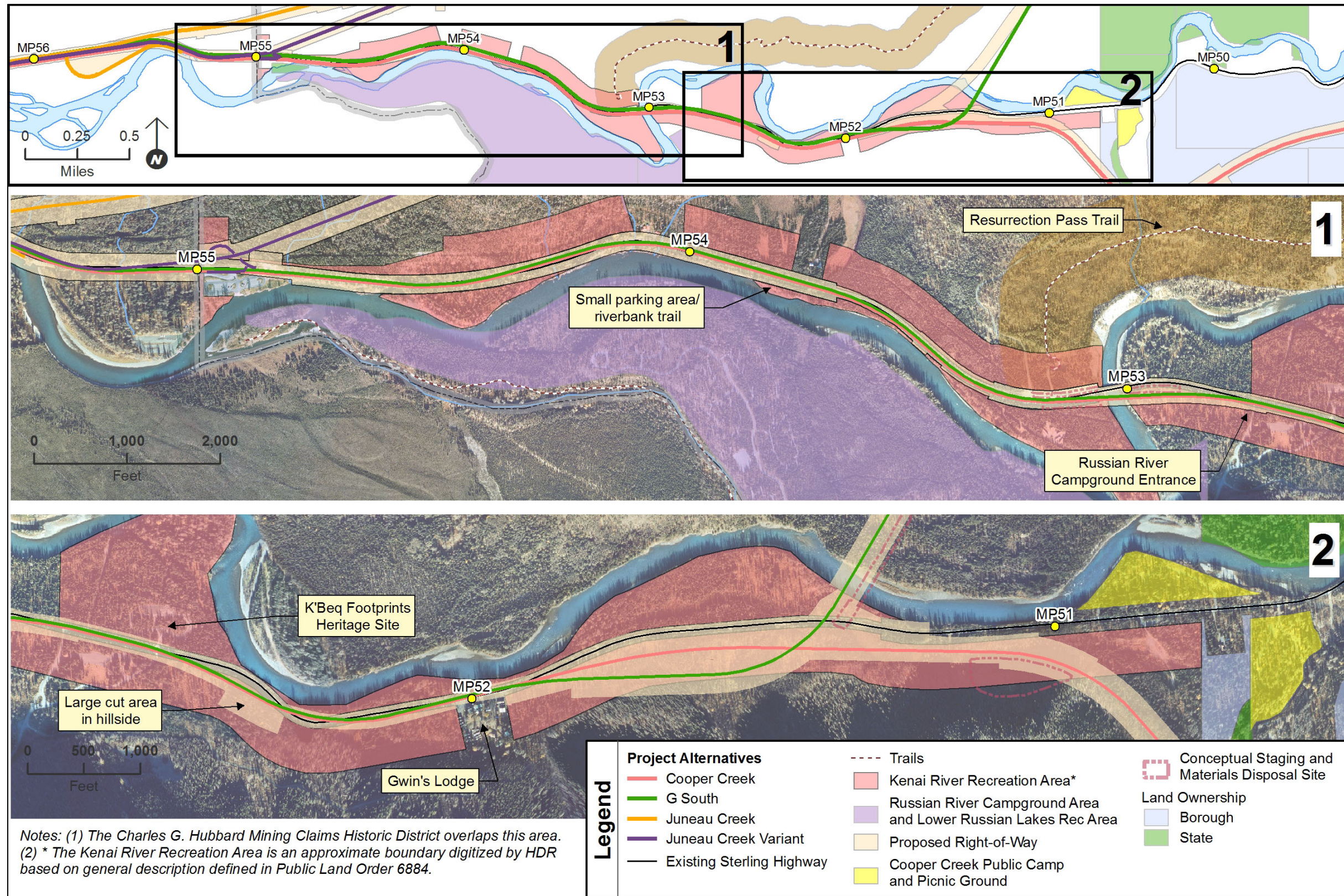
- Maps
- Copy of Public Notice
- Copy of Official with Jurisdiction Concurrence





