

# Appendix J

## Comments and Responses on the Draft SEIS



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Alaska Division  
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Juneau, AK 99802**

**and**

**Alaska Department of Transportation  
and Public Facilities  
P.O. Box 196900  
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*February 2018*

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**Table of Contents**

**Index of Commenters .....1**

**Index of Topics/Subtopics .....13**

**Grouped Comments and Associated Responses.....25**

**Individual Comments and Associated Responses by Communication .....53**

Communications Submitted Following the Comment Period (to December 15,  
2017) .....394

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## **INDEX OF COMMENTERS**

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Adams, Jim	Organization		1027
Allen, Brandon	Public	Cooper Landing, AK	919
Allison, Jeff & Julie	Public		865, 891, 949
Allnut, R. David	Federal	Seattle, WA	1055
Anderson, Coleman	Self	Homer, AK	1007
Anderson, John	Self	Homer, AK	1008
Anderson, Kevin	Self	Pittstown, NJ	1009
Atkinson, Barbara	Public	Cooper Landing, AK	1076
Baker, Stephen	Self	Cooper Landing, AK	965
Balley, William T. Jr.	Organization		1128
Barker, Randy	Self	Chugiak, AK	911
Barnwell, Charles	Self	Homer, AK	1305
Bauer, Dominic	Public	Cooper Landing, AK	934
Baxter, Roy	Self	Palmer, AK	1024
Beech, Johna	Local	Kenai, AK	1128
Beltrami, Vince	Public		1083
Bittner, Judith	State	Anchorage, AK	1028
Bixby, Jerry	Self	Soldotna, AK	870
Blake, William	Self	Kasilof, AK	900, 989, 1063

*Sterling Highway Milepost 45–60 Project Final EIS  
Comments and Responses on the Draft SEIS*

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Bliss, Wyatt	Other	Wasilla, AK	995, 1030
Boylan, Mike	Organization		1027
Brodie, Pam	Organization		1027
Brooks, Adele	Self	Lander, WY	916
Brummer, Christine	Public	Anchorage, AK	1087
Brune, Jason	Organization	Anchorage, AK	1026, 1032
Buckendorf, Randal	Self	Cooper Landing, AK	970
Button, Karen		Anchorage, AK	1038, 1039 (duplicate)
Button, Dawn	Public		1041
Cadieux, Janette	Public, Organization	Cooper Landing, AK	952, 1128
Campbell, Cathy	Self	Kenai, AK	881
Christman, John	Self	Homer, AK	904
Clark, Alicia	Self	Anchor Point, AK	846
Clemson, Bruce		Cooper Landing, AK	977
Clough, Chris	Local	Soldotna, AK	1108
Cochon, Grace	Federal	Anchorage, AK	968
Coltom, Jennifer	Self		907
Cooper, Joel	Public	Homer, AK	1017
Copoulos, Art	Self	Anchorage, AK	869
Courtright, Paul	Self	Chugiak, AK	905

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Cox, Donald		Kenai, AK	903
Cravens, Chris	Public		933
Cravens, Chris		Girdwood, AK	1036
Curtis, Lisa	Self	Talkeetna, AK	1014
Dam, Jr., Bill	Self	Anchorage, AK	868
Davidson, Mike	Public	Girdwood, AK	921
Davidson, Christi		Girdwood, AK	1035
Davidson, Elizabeth	Self		1033
Davidson, Michael	Public	Girdwood, AK	1034
Davis, Timothy	Public	Anchorage, AK	990
Degernes, Chris	Self	Cooper Landing, AK	962
DeGroot, Robert	Self	Soldotna, AK	986
Dennis, Joe	Self	Kenai, AK	858
Derks, Jim	Public		922
Derks, Leanne	Public		922
Derks, Todd	Self	Anchorage, AK	976
Derks, Jim & Leanne	Self	Anchorage, AK	1015
Derks, Larry	Self	Schofield, WI	988
Derks, Jennifer	Public		978
Derks, Travis	Public		1010

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Derks-Andersen, Jennifer	Self	Kenai, AK	998
Donahue, Todd & Michelle	Public	Cooper Landing, AK	1040, 1042 (duplicate), 1043 (duplicate)
duVall, Shina	State	Anchorage, AK	1028, 1029 (duplicate)
Ebnet, Marvin	Self	Anchorage, AK	908
Elliott, Charles		Sterling, AK	862
Encelewski, Ivan Z.	Organization		1128
Encelewski, Richard Greg	State	Anchorage, AK	1125
Erickson, Andy	Organization	Anchorage, AK	1027, 1104, 1106
Estes, Robert	Self	Sterling, AK	1057
Fandrei, Gary	Local	Homer, AK	1128
Farrington, Christine	Public	Cooper Landing, AK	939
Faust, Nina	Self	Homer, AK	999
Fleek, Courtney	Self	Anchorage, AK	1031
Fleetwood, Alvin	Public	Anchorage, AK	1053
Flothe, Glenn & Cheryl	Self	Cooper Landing, AK	1023, 1064, 1112, 1117
Foster, Steven	Private Business	Soldotna, AK	878
Furlong, Sherry	Self	Seward, AK	872
Gease, Rick	Organization		1128

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Gerald & Cathy	Public		897, 1013
Gibson, Robert	Public		926
Gieringer, Robert		Anchorage, AK	884
Goforth, Don	Public		1062, 1072
Gould, Michael	Self	Anchorage, AK	913
Graf, Christopher	Self	Denver, CO	852
Graige, Jim	Public	Nikiski , AK	944
Griswold, Carol	Public	Seward, AK	1065
Gwynn, Marshal	Self	Cooper Landing, AK	855
Hall, Andy	Organization		1128
Hall, Rod	Other	Soldotna, AK	863
Hanson, Ann	Public	Cooper Landing, AK	937
Harpring, Jim	Public	Soldotna, AK	941
Hays, Marjorie	Self	Soldotna, AK	867
Hebner, Mary	Self	Cooper Landing, AK	966
Heim, George		Cooper Landing, AK	959
Heite, Louise	Self	Kenai, AK	859
Highland, Roberta	Organization		1027
Hillstrand, Nancy	Private Business	Homer, AK	992
Holland, Treesa	Self	Soldotna, AK	906

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Huebsch, Erik	Organization		1128
Huff-Derks, Jennifer	Public		984
James, Jon	Public		1082
James, Cheryle	Private Business	Cooper Landing, AK	954
Johnson, Philip	Federal	Anchorage, AK	968, 971
Johnston, Elizabeth	Self	Fairbanks, AK	857
Keagle, Michelle	Self	Seward, AK	948
Kevin	Public		1086
Kime, Alex	Public	Cooper Landing, AK	923, 930
Klaich, Steve	Self	Nikolaevsk, AK	860
Knotek, Kevin	Self		1019
Kowal, Blake	Organization	Anchorage, AK	1032
Krawchenko, Tania			1002, 1003 (duplicate), 1004 (duplicate), 1005 (duplicate), 1006 (duplicate)
Kutchera, Bill & Anne	Public		1075
Lamberson, Alec			1066
Lavin, Patrick	Organization	Anchorage, AK	1092, 1101, 1102, 1111, 1243, 1248 (duplicate)
Leichliter, Lacie	Organization		873
LeMieux, Nicholas	Public	Cooper Landing, AK	929

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Lexmond, Theo	Self	Cooper Landing, AK	956
Lindgren, Alexandra	Organization	Kenai, AK	942, 1037, 1025 (duplicate)
Link, Michael	Self	Anchorage, AK	1018
Litchfield, Ginny	State	Soldotna, AK	975
Loranger, Andy	Federal	Soldotna, AK	1026, 1049
Lovegreen, Cheryl	Self	Anchorage, AK	901
Lovett, Andy	Public		1067
Lundell, Dale	Self	Soldotna, AK	887
Marceron, Terri	Federal	Anchorage, AK	1026, 1048
Martin, Paula	Self	Homer, AK	985
Matz, George	Self	Fritz Creek, AK	1011
Maulding, Michael	Self	Anchorage, AK	850
McCargo, David	Self	Anchorage, AK	1021
McClure, Steve	Organization		1128
McKay, Peter	Self	Kenai, AK	838
Melocik, Bradley	Public		955, 1071
Michels, Dan	Public		925
Mitzel, John	Federal	Kenai, AK	1047
Molenda, Mary Louise	Public		1054, 1056
Monfor, Chris	Organization		1128

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Moore, Rick	Public	Soldotna, AK	943
Murray, Lori	Public	Homer, AK	883
Murray, Tami	Local	Soldotna, AK	1128
Navarre, Mike	Local	Soldotna, AK	1128, 1278
Neuendorf , Rachel		Soldotna, AK	1016
Nickas, George	Organization		1027
Nierenberg, Alan	Self	Cooper Landing, AK	1000
Noblin, Rebecca	Organization		1027
Norris, Theresa	Public		935, 1061
Norris, Jason	Public		910
Nyman, Chris	Public		920
O'Meara, Michael	Self	Homer, AK	1020
Osowiecki, Jonathan	Public		938
Osowiecki, Charlotte	Public		940
Owens, Joe	Self	Homer, AK	909
Partridge, Michelle	Self	Soldotna, AK	856
Pearce, Teresa	Self	Anchorage, AK	1022
Pearson, Heather	Self	Cooper Landing, AK	847
Perschbacher, Jeff	Self		1124
Peterson-Nyren, Jaylene	Organization	Kenai, AK	1026, 1128

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Pinckney, Charles	State	Anchorage, AK	1046
Porter, Pat	Local	Kenai, AK	1128
Quinn, Dave	Public	Cooper Landing, AK	936
Quinonez, Michael	Public		1151
Rankins, Arden	Public		927
Raskin, PhD, David C.	Organization		1027
Raveaux, Linda		Cooper Landing, AK	953
Raveaux, Greg	Self	Cooper Landing, AK	924
Rhodes, Chris		Cooper Landing, AK	1079
Rodgers, Theresa & Greg	Self	Eagle River, AK	889
Rogers, David	Public		1105
Roedl, Rhoda	Self	Homer, AK	961
Rohr, John	Self	Homer, AK	890
Rothwell, Sally	Self	Anchorage, AK	902
Sallee, Diane	Public		885
Schmitz, Greg	Public	Anchorage, AK	1068
Scott, Jennifer	Self	Cooper Landing, AK	967
Seramur, Julie	Public		1070
Shadura, Paul	Public		946
Shavelson, Bob	Organization		1027, 1128

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Shuster, William		Hereford, AZ	854
Siebe, Pixie		Anchorage, AK	1001
Silva, Christine	Self	Anchorage, AK	871
Silva, Robert			1069
Sinclair, Jack	Organization		1128
Skolnick, Steven	Self	Cooper Landing, AK	841
Smith, Jim	Public	Anchorage, AK	1050
Smith, Pete	Public	Anchorage, AK	1052
Snisarenko, Shawn	Self	Anchorage, AK	912
Sorensen, Albert	Self	Homer, AK	914
Sprague, Peter	Local	Soldotna, AK	1128
Steinfort, Eric	Public	Girdwood, AK	1074
Story, David & Martha		Cooper Landing, AK	1044
Story, David	Public		928
Stout, Keri	Self	Soldotna, AK	987
Sture, Mark	Self	Anchorage, AK	917
Tankersley, Mark	Self	Wasilla, AK	861
Tappan, Bill	Self	Soldotna, AK	983
Tepp, Rosalie	Organization	Kenai, AK	1118
Toussaint, James	Public	Anchorage, AK	947

<b>Commenter Name</b>	<b>Commenter Affiliation</b>	<b>Commenter Location</b>	<b>Communication Number</b>
Toussaint, James	Self	Cooper Landing, AK	866
Troyer, Janice	Self	Anchorage	874
Truhlar, Doris	Elected Official	Centennial, CO	915
Turner, PhD, Paul	Self	Kenai, AK	880
Vavrik, Mary	Self	Anchorage, AK	957
Veerman, Louis	Self	Anchorage , AK	991
Wahrenbrock, Wade	Public	Soldotna, AK	945
Wall, Bruce	Local	Soldotna, AK	918, 1109
Weber, Phil	Public	Cooper Landing, AK	931, 994
Wellman, Ted	State	Soldotna, AK	1045, 1128
Westerman, Dave		Cooper Landing, AK	960
Williams, Evan	Self	Superior, CO	950
Williams, Sue	Self	Nevada, MO	993
Williams, Calvin	Self	Superior, CO	997, 996 (blank)
Williams, Charles	Self	Superior, CO	1012
Williams, Weston	Public	Superior, CO	848
Williams, Casey	Self	Columbia, MO	898
Williams, Samara	Self	Superior, CO	853
Wills, Robert	Self	Sterling, AK	864
Winter, Teresa	Public		1114 (duplicate), 1115

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## INDEX OF TOPICS/SUBTOPICS

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Affected Environment and Environmental Consequences	Construction Impacts (temporary)	1000/1201; 1055/1388
Affected Environment and Environmental Consequences	General	1010/1228
Affected Environment and Environmental Consequences	Method of Analysis	1020/1457
Affected Environment and Environmental Consequences	Mitigation	1020/1458
Air Quality	Existing conditions	1055/1386
Air Quality	Mitigation	1055/1389
Air Quality	Permanent Impacts	1049/798; 1055/1385; 1055/1387
Alternatives	Change to Alternative Requested	857/565; 906/647; 918/683; 918/684; 918/685; 923/709; 930/735; 930/736; 1049/790; 1049/791; 1049/794; 1049/815; 1049/830; 1048/838; 1048/842; 1048/852; 1048/853; 1048/874; 947/933; 952/972; 1037/1164; 1007/1217; 1044/1280; 952/1422
Alternatives	Cooper Creek Alternative	838/539; 847/546; 852/553; 866/582; 884/618; 902/640; 921/704; 925/721; 929/731; 1027/755; 957/1078; 961/1103; 976/1129; 993/1178; 995/1181; 998/1184; 1000/1191; 1001/1213; 1008/1220; 1009/1222; 1010/1227; 1014/1263; 1041/1298; 1038/1333; 1033/1357; 1036/1369; 1055/1375; 965/1414

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Alternatives	Existing Alignment/ 3R/4R/Walls	854/559; 1027/758; 1049/785; 1049/786; 940/900; 948/935; 952/953; 952/958; 952/962; 952/973; 956/1064; 956/1069; 956/1077; 960/1082; 960/1084; 977/1130; 987/1145; 1001/1209; 1011/1250; 1041/1306; 1041/1307; 1020/1310; 1038/1336; 1038/1337; 962/1413; 992/1418; 999/1420; 952/1431
Alternatives	G South Alternative	919/688; 925/722; 928/729; 1000/1192; 1041/1304; 1038/1335; 1055/1376; 1082/1473; 1124/1512
Alternatives	General	838/540; 850/551; 858/568; 859/569; 872/597; 906/648; 920/694; 921/701; 924/718; 1049/783; 1049/787; 1048/850; 952/963; 960/1085; 966/1118; 977/1131; 986/1143; 986/1144; 1047/1160; 1045/1163; 1000/1195; 1018/1301; 1020/1325; 1020/1329; 1031/1355; 1036/1368; 955/1410; 991/1417; 1020/1456; 1062/1461; 1066/1465; 1067/1466; 1068/1467; 1079/1472; 1083/1475; 1092/1478; 1071/1488; 1108/1499; 1112/1502; 1125/1514; 1128/1513; 1243/1515; 1305/1520
Alternatives	Juneau Creek Alternative	841/541; 846/544; 852/552; 870/593; 878/604; 887/623; 889/627; 904/643; 908/653; 911/655; 914/671; 916/680; 924/719; 925/723; 929/732; 1048/846; 945/923; 1037/1167; 1032/1169; 1000/1193; 1000/1198; 1000/1200; 1000/1204; 1008/1218; 1009/1221; 1052/1272; 1050/1276; 1041/1300; 1020/1313; 1038/1334; 1023/1345; 1055/1377; 1044/1397; 967/1415; 989/1416
Alternatives	Juneau Creek Variant Alternative	855/561; 905/644; 915/674; 919/689; 920/698; 929/733; 910/744; 935/864; 937/872; 946/925; 959/1080; 1000/1194; 1055/1378; 1044/1398

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Alternatives	New Alternative or Variant Alignment Recommended	859/570; 890/630; 939/892; 966/1119; 1001/1212; 1013/1262; 1076/1471
Alternatives	No Action	867/584; 880/606; 885/619; 903/642; 913/664; 920/700; 910/743; 933/849; 1037/1166; 1000/1190; 1018/1299; 1055/1379
Alternatives	Statement for or against an alternative without substantive comment	838/535; 838/536; 847/545; 848/547; 848/548; 852/556; 853/557; 853/558; 856/563; 860/573; 861/574; 862/575; 863/578; 867/585; 868/588; 869/589; 869/590; 872/596; 872/598; 874/600; 874/601; 880/605; 881/607; 883/609; 883/610; 889/628; 889/629; 898/633; 901/639; 903/641; 909/654; 912/659; 912/660; 913/663; 915/672; 915/673; 917/681; 920/695; 920/696; 920/697; 926/724; 929/730; 934/860; 938/882; 940/897; 940/898; 941/911; 944/920; 945/921; 945/922; 946/932; 950/940; 950/943; 959/1079; 966/1120; 983/1137; 984/1138; 985/1142; 988/1146; 988/1147; 1001/1211; 1007/1216; 1010/1229; 1012/1260; 1015/1275; 1016/1277; 1019/1305; 1021/1341; 1022/1342; 1024/1350; 1031/1353; 1031/1354; 1034/1360; 1035/1364; 1044/1394; 1044/1395; 1044/1396; 1044/1400; 955/1411; 961/1412; 997/1419; 954/1427; 962/1442; 1061/1460; 1063/1462; 1065/1463; 1064/1464; 1069/1468; 1072/1489
Comments and Coordination	Agency process	1026/1268
Comments and Coordination	General	1018/1302; 955/1409
Comments and Coordination	Praise or criticism of process without substantive comment	878/603; 889/624

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Comments and Coordination	Public process	869/592; 1027/747; 1027/754; 1027/756; 946/931
Cumulative Impacts	Existing conditions	1048/1017; 1048/1020
Cumulative Impacts	General	946/929; 1048/1013; 1048/1018; 1048/1019; 1048/1021
Cumulative Impacts	Method of Analysis	1027/752; 1048/1016
Cumulative Impacts	Mitigation	1048/1025
Cumulative Impacts	Permanent Impacts	1027/773; 1027/774; 1048/1014; 1048/1015; 1048/1023; 1048/1024; 1055/1384
Draft Section 4(f) Evaluation	4(f) Applicability to Properties	1049/824; 1048/1044; 1048/1045; 1048/1046; 1048/1058
Draft Section 4(f) Evaluation	Characterization of Impact and Mitigation	1027/753; 1027/776; 1027/777; 1027/778; 1048/1047; 1048/1048; 1048/1049; 1048/1050; 1048/1051; 1048/1052; 1048/1054; 1048/1055; 1048/1056; 1048/1059; 1048/1060; 1028/1240; 1028/1244; 1028/1246; 1028/1248; 1028/1264
Draft Section 4(f) Evaluation	Comparative Importance of Properties	1048/1057; 1028/1257; 1028/1258; 1028/1261
Draft Section 4(f) Evaluation	General	1027/775; 952/966; 952/967; 952/974; 1048/1038; 1048/1039; 1048/1040; 1048/1041; 1048/1042; 1048/1043; 1048/1053; 956/1063; 956/1068; 956/1071; 956/1074; 970/1127; 1028/1251; 1028/1253; 1028/1255; 1034/1361; 1034/1362; 1034/1363; 1035/1365; 1035/1366; 1035/1367; 1048/1391; 1048/1402; 1048/1407; 952/1434

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Draft Section 4(f) Evaluation	Impacts of the Build Alternatives on Section 4(f) Resources	1049/828
Draft Section 4(f) Evaluation	Least Harm Analysis	1027/779; 1000/1199; 1000/1205
Draft SEIS Document	Bias	1011/1234
Draft SEIS Document	General	864/580; 968/1124; 1046/1162; 1011/1252; 1011/1254; 1041/1297; 1038/1332; 1023/1344; 1030/1352; 1102/1494; 971/1495; 1111/1501
Draft SEIS Document	Overall Completeness	1027/780; 956/1062; 1000/1203; 1011/1249; 1055/1374; 1055/1381; 1017/1438; 1017/1439; 1017/1440; 1017/1445; 1020/1450; 1020/1459
Draft SEIS Document	Spelling and Grammar	1048/843; 1048/1003; 1028/1238; 1028/1256
Economic Environment	General	907/651; 913/669; 934/859; 953/979; 960/1098
Economic Environment	Permanent Impacts	911/656; 912/661; 924/717; 1048/938; 1048/939; 952/970; 960/1087; 954/1430
Energy	Permanent Impacts	857/566
Environmental Consequences (Birds)	Existing conditions	1048/896
Environmental Consequences (Birds)	Mitigation	1049/818
Environmental Consequences (Birds)	Permanent Impacts	1049/817; 960/1091
Environmental Consequences (Brown Bear)	General	1049/820; 1041/1290; 1038/1311

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Environmental Consequences (Brown Bear)	Mitigation	1048/895; 1055/1390
Environmental Consequences (Brown Bear)	Permanent Impacts	1048/1009; 960/1088; 1049/1490
Environmental Consequences (Moose)	Permanent Impacts	960/1089
Environmental Consequences (Other Mammals)	Permanent Impacts	960/1090
Environmental Consequences (Wood Frog)	Existing conditions	960/1092
Environmental Consequences (Wood Frog)	General	1049/811
Executive Summary	General	1048/834; 1048/837; 1048/839; 956/1061; 1000/1202
Fish and Essential Fish Habitat	Existing conditions	946/926
Fish and Essential Fish Habitat	Mitigation	946/928
Fish and Essential Fish Habitat	Permanent Impacts	1010/1226
Floodplains	Existing conditions	1048/1000; 1048/1001; 1048/1022
Geology and Topography	General	938/884; 1048/982; 1048/984; 1048/985; 1041/1295; 1038/1330; 952/1435
Geology and Topography	Permanent Impacts	1048/983