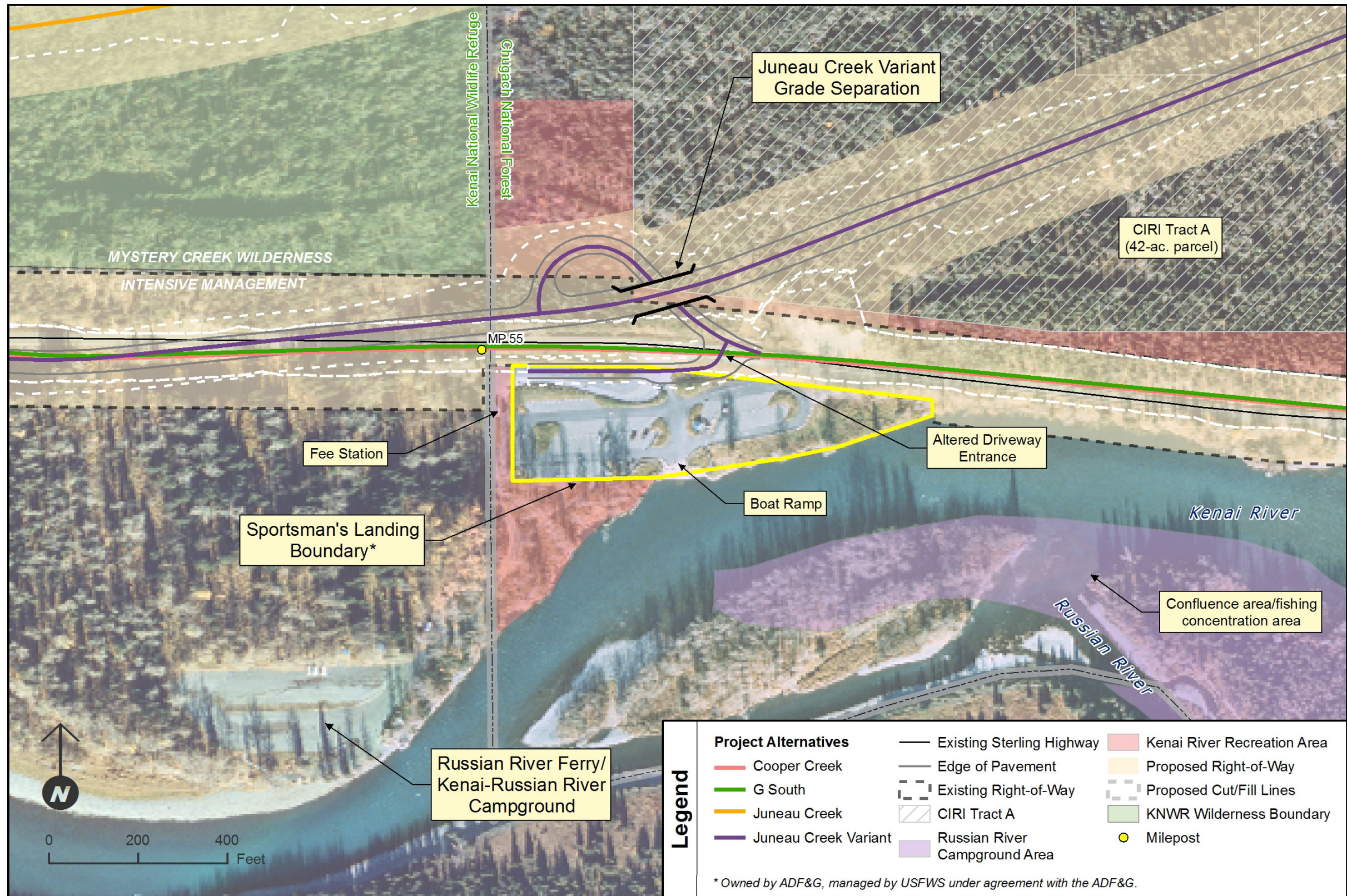
Map 1. Project vicinity and Section 4(f) properties

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Map 2. Forest Service Kenai River Recreation Area

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Map 3. Sportsman's Landing

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*Sterling Highway MP 45-60 Project*  
*Section 4(f) De Minimis Impact Finding*