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Hazardous Waste Sites and Spills	Existing conditions	1048/999
Hazardous Waste Sites and Spills	General	924/714; 936/870; 960/1093
Historic and Archaeological Preservation	General	1028/1230; 1028/1231; 1028/1233; 1028/1235
Historic and Archaeological Preservation	Mitigation	1048/905; 1037/1165; 1028/1239
Historic and Archaeological Preservation	Permanent Impacts	1028/1232; 1028/1241; 1028/1242; 1028/1243; 1026/1266; 1026/1267; 1041/1296; 1038/1331
Housing and Relocation	General	1048/937
Irreversible and Irrecoverable Commitments of Resources	General	1027/759
Land Ownership and Land Use	Existing conditions	1048/854; 1048/855; 1048/856; 1048/857; 1048/878; 1048/880
Land Ownership and Land Use	General	1048/863; 1048/876; 1048/877; 941/910; 1022/1343
Land Ownership and Land Use	Mitigation	1048/865; 1048/871
Land Ownership and Land Use	Permanent Impacts	855/560; 865/581; 869/591; 889/626; 891/631; 898/634; 921/702; 922/707; 922/708; 933/844; 933/848; 1048/866; 1048/879; 938/887; 941/909; 978/1135; 984/1139; 984/1141; 1032/1168; 1010/1223; 1026/1265; 1015/1273; 1020/1328; 1021/1338; 1024/1351; 1075/1474

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Land Use Plans and Policies	Existing conditions	1048/888; 1048/889; 1048/891; 1048/893; 1048/894; 1048/901
Land Use Plans and Policies	General	918/682; 1049/829; 1048/883; 1048/890; 1048/902
Land Use Plans and Policies	Method of Analysis	1027/749; 1048/904
Land Use Plans and Policies	Mitigation	1048/1406
Land Use Plans and Policies	Permanent Impacts	1027/760; 1027/761; 1027/762; 1027/763; 1027/764; 1027/765; 1027/766; 1027/767; 1049/789; 1048/881; 1048/899; 1048/903; 1020/1319
NEPA Process	General	883/611; 900/636; 897/741; 944/915; 970/1125; 970/1126; 970/1128; 978/1136; 1002/1214; 1020/1309; 1055/1382; 1101/1493; 1104/1497; 1105/1496; 1106/1498; 1109/1500
Noise	Construction Impacts (temporary)	1048/992
Noise	Existing conditions	1048/993
Noise	General	920/699
Noise	Method of Analysis	1049/800; 1049/801; 1049/802; 1049/803; 1040/1286; 1020/1326
Noise	Mitigation	1049/804; 1049/805; 1020/1327
Noise	Permanent Impacts	1049/799; 1048/994; 956/1066; 960/1099; 1001/1207; 1049/1480
Park and Recreation Resources	Construction Impacts (temporary)	1048/976

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Park and Recreation Resources	Existing conditions	1049/795; 1048/950; 1048/951; 1048/952; 1048/954; 1048/955
Park and Recreation Resources	General	913/666; 952/1436
Park and Recreation Resources	Mitigation	952/969; 956/1075; 1020/1317; 1048/1405
Park and Recreation Resources	Permanent Impacts	838/537; 871/595; 889/625; 906/645; 921/703; 1049/796; 1048/956; 1048/960; 1048/961; 1048/965; 952/968; 1048/971; 1048/975; 956/1073; 956/1076; 977/1132; 1001/1208; 1008/1219; 1020/1315; 1020/1316; 1020/1320; 962/1443; 952/1452
Permits	General	1048/1011
Purpose of and Need for the Project	Congestion/Level of Service	1040/1283; 962/1446
Purpose of and Need for the Project	General	846/542; 846/543; 863/579; 867/586; 900/637; 912/657; 1027/748; 1027/757; 1053/831; 1053/833; 933/845; 934/861; 990/1153; 1047/1159; 1001/1210; 1011/1236; 1011/1245; 1011/1247; 1016/1288; 1016/1289; 1018/1303; 1021/1339; 1021/1340; 1023/1346; 1023/1347; 1023/1348; 1023/1349; 1044/1399; 954/1408; 952/1423; 1011/1425; 1070/1487; 1118/1505
Purpose of and Need for the Project	Safety	863/577; 868/587; 900/635; 907/650; 907/652; 912/658; 913/668; 924/712; 924/713; 924/716; 926/725; 926/727; 897/740; 897/742; 1053/832; 1048/840; 934/858; 941/907; 943/912; 944/917; 944/918; 946/930; 953/980; 960/1086; 1001/1206; 1016/1284; 989/1426; 1057/1486
Purpose of and Need for the Project	Standards	857/567; 1041/1292; 1020/1308; 1038/1312; 1049/1491

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
River Navigation	Existing conditions	1048/949
Short-Term Uses versus Long-Term Productivity	General	1048/1012
Social Environment	Mitigation	1278/1516
Social Environment	Permanent Impacts	1040/1287; 954/1428; 1040/1451
Subsistence	Existing conditions	1048/989; 1048/990; 1048/991
Subsistence	Permanent Impacts	1048/981
Traffic Crash Data Analysis	General	1151/1517
Transportation	Construction Impacts (temporary)	1048/946; 1048/948
Transportation	Existing conditions	871/594; 883/612; 897/739; 936/868; 1048/941; 960/1097
Transportation	General	857/564; 906/646; 913/670; 920/692; 924/715; 926/726; 927/728; 1049/810; 1048/835; 938/886; 943/913; 943/914; 1044/1279; 1041/1294; 1038/1314; 1054/1373; 1056/1392; 952/1437; 1086/1476; 1087/1477
Transportation	Mitigation	1049/825; 1048/945; 1048/947
Transportation	Permanent Impacts	874/602; 1049/792; 1049/827; 1048/957
Visual	General	1048/997; 1016/1278; 1011/1424
Visual	Mitigation	1049/806; 1048/996
Visual	Permanent Impacts	1049/788; 1048/995; 1048/998; 956/1067; 977/1134

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Water Bodies and Water Quality	Existing conditions	931/745; 1048/986; 1048/987; 1048/988; 994/1179
Water Bodies and Water Quality	General	848/549; 852/554; 881/608; 913/665; 916/676; 919/687; 921/705; 1027/772; 934/862; 936/867; 936/869; 938/885; 941/908; 944/916; 944/919; 950/942; 950/944; 953/977; 953/978; 959/1081; 960/1083; 960/1096; 1012/1259; 1044/1393; 1044/1401; 952/1432; 962/1444; 962/1447; 1074/1470
Water Bodies and Water Quality	Mitigation	952/1433
Water Bodies and Water Quality	Permanent Impacts	855/562; 931/746; 1049/797; 933/847; 960/1094; 960/1095; 994/1180; 1002/1215; 1020/1322; 1055/1380
Wetlands and Vegetation	Existing conditions	1048/1002; 1048/1004; 1048/1005
Wetlands and Vegetation	General	1048/1006; 1055/1383
Wetlands and Vegetation	Mitigation	862/576; 1027/771; 1049/807; 1049/808; 1048/836; 952/964; 956/1070; 1047/1161; 1048/1403
Wetlands and Vegetation	Permanent Impacts	1049/819; 956/1072
Wildlife	Existing conditions	1010/1224
Wildlife	General	838/538; 913/667; 975/1269; 1016/1285
Wildlife	Method of Analysis	1027/750

*Sterling Highway Milepost 45–60 Project Final EIS  
Comments and Responses on the Draft SEIS*

<b>Topic</b>	<b>Subtopic</b>	<b>Communication #/ Comment #</b>
Wildlife	Mitigation	1027/751; 1027/770; 1049/781; 1049/782; 1049/784; 1049/809; 1049/812; 1049/813; 1049/814; 1049/821; 1049/822; 1049/823; 1048/851; 1048/1007; 1048/1010; 1048/1404; 1049/1453; 1049/1479; 1049/1481; 1049/1482; 1049/1483; 1049/1484
Wildlife	Permanent Impacts	1027/768; 1027/769; 1049/816; 1049/826; 1048/1008; 956/1065; 977/1133; 984/1140; 1015/1274; 1020/1318; 1020/1321; 1049/1455; 1049/1485; 1049/1492

## **GROUPED COMMENTS AND ASSOCIATED RESPONSES**

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### ***Group 26***

Topic/Subtopic: Purpose of and Need for the Project/General

*Group Comment Text:*

The Draft SEIS establishes an unreasonably narrow purpose and need for the project, and fails to analyze a reasonable range of alternatives, including an alternative that makes safety upgrades to the existing highway alignment. The purpose is unreasonably narrow because the highway can be improved within its existing alignment using different standards for “rehabilitation” projects. By narrowly and arbitrarily defining the purpose of the project, FHWA eliminated consideration of upgrades within the existing alignment.

The Purpose and Need cannot be so restrictive that the applicant's proposal is the only possible alternative or so broad that it makes the search for alternatives meaningless.

The Draft SEIS does not explain why it chose a purpose and need that requires use of the more rigorous new highway alignment standards. The failure to explain a reason for selecting new highway alignment standards, when other standards were available and compatible within the existing alignment, makes the purpose and need arbitrary.

Chapter 1060 in the Alaska Preconstruction Manual for highway design provides engineering standards for road rehabilitation projects within existing alignments. Those standards can be met for the Sterling Highway section between Mileposts 45 and 60 within the existing alignment, and provide for safe, “current” highway upgrades. The Draft SEIS does not explain why the Chapter 1060 highway rehabilitation standards are insufficient for this project.

The Draft SEIS should have recognized that those alternatives require different engineering standards, but both standards provide for safe, “current” highway improvement. By requiring alternatives to meet only the new highway alignment standard, the Draft SEIS unreasonably excluded alternatives that make upgrades to the existing alignment.

NOTE: This comment is related to similar comments regarding alternatives.

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*Response Text:*

The purpose and need is based on well-established FHWA guidance and is founded upon well-documented data and analysis in Chapter 1. FHWA guidance (T 6640.8A; subsection D, "Purpose and Need for Action"), identifies nine items for consideration in establishing the purpose and need for a project. The Sterling Highway EIS Purpose and Need is comprised of three of the nine suggestions. These include: Item 3, Capacity; Item 8, Safety; and Item 9, Roadway Deficiencies.

The overall purpose for the project is based upon Item 9, Roadway Deficiencies. This item considers the question: "Is the proposed project necessary to correct existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, etc.)?" The discussion for Need 2 for the project provides documentation of the roadway deficiencies identified between Milepost (MP) 45 and 60, including substandard curves, shoulders, lane widths, and clear zones.

Need 1 of the project is based on Item 3 of the FHWA guidance, Capacity. Item 3 considers the questions: "Is the capacity of the present facility inadequate for the present traffic? Projected traffic? What capacity is needed? What is the level(s) of service for the existing and proposed facilities?" DOT&PF and FHWA conducted a thorough traffic analysis, which concluded that there is insufficient capacity provided by the existing facility. Level of service for highway segments and intersections are presented that document unacceptable congestion levels now that worsen for projected traffic.

Need 3 documents the safety concerns of the existing facility (in accordance with Item 8 of the FHWA guidance). Item 8 considers the questions: "Is the proposed project necessary to correct an existing or potential safety hazard? Is the existing accident rate excessively high? Why?" The Purpose and Need chapter in the EIS documents several segments of the existing highway that exceed the accident rate for similar facilities in Alaska, and documents that the project area has higher than average numbers of fatal and major injury crashes.

The purpose and need statement led to a full range of alternatives being analyzed. The broadness of the purpose and need statement led to more than 11 build alternatives being studied, including 3R alternatives that made minor improvements to the existing highway as suggested by the commenter (a "3R Alternative"). Four reasonable alternatives were identified, and these alternatives evaluate a range of solutions. For example, three alternatives traverse north of the community and one traverses south of the community, and they range from reconstructing 71% on the existing alignment to reconstructing only 29% on the existing alignment. No reasonable alternatives were able to stay 100% on the existing alignment. Conversely, no reasonable alternatives were identified that bypassed 100% of the existing highway.

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## ***Group 27***

Topic/Subtopic: Purpose of and Need for the Project/General

*Group Comment Text:*

The project is needed. I support the project because there is a clear need for safer and better driving and for protecting the Kenai River.

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*Response Text:*

Thank you for your comment.

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## ***Group 28***

Topic/Subtopic: Purpose of and Need for the Project/General

*Group Comment Text:*

The Draft SEIS fails to adequately make the case to justify the cost of this project. The funds should be used for other transportation projects with greater demonstrated need.

*Response Text:*

Thank you for the comment. DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose of and need for the project as well as justifies the expenditure of funds. DOT&PF uses a comprehensive nomination and evaluation process to identify and prioritize transportation improvements across the State. The Statewide Transportation Improvement Program (STIP) process is described on the DOT&PF web site at: <http://www.dot.state.ak.us/stwdplng/cip/stip/>. The STIP process includes substantive public input on project needs, evaluation by engineers as to costs and feasibility, and review and approval by elected officials and FHWA. The MP 45-60 project has been identified as an important project for decades.

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***Group 29***

Topic/Subtopic: Purpose of and Need for the Project/Standards

*Group Comment Text:*

One of the three expressed goals for this proposed project is to bring the current roadway up to current highway standards for a “rural principal arterial” and yet this goes undefined in the Draft SEIS. DOT&PF should define this in the EIS and provide factual data to back up their finding that the highway speed should be 60 mph (miles per hour). For example, we have no idea how the base speed limit determines width of shoulder regulations, angle of curves, number of curves, placement of driveways, and so forth. In the Draft SEIS’ Existing Highway Curve Diagrams, the current 35 mph corridor is evaluated for its curve safety at 60 mph. That is like evaluating a bike trail for its safety effectiveness for motorized vehicles. No reason is given in the Draft SEIS as to how DOT&PF determined this speed and why it was applied to Cooper Landing. Cooper Landing is approximately the same size as Moose Pass, where the highway was both upgraded and the speed maintained at 35 mph. And there is Sterling, where the highway was upgraded to four lanes, yet the speed limit is 45 mph. Why the inconsistency? Because the entirety of the Draft SEIS is analyzed with the speed designation of 60 mph, which means the foundation for project alternatives is problematic at best. At worst, it is faulty. The first level of determination should be how and why DOT&PF chose a 60 mph zone through this area.

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*Response Text:*

Chapter 1, Section 1.2 defines "rural principal arterial," and Section 1.2.2.2, defines highway design standards that apply and their origin in the American Association of State Highway and Transportation Officials (AASHTO) and adoption by DOT&PF in the Alaska Preconstruction Manual. Those well-established, publicly available publications explain the engineering considerations that go into selecting the design speed and relationship between the design speed and geometry and other design features that engineers must determine. According to AASHTO, "design speed should be a logical one with respect to topography, anticipated operating speed, the adjacent land use, and the functional classification of highway. Except for local streets where speed controls are frequently included intentionally, every effort should be made to use as high a design speed as practical to attain a desired degree of safety, mobility, and efficiency within the constraints of environmental quality, economics, aesthetics, and social or political impacts" (AASHTO, 2004, p. 67). DOT&PF considered these factors in selecting the design speed for this project. Because this is a National Highway System route, with heavy, long distance travel, focused on mobility (as opposed to access to adjacent property), DOT&PF selected a design

speed of 60 mph. This was not the highest design speed that could be selected for a rural principal arterial, but meets driver expectation because it is consistent with speeds on adjacent sections of the highway and balances the constraints imposed by the rolling/mountainous terrain in the study area.

Additional information has been added to the notes for Table 1.2-4 and in the text under the Design Speed heading in the Final EIS to indicate the range of speeds for rural Interstate highways in Alaska (from the Preconstruction Manual) and that DOT&PF did not select the highest design speed of 70 mph but selected an intermediate design speed of 60 mph, based on rolling/mountainous terrain in the project area.

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### ***Group 30***

Topic/Subtopic: Purpose of and Need for the Project/Safety

*Group Comment Text:*

Safety is an important issue in this area, and the project is needed now to minimize further injury, death, and property damage.

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*Response Text:*

Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Safety is an important need identified and described in Chapter 1 of the EIS.

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### ***Group 31***

Topic/Subtopic: Purpose of and Need for the Project/Safety

*Group Comment Text:*

Section 1.2.2.3, Highway Safety (p. 1-17) and Need 3 (p. 1-5) states that this segment of highway has higher-than-average number and greater severity of crashes than the statewide average. Table 1.2-7, however, shows that Segments 1, 2, 3, and 4 actually have crash rates substantially lower than the statewide average (between 17 and 44% lower) and only Segments 5 and 6 have crash rates higher than the statewide average. This is not acknowledged or explained in the text. Moving this traffic to high speed roadways will increase the severity of crashes, and also increase the number of wildlife related accidents. The analysis needs to compare accidents statistics from a similar portion of highway that has been improved to have higher speeds. Contributing to the safety risk is the change in elevation of the new routes, from Kenai Lake to near Juneau Falls, with elevation gains of approximately 600 feet in 5 miles. There is a temperature difference between the low and high points, where rain at the lower elevations in the winter will often be ice or snow higher up. The existing road does not have that elevation factor and in a sense, makes it a much better route to use in the long winter months. Would a trucker take a higher route during the 7 months of winter driving conditions?

*Response Text:*

Chapter 1 addresses purpose of and need for the project. The text acknowledges "two of the six segments are above the statewide average," and Need 3 under Section 1.2.2 was revised to clarify that "segments of the project area have a higher-than-average number of traffic crashes."

Improving safety is one need interrelated with other needs to reduce congestion and meet highway standards. The safety problems, together with the congestion and highway geometry problems, are issues that apply throughout the project area. The Fatal and Major Injury accidents are above the statewide average for several recent years (including the 10-year average from 2000 to 2010) as depicted in Figure 1.2-3. As well, Appendix A contains additional technical details on crash rates and statistics, including a comparison with similar stretches of highway that have been improved to modern standards and higher speeds. That analysis found that the improved section of the Sterling Highway between MP 37 to 47 has a lower accident rate (CPMVM of 1.15) as compared to the study area (CPMVM of 1.72).

The project's impacts on traffic safety are addressed in Section 3.6, Transportation. The improvements overall in meeting current standards throughout the length of each alternative are expected to result in 65% reduction in the crash rate. The section notes that higher average speeds may result in greater severity of some of the crashes that do occur, but the expectation is that substantially fewer crashes would occur despite somewhat higher average overall speeds and that overall safety will benefit from the project.

Section 3.12, Geology and Topography, has been updated to include greater information about the effects of topography and elevation of the alternatives on driving and maintenance.

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### ***Group 33***

Topic/Subtopic: Alternatives/No Action

*Group Comment Text:*

We prefer the No Build Alternative. It functions fine, costs little, and would not result in new impacts.

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*Response Text:*

Thank you for your comment. It is helpful to know the reasoning behind the stated preference.

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### ***Group 34***

Topic/Subtopic: Alternatives/No Action

*Group Comment Text:*

The No Action Alternative is not acceptable. It is inefficient, not adequately safe, and does not address future needs.

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*Response Text:*

Thank you for your comment. It is helpful to know the reasoning behind the stated preference.

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***Group 35***

Topic/Subtopic: Alternatives/Cooper Creek Alternative

*Group Comment Text:*

I support the Cooper Creek Alternative for its multiple benefits and relatively low impact.

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*Response Text:*

Thank you for your comment.

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***Group 36***

Topic/Subtopic: Alternatives/Cooper Creek Alternative

*Group Comment Text:*

While the Cooper Creek Alternative appears to have the least impact to wildlands and recreation areas, and bypasses the majority of town (cited as one reason for the proposed project to mitigate congestion), it has several problems, including:

- It has the greatest negative impacts to private property.
  - Soils on this bench are unstable.
  - It doesn't address/mitigate issues where traffic incidents are noted to be the highest, which is an identified reason for the project proposal.
  - It negatively impacts wildlife travel corridors; of special concern is brown bear movement.
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*Response Text:*

Thank you for your comment. It is helpful to see the reasoning behind the stated concerns. DOT&PF and FHWA have taken these concerns into consideration in identifying a preferred alternative.

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***Group 37***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the Juneau Creek and Juneau Creek Variant Alternatives.

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*Response Text:*

Thank you for your comment.

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***Group 38***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the Juneau Creek Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 39***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I do not support the Cooper Creek Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 40***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the Cooper Creek Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 41***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the Juneau Creek Variant Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 42***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the No Action Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 43***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I do not support the No Action Alternative.

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*Response Text:*

Thank you for your comment.

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***Group 44***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I am opposed to all of the alternatives.

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*Response Text:*

Thank you for your comment.

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***Group 45***

Topic/Subtopic: Alternatives/Statement for or against an alternative without substantive comment

*Group Comment Text:*

I support the project.

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*Response Text:*

Thank you for your comment.

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***Group 48***

Topic/Subtopic: Alternatives/G South Alternative

*Group Comment Text:*

Comments against the G South Alternative include the following reasons:

- This alternative increases rather than decreases potential threats to the Kenai River with an additional bridge crossing. No additional crossings of the river should be considered as an alternative.
- Because G South enters the existing highway at approximately MP 51.5, it does not mitigate the highest incidents of traffic safety issues, which occur further west.
- As with the Juneau Creek Alternatives, the G South Alternative impacts large mammal travel corridors through the Juneau Creek valley.
- It bisects an inventoried Roadless Area.
- It bisects a proposed Kenai River Special Management Area.

*Response Text:*

Thank you for your comment. It is helpful to see the reasoning behind the stated concerns. Please note that while the G South Alternative heading west rejoins the existing alignment at approximately MP 51.5, the existing alignment from MP 51.5 through MP 58 would be entirely rebuilt, would meet modern standards, and would be made safer. As an example, Gwin's curve, just west of MP 52, would be substantially straightened. DOT&PF and FHWA have evaluated impacts to Roadless Areas, wildlife, and the Kenai River Special Management Area and have proposed mitigation to address impacts. Careful design and construction will minimize impacts to water quality, fish habitat, and the visual environment, and the improved safety of the roadway will reduce the risk of vehicle collisions that could cause chemical spills into enter the watershed.

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***Group 49***

Topic/Subtopic: Alternatives/Juneau Creek Alternative

*Group Comment Text:*

Comments against the Juneau Creek and Juneau Creek Variant Alternatives include the following reasons:

- Both of these alternatives create secondary problems to the existing road. With an additional road corridor comes increased access; now there are two roads to maintain, to patrol for safety and traffic violations, and to mitigate negative effects to wildlife and the environment. Where roads go, people go. These alternatives have the highest negative impact to wildlife and to designated special areas.
- These alternatives adversely impact wildlife travel corridors, especially brown bear movement. Impacts to wildlife are greatest with these two alternatives.
- Adverse impacts to inventoried Roadless Areas and recreation values are greatest with these alternatives.
- Road grades are much steeper with these alternatives than with the existing road. This is of particular concern in the winter months when snow load is higher at higher elevations and the proposed alternatives go through an avalanche area, neither of which are evaluated.
- These alternatives will be the costliest alternatives to maintain for the aforementioned, as well as for winter road maintenance. The environmental implications for road runoff, with its associated oil, salt, and gravel into a watershed that empties into the Kenai River Special Management Area, are not evaluated.
- Lighting of the highway is an issue, contributing to light pollution.
- Noise travels a great distance in valleys, and especially uphill where the roadway would be located. Negative impacts from noise pollution are a concern.
- The Draft SEIS is lacking in analysis for traffic safety given higher speeds and higher elevation (for wintertime travel especially).

*Response Text:*

Thank you for your comment. It is helpful to see the reasoning behind concerns about these alternatives. Most of the concerns expressed here regarding the two Juneau Creek alternatives were already addressed in the Draft SEIS. The Final EIS includes several clarifications and changes based on these and other comments. The following responses outline where the commenter can find the information and analysis related to their concerns, and where such analyses were augmented based on comments:

DOT&PF and FHWA recognize and have disclosed impacts related to having two roads to maintain. The two roads would serve different functions, however, and would offer some redundancy if needed under emergency conditions to residents and travelers on the Kenai Peninsula. DOT&PF is committed to operating and maintaining both roadways. However, traffic enforcement is not the responsibility of DOT&PF.

Wildlife movements are impacted by the Juneau Creek Alternatives, as documented in Section 3.22. The DOT&PF completed a wildlife movement study to identify crossing locations and additional mitigation for all alternatives. Additional data and detail has been added to Section 3.22 of the Final EIS.

Greater acreage of Inventoried Roadless Areas are impacted by the two Juneau Creek alternatives. See Section 3.2 for more information. Impacts to semi-primitive recreation locations are anticipated as the level of use would likely rise and the experience would become less "primitive." Recreation impacts of these alternatives are discussed in Section 3.8 and Chapter 4 of the EIS.

Each of the build alternatives includes segments of highway with long grades. The steepness is limited to 6% (mostly less than 6%), similar to portions of the existing alignment along Kenai Lake. Section 3.12.2 of the Final EIS has been updated to include more information on the effects of topography and elevation on road conditions, driving and safety concerns, and roadway maintenance. Winter conditions can present driving and maintenance challenges, but these are common throughout Alaska's highways and this project area is not anticipated to be appreciably different.

An avalanche technical report was completed for the project and is available on the project web site. None of the build alternatives enter known avalanche run-out hazard zones except the existing zones above Kenai Lake. Avalanches are addressed in Section 3.12.1.3 and 3.12.2 of the EIS.

The Juneau Creek Alternatives are the least costly of the build alternatives to construct. However, DOT&PF would also have the longest length of "old" Sterling Highway to maintain and operate, along with the new highway. Please see Section 3.27.7.5 for the cumulative impacts discussion regarding economics. The EIS does address road runoff in Section 3.13 (Water Quality and Water Bodies), Section 3.17 (Hazardous Waste Sites and Spills), and Section 3.20 (Wetlands and Vegetation).

There is no plan to light the entire highway alignment, and the need for illuminating major intersections was re-examined based on similar comments. Lighting is now proposed only at the connecting intersections where the old highway and new highway segments meet (two intersections for each alternative). Details are provided in Section 3.16 (Visual). A new discussion of artificial lighting impacts on birds and wildlife has been added to Section 3.22 of the Final EIS.

Traffic noise is discussed in detail in Section 3.15. Additional locations were added to the traffic noise model to forecast changes to traffic noise within additional residential neighborhoods on the north side of the Kenai River. The model forecasts showed little to no changes under the Cooper Creek Alternative, but increased noise levels under the G South, Juneau Creek, and Juneau Creek Variant alternatives. While these traffic noise changes would be perceptible, none of the changes to noise levels approach or exceed FHWA and DOT&PF Noise Abatement Criteria, or demonstrate a substantial increase (15 decibels or more) over existing noise levels.

Traffic safety is addressed in Section 3.6, Transportation. The improvements overall in meeting current standards throughout are expected to result in 65% reduction in the crash rate. The section notes that higher average speeds may result in greater severity of the crashes that do occur. Wider lanes, shoulders, clear zones, and smoother curves should improve visibility and driving conditions during wintertime travel and also contribute to safer conditions.

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### ***Group 50***

Topic/Subtopic: Alternatives/Juneau Creek Variant Alternative

*Group Comment Text:*

The Juneau Creek Variant Alternative is probably the most viable option. It is less expensive, has less impact to the Kenai River, and avoids wilderness.

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*Response Text:*

Thank you for your comment. It is helpful to understand the reasoning behind your preference.

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### ***Group 52***

Topic/Subtopic: Transportation/General

*Group Comment Text:*

There is no analysis in the Draft SEIS of traffic safety at higher speeds. For comparison, the EIS should consider traffic incidents along the Seward/Sterling Highway with similar existing conditions for each of the alternatives, such as elevation, speed, and number of lanes. Turnagain Pass may present similar conditions for the Juneau Creek and G South alternatives. Without this information, we do not know if a new road would actually alleviate traffic incidents. Congestion does not equal accidents.

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*Response Text:*

DOT&PF did consider crash rates of similar facilities with similar speeds and conditions as the proposed alternatives. Analysis in Appendix A (Section 3) evaluates the crash rate of MP 37-45 and compares it against crash rates in the project area. MP 37-45 is the segment of highway just east of the project area that has been rebuilt to similar standards and speeds as those proposed for this project. After being rebuilt, that section has a crash rate of 1.15 crashes per million vehicle miles. This is almost 50% less than the average crash rate for the MP 45-60 project area (1.72) and is more than four times lower than the highest crash rate segment in the project area (5.35).

Vehicle speed is a factor in traffic safety, but it is not a stand-alone factor. Vehicle crashes are often a result of unsafe speeds, which is not necessarily higher speed, but speeds exceeding that which the roadway is designed for (due to curves, grade changes, or site distances) or the conditions (low visibility, wet or snowy conditions, etc.). By more closely designing for driver expectations on a National Highway System route--meaning consistent speeds, smoother curves, wider lanes, and fewer conflict points--the risk of collisions will be reduced.

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DOT&PF concurs that congestion by itself does not directly equate to accidents, but it is a contributing factor. Conflict points such as driveways, intersections, and stop-and-go traffic along the highway create more opportunities for collisions. Congestion caused by platooned vehicles and frustrated drivers can lead to unsafe passing, and the antiquated roadway design contributes directly to the safety problems and also causes nervous drivers to slow, exacerbating congestion.

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### ***Group 53***

Topic/Subtopic: DSEIS Document/General

*Group Comment Text:*

For reasons of safety to the Kenai River, I do not support any new crossings to the river.

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*Response Text:*

Thank you for your comment. DOT&PF recognizes the importance of the Kenai River and is considering its safety in its decision making.

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### ***Group 54***

Topic/Subtopic: Water Bodies and Water Quality/General

*Group Comment Text:*

Many comments submitted advocated for the new highway to be moved away from the Kenai River to protect the Kenai River watershed. The common concern was regarding pollution from vehicle accidents and spills entering the Kenai River watershed and impacting water quality, wetlands, fish, fish habitat, and wildlife. Most comments stated that the economy of Cooper Landing and much of the Kenai Peninsula communities depend on tourism and resources from the river. Some comments advocated for selecting one of the Juneau Creek alternatives as the best way to move the longest length of highway away from the river. One comment did point out that there is no alternative where spills would not enter the Kenai River watershed. Some comments provided examples of recent truck accidents and spills to illustrate the risk of spills.

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*Response Text:*

DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and are including these issues in their decision making process and the issue is incorporated in the project purpose and need statement (Section 1.2.1).

Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 to 10 miles long, that is shifted away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River, and a spill along any of the alternatives could result in contamination within the watershed. The EIS discusses hazardous waste, spills, and contaminants as well as the risk of spills as part of Section 3.17. This section addresses existing highway spill data from the Alaska

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Department of Environmental Conservation, and is based on a technical study that assessed hazardous material transportation in the project area. Surface water and water quality issues associated with the build alternatives are discussed in Section 3.21 of the EIS.

In general, the risk of a spill entering the Kenai River diminishes the farther away from the Kenai River the spill occurs. The greater distance allows more time for responders to contain the spilled material and prevent it from reaching the river. Tributaries, riparian areas, and wetlands are all areas of special concern.

Upgrading to current design standards for a rural principal arterial highway would widen lanes, smooth curves, improve visibility around curves, improve sight distances for drivers, provide shoulders, add vehicle turn pockets to decrease the likelihood of crashes, and provide a recovery area for vehicles that run off the roadway. These features would reduce the risk of crashes along the length of the highway and reduce the risk of pollutants entering the river.

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## ***Group 55***

Topic/Subtopic: Draft Section 4(f) Evaluation/General

### *Group Comment Text:*

The Section 4(f) requirement has not been met since DOT&PF has not demonstrated through measures taken on the existing highway that "no prudent and feasible" alternative has even been tried. It cannot be proven if there are no comparison measures to point to.

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### *Response Text:*

The Section 4(f) Evaluation (Chapter 4) thoroughly explains the issues regarding a "feasible and prudent avoidance alternative." See Section 4.4 on this topic. Any work to widen the highway, add shoulders, realign curves in any manner, or add pedestrian paths (as suggested by the commenter), even if all work was contained within the existing right-of-way, would impact the Sqilantnu Archaeological District, individual archaeological sites that exist within the right-of-way, and Traditional Cultural Properties that overlap the existing right-of-way. This is the reason Section 4(f) properties cannot be avoided. The project purpose and need statement (Chapter 1) addresses three interrelated elements: reducing congestion, meeting current standards, and improving safety. Addressing all three requires work outside the existing right-of-way.

Regarding a 3R Alternative that would use the existing alignment throughout, DOT&PF and FHWA examined a variation on the 1994 3R Alternative in an effort to optimize it, in response to comments on the Draft SEIS. The results are reported in Chapter 2, Section 2.5.1. In short, issues remain in this area that result in the alternative not meeting the project purpose and need or in engineering feasibility problems. The physical issues of roadway geometry and unstable bluffs coupled with the traffic engineering issues mean this alternative would not be a prudent and feasible avoidance alternative under Section 4(f).

## ***Group 56***

Topic/Subtopic: Alternatives/Existing Alignment/3R/4R/Walls

### *Group Comment Text:*

The EIS should fully evaluate an alternative that makes improvements to the existing highway alignment over its entire length. Without full consideration of such an alternative, the EIS is legally deficient. The current roadbed should be widened in several areas and the most troublesome corners straightened. The existing alignment, with such improvements and slow speed limits where necessary, will address the safety issues. Such an alternative could include other improvements such as pullouts, passing lanes, straightening of the worst corners, roundabouts, the addition of pedestrian walkways or sidewalks, enforced speed limits or lower speed limits, improved signage, rumble strips, flashing lights, and other highway safety modifications.

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### *Response Text:*

DOT&PF and FHWA have evaluated a full range of alternatives, including making improvements on the existing highway alignment, including: (1) the 3R Alternative proposed in the 1994 Draft EIS; (2) the Kenai River Walls Alternative that would fully meet Rural Principal Arterial standards; and (3) a 3R variation examined in response to comments on the Draft SEIS. DOT&PF and FHWA have re-examined the stated purpose of the project, taken an additional look at the suggestions from the commenters, and have reaffirmed that attempts to find an alternative that stays 100% on the existing alignment would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both.

Section 2.5.3.1 of the Final EIS includes additional information on evaluation of the 3R Alternative, including this latest attempt to create a reasonable alternative that would stay on the existing alignment based on comments on the Draft SEIS. The following summarizes the findings.

There is a reasonable range of alternatives evaluated in the EIS. DOT&PF and FHWA evaluated more than 11 build alternatives, including 3R alternatives that made minor improvements to the existing highway as suggested by the commenters (a "3R Alternative"). Four reasonable alternatives were identified, and these alternatives represent the full range of solutions. For example, three alternatives traverse north of the community and one traverses south of the community, and they range from reconstructing 71% on the existing alignment to reconstructing 29% on the existing alignment. No reasonable alternatives were able to stay 100% on the existing alignment (conversely, no reasonable alternatives were identified that bypassed 100% of the existing highway either).

There are geotechnical feasibility problems with staying 100% on the existing alignment. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project website. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment involves cuts into this bluff. Observation of slope failure and mudflow leaching sediment into

Cooper Creek just upstream of the Cooper Creek Bridge where the ground had been previously cut, and DOT&PF's ongoing maintenance issues (a sloughing, failing cut) at approximately MP 50.5 just east of Cooper Creek, demonstrate the concern with the soil stability. Detailed geotechnical reports available on the project web site document the engineering concerns. The risk to the traveling public and risk to the Kenai River, should there be a major slope failure, present an unacceptable engineering risk.

DOT&PF and FHWA considered a 3R alternative during the screening phase of this project. DOT&PF and FHWA evaluated the 3R alternative from the 1994 EIS. That alternative was determined to not be a reasonable alternative because it did not satisfy the purpose and need for the project. Primarily, the 3R alternative was rejected because it did not meet Rural Principal Arterial standards that have been identified as necessary to correct roadway deficiencies. The Rural Principal Arterial standards directly address the other elements of the purpose and need—creation of a safer and less congested highway.

Reasonable alternatives must satisfy the overall purpose of the project. The overall purpose for the project is based upon FHWA guidance (T 6640.8A; subsection D, "Purpose and Need for Action"), which identifies nine items for consideration in establishing the purpose and need for a project. Correcting "Roadway Deficiencies" is one of the items on the list. This item considers the question: "Is the proposed project necessary to correct existing roadway deficiencies (e.g., substandard geometrics, load limits on structures, inadequate cross-section, etc...)?" The answer to this question is yes, the proposed project is necessary to correct existing roadway deficiencies. The discussion under Need 2 in the EIS provides the documentation of the roadway deficiencies identified between MP 45 and 60, including substandard curves, shoulders, lane widths, and clear zones any alternative must satisfy to be considered reasonable.

The roadway standards identified for the project are needed to safely fulfill the function of the facility. The identification of the standards that the Sterling Highway needs to satisfy are based on the function that the roadway is intended to serve. The introduction in Chapter 1 documents the Sterling Highway's functions. The Sterling Highway in the project area is classified as a Rural Principal Arterial and is designated as part of the National Highway System and Interstate Highway System. The National/Interstate Highway System is reserved for facilities that serve national functions (see the footnote on page 1-1). Alaska's highways that are designated as part of the National/Interstate Highway System, like the Sterling Highway through the project area, are the most critical in the State and have a recognized national significance. In Alaska, rural portions of the Interstate Highway System are designed to Rural Principal Arterial standards.

Because of the importance of the Sterling Highway, it must safely and efficiently satisfy the functions allocated to National/Interstate Highway System component of the transportation system. As explained in Chapter 1, that means connecting major population centers, airports, ports, etc. in as direct a connection as possible. These highways function primarily for moving through-traffic between these destinations directly and efficiently. They are not intended to function for accessing local homes and businesses--those functions are allocated to local roads, collector roads, or minor arterial roads.

Mixing the functions of access and through movements is not recommended. It creates unsafe conditions and congestion because traffic wanting to move at higher speeds conflicts with people making short trips to visit and access local destinations, frequently entering and exiting the roadway. At low volumes, the mixing of these traffic functions can work, but as volumes grow, problems result. The Sterling Highway is a classic example of a roadway where the mix of uses (highway speed, long-distance travel mixed with slower speed, local access) coupled with growing traffic volumes and increasing popularity of local

destinations have caused the facility no longer to function. The result is the traffic congestion and safety problems documented in Chapter 1. This concept is embodied in the purpose statement for the project: “...to efficiently and safely serve through-traffic, local traffic, and traffic bound for recreation destinations in the area...”

Staying 100% on the existing alignment does not satisfy the purpose and need. DOT&PF and FHWA have completed further work regarding an alternative that would remain on the existing alignment throughout its length. In response to the desire of some public and agency commenters to keep the upgraded highway entirely on the existing alignment, DOT&PF and FHWA undertook another hard look before publication of the Final EIS (see Section 2.5.1). In short, the effort examined the possibility of placing the road into the limited available space (between the bluff and the river, and in a narrow right-of-way in Cooper Landing) to see how close it could come to meeting current Rural Principal Arterial standards (the purpose of the project). The biggest challenge was determining what would be possible in the MP 48 to 51 area (i.e., the area the Cooper Creek Alternative would bypass). The engineers’ conclusion is that the highway would need to remain at the 35 mph speed limit (or lower) with a curb and gutter design through Cooper Landing. A slow-speed alignment with curb and gutter and a pathway alongside would function well as a local road for access to adjacent property, but it would not efficiently and safely serve through-traffic. In other words, it would not satisfy the Sterling Highway’s long-distance function as a critical principal arterial link in the National/Interstate Highway System, and it would not be consistent with other parts of the Sterling and Seward Highways that have been upgraded and does not meet the Purpose and Need.

Taking through-traffic out of the core area of Cooper Landing best satisfies the purpose and need. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the remaining old highway would be reclassified to function as a minor arterial or major collector. With less traffic, and traffic that is primarily destined for local, Cooper Landing destinations, the remaining existing highway through town would safely function to provide access to adjacent properties. In this way, the alternatives that bypass the core area of Cooper Landing also would efficiently and safely serve the local traffic and traffic bound for recreation destinations in the area—satisfying the overall purpose of the project. In identifying the preferred alternative, DOT&PF and FHWA ultimately found the Cooper Creek Alternative inferior in part for related reasons. Because it would pass through a portion of Cooper Landing, including many closely spaced driveways, and it would mean continued conflicts between local traffic and through traffic. It would not achieve the project purpose as well as the other alternatives. An alternative that remained 100% on the existing alignment would have the same type of (and even more numerous) conflicts as the Cooper Creek Alignment that contributed to DOT&PF and FHWA finding it an inferior option to addressing the project purpose and need.

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### ***Group 57***

Topic/Subtopic: DSEIS Document/Spelling and Grammar

*Group Comment Text:*

NAGPRA is the Native American Graves Protection and Repatriation Act. It is incorrect in several areas. We recommend a global find and replace.

*Response Text:*

Thank you. A global find and replace was performed, and the title was corrected in Section 3.9.2.2 and 4.6.9.1.

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***Group 58***

Topic/Subtopic: Draft Section 4(f) Evaluation/General

*Group Comment Text:*

All of the other alternatives other than the No Build Alternative offer significant 4(f) implications to popular and frequently used backcountry recreation and historical use trails in the Chugach National Forest and Bean Creek areas.

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*Response Text:*

Thank you for your comment. It is helpful to see the reasoning behind the stated preference for the Cooper Creek Alternative. Section 4(f) protects recreation areas, such as the trails mentioned, as well as historic/cultural properties, wildlife refuges, and parks. All of these kinds of properties exist in the project area and are unavoidable, even where the highway improvements are totally contained within the existing right-of-way. DOT&PF and FHWA have recognized and have disclosed backcountry recreation and trail usage effects described in the comment and have balanced many factors (including these effects) in identifying the alternative with the least overall harm.

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***Group 59***

Topic/Subtopic: Draft Section 4(f) Evaluation/General

*Group Comment Text:*

Resurrection Pass Trail is a national treasure and historic trail used by thousands of hikers and bikers every year. Simply building a new parking area and installing an underpass will never replace the lost opportunity of viewing Juneau Falls in a pristine setting without the presence of a large highway bridge and the associated new noise pollution to this area. Wildlife will move further away and the area will lose its character. The deceptive description of the impacts characterized in Chapter 4 of the Draft SEIS identify poor remedies to the impacts and fails to fully account for the impacts to 4(f) properties of either of the Juneau Creek alternatives or the G South Alternative. In light of the magnitude of these impacts, we feel that there is no viable alternative aside from the Cooper Creek Alternative or the No Build Alternative.

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*Response Text:*

DOT&PF and FHWA recognize and have disclosed the severity of the impacts to the Resurrection Pass Trail described by the comment, including changes to the character of Juneau Falls. Noise and light pollution are addressed and changes to the area, including wildlife moving away and changes to the

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character (the area becoming more of a front-country experience instead of a back-country experience are described). The EIS discloses impacts to the Resurrection Pass Trail and Juneau Falls in Section 4.5.4. The Final EIS also clarifies that the mitigation measures proposed are not expected to appreciably reduce the impacts at the site of the trails but is meant to compensate in part for impacts created. FHWA and DOT&PF have weighed the effects described by the comment in identifying a preferred alternative.

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## ***Group 60***

Topic/Subtopic: Draft Section 4(f) Evaluation/General

### *Group Comment Text:*

The 4(f) evaluation contained in Chapter 4 of the Draft EIS is deceptively poor in its descriptions of the impacts to the Bean Creek Trail and Resurrection Pass Trail areas. Although the footprint of the impact can be minimized due to the width of the trails in question, the impacts to recreational opportunities are tremendous. These are currently “backcountry” areas that will instead become highway-side areas with little to no semblance to their former backcountry beauty should the project proceed under either of the Juneau Creek or G South alternatives. The group making this decision has a mandate to adhere to 4(f) requirements, including considering a No Build Alternative if there are significant identified impacts to 4(f) properties. Aside from the No Build Alternative, the Cooper Creek Alternative most closely follows the current road alignment and will create the least new noise pollution to areas not yet impacted by highway noise.