## **Public Notices - Proof of Publication**

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# AFFIDAVIT OF PUBLICATION

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Leesa Little  
being first duly sworn on oath deposes and  
says that he/she is a representative of the  
Alaska Dispatch News, a daily newspaper.  
That said newspaper has been approved  
by the Third Judicial Court, Anchorage,  
Alaska, and it now and has been published  
in the English language continually as a  
daily newspaper in Anchorage, Alaska,  
and it is now and during all said time was  
printed in an office maintained at the  
aforesaid place of publication of said  
newspaper. That the annexed is a copy of  
an advertisement as it was published in  
regular issues (and not in supplemental  
form) of said newspaper on

March 27, 2015

and that such newspaper was regularly  
distributed to its subscribers during all of  
said period. That the full amount of the fee  
charged for the foregoing publication is not  
in excess of the rate charged private  
individuals.

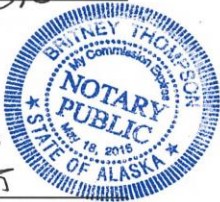
Signed *Leesa Little*

Subscribed and sworn to before me  
this 27th day of March, 2015

*Britney Thompson*

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska  
MY COMMISSION EXPIRES

05/18/2015



**Notice of Availability  
Notice of Public Hearings  
Draft Supplemental Environmental Impact Statement  
and Draft Section 4(f) Evaluation  
Sterling Highway MP 45 - 60 Project  
Cooper Landing, Alaska**

The Federal Highway Administration (FHWA) in cooperation with the Alaska Department of Transportation and Public Facilities (DOT&PF), has prepared a draft supplemental environmental impact statement (SEIS) and draft section 4(f) evaluation for the Sterling Highway MP 45-60 Project. The project examines ways to improve the Sterling Highway from its intersection with Quartz Creek Road to its intersection with Skilak Lake Road in the Cooper Landing area. Public and agency input on the SEIS will be used to prepare a Final EIS.

FHWA is the lead Federal agency and has prepared the SEIS in consultation with cooperating State and Federal agencies. FHWA is holding public hearings in conjunction with the Federal cooperating agencies. The SEIS and hearings are being undertaken in compliance with the National Environmental Policy Act, Section 4(f) of the Federal DOT Act (23 USC 138), and Title XI of the Alaska National Interest Lands Conservation Act (ANILCA). This action complies with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Executive Order 12898, Environmental Justice. Notice is given that FHWA intends to make de minimis impact determinations pursuant to 23 CFR 774.3(b) regarding use of Chugach National Forest's Kenai River Recreation Area and the State of Alaska's Kenai River Special Management Area. This comment period provides opportunity to comment concerning effects of the project on these properties.

**Public Open Houses and Hearings.** A public hearing will be held in Alaska over multiple days in three locations (Anchorage, Cooper Landing, and Soldotna), and a public hearing will be held in Washington, D.C. Open house sessions in all locations will provide the opportunity to review the Draft SEIS and displays, as well as ask questions. Specific locations and times are:

**April 20, Anchorage**  
Dena'ina Convention Center, 600 W. 7th Ave.  
Open House 4-8pm/Hearing 6-8pm

**April 21, Cooper Landing**  
Community Hall, MI. 0.8 Bean Cr. Rd.  
Open House 4-6pm/Hearing 6-8pm

**April 22, Soldotna**  
Soldotna Sports Center, 538 Arena Ave.  
Open House 4-8pm/Hearing 6-8pm

**April 30, Washington, DC**  
Holiday Inn Capitol, 550 C St. SW  
Open House 4-6pm/Hearing 6-8pm

**The Public Comment Period ends May 26, 2015.** Submit comments to Brian Elliott, DOT&PF Central Region Environmental Manager, via the project's online comment form: [www.sterlinghighway.net](http://www.sterlinghighway.net) or send an email to [sterlinghighway@hdrinc.com](mailto:sterlinghighway@hdrinc.com); or send mail to Sterling Highway MP 45-60 Project, DOT&PF Central Region, P.O. Box 196900, Anchorage, AK 99519-6900. All written and oral testimony will become part of the public record and may be available under the Freedom of Information Act.