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### *Response Text:*

DOT&PF and FHWA have disclosed the Juneau Creek and Juneau Creek Variant Alternatives' impacts to the Resurrection Pass Trail and Bean Creek Trail in Section 4.5.4.2, 4.5.4.3, and 4.5.4.5, including the impacts discussed in these comments. G South impacts to the Bean Creek Trail are outlined in Section 4.5.3.2. Noise and visual impacts associated with the G South Alternative and the Resurrection Trail (and Bean Creek Trail) are discussed under Sections 3.15 (Noise) and 3.16 (Visual). There are no Section 4(f) uses of the Resurrection Trail by the G South Alternative.

FHWA has fully complied with NEPA and Section 4(f) in consideration of the No Build Alternative. As is required, the No Build Alternative is evaluated throughout the EIS and Section 4(f) Evaluation. FHWA determined that the No Build Alternative is not a prudent and feasible avoidance alternative under Section 4(f) because it does not satisfy the Purpose and Need for the project (see Section 4.4.2). However, until the Record of Decision is signed, the No Build Alternative could still be selected. It is helpful to see the commenter's reasoning behind their stated preference for the Cooper Creek Alternative.

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## ***Group 61***

Topic/Subtopic: Transportation/General

### *Group Comment Text:*

Several comments questioned the project changes in the vicinity of the Quartz Creek Road intersection and the Sunrise Inn and Restaurant. They wanted to understand the proposed design to gauge its impact

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on the business, such as the anticipated speed limit, and visibility changes of the business from the roadway.

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*Response Text:*

The speed limit in front of Sunrise Inn is currently 45 mph. The highway curve in front of Sunrise Inn is not up to current highway standards. Under any build alternative, the curve would be smoothed and the highway intersection with Quartz Creek Road would be upgraded and shifted slightly (370 feet) to the northeast, and the posted speed limit would likely be 55 mph. There will be dedicated right and left turn lanes for Quartz Creek Road, allowing travelers to exit the highway. While the speed limit will be higher, the intersection will be improved, making turning safer. At this point, DOT&PF and FHWA do not anticipate that these changes will result in visibility changes to the business that would result in less or more traffic stopping at Sunrise Inn.

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***Group 62***

Topic/Subtopic: Environmental Consequences (Brown Bear)/General

*Group Comment Text:*

A foremost concern is that even though wildlife and their movement corridors should be at the heart of environmental analysis, the Draft SEIS is woefully lacking. For over a decade, brown bears on the Kenai Peninsula have been the topic of special attention. Once they were found to be an “island” population due to their limited travel on and off the peninsula, their status has hovered around the “threatened” designation under the Endangered Species Act. For this reason, the multi-agency Brown Bear Task Force was created toward the end of the 1990s and a low-end population number of 350 individuals identified as healthy for a genetically diverse gene pool. Brown bear hunts are regularly shut down on the Kenai Peninsula to maintain this tipping-point number. Should they drop lower, petitions for a higher designation under the Endangered Species Act would likely ensue and would have a major impact on residents, businesses, and public land management. Yet, there is little information or analysis in the Draft SEIS regarding brown bears specifically and wildlife in general. While all of the Action Alternatives in the Draft SEIS would affect large mammal travel corridors, this significant issue has not been addressed adequately in the Draft SEIS.

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*Response Text:*

It is not accurate that "there is little information or analysis in the SEIS with regard to brown bears specifically and wildlife in general" or that the issue has not been adequately addressed. DOT&PF and FHWA recognize and have disclosed the impacts described by the commenter. Wildlife, and particularly brown bears, has been one of the resources given the greatest attention by the project and in the EIS. Chapter 3.22 addresses wildlife and is more than 60 pages long, with 5-6 pages on the existing status of brown bears and 14-15 pages of analysis of impacts to brown bears. Impacts to brown bears are discussed in Section 3.22 (Wildlife). As discussed in the EIS, impacts to brown bears would likely be the result of habitat loss, habitat alteration (fragmentation, loss of quality, and changes in availability of food resources), modification of bear behavior and use of habitat, and increased mortality through changes in the probability of Defense of Life and Property (DLP) kills or vehicle collisions. The EIS documentation is based on agency research and interagency meetings regarding wildlife and brown bear

habitat. The EIS characterizes the impacts as high; however, it does not seek to identify impacts to specific individual bears or population numbers as those estimates would be speculative at best.

DOT&PF and FHWA recognize that there is a long history and evolving understanding and management of brown bears on the Kenai Peninsula. The Alaska Department of Fish and Game (ADF&G), the U.S. Forest Service (Forest Service), and the U.S. Fish and Wildlife Service (USFWS) are continually studying, monitoring, and evaluating population levels, annual human-related animal deaths (vehicle, DLP, hunting, etc.), and other factors to maintain a healthy population and establish regulations for hunting. Based on the consultation, there has been no indication by land managers or consulting agency biologists that this project would result in the Kenai Peninsula brown bear population being classified as, or managed as, a threatened or endangered species.

Wildlife resource managers have discussed issues related to brown bear movement and vehicle collisions with DOT&PF and FHWA. The project is funding a Wildlife Mitigation Study and has identified specific highway crossing mitigation measures for brown bear (and other species). The study was designed in consultation with an interagency working group including USFWS, Forest Service, and ADF&G biologists. The study will refine where and how to include crossing structures and other measures to mitigate impacts on these species. Refined mitigation measures have been added to Section 3.22 of the Final EIS.

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### ***Group 63***

Topic/Subtopic: Geology and Topography/General

*Group Comment Text:*

All three of the northern alternatives are within an avalanche area. At around MP 46, two avalanche chutes have closed the highway at somewhat regular intervals through the years. Selecting an alternative that has the further potential of avalanche closures (and the risks associated with such) is an unnecessary risk and adds maintenance costs, both of which were not evaluated in the Draft SEIS.

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*Response Text:*

FHWA and DOT&PF completed a detailed analysis of the avalanche risks. A technical report was prepared by an avalanche expert and is available on the project web site. Avalanche issues are discussed in Section 3.12. All alternatives were designed to stay out of avalanche run-out areas on the mountain slopes that were identified in the avalanche risk study as hazard areas. The exceptions are the two narrow avalanche run-outs that cross the existing highway between MP 46 and 47. It was not feasible to relocate the highway out of these two avalanche prone areas; all build alternatives are identical in this stretch and would be rebuilt in the existing alignment, and would face the same avalanche risk as the No Build Alternative.

## ***Group 64***

Topic/Subtopic: Historic and Archaeological Preservation/Permanent Impacts

### *Group Comment Text:*

All of the action alternatives would adversely affect the Traditional Cultural Property on the Sqilantnu Archaeological District. Keeping the roadbed in its current location has the least impact to these historic cultural sites.

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### *Response Text:*

DOT&PF and FHWA did consider alternatives that would have stayed 100% on the existing alignment, and found that such an alignment would not satisfy the purpose and need for the project or had unacceptable engineering risk, or both. DOT&PF and FHWA recognize and have evaluated the impacts to Traditional Cultural Properties (TCP) and the Sqilantnu Archaeological District and considered the effects of the build alternatives on these resources in identifying the alternative with the least overall harm. It is important to note that the existing road and right-of-way are also within the TCP and archaeological district, thus any alternative, including those that would stay on the existing alignment, (and even maintenance associated with the No Build Alternative) would impact those resources. Because alternatives that stay on the existing alignment are not reasonable (i.e., do not resolve the problems or are not feasible) they were not identified as the preferred alternative.

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## ***Group 65***

Topic/Subtopic: Noise/Permanent Impacts

### *Group Comment Text:*

Effects of noise are understated in the Draft SEIS. The residents of Cooper Landing will experience a dramatically increased level of noise pollution, especially with placement of the roadway on a mountainside bench (e.g., under the Juneau Creek Alternatives). Steep inclines rising toward and from Juneau Falls will require trucks to use their air compression (or 'jake') brakes. Raising the level of the highway above the valley floor provides a much broader area for traffic noise disbursement. All of the inhabitants living along the valley floor and the hillside, just below the designated path of the new highway, will experience continuous traffic noise from above. In addition, there is no discussion of the potential of prohibiting use of air ('jake') brakes on larger trucks on steeper slopes. This type of mitigation is applied in other locations across the United States.

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### *Response Text:*

DOT&PF and FHWA rigorously evaluated noise affects and fully disclosed noise impacts. Section 3.15 addresses Noise impacts. Noise was a topic of a specific technical report prepared for the project by a noise expert, which is appended to the EIS and is available on the project web site. The noise model calculations include vehicle type (to account for heavy trucks and buses) and deceleration, but does not account for the use of air compression brakes--which are louder. DOT&PF does not have the authority

to prohibit air brakes (also called 'jake' brakes); however, the local government (in this case, the Kenai Peninsula Borough) has the ability to limit their use. Information related to 'jake' brakes, their noise level, and status of their regulation has been added to Section 3.15 of the Final EIS.

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## ***Group 66***

Topic/Subtopic: Alternatives/Change to Alternative Requested

### **Group Comment Text:**

A number of commenters suggested that there should be separated bike lanes, pathways, and/or sidewalks included in the alternatives to provide safe accommodation of pedestrians and bicyclists.

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### **Response Text:**

Each of the build alternatives will have an 8-foot shoulder, which meets the requirements for safety for bicycles and pedestrians along a Rural Principal Arterial highway. Given the level of bike and pedestrian activity on the highway outside of Cooper Landing, DOT&PF believes the wider lanes and shoulders would sufficiently increase safety for pedestrians and bicyclists along the new highway segments. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. Each of the new or replaced bridges by the selected alternative will be designed with sidewalks so that if a separated pathway project is developed in the future, the bridges will be able to accommodate it. The phrase "no pedestrian improvements are proposed for the existing ("old") highway" has been added to the executive summary table.

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## ***Group 67***

Topic/Subtopic: Alternatives/Change to Alternative Requested

### **Group Comment Text:**

There is a need for a bridge or underpass for horses crossing the highway near Quartz Creek Road to accommodate permitted trail riding businesses on the south side of the highway that use trails on the north side of the highway. The increased speed limit will make it more difficult and less safe to cross.

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### **Response Text:**

An underpass in the MP 44-45 area, near Quartz Creek Road, was considered by engineers in preparation for the Final EIS. The topography is not conducive to providing a horse underpass in the MP 44-45 area. The existing marked horse crossing would remain under all alternatives, just east of the project terminus. The text of the EIS in Sections 3.8.1 and 3.8.2 under the "Trails" subheading" has been revised to acknowledge the horse crossing and indicate that slightly higher average speeds in this area may make crossing by horses more difficult and less safe.

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## ***Group 68***

Topic/Subtopic: Wildlife/Mitigation

### *Group Comment Text:*

The Service considers the Wildlife Study to be a necessary and critical prerequisite for adequate analyses and evaluation of project impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a comprehensive and detailed mitigation plan should be included in the Final SEIS. Wildlife crossing structures are but one of several potential mitigation measures which may be necessary to avoid or minimize impacts to wildlife resources. A key component of the yet-to-be completed Wildlife Study will be identification of landscape-scale wildlife movement corridors within the Project area. As impacts of the Project and other reasonably foreseeable development activities (including development in Unit 395) to corridors and wildlife movement in the Project Area are expected, and the Service views this information critical to informing final decisions on appropriate and necessary mitigation.

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### *Response Text:*

The Draft SEIS stated that the Final EIS would include a specific mitigation plan for wildlife, and the Final EIS now includes that detail in Section 3.22 and Appendix I. DOT&PF and FHWA had originally intended to commit to general mitigation in the Record of Decision and to refine the wildlife crossing locations during final design. Based on cooperating agency coordination, the mitigation study was moved up in the schedule.

The EIS addresses impacts to wildlife in Sections 3.15 (Noise), 3.21 (Fish and EFH), 3.22 (Wildlife), and 3.27 (Cumulative Impacts). These sections have been updated in the Final EIS to address public and agency questions and comments on the evaluation and completeness of the impact analysis. The Wildlife Mitigation Study is not intended as a mechanism for evaluating impacts to wildlife resources. It is designed to identify and evaluate measures to minimize and mitigate wildlife impacts. It is important to note that the wildlife agencies, including USFWS, were involved in defining the scope of the study, and it was never intended to use as a tool for assessing project impacts. The study includes a modeling effort, and field verification using cameras. The initial modeling was completed and the cameras were put into place from October 2015 through 2016.

The study results were incorporated into the Final EIS, to inform and identify mitigation to minimize impacts on movement corridors. The proposed mitigation is based on “landscape scale wildlife movement corridors” developed by the modelers for brown bears and moose. The proposed mitigation identifies crossing structures to minimize the disruption of wildlife movement along these corridors. DOT&PF and FHWA welcome the input from USFWS on these and other pertinent mitigation measures. As stated above, the Final EIS includes a specific mitigation plan for wildlife in Section 3.22 and Appendix I for USFWS to review and comment. See also Response to Group 69 comments.

## **Group 69**

Topic/Subtopic: Wildlife/Mitigation

### Group Comment Text:

The Service remains concerned that the results of the Wildlife Study are not expected to be available until a later date, possibly after release of the Final SEIS, the Record of Decision, and a selection of the “Preferred Alternative.” The Service considers the Wildlife Mitigation Study to be a necessary and critical prerequisite for adequate analyses and evaluation of project impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a detailed mitigation plan should be included in the Final SEIS. The Service considers these necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2).

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### Response Text:

The Draft SEIS stated that the Final EIS would include a specific mitigation plan for wildlife, and the Final EIS now includes that detail in Section 3.22 and Appendix I. DOT&PF and FHWA had originally intended to commit to wildlife crossing mitigation in the Record of Decision and to refine the wildlife crossing locations during final design based on the study results. Based on cooperating agency coordination, the mitigation study was moved up in the schedule and results have been incorporated.

The EIS addresses impacts to wildlife in Sections 3.15 (Noise), 3.21 (Fish and EFH), 3.22 (Wildlife), and 3.27 (Cumulative Impacts). These sections have been updated in the Final EIS to address public and agency questions and comments on the evaluation and completeness of the impact analysis. The Wildlife Mitigation Study is not intended as a mechanism for evaluating impacts to wildlife resources, per se. Rather, the study is designed to identify and evaluate measures to minimize and mitigate such wildlife impacts. It is important to note that the wildlife agencies, including USFWS, have been integrally involved in defining the scope of the study, and it was never intended to use as a tool for assessing project impacts. The study includes a modeling effort, and field verification using cameras. The initial modeling has been completed and the cameras have been in place since October 2015. The verification effort ran for a year, and then final modeling, study conclusions, and preparation of a final report were prepared and received in September 2017.

The results of the study have been incorporated into the Final EIS, and this information informs the mitigation proposed in Appendix I to mitigate effects on movement corridors. The proposed mitigation plan has identified the placement and structure design of crossings based on preliminary landscape-scale wildlife movement corridors identified by the model. The Final EIS refines other details such as the cost of the proposed mitigation. DOT&PF and FHWA are still committed to using data from the wildlife study (e.g., field verification data) to inform the Record of Decision to the extent possible so that mitigation is identified as specifically as possible in the ROD.

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## **Group 70**

Topic/Subtopic: Wildlife/Mitigation

### Group Comment Text:

Reasonable estimates of mitigation costs for each of the alternatives should also be included in the Final SEIS. Mitigation costs may be substantive, are likely to vary greatly for the different alternatives, and may ultimately influence the selection of a preferred alternative. It is therefore critical that wildlife mitigation for each alternative should not be constrained initially by expense, as prematurely capping the costs could give the impression that wildlife impacts and their mitigation are similar for each alternative. The Draft SEIS indicates that contingency funds are 20% of project costs for each alternative; and ultimately, the selection of wildlife mitigation measures will be based, in part, on the “cost and prudent expenditure of public funds.” It is unclear what other costs will be covered by the contingency funds, nor the impact of such on funds available for mitigation. The Final EIS should clearly articulate that sufficient funds will be set aside up front for the necessary and agreed upon mitigation measures to minimize impacts to wildlife resources and to offset unavoidable impacts resulting from the preferred alternative. Wildlife crossing structures should be designed, constructed, and maintained as primary components of the new highway, and as such, and not as highway enhancements, and all final mitigation measures should be adequately funded from the Surface Transportation Program, or similar.

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*Response Text:*

DOT&PF and FHWA have included the design and location of proposed wildlife mitigation in the Final EIS for each build alternative. FHWA, as the lead agency, will only sign the record of decision (ROD) once it determines that impacts have been adequately mitigated. Once FHWA signs the ROD, the mitigation becomes a commitment DOT&PF must comply with to use FHWA funding. Reasonable estimates to cover mitigation costs were included in the draft SEIS and have been updated for the Final EIS.

DOT&PF and FHWA have made a good faith effort to first avoid impacts, then to minimize impacts, and finally have proposed mitigation for the remaining impacts. Mitigation proposals have not been "constrained by expense" or "prematurely capped." That said, DOT&PF and FHWA will weigh the impact, the effectiveness of the mitigation, and the cost of the mitigation to ensure that the use of public funds for the mitigation proposed is prudent. Reasonable cost estimates of proposed wildlife mitigation measures for each build alternative have been added to Section 3.22 and outlined in detail in Appendix I.

The Final EIS has been augmented to clearly articulate that mitigation commitments are binding and that sufficient funds will be allocated to cover agreed upon mitigation measures. The ROD also will make the same statement. DOT&PF and FHWA agree that wildlife crossing structures will be designed, constructed, and maintained as primary components of the new highway, not as "enhancements" that could be later cut, if funding shortfalls were to occur.

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***Group 71***

Topic/Subtopic: Draft Section 4(f) Evaluation/Characterization of Impact and Mitigation

*Group Comment Text:*

The Section 4(f) analysis (e.g., Section 4.2.10 and 4.5) addresses the indirect impact to the setting, feeling, and association of the Confluence TCP and other historic properties in the Area of Potential Effect. Chapter 3 (Section 3.9) does not adequately address indirect impacts, other than visual, for any alternative (e.g., setting, feeling, association, access, etc.).

*Response Text:*

Chapter 3 relates to non-Section 4(f) properties. Nearly all of the identified Section 106 resources are eligible for the National Register of Historic Places and FHWA has determined they are protected by Section 4(f). Therefore, they are discussed in Chapter 4. To keep from repeating information and making the document even longer, attempts were made to only discuss the information in one place and to use cross references to aid the reader. In general, an effort has been made to emphasize that Chapter 4 contains the greatest detail related to historic and cultural resources. Cross references in Section 3.9 now indicate that the material in Chapter 4 is more detailed and incorporated by reference. The cross references to subsections in Chapter 4 have been made more specific, so that a reader can more easily pinpoint the correct information. Some material on indirect impacts in the Sqilantnu Archaeological District has been moved to Chapter 4.

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### ***Group 73***

Topic/Subtopic: Wildlife/Permanent Impacts

*Group Comment Text:*

The project proposes the addition of passing lanes between MP 55-58 of the existing Sterling Highway, which falls within the Kenai National Wildlife Refuge, under all Build Alternatives. The Service supports narrowing the project footprint in or adjacent to sensitive resource areas (e.g., wetlands and the Kenai River) to alleviate and/or minimize unavoidable impacts, and believe this to be an important goal of design flexibility. As such, while it may be appropriate to widen the shoulders between Jim's and Sportsman's Landings (MP 55-58), as well as accommodate intersections unique to the Juneau Creek Alternatives, the Service is opposed to construction of the passing lanes in this highway section proposed under all Build Alternatives. Minor decreases in travel time and any other traffic improvements realized from installing passing lanes in this section do not warrant the filling of wetlands, the increased proximity of the expanded roadbed to the Kenai River, and the increased likelihood of wildlife-vehicle collisions due to higher traffic speeds on a roadway that travels through the Kenai National Wildlife Refuge. In addition, a new four-lane passing section is proposed for construction approximately 0.5 mile west of Jim's Landing as part of the adjacent MP 58-79 project. The Service believes that this section of passing lanes, scheduled for construction in 2016/17, precludes the need for the passing lanes proposed for the MP 55-58 section under this project.

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*Response Text:*

DOT&PF has re-examined the alignment where it passes through the Kenai National Wildlife Refuge. Where passing lanes had overlapped, creating a four-lane cross-section, the eastbound and westbound passing lanes have been separated to eliminate the four-lane area. The passing lanes also have been shortened. Overall, this reduces the average and maximum width of pavement in the MP 55-58 portion of the project area, thereby slightly reducing impact to adjacent habitat.

DOT&PF reconsidered eliminating one or both passing lanes in this area, per the USFWS request. However, DOT&PF determined they are important to meeting the overall purpose and need. The passing lanes are important safety and congestion relief improvements, and relieving congestion and improving safety are core parts of the project purpose and need. With the busy Sportsman's Landing located at MP 55, a USFWS requested pullout/parking area retained at MP 55.6, the Fuller Lakes

Trailhead located near MP 57.2, the Kenai National Wildlife Refuge Visitor Contact Station located near MP 57.8, and Jim's Landing/Skilak Lake Road located at MP 58, there are multiple points in this area where recreational vehicles (often large/slow) will be slowing to exit the highway or accelerating onto the highway. Passing lanes allow traffic to sort itself out and relieve congestion under these conditions, and they keep people from attempting to pass these vehicles at unsafe locations.

The speed limit in the KNWR is expected to remain at 55 mph, as it is today. Currently, actual average speeds may be slower during busy periods because of congestion and lack of passing opportunities to get around slow-moving vehicles. Post-construction actual average speeds during these busy periods may increase to be closer to the posted highway speed limits. During average and low traffic periods, the travel speeds in the refuge are expected to be unchanged.

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## ***Group 74***

Topic/Subtopic: Alternatives/General

### *Group Comment Text:*

I am considering purchasing a house at 20518 Sterling Highway. I am wondering where exactly the highway might cut up the hill in the area around Milepost 46-47? I don't want to purchase this place if I end up with a highway in my backyard.

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### *Response Text:*

Thanks for your inquiry. This set of drawings (<http://www.sterlinghighway.net/Documents/Appendix-A-PER-plan-sheets-G-South-4-23-14-FLAT.pdf>) shows the currently identified preferred alternative, G South, and how it may affect the subject property – 20518 Sterling Highway, Tax ID# 11915006. Please refer to sheet F28 or page 34 of the PDF. Please be aware that these sheets are not construction drawings, are preliminary in nature, and subject to change. If you have further questions, please contact the DOT&PF Right of Way Section Supervising Project Coordinator, Al Burton at 269-0647. Thank you for your interest in the Sterling Highway MP45-60 Project.

## INDIVIDUAL COMMENTS AND ASSOCIATED RESPONSES BY COMMUNICATION

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### **Communication ID: 838**

*I support the Cooper Creek Alternative. (Comment 535)*

*I am strongly opposed to Juneau Creek Alternative, Juneau Creek Variant Alternative and G South Alternative. (Comment 536) All three options encroach upon the Resurrection Pass Trail system and the Juneau Creek Falls areas. The G South Alternative does have noise and visual impacts on recreational use of the Resurrection Trail and Juneau Creek areas. I believe that the Open House Alternative Summary "This alternative was designed to avoid impacts to the Resurrection Pass Trail and Juneau Creek Falls area" is incorrect and minimized the actual noise and visual effects on current human and wildlife land use. (Comment 537)*

*The northern side of the Kenai River includes high traffic wildlife use and must be protected. (Comment 538) Recreational use and wildlife domain trump highway needs where alternatives exist - which in my opinion the Cooper Creek Alternative provides. (Comment 539)*

*I also believe that Juneau Creek variants have not been adequately assessed for winter storm/snow conditions. The additional elevation and exposed nature of the bridges would make these treacherous in winter storms. The certain driving hazard of these road conditions (on what will be the longest span bridges in the State) should be a factor in rejecting these alternatives. (Comment 540)*

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**Comment 535:** See Comment Group #40

**Comment 536:** Thank you for your comment.

**Comment 537:** The G South Alternative was designed to avoid crossing the Resurrection Pass Trail. Only the Juneau Creek and Juneau Creek Variant alternatives would cross the Resurrection Pass Trail and Juneau Falls Recreation Area, creating a "use" of these properties. The G South Alternative would avoid using property from these resources. Because the G South Alternative would not cross the trail or recreational area, it would minimize noise and visual impacts to those properties. The EIS does not claim that there would be no change. Noise and Visual effects in general are described in Sections 3.15 and 3.16. Information has been added to these two sections and to Section 3.8, Parks and Recreation, to more specifically address the impacts of the G South Alternative to the Resurrection Pass Trail.

Noise receptors along the Resurrection Pass Trail and within the Juneau Falls Recreation Area were modeled to assess changes in traffic-related noise: one at a walk-in campground, one near the falls, and one along the trail in the southern part of the recreation area. At each location, the noise level modeled for the G South Alternative is among the lowest modeled in any part of the project area. To address this comment, DOT&PF added additional receptors to the traffic noise model. One was placed where the Resurrection Pass Trail is located, closest to the proposed G South Alternative, and another was placed

near the existing trailhead (see maps in Appendix D). As the G South Alternative would be approximately 1,900 feet horizontally separated and approximately 300 feet vertically separated, the model identified that traffic noise is not a significant contributor to existing ambient noise levels. It is anticipated that the noise level along the Resurrection Pass Trail where it passes closest to the G South Alternative alignment would increase from an existing 40 dBA to 42 dBA in 2043 under the G South Alternative. The anticipated length of trail where intermittent views of the new-alignment portion of the G South Alternative might be present is approximately 1 mile. The Final EIS notes that the highway likely would be intermittently audible and visible from a few locations, and that for some trail users the view and sound of the highway would constitute adverse impacts to the trail experience.

**Comment 538:** Wildlife impacts are described in Section 3.22, including impacts on the northern side of the Kenai River. More specific mitigation for wildlife movement has been included for all alternatives in the Final EIS.

**Comment 539:** See Comment Group #35

**Comment 540:** Section 3.12.2, Geology and Topography, has been updated to better reflect the concerns expressed about winter driving conditions and the effects of topography and elevation on driving. Such considerations were taken into account when identifying a preferred alternative.

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### **Communication ID: 841**

*I am for the Juneau Creek Alternative. I think it has the best alignment of them all to keep our highway safe. I feel it will on enhance the community as a whole. Cooper Landing has and will always be a destination spot. This will make it better. It is about time. I have been driving this highway for 25 years and have been affiliated with the Cooper Landing Emergency Services in the past. This road is heavily traveled and dangerous. (Comment 541)*

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**Comment 541:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

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### **Communication ID: 846**

*I fully support this project, in making the road safer, and better for driving. (Comment 542) After reviewing the alternatives, I prefer the Juneau or the Juneau variant route. I think it will provide ultimately the safest route, with the least amount of disturbance for through traffic, and will also benefit Cooper Landing with better safety/community, and safer river use and traveling. I understand it has the greatest amount of wetlands disturbance, but feel that the impact and safety for the river will be of*

*greater benefit, as well as the human advantage of safer route. (Comment 544) Thank you. Please don't delay - the current road is in such terrible condition!! (Comment 543)*

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**Comment 542:** See Comment Group #27

**Comment 543:** See Comment Group #27

**Comment 544:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 847**

*I support the Juneau Creek Alternative. (Comment 545) The Cooper Creek Alternative, in my opinion, has the least merit of all alternatives. If this project is actually going to go forward after all these years, why not build an alternative that gets the traffic as far away from the Kenai River as possible? We don't need any more spills of diesel fuel or urea to make us realize the Cooper Creek Alternative wouldn't do nearly enough. If that is the route, what good does it really do? It would be better to build nothing at all than have a last ditch, face saving attempt to build just SOMETHING (as we all know, this is one of the highway projects on the books the longest, most studied, and has many funds used already.) Trust me, it is better to build NOTHING than to throw the Cooper Creek Alt. up to just say you guys have finished the ever-long project. (Word on the street is that this is the alternative that the project managers are leaning towards. please, NO!) (Comment 546) Thank you for your time. Best Regards, Heather Pearson*

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**Comment 545:** See Comment Group #38

**Comment 546:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns.

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## **Communication ID: 848**

*I think the Juneau Creek or the Juneau Creek Variant options are the best options. (Comment 547) The worst option would be the Cooper Creek option. This would be no improvement what-so-ever from what presently exists as I see it. (Comment 548) Let's do it right and move the highway back from Kenai Lake and the river along that stretch. The topography will support the Juneau Creek options and will get the highway further away from the water. The economy and ecology in that region depend on the lake and river being protected from potential traffic accident/spill disasters. We've already had some close calls through the years. (Comment 549)*

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Weston Williams  
773 Eaton Circle  
Superior, CO 80027  
dubldub@hotmail.com

Affiliation: self

PS The 'submit' button wasn't accessible on the website email form as the form stretches beyond the bottom of my computer screen and there was no option to pull the form further up into the screen area

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**Comment 547:** See Comment Group #37

**Comment 548:** See Comment Group #39

**Comment 549:** See Comment Group #54

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### **Communication ID: 850**

*The residents of the Bean Creek area, where we share recreational property, would be negatively affected by the traffic and noise that would result from all of the Alternatives except the Cooper Creek Alternative, to the south. Additionally, we believe that the southern route would provide recreational access opportunities to new areas and help relieve environmental impacts related to the heavy use of this area. (Comment 551)*

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**Comment 551:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Impacts related to noise and traffic are discussed in the EIS in Sections 3.15 and 3.6, respectively. Note that the Cooper Creek Alternative provides a pullout for access to the Stetson Creek Trail to replace the existing access to that trail. The alternative would traverse an area currently accessed by Cooper Lake Dam Road and the Powerline Trail but would not really provide recreational access opportunities to new areas.

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### **Communication ID: 852**

To Whom it May Concern,

*I believe the Juneau Creek alternative is the best option because it is less expensive than some of the other options, and has less impact on the Kenai River, as well as surrounding wildlife. (Comment 552)*

*Conversely, I see the Cooper Creek Alternative as the worst option for the highway because of the impact it would have on the environment and economy of the Kenai Peninsula. (Comment 553) The economy of the Kenai peninsula relies heavily on its water quality. Moving the highway further from the lake and river would serve to protect the area both from air pollution and potential truck accidents that could spill into the water. (Comment 554)*

This is a beautiful area that has provided our extended family with many wonderful memories. We hope to be able to preserve the lake and river so that our family and others can continue to enjoy the wilderness of this land as long as possible. *Again, I believe the Cooper Creek Alternative is the worst option for the area. (Comment 556)* Thank you for your time.

Thanks,

Christopher Graf

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**Comment 552:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

**Comment 553:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns.

**Comment 554:** See Comment Group #54

**Comment 556:** See Comment Group #39

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### **Communication ID: 853**

*I support either of the Juneau Creek Options - both are great options. (Comment 557) I strongly object to the Cooper Creek option - it's just not safe. (Comment 558)*

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**Comment 557:** See Comment Group #37

**Comment 558:** See Comment Group #39

## **Communication ID: 854**

*If you don't have a real alternate, keeping the road on the original row, this EIS, is dead on delivery. so many residents want if there, and you ignore the comments, this EIS has a fatal flaw. (Comment 559)*

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**Comment 559:** See Comment Group #56

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## **Communication ID: 855**

The State of Alaska is considering expanding and possibly relocating the Sterling Highway. *From the description of the Cooper Creek Alternative on the website, it says that it "would impact 38 privately owned properties. Sixteen would be completely acquired." I am against this option. I am a descendent of the original owners, Gordon S and Mary F Guffey, of the address listed above and use this property on a regular basis with many other members of our family. This option would directly negatively affect this property. (Comment 560)*

However, Alaska is considering three other options that would move the highway further from the lake and river. *It seems to me that the Juneau Creek Variant Alternative is probably the most viable option to support as it is less expensive and has less impact to the Kenai River as well as avoiding wilderness, etc. (Comment 561)*

*It is my hope that authorities in charge of this project would be sensitive to both the local environmental quality of the lake and river as well as the economy of the Kenai Peninsula. Much of the economy on the Kenai Peninsula depends on the water quality. Given that fact, moving the highway further from the lake and river would protect both the local environment and economy as it would put more distance between a potential tanker truck accident/spill and the water. Through the years I've heard of at least two different truck accidents very close to the water. I was personally present at one of these accidents. (Comment 562)*

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**Comment 560:** Thank you for your comment. It is helpful to understand the reason behind your objection to this alternative. Private property impacts are taken seriously in the environmental process. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Comment 561:** See Comment Group #50

**Comment 562:** Thank you for your comment. DOT&PF and FHWA are aware of the importance of the Kenai River and its watershed's health on the economy of the Kenai Peninsula, and expresses this recognition within the project's Purpose and Need section (EIS Section 1.2.1). Each of the four build alternatives shift a highway segment away from the river. However, no alternative can remove the entire length away from the Kenai River, and risks remain within the watershed (EIS Section 3.17).

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## **Communication ID: 856**

*Juneau Creek Alternative seems to have the least impact and be the most wise choice, wish it could happen sooner! (Comment 563)*

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**Comment 563:** See Comment Group #38

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## **Communication ID: 857**

*Page 6 - I do not see an analysis of what percentage of the existing road meet roadway lighting requirements. Later on page 32 you note that major intersection lighting will be provided. Is there analysis that proves the incremental benefit of this towards safety or standards compliance? (Comment 564)*

*Page 30 - I believe the pedestrians and bicyclists would benefit more by a separated bike lane and sidewalk. With wide motor homes in the area wider shoulders are probably not going to create that much extra safety. I know there may not be room to make this happen everywhere, but it should be considered. (Comment 565)*

*Page 34 - You note no energy impacts, but wouldn't adding intersection lighting add energy consumption? (Comment 566)*

*The report indicates the goal of the project is to improve the highway to current "rural principal arterial" design standards. The state's publicly available functional classification GIS map classifies this as an "interstate" functional classification from feature Seward Highway to Kenai Spur Highway. What is the correct classification this road should be designed to? Will you be revising the roads publicly available functional classification or the project requirements? (Comment 567)*

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**Comment 564:** The safety benefit of isolated lighting in rural, lower volume areas, is typically not demonstrated, so the DOT&PF has revised the preliminary engineering report to only illuminate the

intersections where the old highway and new segment connect. Chapters 2, 3.11, 3.16, and 3.18 were updated to amend the number of intersections where lighting is planned.

**Comment 565:** See Comment Group #66

**Comment 566:** Yes, adding lighting to major intersections is considered an addition to energy consumption and should have been included. Section 3.18 has been updated to include this information, and the Executive Summary table has been revised from "No impact" to "Negligible." In addition, the proposed lighting for the project has been amended to only light the intersections of the new highway segments to the old highway. This change is noted in Section 3.11.2 (Utilities), and 3.16.2 (Visual). Thank you for your comment.

**Comment 567:** The correct classification to which the road will be designed is a "Rural Principal Arterial." This has been clarified, based on this question, in the Final EIS at the beginning of Section 1.1 and 1.2 (also, note that the Rural Principal Arterial standards are summarized in Chapter 2). The Interstate Highway System identifies the most important highways in the nation, and is reserved for those that serve national functions (see footnote in Section 1.1). In the lower 48 states there are specific design requirements for the Interstate Highway System (e.g. they have full control of access and are divided). Alaska has an exception to those Interstate design requirements. In Alaska, the Interstate Highway System is designed to Principal Arterial standards, and in the case of the Sterling Highway these are Rural Principal Arterial standards. Nonetheless, Alaska's highways that are designated as part of the Interstate Highway System, like the Sterling Highway through the project area, are the most critical in the State and have a recognized national significance.

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### **Communication ID: 858**

*I just wanted to say, this is a GREAT idea. With all of the foot traffic and narrow winding roads in this area, in the summer time, this needs to happen. It is dangerous in the winter time as well as you never know when that next tractor-trailer will be coming around one of the winding roads. (Comment 568)*

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**Comment 568:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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### **Communication ID: 859**

*As someone who has to make trips to Anchorage for business on a fairly regular basis, I congratulate the state on even contemplating such an undertaking. Thanks. (Comment 569) Now, when will you guys start looking into a bridge over the mouth of Turnagain Arm? That would really cut congestion and*

*speed traffic! Logistics operators and regular commuters would choose that route without any urging, and leave the scenic - and dangerous - Sterling Highway to the daisy pickers and tourists. (Comment 570)*

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**Comment 569:** Thank you for your comment.

**Comment 570:** Such a regional highway would have an entirely different purpose and need. However, the concept was considered and is addressed in the EIS in Section 4.4.2 in the context of Section 4(f).

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### **Communication ID: 860**

*Very needed project!*

*Either Juneau Creek option look great!*

*I strongly support this project! (Comment 573) ‘*

Thank you for your work and effort!

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**Comment 573:** See Comment Group #37

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### **Communication ID: 861**

*The Juneau Creek or Juneau Creek Variant get my vote. (Comment 574)*

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**Comment 574:** See Comment Group #37

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### **Communication ID: 862**

*I support the reroute and path selected. (Comment 575) I suggest we stop hydro-seeding the embankments with non-native grasses. Im sure it can be as easily protected from erosion with native wild flowers and vegetation. I truly dislike seeing that pathetic grass breaking up our beautiful colors and foliage. Please consider this with serious thought. (Comment 576) Appreciatively yours. Charles Elliott, Life time peninsula resident.*

**Comment 575:** See Comment Group #45

**Comment 576:** DOT&PF has committed to reseed disturbed areas with native plant species. Stabilizing soils and reseeding with fast growing vegetation is an important aspect of protecting water quality from runoff, and grasses can be grown quickly and reliably. Moreover, in many areas DOT&PF uses grasses to maintain visibility, which is an important safety consideration.

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### **Communication ID: 863**

*this proposal only goes half way to create a safer highway. (Comment 577) However, I support this project, as it would most likely not only save lives, but allow a more quiet and peaceful use of the Kenai River for recreation activities, but should have been done ten years ago. (Comment 578) With the current state of the economy in Alaska, namely that of the impending bankruptcy due to the downturn in world oil prices and the unscrupulous squandering away of the state's revenue, this project is inadvisable at this time. (Comment 579)*

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**Comment 577:** Thank you for your comment. Each of the Alternatives has been designed to meet current highway standards and as such, would each see similar safety improvement over the No Build Alternative. Each of the Alternatives are expected to result in a 65 percent reduction in the crash rate.

**Comment 578:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 579:** See Comment Group #28

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### **Communication ID: 864**

*You might be interested to know that the mile post 45-60 you state as the location of Sterling Alaska is incorrect. That is before my town and may confuse tourist looking for Sterling. Sterling starts at about mile post 79 and ends approximately 85. (Comment 580)*

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**Comment 580:** The project is named the "Sterling Highway MP 45-60 project," because it would improve the Sterling Highway in the Cooper Landing area between MP 45 and MP 60. The project is not in the area of the community of Sterling.

## **Communication ID: 865**

Good Afternoon;

We, Jeff and Julie Allison, are *property owners in an area that appears to be affected by 3 of the 4 routes being purposed. Can you tell me if our property is one that is partially affected or completely affected by the 3 northern routes? Our address and legal description is as follows:*

*Birch and Grouse Ridge Sub lot 40  
18779 Langille Rd (Comment 581)*

*Currently, this property is primarily a summer home until we retire, then we plan to reside there full time. If our property is affected, we will need to start making alternate plans. From the maps I can not tell if there is a partial or total encroachment. Can you please advise us of such? (Comment 581)*

Thank you for your input.

Regards,

Julie Allison

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**Comment 581:** This question relates to the extent of potential acquisition that may be required for a particular property under the three northern routes (G South, Juneau Creek and Juneau Creek Variant). It is not possible to be definitive until final design and right-of-way analysis have been completed. However, based on the preliminary level of engineering design that has been done for the EIS, a small amount of fill embankment is proposed at the north corner of the subject property (if the G South or Juneau Creek, or Juneau Creek Variant alternatives were to be chosen). The proposed right of way would also require a sliver of the northern boundary to be acquired. This may require rerouting existing driveway access to the building(s) on the subject property. The EIS assumed this level of impact could be accomplished with a partial acquisition. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Please see the Preliminary Engineering Report. Appendix A of that document contains details of the potential alignments. The report and appendix can be viewed or downloaded from the following page: [http://www.sterlinghighway.net/technical\\_reports.html#PER](http://www.sterlinghighway.net/technical_reports.html#PER). Under the header “PER Appendix A - Build Alternative Plan Sets” there is a link to each alternative’s alignment. The subject property can be seen in relation to the alternative alignment fill lines (dotted) and right of way lines (long dashed lines with 3 dots) on page 31 of the G South and Juneau Creek alternative reports, and page 32 of the Juneau Creek Variant alternative report.

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## **Communication ID: 866**

*I vote for the Cooper Creek Alternative. This would not effect the resurrection or bean creek trails. Would also make biking around Cooper Landing safer. (Comment 582)*

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**Comment 582:** See Comment Group #35

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## **Communication ID: 867**

*I would like to support NOT revamping the Sterling Highway through Cooper Landing. That's a gorgeous, unique Alaskan experience. Tourists rarely forget the view and we Alaskans look forward to the stretch through the town and beside the river. (Comment 584) Please leave the road where it is. (Comment 585) The expense of moving it is outrageous especially during these times. (Comment 586)*

Thank you. Marjorie Has

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**Comment 584:** Thank you for your comment. It is helpful to know the reasoning behind the stated preference.

**Comment 585:** See Comment Group #42

**Comment 586:** See Comment Group #28

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## **Communication ID: 868**

*Build The Juneau Alternative For The Absolute Best Reasons, Public Safety & Best Use Of Economic Resources. (Comment 588) The Extended Bickering & Selfish Anti-change Argument Has Cost Many Meaningful Human Lives. Do Your Job, Get It Done For Public Safety. (Comment 587) Thank You, Respectfully Submitted Bill Dam Jr.*

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**Comment 587:** See Comment Group #30

**Comment 588:** See Comment Group #38

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## **Communication ID: 869**

*Please do something. The status quo, do nothing option, is not an option because it is unsafe and effectively ruins the town of Cooper Landing. (Comment 589) A full bypass on either the Cooper or Juneau creek sides are recommended, to give the Cooper Landing area some breathing room and to create safe conditions. (Comment 590) I don't like disturbing the pristine areas with roads, but something has to give. (Comment 591) Don't let the nimbys stop this project again. (Comment 592)*

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**Comment 589:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 590:** DOT&PF and FHWA considered a full range of options including those that might be considered "a full bypass" to the north and south sides of Cooper Landing. The range of alternatives are summarized in Chapter 2 of the EIS.

**Comment 591:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 592:** Thank you for your comment.

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## **Communication ID: 870**

*I support Juneau Creek route as I feel it gives the drivers who want to go straight to Anchorage or to the other cities on the Kenai Pen a route that bypasses Cooper Landing and would make going to Cooper Landing to fish, hike or whatever a much more enjoyable trip. I also feel it would make it a much safer route of travel. (Comment 593)*

Jerry L Bixby

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**Comment 593:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

## **Communication ID: 871**

*I have lived in Alaska since 1979, have a home in Anchorage and one in Clam Gulch, I drive the Sterling Hwy year around in all types of weather, is it dangerous-yes, at times; BUT it really is a short stretch AND only heavily impacted by traffic during the height of the summer season. (Comment 594) I realize things do change BUT my only hope is the change will leave the Resurrection Trail untouched. I know that cost is always a consideration but some things are priceless and the Resurrection Trail is one of those. (Comment 595)*

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**Comment 594:** DOT&PF and FHWA understand the seasonality of the traffic and the effect that weather has on the safety in the corridor. Chapter 1 explains the safety reasons for the project and Appendix A has additional details regarding seasonality affecting crash rates. Despite traffic being heaviest in the summer, the safety statistics, in conjunction with the other needs, warrant the improvements.

**Comment 595:** Thank you for your comment. It helps the decision making process to understand your reasons for liking and disliking alternatives. Your input of the value of the Resurrection Pass Trail and request that it be left unchanged was reflected in other stakeholders' comments, and DOT&PF and FHWA used these to weigh impacts and identify the alternative with the least overall harm. This analysis is detailed in Chapter 4 of the EIS and summarized in the Executive Summary.