**The Draft SEIS is available for public review:** on-line at [www.sterlinghighway.net](http://www.sterlinghighway.net); and in  
**Anchorage:** Loussac Library (3600 Denali St.); Alaska Resources Library & Information Services (ARLIS) (3211 Providence Dr.); and DOT&PF Central Region (4111 Aviation Ave.);  
**Cooper Landing:** Cooper Landing Public Library (Mile 0.8 Bean Cr. Rd.);  
**Kenai/Soldotna:** Kenai Community Library (163 Main St. Loop); Soldotna Public Library (235 N. Binkley);  
**Juneau:** Alaska State Library (344 West 3rd Ave.) and FHWA Alaska Division Office (709 West 9th Street, Room 851);  
**Washington, D.C.:** MLK Jr Central Library (901 G St. NW, 3rd Flr).

**To obtain a copy of the Executive Summary or Draft SEIS,** or for additional information about this announcement, please email [sterlinghighway@hdrinc.com](mailto:sterlinghighway@hdrinc.com) or call DOT&PF at (907) 269-0542.

You may also visit [www.sterlinghighway.net](http://www.sterlinghighway.net) to view an Online Open House from 3/27/2015 through 5/26/2015.

The DOT&PF operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy: [dot.alaska.gov/tvi\\_statement.shtml](http://dot.alaska.gov/tvi_statement.shtml). To file a complaint, go to: [dot.alaska.gov/civirts/titlevi.shtml](http://dot.alaska.gov/civirts/titlevi.shtml).

The DOT&PF complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services and/or special modifications to participate in this project should contact DOT&PF at 907-269-0542 to make necessary arrangements. Individuals with a hearing impairment can contact Relay Alaska at 711 for assistance. Requests should be made at least 5 days before the accommodation is needed to make any necessary arrangements.

Published: March 27, 2015

PROOF OF PUBLICATION

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Alba Cortes well known to me to be BILLING SUPERVISOR of The Washington Post, a daily newspaper published in the City of Washington, District of Columbia, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following date(s) at a cost of \$2,104.00 and was circulated in the Washington metropolitan area.

Published 1 time(s). Date(s):27 of March 2015

Account 2010248672

\_\_\_\_\_ Alba Cortes  
Witness my hand and official seal this 27<sup>th</sup> day of MARCH 2015

\_\_\_\_\_ [Signature]  
My commission expires 10/31/2019



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Notice of Availability Notice of Public Hearings Draft Supplemental Environmental Impact Statement and Draft Section 4(f) Evaluation Sterling Highway MP 45 - 60 Project Cooper Landing, Alaska The Federal Highway Administration (FHWA), in cooperation with the Alaska Department of Transportation and Public Facilities (DOT&PF), has prepared a draft supplemental environmental impact statement (SEIS) and draft section 4(f) evaluation for the Sterling Highway MP 45-60 Project. The project examines ways to improve the Sterling Highway from its intersection with Quartz Creek Road to its intersection with Skilak Lake Road in the Cooper Landing area. Public and agency input on the SEIS will be used to prepare a Final EIS. FHWA is the lead Federal agency and has prepared the SEIS in consultation with cooperating State and Federal agencies. FHWA is holding public hearings in conjunction with the Federal cooperating agencies. The SEIS and hearings are being undertaken in compliance with the National Environmental Policy Act, Section 4(f) of the Federal DOT Act (23 USC 138), and Title XI of the Alaska National Interest Lands Conservation Act (ANILCA). This action complies with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; and Executive Order 12898, Environmental Justice. Notice is given that FHWA intends to make de minimis impact determinations pursuant to 23 CFR 774.3(b) regarding use of Chugach National Forest's Kenai River Recreation Area and the State of Alaska's Kenai River Special Management Area. This comment period provides opportunity to comment concerning effects of the project on these properties. Public Open Houses and Hearings. A public hearing will be held in Alaska over multiple days in three locations (Anchorage, Cooper Landing, and Soldotna), and a public hearing will be held in Washington, D.C. Open house sessions in all locations will provide the opportunity to review the Draft SEIS and displays, as well as ask questions. Specific locations and times are: April 20, Anchorage Dena'ina Convention Center, 600 W. 7th Ave., Open House 4-8pm/Hearing 6-8pm April 21,