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## **Communication ID: 872**

*I vote for G South, as I love the views of the river when driving through here. (Comment 596) I sure do want the road to be routed around the town though. (Comment 597) I understand a lot of the arguments made for the Juneau routes. (Comment 598)*

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**Comment 596:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 597:** While improvements will allow highway traffic to bypass the community of Cooper Landing. It will still be possible to pass through town on the "Old Sterling Highway."

**Comment 598:** Thank you for your comment.

## **Communication ID: 874**

*I have reviewed all the proposed alternatives and like NONE of them. (Comment 600) I especially dislike the 3 northern routes that will impact the Resurrection Trail and the Juneau falls area. The high price tag of \$250 to \$300 million hardly seems worth the price of environmental degradation to the trail. The traffic is only bad for a few months out of the year and will only impact a few miles. (Comment 602) I vote for the No Build Alternative. (Comment 601)*

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**Comment 600:** See Comment Group #44

**Comment 601:** See Comment Group #42

**Comment 602:** Thank you for explaining the reasons behind your objections to the Juneau Creek and G South alternatives. To clarify, the G South Alternative would not have direct impacts on the Resurrection Pass Trail. Trail, park, and recreation resource impacts are documented in Section 3.8 of the EIS.

Addressing traffic congestion is one component of the project's purpose and need. Addressing safety and upgrading the design standards (which would contribute to the corridor's improved safety) are other issues that are problems year round. Chapter 1 outlines the project purpose and need.

DOT&PF and FHWA are aware of the seasonality of the traffic and have reported seasonal traffic information in Chapter 1 and in the Traffic Study available on the project web site ([sterlinghighway.net](http://sterlinghighway.net)). Despite the seasonality of traffic, congestion levels, in conjunction with the other needs identified for the project, warrant the improvements.

FHWA and DOT&PF weighed the affects to trails--including the Resurrection Pass Trail-- in their process to identify a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS. The decision to spend State and federal funds on this project is a separate decision that has been evaluated many times over the years and continues to be supported by the DOT&PF. A financial plan has been added to the EIS.

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## **Communication ID: 878**

*Great web site. Very informative. (Comment 603)*

*I would like to state that I am in favor of the Juneau Creek route with the longer new alignment. In my opinion the highway constructed on the sunny side of the valley will be the safest route for the travellers in the years to come. The highway will continue to get more use every year. Build the safest route possible. I have lived here in Alaska since 1957, highways that are built in the mountains have more ice*

*for longer periods of time when they are in the shade of those big mountains. The Juneau creek route will offer the most sunshine and will be a beautiful, scenic route to drive on. We already have more wilderness opportunities in Alaska than people can take advantage of. Think safety first. (Comment 604)* Thank you, Steve Foster

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**Comment 603:** Thank you for your comment.

**Comment 604:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

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### **Communication ID: 880**

*Spending 1/3 of 1 billion dollars seems an enormous cost for any alternative other than leaving the highway the way it is. In these federal and state economic times, keep the highway the way it is. (Comment 606)*

*The least impact after doing nothing from my perspective to wildlife, historical, ecology is Cooper Creek alternative. (Comment 605)*

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**Comment 605:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 606:** See Comment Group #33

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### **Communication ID: 881**

*Either of the Juneau Creek routes is acceptable and no others. (Comment 607) We MUST get the road away from the river to preserve what fish habitat we have left. (Comment 608)*

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**Comment 607:** See Comment Group #37

**Comment 608:** See Comment Group #54

## **Communication ID: 883**

*I've been following the different issues with the Sterling Highway proposed fixes between miles 45 and 60 for some years. I really hope this time, we get past the EIS and actually build a new road. (Comment 611)*

*I do understand why the people who live in Cooper Landing and rely on tourism are afraid of the road changes. But I drive between Homer and Anchorage several times a month, year round. And that section of road frequently gets down right scary. I can avoid most of the summer time traffic by driving early in the morning, but in the winter the road is just too narrow and icy. (Comment 612)*

*I very strongly prefer the Juneau Creek Alternative, because I believe it will produce the safest road of the 4 choices. (Comment 610) The No Build 'choice' is not even a reasonable option. (Comment 609)*

Please add me to your emailing list. I'd like to know what's decided and when.

Lori Murray  
PO Box 1910  
Homer, AK 99603  
lorijmurray@yahoo.com

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**Comment 609:** See Comment Group #43

**Comment 610:** See Comment Group #38

**Comment 611:** Thank you for your comment.

**Comment 612:** DOT&PF and FHWA understand the seasonality of the traffic and the effect that weather has on the safety in the corridor. Chapter 1 explains the safety reasons for the project and Appendix A has additional details regarding seasonality affecting crash rates. The safety statistics, in conjunction with the other needs, warrant the improvements.

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## **Communication ID: 884**

I have a second residence in Cooper Landing. I appreciate the culture and recreational opportunities there. *I favor the Cooper Creek alternative. 1) It most follows the 'no change alternative' most closely than the other alternatives. 2) It allows easier access to CL for those who want to stop there rather than pass on by. (and there are many who do want to enter CL) 3) It affects local business the least of any of the other alternatives, and thus is less contrafrersial and less threatening to local residents and*

*businesses. Although it is one of the more costly alternatives, I expect it will offer the benefits of less necessary permitting, and less local resistance leading to less legal challenges and delays. Such benefits might well offset any of those expected costs compared to other alternatives. (Comment 618)*

RG

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**Comment 618:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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### **Communication ID: 885**

*I encourage you to choose the No Build alternative for the proposed Sterling Highway project near Cooper Landing. The park lands in this area are too valuable to build a highway through. The rugged natural beauty of the Kenai Peninsula is reason enough to make an exception to the standards for a rural principal arterial. (Comment 619)*

Thank you.

Diane Sallee

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**Comment 619:** Thank you for your comment. It is helpful to know the reasoning behind the stated preference.

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### **Communication ID: 887**

*The Juneau Creek or even the Varient seems to make the most sense. This would get the traffic out of the curves and relieve most of the congestion. Also it looks to minimize the impact to the Cooper Landing public and private properties. (Comment 623)*

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**Comment 623:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

**Communication ID: 889**

*FIRST, LET US SAY, VERY NICE ON LINE PRESENTATION. (Comment 624)*

*WE ARE IN FAVOR OF THE JUNEAU CREEK ALTERNATIVE. (Comment 628) THE GOVERNMENT SHOULD NOT BE TAKING CITIZENS' HOMES EXCEPT IN THE MOST DIRE CIRCUMSTANCES AND THEREFORE WE ARE ADAMANTLY OPPOSED TO THE COOPER CREEK ALTERNATIVE. (Comment 626) WE ARE ALSO IN FAVOR OF THE THE JUNEAU CREEK ALTERNATIVE DUE TO THE COST. WITH BUDGET CUTS COMING FROM ALL DIRECTIONS IN FEDERAL AND STATE GOVERNMENT, WE SHOULD BE AS FISCALLY RESPONSIBLE AS POSSIBLE WITH THIS PROJECT. (Comment 627) AS FREQUENT RECREATIONAL USERS IN THIS AREA, WE APPRECIATE THE EFFECTS THIS ROUTE WILL HAVE ON TRAILS, BUT SOME SACRIFICES NEED TO BE MADE AND AS LONG AS TRAIL HEADS WILL STILL BE AVAILABLE, THE TRAILS WILL STILL BE ACCESSIBLE. (Comment 625) AGAIN, WE SUPPORT THE JUNEAU CREEK ALTERNATIVE. (Comment 629) THERESA AND GREG RODGERS*

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**Comment 624:** Thank you for your comment.

**Comment 625:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference. Under the Juneau Creek and Juneau Creek Variant alternatives, access to both the Resurrection Pass Trail and Bean Creek trail will remain. Under these alternatives, a new trailhead would be created west of the bridge crossing of Juneau Creek to access the Resurrection Pass trail. A proposed pullout on the east side of Juneau Creek would provide access to the Bean Creek trail. In addition, the existing Resurrection Pass trailhead would remain off of the 'old' Sterling Highway, 3.4 miles lower in the valley. There are no proposed changes to the existing trail access from the end of Slaughter Ridge Road to the Bean Creek trail, however it is not a formal trailhead.

**Comment 626:** Thanks for giving your reasoning for your objection to the Cooper Creek Alternative. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Comment 627:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

**Comment 628:** See Comment Group #38

**Comment 629:** See Comment Group #38

## **Communication ID: 890**

*I would like to see the road go up and over along resurrection trail. (Comment 630)*

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**Comment 630:** Such a regional highway would have an entirely different purpose and need and would be a different project. However, the concept was considered in the context of Section 4(f) (Chapter 4 of the EIS) for an analysis that attempted to avoid Section 4(f) properties. It was found that it is not possible to avoid Section 4(f) properties to solve the problems in the project area - even using routes located elsewhere on the Kenai Peninsula, and that the impacts of those routes were not feasible or prudent.

The Resurrection Pass National Recreation Trail is considered to encompass a land area 1,000 feet wide, 500 feet to each side of the trail. This area runs from Cooper Landing to Hope (38 miles) and is among the most important of many recreational trails managed by Chugach National Forest and protected by Section 4(f) transportation law. The law prohibits use of the trail for a road if there is any prudent and feasible avoidance alternative, and if there is not prudent and feasible avoidance alternative, the project must use the alternative that has the least overall harm. An alternative following the Resurrection Pass Trail would effectively eliminate the trail.

It would not be prudent to route the highway through the mountains parallel to the existing trail (and duplicating the function of the Seward Highway) for such a distance. Also, engineering issues include grades and high elevation (the pass is 2,600+ feet, more than twice the elevation of the Summit Creek divide, the high point on the Seward Highway) make the route not feasible. Moreover, in addition to weather, avalanches would be a high risk for such a stretch of highway. Finally, the area is also a Forest Service "Inventoried Roadless Area," which cannot be used for roads if there is a lower impact alternative and it is also protected under the Alaska National Interest Lands Conservation Act, Title XI.

These are among the reasons such an alternative was not analyzed in detail in the EIS.

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## **Communication ID: 891**

Good Morning;

Thank you for your response. *I have read through the engineers report and each of the Appendix. The maps are helpful but with out seeing it with the existing structures it is difficult to determine if our property will be affected by a full acquisition, a partial acquisition or a full acquisition due to loss of access. Appendix B, #5, does reference an areal photo that the build alternatives map has been overlain to determine which properties were affected and by which definition, full or partial. I can not find that*

*photo with the map overlain in any of the documentation. Is it available somewhere for me to view? Or more simply, there must be a report of the structures including owner names or addresses, that I can review to see exactly how our property will be affected. I need to start making plans so I appreciate your input and direction, (Comment 631)*

Regards,

Julie Allison

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**Comment 631:** This question relates to the extent of potential acquisition that may be required for a particular property under the three northern routes (G South, Juneau Creek and Juneau Creek Variant). It is not possible to be definitive until final design and right-of-way analysis have been completed. However, based on the preliminary level of engineering design that has been done for the EIS, a small amount of fill embankment is proposed at the north corner of the subject property (if the G South or Juneau Creek, or Juneau Creek Variant alternatives were to be chosen). The proposed right of way would also require a sliver of the northern boundary to be acquired, as well as much of the existing cul-de-sac. There appears to be room to provide driveway access from a relocated cul-de-sac near the northwest corner of the property, and the EIS assumes this level of impact could be accomplished with a partial acquisition. The access would be changed, but not lost. The best information remains the Preliminary Engineering Report.

Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

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### ***Communication ID: 897***

I was on the Dispatch web site and saw the info about the rebuild. I entered your web site thru that portal and tried to submit a comment which I pasted into the comment block. My records show I did this last Friday around 10 am. I tried to send it three times with no success. I finally gave up. .

On Thu, Apr 16, 2015 at 1:50 PM, Sterling Highway SterlingHwy@hdrinc.com wrote:

Dear Gerald and Cathy,

Thank you for contacting us about the comment form. When you click the “Submit Comment” button, if the transmission was successful, you would see a screen that reads “Comment Successfully received: Thank you for submitting a comment.” If you provided an email address, a confirmation would be sent to your email.

It sounds like neither of those things happened, so an error must have occurred. We checked our logs and don’t see any error messages in the system, so if you could, please provide more detail on what you attempted to submit and in what internet browser. Was it a simple comment or was there an

attachment? Any more detail you can provide will help us troubleshoot this further so it doesn't occur again.

We double checked and we do not have a comment associated with your email address in the system. Please re-try the comment form, send a reply email to this account, or send mail to:

Sterling Highway MP 45-60 Project  
DOT&PF Central Region  
PO Box 196900  
Anchorage, AK 99519-6900 Thank you.

Sincerely,

\*Kelly Petersen, PE\*  
DOT&PF Project Manager  
Sterling Highway MP 45-60 Project  
[sterlinghwy@hdrinc.com](mailto:sterlinghwy@hdrinc.com)

\*From:\* Gerald & Cathy [mailto:gcguay@gmail.com]

\*Sent:\* Wednesday, April 15, 2015 10:56 AM

\*To:\* Sterling Highway

\*Subject:\* I sent comment thru your comment page, but the system did not seem to accept them, did you get them?

ATTACHMENT TEXT FOLLOWS:

Sterling Highway MP 45-60 comments:

Thank you for the opportunity to comment.

*I have been driving this section of the road system since I came to the state in 1980. With all the driving challenges that exist, it's hard to believe that this is only a 15 mile stretch of road. Whether my concern at the time was poor road condition, traffic volume, little to no shoulders room, excessive speed for the road design, trying to pass large on coming vehicles with trailers or motor homes; I never understood why this section of road was never reconstructed. For me, the worst areas have always been the 2 miles around Kenai Lake, the Gwen Curves where I was hit head-on and the last several miles past the ferry crossing. Each time I say work on the road I was hopeful that these more dangerous sections would be addressed .... Unfortunately, the work was always cosmetic. I was and still am very pleased with the rework of the road from the Y to Kenai Lake making it a much safer drive. (Comment 739)*

*I understand the local concern and I'm sure I would not want my property taken for a road improvement, but we also need to look at how many people are put at risk using this poorly designed road system during the five month "tourist/local visitor" season. I'm sure the development along the roadway has grown significantly over the past 35 years making some of the challenges now faced by the state, self inflicted. It has always bothered me that no one seemed to really care about all the accidents and deaths that occurred in this section of the road. After my accident, I was talking to the owner at Hamilton's gas station and they stated that lots of people slid off the road/had accident at the*

*Gwen's curves. Right then and there I got a new respect for how bad that road really was. I have had to find space on the non-existent shoulders many times to avoid being hit by someone pulling a trailer and driving poorly or a motor home hugging the centerline. (Comment 740)*

*I appreciate all the effort being put into this process, but am frustrated by the time it is taking. (Comment 741) How many accidents have happened since the process was initiated, how many traffic fatalities? How many more will occur? Let's get on with the process of constructing a safe road system now which we all can use. How much is one more life worth? (Comment 742)*

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**Comment 739:** Thank you for your comment. The project is intended to address issues such as those spelled out in this comment. The Purpose and Need Chapter explains the reasons for doing the project, which includes improving the road design, shoulders, traffic congestion, and safety as mentioned in the comment. The proposed road design for this project is very similar to the design of the Sterling Highway from the Y to Kenai Lake.

**Comment 740:** Thank you for your comment. Each of the Alternatives has been designed to meet current highway standards and as such, would each see similar safety improvement over the No Build Alternative. Each of the Alternatives are expected to result in a 65 percent reduction in the crash rate.

**Comment 741:** Thank you for your comment. The project area around the Sterling Highway MP 45–60 is a complex area with many constraints, including challenging topography (steep valleys and proximity to the Kenai River); recreational resources (world-class sport fishing, hiking trails, state and federal lands); Alaska Native and historic cultural resources; and the existing community of Cooper Landing. There is simply no easy solution that is readily available, so each potential solution needs careful study and coordination in all of these areas, which takes time.

**Comment 742:** See Comment Group #30

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## **Communication ID: 898**

*The Cooper Creek Alternative would route the Sterling Highway right through my great grandparent's cabin on Kenai Lake in Cooper Landing. This cabin was built in the 1950's and has been meticulously cared for and updated by many of my family members right up until this day. My aunt just invested over \$20,000 into the property and built a new outbuilding, which required several contracts. People from all over the US travel there every year and continue to actively use it. Please please please please do not put a highway through it. (Comment 634) The Juneau Creek alternatives or G South would be much better. (Comment 633) Thank you.*

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**Comment 633:** Thank you for your comment.

**Comment 634:** Thank you for your comment. It is helpful to understand the reasoning behind your objection to the Cooper Creek Alternative. FHWA and DOT&PF have completed a detailed analysis of

the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

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## **Communication ID: 900**

*Something has to be done concerning the Sterling highway going through Cooper Landing. The amount of lives that have been lost, injury's and property damage more then justify the cost. (Comment 635) If you truly work for the people of Alaska then I would say it's a no brainier but then again it's been about 10 years since I've heard anything about it so hopefully we do have the right people making the decisions and something will finally be done. (Comment 636) One other thing to add would be how much it costs the State every year to neck traffic down going through Cooper Landing. Fuel costs, time spent and just pure frustration with a piece of an otherwise good road system. It is truly unbelievable that between Anchorage and the Kenai Peninsula we have a stretch of road like the Cooper Landing piece. (Comment 637)*

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**Comment 635:** See Comment Group #30

**Comment 636:** Thank you for your comment

**Comment 637:** DOT&PF and FHWA agree that the problems on the existing highway create real costs for the traveling public. Congestion costs people in terms of their time spent delayed, and crashes have costs in terms of property damage and the physical harm. Chapter 1 of the EIS explains the purpose and needs for the project and provides the data and background material demonstrating the reasons that DOT&PF and FHWA are pursuing this project. FHWA and DOT&PF believe the project purpose and need is amply justified based on the existing studies.

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## **Communication ID: 901**

Thank you for the opportunity to comment on the Sterling Highway MP 45-60 project. I have driven the highway from Anchorage many times over the years. *After looking at the environmental and human impacts, I prefer the Cooper Creek and G South alternatives. They have the least harmful effects on the natural and historical elements of the area, and will take care of the most pressing safety problems of the current highway. (Comment 639)*

**Comment 639:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

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### **Communication ID: 902**

*I am in support of the Cooper Creek alternative. The existing bridge location can still be utilized and this southern route will provide easier access to existing businesses. It also avoids crossings of Bean and Juneau creeks, and does not border existing lots on Birch/Spruce Ridge, as do all of the other action alternatives. (Comment 640)*

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**Comment 640:** See Comment Group #35

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### **Communication ID: 903**

*I really do not care which one, what ever will make the trip to Anchorage quicker really, cut down the travel time all together. (Comment 641) However no matter what is done will be better then what is there now, I know driving the road at night is tough at times wiht the sholder being so small. (Comment 642)*

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**Comment 641:** Thank you for your comment.

**Comment 642:** See Comment Group #34

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### **Communication ID: 904**

*I like the Juneau Creek Alternative because it puts the hwy down stream of the fishing traffic and parking. (Comment 643)*

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**Comment 643:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 905**

*Build the Juneau Creek Variant Alternative. Least expensive, does not require presidential or congressional approval. Most can be built without affecting traffic during construction. This is a must complete project. (Comment 644)*

Sincerely Paul

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**Comment 644:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 906**

*Please don't put the highway near Juneau Falls Trail, or, especially, the Resurrection Trail!! Please preserve the wilderness of the trail, it is so special. (Comment 645) There aren't so many trucks as long as the one mentioned. They need to reduce their speed, anyway. Speeding is the major problem. (Comment 646) How about a bike and pedestrian pathway along side the problem miles of the road through Cooper Landing? Has no one suggested that? (Comment 647)*

*Thank you for considering alternatives to an expensive and intrusive highway through our majestic trail system. (Comment 648)*

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**Comment 645:** Thank you for your comment. It helps the decision making process to understand your reasons for disliking alternatives. Your input of the value of the Juneau Falls area and Resurrection Pass Trail and request that it be left unchanged was reflected in other stakeholders' comments, and DOT&PF and FHWA used these to weigh impacts and identify the alternative with the least overall harm. This analysis is detailed in Chapter 4 of the EIS and summarized in the Executive Summary.

**Comment 646:** As part of the National Highway System, the Sterling Highway is an important truck route. The proposed changes would better accommodate trucks (including double trailers) by removing the sharp curves and widening the highway so that typical highway speeds would be safely and comfortably accommodated.

**Comment 647:** See Comment Group #66

**Comment 648:** Thank you for your comment. It was helpful to understand the reasons behind your concerns. As documented in Chapter 3, each build alternative impacted trails and recreation areas. FHWA and DOT&PF weighed the effects to trails (especially the Resurrection Pass Trail) considerably

in the process to identifying the alternative with least overall harm. The analysis to evaluate and identify a preferred alternative is summarized in the EIS, in the Executive Summary, Chapter 2 (Alternatives), and particularly at the end of Chapter 4. Avoiding impacts to the Resurrection Pass Trail was a major factor in the process.

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### **Communication ID: 907**

*I am a born and bread peninsula resident. I have probably made the trip back and forth to Anchorage at least a few hundred times in my life. When they fixed the switch backs, it was wonderful! (Comment 650) But the cooper landing area is horrible. Even if you try to go the speed limit of 35, you will have some rude person about 2 inches off your bumper. Even the semi's will ride your rear. The corner at Gwenns is beyond treacherous. I personally have seen a dozen different wrecks there. My friend even pulled a driver out of one of them. Blast through the mountains and put in a safe hwy. (Comment 650) who cares if cooper landing is bypassed. Unless you have an appointment or buy a ton of stuff, you can't even use a bathroom there. People will still flock there for the fishing, rafting and b&b's. (Comment 651) For those of us that just want to get to anchorage, make a safer road. (Comment 652)*

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**Comment 650:** See Comment Group #30

**Comment 651:** Thank you for your comment. The economic changes you describe are addressed in the EIS in Section 3.5. The EIS anticipates that 70% of the traffic will be pulled onto the new alignment and most of the traffic in Cooper Landing will be comprised of local traffic accessing local attractions.