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Cooper Landing Community Hall, Mi. 0.8 Bean Cr. Rd., Open House 4-6pm/ Hearing 6-8pm April 22, Soldotna at Soldotna Sports Center, 538 Arena Ave. Open House 4-8pm/ Hearing 6-8pm April 30, Washington, DC at Holiday Inn Capitol, 550 C St. SW Open House 4-6pm/ Hearing 6-8pm The Public Comment Period ends May 26, 2015. Submit comments to Brian Elliott, DOT&PF Central Region Environmental Manager, via the project's online comment form: [www.sterlinghighway.net](http://www.sterlinghighway.net) or send an email to [sterlinghwy@hdrinc.com](mailto:sterlinghwy@hdrinc.com); or send mail to Sterling Highway MP 45-60 Project, DOT&PF Central Region, P.O. Box 196900, Anchorage, AK 99519-6900. All written and oral testimony will become part of the public record and may be available under the Freedom of Information Act. The Draft SEIS is available for public review: on-line at [www.sterlinghighway.net](http://www.sterlinghighway.net); and in Anchorage: Loussac Library (3600 Denali St.); Alaska Resources Library & Information Services (ARLIS) (3211 Providence Dr.); and DOT&PF Central Region (4111 Aviation Ave.); Cooper Landing: Cooper Landing Public Library (Mile 0.8 Bean Cr. Rd.); Kenai/Soldotna: Kenai Community Library (163 Main St. Loop); Soldotna Public Library (235 N. Binkley); Juneau: Alaska State Library (344 West 3rd Ave.) and FHWA Alaska Division Office (709 West 9th Street, Room 851); Washington, D.C.: MLK Jr Central Library (901 G St. NW, 3rd Floor). To obtain a copy of the Executive Summary or Draft SEIS, or for additional information about this announcement, please email [sterlinghwy@hdrinc.com](mailto:sterlinghwy@hdrinc.com) or call DOT&PF at (907) 269-0542. You may also visit [www.sterlinghighway.net](http://www.sterlinghighway.net) to view an Online Open House from 3/27/2015 through 5/26/2015. The DOT&PF operates Federal Programs without regard to race, color, national origin, sex, age, or disability. Full Title VI Nondiscrimination Policy: [dot.alaska.gov/tvi\\_statement.shtml](http://dot.alaska.gov/tvi_statement.shtml). To file a complaint, go to: [dot.alaska.gov/cvlrts/titlevi.shtml](http://dot.alaska.gov/cvlrts/titlevi.shtml). The DOT&PF complies with Title II of the Americans with Disabilities Act of 1990. Individuals with disabilities who may need auxiliary aids, services and/or special modifications to participate in this project should contact DOT&PF at 907-269-0542 to make necessary arrangements. Individuals with a hearing impairment can contact Relay Alaska at 711 for assistance. Requests should be made at least 5 days before the accommodation is needed to make any necessary arrangements.

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*Sterling Highway MP 45-60 Project*  
*Section 4(f) De Minimis Impact Finding*

*Forest Service*  
*Kenai River Recreation Area*

## **Concurrence Correspondence for De Minimis Impacts**

Alaska Department of Transportation and Public Facilities and U.S. Forest Service

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**File Code:** 2330; 7700  
**Date:** August 24, 2016

Brian Elliot  
Regional Environmental Manager  
Alaska Department of Transportation and Public Facilities  
PO Box 196900  
Anchorage, AK 99519-6900

Dear Mr. Elliot:

This letter is in response to your letter dated 5/18/2016 regarding the Federal Highway Administration's (FHWA) intent to make a *de minimus* finding for the Kenai River Recreation Area (KRRRA). We appreciate the continued coordination and clarification during the past two and a half months that your staff has provided regarding the 4(f) process and working to find viable mitigation options for the KRRRA. Your letter requested my concurrence on this finding for three alternatives: Cooper Creek, G-South, and Juneau Creek. I have addressed the three alternatives below.

#### **Juneau Creek Variant**

*Finding:* I concur with the *de minimus* finding for this alternative.

#### **G-South and Cooper Creek**

*Finding:* I do not concur with the *de minimus* finding for these two alternatives. The project will affect the activities of recreation access to the KRRRA.

#### *Background:*

On page 3 of the 5/18/2016 letter to Forest Service, the purpose of the KRRRA is stated as the following:

“In consultation, the Forest Service has indicated that the main recreation function of the area is to allow the public to access land along the Kenai River.”

The Sterling Highway project Draft SEIS has demonstrated that the construction of these two alternatives will use lands within the Kenai River Recreation Area as shown in the table on page 3 of the 5/18/2016 letter. What is not addressed in the *de minimus* finding discussion is the elimination of informal pullouts that currently serve as access points to the Kenai River Recreation Area. Map 3.6-2 *Pullouts in the Project Area* on Page 3-139 of the Draft SEIS for the Sterling Highway project shows the existing pullouts that serve as non-developed access points to the Kenai River (pullouts #12-19). In Table 3.6-2 on page 3-121 of the Draft SEIS, these pullouts are shown as being eliminated with the G-South and Cooper Creek alternatives.



This represents 56 parking spots (per the table on Map 3.6-2 on page 3-139 of the Draft SEIS) for visitors to access the Kenai River in a variety of locations along this section of the river. Elimination of the pullouts was not discussed in the earlier meetings in 2009 and 2010 referenced in the 5/18/2016 letter.

The Forest Service recognizes one of the objectives of the Sterling Highway project is to improve safety of motorists and one way to achieve this is to eliminate intersection conflict points. These informal pullouts create conflicts with motorists slowing down and turning into them or pulling out of them at a slow rate of speed. Keeping all of these pullouts would not meet the project safety objectives but there needs to be recognition of the loss of this access to the Kenai River Recreation Area.

Potential acceptable mitigation for both G-South and Cooper Creek alternatives would be to expand the current Resurrection Pass Trailhead and to retain and rebuild the informal pullout near the Resurrection Pass Trail/West Juneau Road to provide for public access to and across the Kenai River Recreation Area.

Additionally, one of the analyses in Chapter 4 of the Draft SEIS for this project lists the relative significance of various Section 4(f) properties. When comparing the relative significance for the least overall harm analysis (page 4-109 to 4-114 of Draft SEIS), I would still agree with the finding in Table 4.8-7 that the KRRA is of moderate significance compared to Resurrection Pass Trail, Sqilantnu Archaeologic District, the Confluence TCP, KRSMA, and the Kenai Wildlife Refuge which are all listed as "Higher Significance".

Please contact Griff Berg at 743-9442 for any further questions.

Sincerely,

A handwritten signature in black ink that reads "Terri Marceron". The signature is written in a cursive style with a large, looping initial "T".

TERRI MARCERON  
Forest Supervisor





THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

## Department of Transportation and Public Facilities

DESIGN & ENGINEERING SERVICES  
Preliminary Design & Environmental

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Fax Number: 907 243 6927  
Web Site: dot.state.ak.us

October 20, 2016

Terri Marceron  
Forest Supervisor  
Chugach National Forest  
141 East 1<sup>st</sup> Ave, Door 8  
Anchorage, AK 99501

**RE: Sterling Highway MP 45-60 Project, *de minimis* impact finding**

Dear Ms. Marceron:

Thank you for your letter dated August 24, 2016 regarding Section 4(f) and *de minimis* impacts on the Kenai River Recreation Area associated with the Sterling Highway Milepost 45-60 Project. We understand that you concur with a *de minimis* impact finding for the Juneau Creek Variant Alternative but not for the Cooper Creek or G South alternatives.

Section 4(f) regulations [23 CFR 774.5(b)(2)(ii)] include specific language that we need to have included in your concurrence and that was not in your August 24 letter. Please confirm with your signature below that you concur that the mitigated impacts of the Juneau Creek Variant Alternative will have a *de minimis* impact. The Federal Highway Administration intends to make a *de minimis* impact finding for this alternative in the Final Environmental Impact Statement and Final Section 4(f) Evaluation (Final EIS) based on your concurrence.

As a reminder, the right-of-way proposed for the Juneau Creek Variant Alternative would use 1.2 acres of the Kenai River Recreation area at its west end, at Milepost 55. Mitigation is proposed for this alternative to ensure that the overpass of the old highway is designed with aesthetics in mind, because the overpass would be prominent in some views from the Kenai River Recreation Area and from the highway through the recreation area. The draft *de minimis* impact form attached to the Draft Supplemental EIS as Appendix F includes language regarding this mitigation on page 7; the mitigation has not changed.