**Comment 652:** See Comment Group #30

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### **Communication ID: 908**

*I am 100% for the Juneau Creek alternative as my number one preference, It has minimal disruption of traffic, requires no major Kenai bridges, and totally bypasses the dangerous and slow Cooper Landing and has the lowest cost (It's a no brainer to me). Those that want to go to cooper landing will still stop and visit the community. My second choice would be the Juneau Creek variant for the same reasons. (Comment 653)*

Marvin Ebnet commuted to Sterling for 15 years now living in Anchorage but own property in sterling

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**Comment 653:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

## **Communication ID: 909**

*Juneau creek variant looks good (Comment 654)*

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**Comment 654:** See Comment Group #41

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## **Communication ID: 910**

*I am writing as a user of the Sterling Highway. The current routing through Cooper Landing is incredibly inefficient and dangerous for both motorists and pedestrians. The road as currently aligned does not serve the residents of Cooper Landing well and it does not serve users of the Sterling Highway well. Therefore, I do not support the No Action Plan. (Comment 743)*

*After considering the relative benefits, costs, and impacts of each build alternative, I am in support of the Juneau Creek Variant Alternative as it appears to be the "best buy" plan. In relation to other alternatives, it is fairly cost-effective, avoids impacts to the KNWR, and only provides one mile less of bypass than the Juneau Creek alternative, which impacts the KNWR. While the Juneau Creek Variant alternative is not without impacts, it appears to be the best blend of cost effectiveness, route effectiveness, and minimization of impacts to both private lands and wilderness areas. (Comment 744)*

Thank you for considering my comment.

Jason Norris

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**Comment 743:** See Comment Group #34

**Comment 744:** Thank you for your comment. It is helpful to understand the reasoning behind your preference.

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## **Communication ID: 911**

*Fully support the proposed Juneau Creek routing over all others in the draft. (Comment 655) This routing along would bypass the most congested and dangerous areas and still provide excellent access to both Cooper Landing and the Russian River Ferry areas. (Comment 655) Frankly, I believe this*

*routing would provide an economic benefit to the Cooper Landing area through enhanced "stop and spend" visitors. (Comment 656)*

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**Comment 655:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 656:** Thank you for your comment. Economic conditions are addressed in the EIS in Section 3.5

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## **Communication ID: 912**

*I own a vacation home in Soldotna so I drive the Sterling Highway at least 20 times a year in all weather conditions. This project has been needed for 20 years. It is only a matter of time until a serious spill impacts the Kenai. Copper Landing is not the only area of concern. (Comment 657) During the red runs, the Russian River ferry is a zoo. I continue to be amazed that more people aren't hurt or killed based on all of the pedestrians. (Comment 658) Since this is our one and only opportunity to upgrade the alignment, the only logical alternative is the one of the Juneau Creek alternatives. (Comment 659) I would rather see the full Juneau Creek be adopted, but I understand the issue with the KNWR and the Variant would also be acceptable. (Comment 660)*

*I understand Copper Landing has concerns with business if they are bypassed. They need to understand through traffic is not their client. I never stop except once or twice a year for a coffee at Wildman's. This could be their opportunity to develop a world class tourist destination that is not just a wide space on a busy highway. (Comment 661)*

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**Comment 657:** See Comment Group #27

**Comment 658:** DOT&PF and FHWA recognize the traffic and safety issues (including congestion and pedestrians using the highway) in the project area. The number of recreational destinations, including the attraction at the Sportsman's Landing/Russian River Ferry area, contribute to the need to separate local traffic from the regional traffic trying to get through the area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed.

**Comment 659:** See Comment Group #37

**Comment 660:** Thank you for your comment.

**Comment 661:** Thank you for your comment. The economic changes you describe are addressed in the EIS in Section 3.5. The EIS anticipates that with the highway traffic pulled onto the new alignment, most of the traffic in Cooper Landing will be comprised of local traffic accessing local attractions. This will provide future opportunities to slow traffic down and develop the Old Sterling Highway into a more community-oriented street.

## **Communication ID: 913**

I have lived in Anchorage since 1967 and built a second home in Cooper Landing in 2001, where I hope to retire. *I have attended stakeholder meetings in Cooper Landing and am in favor of either of the Juneau Creek alternatives. (Comment 663) Safety is my first concern, and no-build is not a viable option from a safety perspective. (Comment 664)*

*The highway was put where it is for the same reason the river is where it is, the path of least resistance. If the existing highway was not there and we were designing a new highway today we would not follow the river, for both safety and environmental reasons. (Comment 665)*

*The people most opposed to the Juneau Creek Alternative are the users of the Resurrection Pass Trail, who are afraid a new highway crossing their trail will ruin it. They need to be reminded that the current highway is what provides them access to the trail. Without the highway they would be hiking from Seward to Hope. (Comment 666) They claim the new highway will destroy bear habitat, yet we have a problem with bears in Cooper Landing. I have seen the bear population along the Upper Kenai and Russian Rivers increase over the last decade or more, as the Forest Service manages more like the Park Service, to the benefit of bears and detriment of people. (Comment 667)*

*Others argue that a new highway will only cut a minute or two from the transit time. It isn't about time, it's about safety. There have been too many fatalities and injuries on the Sterling Highway in Cooper Landing. The posted speed limit is 35 mph, but very few drive it, and when you do an impatient line will soon form behind you. (Comment 668)*

*When the new highway is built certain businesses will suffer, the grocery store, restaurants, businesses that rely on the traffic. Guides and lodges should do fine, as they are destinations. (Comment 669) I look forward to the day that the existing highway is a local road, where people do drive 35 and aren't in a hurry. (Comment 670) I'm 60 years old, and hope I live to see it!*

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**Comment 663:** See Comment Group #37

**Comment 664:** See Comment Group #34

**Comment 665:** See Comment Group #54

**Comment 666:** FHWA and DOT&PF have weighed the affects to trails, including the Resurrection Pass Trail in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS in Chapter 4.

**Comment 667:** The EIS describes the impacts of the build alternatives on bears and bear habitat. Please see Section 3.22.1 and 3.22.3 for detailed discussions of brown bear and brown bear habitat. Impacts include habitat loss, habitat alteration including fragmentation, modifications of behavior and habitat use, and increased mortality through changes in the probability of Defense of Life and Property

kills and vehicle collisions. DOT&PF seeks to identify and minimize project impacts to bears, but is not directly involved in the management of the species.

**Comment 668:** DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative.

**Comment 669:** DOT&PF and FHWA have disclosed the very economic effects described in the comment. Traffic-dependent businesses such as gas stations and restaurants will be affected where the new highway bypasses those businesses. The EIS estimates that 70% of the traffic is likely to use the new highway. Destination businesses like guides and lodges are anticipated to experience less of an impact. See Sections 3.5.2.4 and 3.5.2.5 for details about economic impact.

**Comment 670:** Thank you for the comment. The segment of existing Sterling Highway left under any of the alternatives would no longer be part of the National Highway System, and would be reclassified to a lower functional classification, likely as "Minor Arterial" or "Major Collector." That means the road would provide less of a Statewide function and would be intended to serve more localized trips, characterized by slower speeds which are safer for accessing adjacent properties. The project construction is currently scheduled to be complete by 2023.

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### **Communication ID: 914**

*I support the Juneau Creek alternative because it provides the best route to avoid the existing, dangerous road through Cooper Landing, moves heavy traffic impacts away from the Kenai River and will be easier to maintain over the long term. (Comment 671)*

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**Comment 671:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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### **Communication ID: 915**

*In my view, the Cooper Creek Alternative is the poorest choice. (Comment 672) The best option is the Juneau Creek alternative or the "G South" alternative. (Comment 673) It seems to me that the Juneau Creek Variant Alternative is probably the most viable option. It is less expensive. It has less impact to the Kenai River. It also avoids wilderness. (Comment 674)*

**Comment 672:** See Comment Group #39

**Comment 673:** Thank you for your comment.

**Comment 674:** See Comment Group #50

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## **Communication ID: 916**

My parents, Mary Demaree and Gordon Samuel Guffey built a home at 19277 Sterling Highway, Cooper Landing, Alaska approximately in 1950, when they retired from public education in Anchorage. Through these many years, I have enjoyed spending much time in that home, as have my children grandchildren, and now the great-grandchildren. We have particularly enjoyed the fishing, beautiful scenery, wildlife, and the residents of Cooper Landing.

*I am for the Juneau Creek Alternative and against the other alternatives for the following reasons:*

- 1. Moving the traffic away from Kenai Lake and Kenai River reduces the chances of pollution of the water and disturbs fewer wetlands and wildlife. (Comment 676) Much of the economy of the Kenai Peninsula is based on the money brought in by the fish and wildlife.*
- 2. Fewer people will be displaced by the Juneau Creek Alternative, which affects the tax base of the entire area and keeps taxes lower for everyone.*
- 3. The Juneau Creek Variant Alternative is less expensive than the other alternatives.*

*For these reasons, the Juneau Creek Alternative makes more sense than any of the other alternatives. (Comment 680)*

Thank you for the public input.

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**Comment 676:** See Comment Group #54

**Comment 680:** Thank you for your comment. It is helpful to see the reasoning behind your stated preference for the Juneau Creek Alternative.

## **Communication ID: 917**

*I am a homeowner in Cooper Landing and I would prefer to see the Juneau Creek Alternative. (Comment 681)*

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**Comment 681:** See Comment Group #38

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## **Communication ID: 918**

MR. BRUCE WALL: Thank you. Bruce Wall, B-R-U-C-E W-A-L-L. I'm the community planner for the Kenai Peninsula Borough, 144 North Binkley Street, Soldotna, Alaska 99669.

*I notice that the impact statement did correctly identify the borough's comprehensive plan and its other adopted plans. However, it didn't necessarily incorporate some of the items in that. Particularly, I want to discuss the Cooper Landing walkable community plan. (Comment 682)*

MR. DAVE HANSON: Bruce -- and we will give you extra time. Are you representing the borough tonight or yourself?

MR. BRUCE WALL: It's my understanding that -- if I understood you correctly, if I'm representing the borough, that takes away anybody else from the borough to be able to comment?

MR. HANSON: That's true.

MR. BRUCE WALL: I'm representing myself, then, speaking about the borough's comprehensive plan.

MR. HANSON: Great. Thank you for the clarification. And we'll give you credit on the time.

MR. BRUCE WALL: Okay. Thank you. *And tonight is the first night that I notice the cross-sections shown in the -- actually for all alternatives. And what I noticed in there is that the cross-sections are intending to use the eight-foot shoulders for the pedestrian/bicycle pathways. I noticed that on figures 2.6-1, 2 and 3. And if the Cooper Creek Alternative is selected going through the commercial area of Cooper Landing, I don't believe that that's acceptable because that's not providing an efficient, safe means of pedestrian traffic through the commercial area of Cooper Landing. The comprehensive plan does not call for that. It calls for a separated bikeway in the Cooper Landing area.*

*If that is the intent, I think you should update those figures to show children on bicycles next to the semis in those figures because that certainly is not appropriate. (Comment 683)*

*It's my understanding that a couple years ago there was a rehabilitation paving project through the Cooper Landing commercial area that eliminated what little pedestrian pathway there was within the*

*right-of-way. So now for anybody to be able to walk around in Cooper Landing, they either need to walk in the traffic lane or trespass on private property. And that situation needs to be corrected either with this project or with some other project. (Comment 684)*

*If one of the other alternative builds are selected other than the Cooper Creek Alternative, I think that part of the project should be converting the Old Sterling Highway to a local collector road, and that should include pedestrian/bicycle pathways. (Comment 685)*

And I believe that is all that I wanted to say on that. Thank you.

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**Comment 682:** The Walkable Community Project, which is an adopted part of the Kenai Peninsula Borough Comprehensive Plan, is addressed in Section 3.2 and discloses where this project would address elements of the plan. It also explains that the MP 45-60 Project is not designed specifically to address the Walkable Community Project.

DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. Any further improvements or pathway projects on the "Old" Sterling highway would, however, need to be developed under a separate project.

**Comment 683:** See Comment Group #66

**Comment 684:** See Comment Group #66

**Comment 685:** See Comment Group #66

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## **Communication ID: 919**

MR. BRANDON ALLEN: Thank you. My name is Brandon Allen. My family has been property owners in Cooper Landing since 1966. I'm currently a property owner at Mile 49 and a half, Cooper Landing. *My concern is for protection of the river. I have floated the Kenai River from Kenai bridge to Skilak Lake for over 50 years. And during this time down there, I have seen a tremendous increase in commercial tanker traffic, whether it's petroleum or chemicals, going up and down the highway. And my concern is there is going to be an overturn at some point, that it is inevitable, and that that overturn is going to pollute the river, and it's going to damage the salmon and the rainbow trout fishery, crushing any economic value that Cooper Landing has. (Comment 687)*

*I'm opposed to G South, as it builds a new bridge over the river, which increases the inherent risk of a tanker falling into the river. (Comment 688) I'm most in favor of the Juneau Creek Variant, as it moves the most traffic farthest away from the river. Again, my biggest concern is protecting the river, protecting the resource, and the fact that the variant minimizes the need to enter into wilderness areas and game refuges, those sorts of things. (Comment 689)*

Those are my comments. I'm happy to answer any questions anybody may have.

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MR. HANSON: Thank you so much. On the questions, either informally you might talk to team leaders or the people in the open house, or they will be answered in writing any questions you have.

MR. BRANDON ALLEN: I have no questions. I thought perhaps somebody else may have a question of me.

MR. HANSON: I think for now we are okay. So thank you very much. Now, I'd like to ask -- on the sign-up sheets I have so far, nobody else has marked that they would like to testify. I'd like to encourage anybody who is here, other than the two that have testified, that if you would like to testify, now is a great opportunity. I'd also like to just add that part of this process is to look at the Section 4(f) Evaluation and try to determine what alternative is least harmful or causes the least harm. And that's another way to look at it that might be an easy way. If anybody wants to testify to what they believe is the least harmful alternative under 4(f) of the law, it's -- if you --

All of the alternatives cross major recreation resources or cultural resources or other types of natural resource resources that are significant. And so part of the federal highway department's criteria will be figuring out which alternative causes the least harm to these types of resources.

So we are very friendly. If anybody else would like to testify, just come on forward.

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**Comment 687:** Thank you for your comment. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles (Cooper Creek) to 10 miles (Juneau Creek), that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. The risk of contamination from a vehicle-related fuel spill is discussed in the EIS under 3.17 Hazardous Waste Sites and Spills. A spill along any of the alternatives could result in contamination within the watershed, however the greater distance from the main stem of the Kenai River would result in greater time and opportunities to minimize and mitigate harm.

**Comment 688:** Thank you for your comment. It is helpful to hear the reasoning behind the stated concerns.

**Comment 689:** Thank you for your comment. It is helpful to understand the reasoning behind your preference.

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## **Communication ID: 920**

MR. CHRIS NYMAN: Hi. My name is Chris Nyman, N-Y-M-A-N, first name C-H-R-I-S. And I was born and raised in Anchorage. And about five years ago I bought a piece of property down in Cooper Landing. And I love the area very much. It's very -- it's beautiful and full of wonderful people. And I'm mostly interested in this subject from a community value standpoint, quality of life, such as health, safety, pedestrian safety, safety to the environment, and also economic vitality of Cooper Landing. The Sterling Highway and Cooper Landing are yin and yang. They are completely tied together, and in positive and negative ways.

*And I think the bottom line is I think that continuing to run highway-speed traffic through the middle of the community is not in anybody's interest. I think most people would agree we would rather not, you know, have it going right through the middle of town like that. Times have changed. You know, it's not 1965 anymore. There is increasing levels of traffic. (Comment 692) As the last speaker pointed out, (Comment 692) there is increasing hazard from spills and things like that (Comment 692).*

*So none of the alternatives -- I mean, all of the alternatives, I should say, have an impact, an environmental impact or community impact, one way or the other. As you have so rightly pointed out, we should be looking for an alternative that does the most good and the least amount of harm. (Comment 694) And in that perspective, I think that the No-Build Alternative is the worst of the lot. (Comment 695) And I would be happy to accept any of the other alternatives (Comment 696). Personally I'm partial to the Juneau Creek Alternative (Comment 697). I don't like the Juneau Creek Variant because it does not address the significant bottleneck at Russian River. By going around the Russian River Campground area, you are not only improving highway safety, you are also increasing the quality of the experience, of the recreational experience on the Kenai River. (Comment 698)*

*Noise I think is a very important factor. I'd like to see a little bit more attention paid to noise attention issues. My belief -- and I'm sure you guys have models that can figure this out, but with that highway going above the community, your attenuation of your noise is going to be directed away from the community. Right now with the highway in the bottom of the V of the gorge, it's like a megaphone, so whatever traffic noise is generated is going to be affecting most of the property owners. (Comment 699)*

*The negative impact of the No-Build Alternative, another one would be if you continue to run the highway in its current alignment, you could eventually affect 100 properties by needing to acquire additional right-of-way. (Comment 700) Thank you.*

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**Comment 692:** FHWA and DOT&PF have weighed the effects of the alternatives on Cooper Landing in identifying a preferred alternative, including how the different alternatives affect traffic. Three of the four alternatives avoid the core area of Cooper Landing. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 694:** Thank you for your comment. The least overall harm analysis required by Section 4(f) (See end of Chapter 4 of the EIS) addresses the identification of a preferred alternative based on these types of criteria. This analysis follows FHWA regulations to balance seven factors to determine which alternative does the most good and has the least overall harm.

**Comment 695:** See Comment Group #43

**Comment 696:** See Comment Group #45

**Comment 697:** See Comment Group #38

**Comment 698:** Thank you for your comment. It is helpful to understand the reasoning behind the stated concerns.

**Comment 699:** Noise attenuation is primarily a function of distance. Roadway noise can be characterized as a line sound source, from which noise attenuates by approximately 3 decibels per

doubling of distance. Noise propagation can be interrupted by landforms, ground surface, large stands of trees, buildings, etc. which helps mask the sound levels. In addition, water (and icy) surfaces can be more reflective and attenuate sound less than other surfaces. Some residences on ridges high above the existing highway at the valley bottom may experience less noise attenuation from ground effects than those at lower levels -- it depends on the angle. However, elevating the highway above the community (or portions of community) may similarly result in less noise propagation effects by interacting with the ground less for some residential sections. Regardless, the three dimensional model used for calculating project traffic noise includes attenuation effects like those from terrain changes. Noise issues, and the traffic noise analysis are discussed in the EIS in Chapter 3.15.

**Comment 700:** See Comment Group #34

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## **Communication ID: 921**

MR. MIKE DAVIDSON: Yeah. Thank you. My name is Mike Davidson. My mailing address is P.O. Box 396, Girdwood, Alaska. ZIP code is 99587. I'm a 32-year resident of Alaska and also a part-time resident of Cooper Landing.

*I'm speaking tonight in regards to the SEIS alternatives that are being considered for road construction in the Cooper Landing area. I'd like to go on public record strongly supporting either the Cooper Creek Alternative or the No-Build Alternative. I believe both these alternatives provide the least overall impact to the recreational resources in the area and in addition to many of the private residences in the area. (Comment 701)*

*Although numerically the Cooper Creek Alternative may require a greater amount of land acquisition during the construction, I believe that any of the three -- Juneau Creek Alternative, Juneau Creek Variant Alternative or the G South Alternative -- provides a significantly greater impact to the overall number of residents that's located above the Bean Creek and Slaughter Ridge subdivisions. (Comment 702) In addition, all three of those alternatives provide significant impact to the recreational users of the Bean Creek Trail, the Slaughter Ridge Trail and, most notably, the Resurrection Pass Trail. (Comment 703)*

*The Cooper Creek Alternative, being the superior alternative in terms of the least amount of impact, follows more closely the existing road alignment while avoiding the area in Milepost 49 and a half to 50 that's so difficult to actually stay on the existing alignment of. However, by most closely following the current road pathway, it avoids additional impacts to areas that currently are located nowhere near the highway alignment. In addition, it requires no new construction of bridges over the river, allowing for the existing bridge easements and the lack of introduction of new bridges to the river. (Comment 704)*

*Although I believe that many people may testify that the Cooper Creek Alternative or the No-Build Alternative is not in proximity to the river, I'd like to note that either of the other three alternatives all cross waterways that all ultimately feed into the Kenai River. And a spill of any liquid from any of the other three alternatives will ultimately result in contamination of the Kenai River watershed and*

*contamination of spawning grounds that feed into or are associated with the Kenai River watershed. (Comment 705)*

In conclusion, again *I'd like to voice my strong support due to the least amount of impacts that it provides for either the Cooper Creek Alternative or the No-Build Alternative (Comment 706)*. Thank you.

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**Comment 701:** FHWA and DOT&PF have weighed the affects to recreational impacts and private residences in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm and are summarized in the EIS in the Executive Summary, Chapter 2, and Chapter 4.

**Comment 702:** The alternatives assessed in the EIS include those that would pass north of the community and the Cooper Creek Alternative that would pass through and south of the community. Those alternatives going north of the community would have different effects than the Cooper Creek Alternative because that one passes through town. Chapters 3.3, 3.4, and 3.5 are the principal chapters addressing community impacts. Noise is addressed in Section 3.15. Residents north of the river would notice increased traffic noises associated with the G South and Juneau Creek alternatives, however the changes are not considered substantial under FHWA and DOT&PF Noise Policy. There are substantial noise impacts identified under the Cooper Creek Alternative.

FHWA and DOT&PF have weighed the effects to Cooper Landing residents, in conjunction with other impacts in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 703:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns. Recreation impacts are addressed in Chapter 3.8 and Chapter 4.

**Comment 704:** See Comment Group #35

**Comment 705:** Thank you for your comment. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles (Cooper Creek) to 10 miles (Juneau Creek), that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. The risk of contamination from a vehicle-related fuel spill is discussed in the EIS under 3.17 Hazardous Waste Sites and Spills. A spill along any of the alternatives could result in contamination within the watershed, however the greater distance from the main stem of the Kenai River would result in greater time and opportunities to minimize and mitigate harm from the spill.