*"Keep Alaska Moving through service and infrastructure."*

Please return a copy of this letter to me at your earliest convenience. If you find it necessary to write a separate letter, please include the language from the last two lines of the concurrence paragraph below. Thank you.

Sincerely,



Brian Elliott  
Central Region Environmental Manager

**Sterling Highway MP 45-60 Project**

**Section 4(f) *de minimis* impact concurrence:**

I understand that the Juneau Creek Variant alternative would use portions of the Kenai River Recreation Area. By signing below, I concur that, with mitigation, the Juneau Creek Variant Alternative, if selected, would not adversely affect the activities, features, and attributes of the Kenai River Recreation Area.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (printed) and Title

\_\_\_\_\_  
Date

Electronic cc:

John Lohrey, FHWA

John McPherson, HDR



Forest  
Service

Chugach  
National  
Forest

161 E. 1<sup>st</sup> Avenue  
Door 8  
Anchorage, AK 99501-1639

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File Code: 2330, 7700

Date: November 21, 2016

Subject: Sterling Highway Milepost 45-60 Project, *de minimis* Impact Finding

To: Brian Elliot  
Regional Environmental Manager  
Alaska Department of Transportation and Public Facilities  
PO Box 196900  
Anchorage, AK 99519-6900

Dear Mr. Elliot:

I would have signed the concurrence as stated in the final paragraph of your letter dated October 20, 2016, except I disagree with the second paragraph of that letter which omitted pertinent information for a 4(f) *de minimis* finding on the Juneau Creek Variant Alternative only as it relates to the Kenai River Recreation Area. Your letter requested my signature and concurrence on this finding for the Juneau Creek Variant Alternative, with specific language. I would like to provide clarification of my concurrence based off of language provided in your 10/20/2016 letter.

The second paragraph of your letter states, "Section 4(f) regulations [23 CFR 774.5(b)(2)(ii)] include specific language that we need to have included in your concurrence and that was not in your August 24 letter. Please confirm with your signature below that you concur that the mitigated impacts of the Juneau Creek Variant Alternative will have a *de minimis* impact finding for this alternative in the Final Environmental Impact Statement and Final Section 4(f) Evaluation (Final EIS) based on your concurrence."

For the sake of precision and clarification, "...with your signature below that you concur that the mitigated impacts of the Juneau Creek Variant Alternative will have a *de minimis* impact finding for this alternative in the Final Environmental Impact Statement and Final Section 4(f) Evaluation (Final EIS) based on your concurrence **only as it relates to 4(f) impacts specific to the Kenai River Recreation Area.**"

As addressed in our August 24, 2016 letter, one of the analyses in Chapter 4 of the Draft SEIS for this project lists the relative significance of various Section 4(f) properties. When comparing the relative significance for the least overall harm analysis (page 4-109 to 4-114 of Draft SEIS), I would still agree with the finding in Table 4.8-7 that the KRRRA is of moderate significance compared to Resurrection Pass Trail, Sqilantnu Archaeologic District, the Confluence TCP, KRSMA, and the Kenai Wildlife Refuge which are all listed as "Higher Significance".

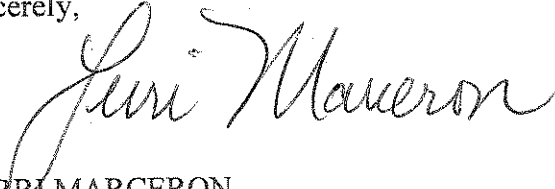


**Section 4(f) *de minimis* impact concurrence:**

I understand that the Juneau Creek Variant alternative would use portions of the Kenai River Recreation Area. By signing below, I concur that, with mitigation, the Juneau Creek Variant Alternative, if selected, would not adversely affect the activities, features, and attributes of the Kenai River Recreation Area.

Please contact Griff Berg at 743-9442 for any further questions.

Sincerely,



TERRI MARCERON  
Forest Supervisor

cc: Beth Pendleton  
Ken Post  
Sharon LaBrecque  
Francisco Sanchez  
Kelly Chase  
Deyna Kuntzsch  
Griffith Berg  
Kori Marchowsky