## **Communication ID: 922**

MR. JIM DERKS: *Our concern is the portion -- or the plan that would go on the Cooper Landing side or across Cooper Creek, in that we have a parcel of property that would just about be bisected by that route. And in talking with some of the people next door, it appears that everything above the new road would become an unusable parcel of ground. And that concerns us. (Comment 707)*

MRS. LEANNE DERKS: Basically, yes. *It means that -- there is actually four owners of our property. And it means we would lose half, probably, of our section, which we think would be a real tragedy. We are at about Mile 48 and a half. And that's on the hillside. (Comment 708)* So –

MR. JIM DERKS: That's basically all we had to say.

MRS. LEANNE DERKS: Of course, we have a big family, and then there are two families that are Outside right now and two families here, so everybody is concerned. And rightly so.

MR. JIM DERKS: All rightie. Thank you.

MRS. LEANNE DERKS: Thank you.

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**Comment 707:** The EIS discusses land ownership impacts in Chapter 3.1 and Housing and Relocation in Chapter 3.4. As stated in the EIS, land owners would be compensated for any use of private property at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. DOT&PF and FHWA recognize that use of private land would be a substantial impact, regardless of financial compensation.

DOT&PF is committed to reserving access rights (not allowing access to the new highway) on those segments of each alternative that would be built on a new alignment. Not providing driveway and road connections would protect the new highway from developing safety and congestion-causing issues that are present on the existing highway. It also would prevent inducing commercial and residential development in conflict with current community planning. The EIS anticipates that properties impacted south of the Cooper Creek Alternative alignment would not have access to the new highway and that the southern/uphill portions of these parcels would be purchased as part of the project.

**Comment 708:** Thank you for your comment. It is helpful to understand the reason behind your objection to the Cooper Creek Alternative. Private property impacts are taken seriously in the environmental process. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

## **Communication ID: 923**

Dear DOT,

*I am writing to request an "UNDER PASS" for horses and pedestrians near the intersection of Quartz Creek Road and the Sterling Highway. Attached is a photo of an under-pass that may work.*

*I am Alex Kime and I own Alaska Horsemen Trail Adventures on Quartz Creek Road in Cooper Landing. We guide trail rides on trails where we cross the Sterling Highway on a regular basis.*

*Crossing the highway with horses on the new proposed highway is a big safety concern. I would assume the speed limit will be at least 55 if not 65 mph. I would ask for an under pass to cross the highway. This would provide a safe passage for hikers as well as bike riders and horses.*

*We are permitted to use established trail systems which are on the north side of the highway. It is necessary to cross the highway on a regular basis to assess them. We have been doing this crossing for nearly 20 years. There is a horse crossing sign on the highway at this time and also a 45 mph speed limit. (Comment 709)*

Please call me if you have any questions or you need more input regarding what would work for an underpass.

Alex Kime  
Alaska Horsemen Ranch  
Cooper Landing, Alaska  
Cell phone, 907-598-1806

Attachment, photo of under-pass

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**Comment 709:** See Comment Group #67

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## **Communication ID: 924**

After 40+ years of studies, lost development funds, and hearing rumors of a proposed Cooper Landing highway bypass, I am enthusiastic, to say the least that a final action is here!! We are the third and fourth generations that continue to live seasonally since 1957, on the property at 19277 Sterling Hwy, Cooper Landing. *Local traffic incidents historically, could fill a book! (Comment 712) My major concerns with the existing design is that safety has been sidelined in an effort to continually "improve" traffic congestion and flow, without considering the impact on safety for CL residents and visitors!*

*(Comment 713) The sport fishing & tourism industries can only thrive when no oil/gas/pollutants spill into the Kenai Lake/river. Years ago, a speeding semi "beverage truck" flipped just feet from the Kenai bridge, spilling hundreds of pop cans, to the delight of our children! Another memorable incident occurred at Gwinns corner with a truck flip over into a side pond. (Comment 714) The most recent highway resurfacing and culvert enlargements created absolutely no safety shoulder, potentially risking more vehicle accidents/fatalities. In fact, within days of guard rail completion, damage became evident on 3 new set guardrails! (Comment 715) I have participated in highway consultant's presentations where they proposed roundabouts on each end of the CL bridge, in order to slow, but increase flow and safety! I have stood along the highway, just a hundred yards from the bridge, and radar gun clocked traffic, including semi trucks at 55mph+, in a 35mph zone. Just recently, ADT changed a 35mph (around 48MP) sign to 45mph, still in a residential and commercial (Kingfisher restaurant) location, where pedestrians cross, evidently not thinking of the safety jeopardized! Cooper Landing needs to be designated a DESTINATION POINT, and not just a slow down, congested, commuter's frustration/stress area, where the fast moving truckers, commuters, visitors have to proceed between the only access from the western Kenai Peninsula communities to Anchorage, at increasing faster speeds!! (Comment 716) The impact on businesses of moving the main route up to the Juneau Creek/variant alternatives, would not be any greater than currently exists, as for decades many have remained for sale, or closed, and thru traffic rarely stops, unless provisioning for fishing or backpacking trips. (Comment 717) The impact on wildlife corridors & habitat, recreation areas, and cultural sites by widening the existing road, is more costly, prohibitive by displacing homesteads, threatening to the public and wildlife that congregate along the waters, plus increasing auto exhaust pollutants in the environment. (Comment 718) If the goal is to truly reduce congestion, improve safety, bring up the highway to state/federal design standards, then the Juneau Creek alternatives are the only reasonable, cost effective, safer, and commute time advantages options to consider. (Comment 719) Thank you in advance for your consideration to allow public input/feedback...after all, one needs to live here to experience the need and benefit.*

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**Comment 712:** DOT&PF and FHWA recognize the traffic and safety issues of the Sterling Highway in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed.

**Comment 713:** DOT&PF and FHWA recognize the traffic and safety issues in the project area. Any of the build alternatives would shift the majority of vehicle traffic onto new segments that partially or completely bypass most of the commercial and residential areas of Cooper Landing. This is anticipated to draw 70% of the traffic off of the old highway. That means the old road would provide less of a through-traffic function and would be intended to serve more localized trips, characterized by slower speeds, which are safer for accessing adjacent properties.

**Comment 714:** DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). The EIS discusses hazardous waste, spills and contaminants as well as the risk of spills as part of Section 3.17. The release of transported cargo into the river does demonstrate the potential risk of transportation related spills into nearby water bodies. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away

from the Kenai River. The further away from the river, the larger the range of options to address cleanup should such a spill occur.

**Comment 715:** The recent resurfacing project contained safety features designed to calm traffic. No changes to the highway footprint occurred-- shoulders were never created nor removed. The center striping was painted deliberately wide to visually emphasize the centerline. Doing so slightly narrowed the visible traffic lane in an attempt to slow traffic down. Guardrails had been pushed out over years of use, therefore the installation of the new rails appeared to be closer since they were installed vertically.

Your concerns emphasize to DOT&PF the importance of the design upgrades proposed for the highway. Thank you for your comment.

**Comment 716:** DOT&PF and FHWA recognize the traffic and safety issues (including congestion and pedestrians using the highway) in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Alternatives has been designed to meet current highway standards and as such, would each see similar safety improvement over the No Build Alternative. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector with most of the traffic in Cooper Landing comprised of traffic accessing local attractions. This also provides opportunities for the community to implement the Walkable Community Project on the old highway. The EIS addresses pedestrian and bicycle effects in Section 3.6, and specifically in 3.6.1.4 and for each alternative in 3.6.2.

**Comment 717:** Thank you. The analysis of economic impacts identifies that there would be different impacts to businesses in the Cooper Landing commercial areas. It is anticipated that some spontaneous economic activity would be decreased. These spontaneous stops constitute a meaningful portion of some businesses located along the highway. Businesses would be forced to adapt, and if unable, some could fail. This would constitute a major impact on individuals, even if the commercial community as a whole remaining relatively unchanged.

**Comment 718:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. DOT&PF and FHWA evaluated alternatives that stayed 100 percent on the existing alignment. Due to engineering problems, problems meeting the purpose and need, or both, we did not find a reasonable alternative. Each of the four build alternatives shifts a segment of the highway away from the existing alignment, but each of them widens along the existing highway as well. Where the alternatives widen along the existing highway, they would create the kinds of the impacts described by the comment. DOT&PF and FHWA have disclosed the impacts described by the comment in the EIS.

**Comment 719:** Thank you for your comments. It is helpful to understand the reasoning behind the preference stated.

## Communication ID: 925

DAN MICHELS: First, I just kind of want to go through what I dislike about some of the alternatives.

*One, I think the Cooper Creek Alternative just seems a little unrealistic and is going to affect the overall viewshed of Cooper Landing more so than the other ones, and also takes more private land, which is going to be difficult. (Comment 721)*

*The one that I really have issue with the most is the G South Alternative mainly. One, it costs more, and it's adding a new bridge across the river, and with that new bridge and a new area, it's opening up walking traffic to that side of the river, which up to this point has been very difficult to access. So it's going to affect the stream banks, which ultimately affects the health of the Kenai River. (Comment 722)*

*The two Upper Juneau Creek Alternatives both seem the most palatable to me. As much as I like that area for recreation, it also seems the spot that would have the least impact or might have the most positive impact on the town of Cooper Landing. (Comment 723) I think that's it.*

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**Comment 721:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns.

**Comment 722:** DOT&PF and FHWA recognize and have disclosed the impacts of the G South Alternative described by the comment, and have considered those issues in identifying a preferred alternative. The full description of the analysis of the alternative with least overall harm appears at the end of Chapter 4. While the cost of the G South Alternative is expected to be higher than other alternatives, it is not excessively higher. DOT&PF and FHWA have evaluated the impacts of the new bridges and the wildlife impacts described by the comment and have proposed mitigation to minimize and mitigate the effects.

**Comment 723:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## Communication ID: 926

ROBERT GIBSON: So my name is Robert Gibson. I'm the owner and operator of the Kenai Lake Lodge at Milepost 47.1 on the Sterling Highway, so that's two miles away from the start at Mile 45 on this project.

*I would welcome an improvement of the highway. (Comment 724) I have through the years experienced several traffic accidents because of the lack of a wide shoulder. Right in front of my lodge on the property is no shoulder at all on either side, and that needs to be addressed. (Comment 725)*

*Furthermore, I have a concern to the Department of Transportation to move the highway traffic signs that indicate the speed zone. Right in front of my place is the straight road, and people who are coming from Anchorage or from Soldotna through the very curvy highway see an opportunity to step up speed, and those signs needs to be moved closer, and nothing has been changed in that regard. (Comment 726)*

I'd like to have that done finally after addressing the Department of Transportation's both right-of-way responsible people and also the planning department for DOT for that stretch of the road.

*The egress from my property right in front of the lodge is extremely dangerous because it goes on the most eastern access to the driveway. It's very sharp, and I had near collision occurs since happening -- almost on a weekly basis. People come at a high speed, and that needs to be addressed. And the sharp turn there needs to be chopped off so there is a clear view for the oncoming traffic. (Comment 727)*

Thank you.

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**Comment 724:** See Comment Group #45

**Comment 725:** DOT&PF and FHWA recognize the traffic and safety issues related to the out-dated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative. At the specific location in question (MP 47.1), three of the alternatives will bypass the location resulting in 70% less traffic through town. The area in front of the lodge will become more like a local, community road. For the Cooper Creek Alternative, there would be widened lanes and shoulders, and curvature and sight distances that meet standards which would improve safety at this location.

**Comment 726:** Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones such that they will be safe for the design speed (60 mph). This would avoid changes in speed limit and drivers attempting to accelerate or pass in straight sections. Each alternative includes passing lane opportunities that will give people safe places to make passes. At the specific location in question (MP 47.1), three of the alternatives will bypass the location resulting in 70% less traffic through town and the road classification likely would change from Rural Principal Arterial to Rural Collector or Minor Arterial, and the road would no longer be part of the National Highway System. The area in front of the lodge will become more like a local, community road. For the Cooper Creek Alternative, there would be widened lanes and shoulders, and curvature and sight distances that meet standards, which would improve safety at this location.

Where the alternatives for this project are rebuilt on the existing alignment, the project will include replacement speed limit signs, positioned in accordance with the Manual of Uniform Traffic Control Devices and the Alaska Supplement.

**Comment 727:** DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear

zones, and as such, would each see similar safety improvement over the No Build Alternative. At the specific location in question (MP 47.1), three of the alternatives will bypass the location resulting in 70% less traffic through town. The area in front of the lodge will become more like a local, community road. For the Cooper Creek Alternative, there would be widened lanes and shoulders, and curvature and sight distances that meet standards which would improve safety at this location.

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### **Communication ID: 927**

ARDEN RANKINS: So my name is Arden Rankins, and I'm in negotiations talking back and forth with Mary Louise Molenda who owns the Sunrise Inn, and I'm contemplating working on a deal to purchase that.

So if I do purchase it, *my huge concern is whether the access to the Sunrise will be visible from the highway; if the speed limit will be slow enough that people will stop in; and if it's visible from the road.*

*And for me, it really is a million dollar price tag, because if I purchase it, I'm going to be spending that, maybe a little bit more, and if this road makes the Sunrise unable to be seen, then I'm not remotely interested in purchasing the Sunrise. (Comment 728)* So help me. That's it.

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**Comment 728:** See Comment Group #61

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### **Communication ID: 928**

DAVID STORY: *Fairly straightforward statement for opposition of the G South Alternative for the bypass project. It seems to be the least effective of the options and congests some of the areas that are high traffic for our business as well as some of the other businesses in the area. (Comment 729)* That's it. That's on behalf of Alaska Wildland Adventures.

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**Comment 729:** Thank you for your comment. It is helpful to hear the reasoning behind the stated preference.

## Communication ID: 929

NICHOLAS LeMIEUX: Okay, I'm Nick LeMieux, and I live -- my postal address is Box 834, Cooper Landing.

DAVE HANSON: Sir, could you spell your name for the reporter?

NICHOLAS LeMIEUX: Capital L-e, capital M-i-e-u-x, first name Nicholas.

I've been associated with Cooper Landing for about 20 years. Right off the bat, *I'd say that particular route that I would like to see is the Juneau Variant route. (Comment 730)*

*Addressing the route to the south of the road, the Cooper Creek route, both ends of it would be a very high grade, and not only that, on a north facing slope in the shadow -- that's road speak - which would create real problems during the winter for all travel.*

*The route through the town, of course, impacts almost everybody who lives in Cooper Landing, and we all hear the trucks night and day, and many, many of them. Not only that, we have to follow these trucks through the community, and many of them would like to use their jack brakes and things like that and make a pile of racket. And also they like to push us from the backside and following closely when there is a speed limit of 35 miles an hour through the town.*

*The possibility of a spill along the river is very real. We've had some near accidents where large amounts of oil were spilled close to the river. Fortunately, they did not get into the river. (Comment 731)*

*The other alternates -- I think the Juneau Alternate has one problem that I see, and that is the impingement on the wildlife refuge, which would mean special action probably of Congress to get it okayed. And with Washington involved, you can never hope anything gets done. (Comment 732)*

*So I'm very much in favor of the Juneau Variant, which would avoid that problem. It also would take all of the traffic away from town. And I don't think that it would really impact the business in town, because most of the business in town is - comes from people who have Cooper Landing as a destination and so they would be here anyway, so I don't think that would impinge on the businesses in town. (Comment 733) So I'll close with that, thank you.*

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**Comment 730:** See Comment Group #41

**Comment 731:** The Cooper Creek Alternative does have steep grades in the segment of highway that would be built on new alignment. DOT&PF does not believe that the rolling terrain poses winter travel hazards that substantially differs from other road sections elsewhere on the existing system. An analysis of how the mountain shadows would fall on the alternatives was conducted and a discussion of winter hazards and grades is found in Section 3.12 Geology and Topography.

The noise model accounts for deceleration noises of heavy trucks, although it does not include the application of air compression brakes (also known as Jake brakes). DOT&PF does not regulate the use of such brakes, however the Kenai Peninsula Borough may choose to do so.

Any of the build alternatives would reduce the number of vehicles, including the trucks, traveling along the existing alignment through the community. This should calm the traffic flow and assist in the maintenance of the 35 mph speed limit section through town. Any of the build alternatives shift segments of highway away from the river, and would reduce the risk that an accident would result in hazardous materials directly entering the Kenai River. Section 3.17 of the EIS discusses this issue.

**Comment 732:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns.

**Comment 733:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

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## **Communication ID: 930**

ALEX KIME: It's Kime, Alex Kime. And my address is 35090 Quartz Creek Road.

DAVE HANSON: Do you want to spell your name for the reporter?

ALEX KIME: K-i-m-e, Alex Kime, Quartz Creek Road.

I own Alaska Horsemen Trail Adventures, and I've run a horseback riding business here for nearly 20 years, and I've safely crossed the Sterling Highway for nearly 20 years.

I cross the highway right there at the Sunrise Inn right at the intersection of Quartz Creek Road and the Sterling Highway at Mile 45. Currently it's a 45 mile speed limit, we have a horse crossing sign, and I've never had an issue.

*I'm real concerned when all of a sudden we have four lanes, we're going from a 45 to a 60 mile an hour speed limit, and so I'm concerned how I'm going to cross the highway with the horses. I have a permitted trail system on the other side of the highway, that's the reason for doing that.*

*So my solution for that, excuse me, is an underpass. And this is just a simple culvert that would go under the highway, and this would not only help me and the horses, but hikers, folks from the Sunrise Inn that stay there. They are constantly going across the street and hiking the horse trails, you've got bicycles going across the highway.*

*There is also the Old Sterling Highway right there that is the start of an old bike trail that was made years ago that goes right to downtown Cooper Landing, so maybe that could be combined to interact with that.*

*So that would be my idea for a solution so I can keep running my horseback riding business and safely cross the highway. So that's my main concern. (Comment 735)*

*As far as which choice the highway makes, I don't necessarily have a preference, but I do know that the one that goes by Juneau Falls, I am concerned about a parking area there and with the Forest Service and the impact it's going to have on Juneau Lake and Trout Lake.*

*I operate wilderness horseback trips back in there. It's going to affect my business, it's not going to be wilderness anymore, but I understand times are changing. But it is going to impact the wildlife in the area, and so I am a little concerned about that. (Comment 736)*

Other than that, I am also a truck driver. And I just want to say I've been driving back and forth from Alaska to Canada, and there is some towns that we go flying around 70 miles an hour, and there is other towns, boy, you slow down to 35 going through town or you're going to get a ticket, and that's what everybody does. So I think whichever way we go here, make it work, thank you.

DAVE HANSON: Thank you very much. Phil Weber.

ALEX KIME: Can I leave this with somebody?

DAVE HANSON: We'll make sure it's in the record, too.

ALEX KIME: Thank you.

Note: Alex Kime submitted a letter that is being processed as a separate hardcopy comment.

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**Comment 735:** See Comment Group #67

**Comment 736:** See Comment Group #67

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## **Communication ID: 931**

PHIL WEBER: My name is Phil Weber, that's spelled W-e-b-e-r. I live at Mile 47-and-a-half of the Sterling Highway, specifically 35635 South Place West. *The G and both Juneau Variants will go up behind my house.*

*On paragraph 3.13.1.4 of the Draft EIS, it says there, and I quote, "Some homes and cabins are said to use surface water sources." "Are said," that sounds like it's a rumor. It's not a rumor, it's a fact. I am one of those people that do use surface water sources. I've got my water out of Slaughter Creek since 1995. I've got the best tasting water in town. (Comment 745)*

*In all the years of discussion, 10, 15 years that I've been down here full time and we've come across public hearings like this or work sessions, no one, not no one from DOT, no one has said they will guarantee the quality of my water after the construction is done. That's my concern.*

*I just want to have the same tasting water that I have right now after the construction is done. Because I know what salt and sand is put on, and I just want a guarantee from DOT that I'm going to have the same quality of water afterwards. (Comment 746) Thank you.*

**Comment 745:** The EIS has been revised in Section 3.13.1 to acknowledge the confirmation of private residential surface water sources in the Cooper Landing area.

**Comment 746:** The commenter requests that DOT&PF guarantee that changes to drinking water taste and characteristics would not occur. This is not possible. Surface water characteristics can be highly variable, and taste is subjective. Surface waters are vulnerable to contamination resulting from natural activities (animals and birds) and man-made activities (including but not limited to road construction and use). Any of these activities potentially provide the source of disease-causing organisms that can cause illness. Alaska Department of Environmental Conservation (ADEC) recommends disinfection as the only barrier against passage of harmful organisms to the customer's tap in unfiltered water systems. The EIS analysis suggests that water quality impacts as a result of the project to surface and ground water would not violate drinking water standards. However, ADEC recommends that homeowners concerned about land uses impacting their water sources can start by contacting the relevant divisions within ADEC.

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### **Communication ID: 933**

CHRIS CRAVENS: Waiting on me? Sorry, thanks. My name is Chris Cravens, and I want to begin by saying that *I'm in full support of the Do-Nothing Alternative with a second cautious support of the Cooper Creek Alternative (Comment 841).*

*I cannot in good faith support any other alternative due to the public land impact that will result in any efforts. (Comment 844) I want to bring up the concept of externalities, or the creation of externalities, which is the manifestations of a whole litany of new problems in the effort of solving maybe an original problem, that we may or may not have a perceived problem.*

*I understand the three needs that were listed here are all very, you know, clear that they are kind of based on congestion and safety, but what they don't really bring up too much is environmental impacts. I think the three needs could probably be addressed in other forms, such as enforcement, the preservation of the existing speed limits through town, and maybe even a decrease in speed limits for a longer duration on the highway corridor. (Comment 845)*

*As a side note, I just kind of want to talk about the construction of new bridges, and not necessarily including the reconstruction of existing bridges, so the construction of new bridges being potentially one of the most harmful endeavors in destruction of salmon spawning creeks and potentially pollution. So we need to keep that in mind when we're looking at new bridges as opposed to just kind of upgrading or redoing existing bridges. (Comment 847)*

To sum up -- excuse me real quick. *So to sum up, I can only really be a strong advocate of the Do-Nothing Alternative at this point, and again, a very cautious advocate of the Cooper Creek Alternative. The other three are just too much of an infringement on the public lands that are so scarce and so rare*

*in the United States these days, particularly the Kenai Wildlife Refuge and particularly, of course, the National Forest Service. (Comment 848)*

*So I think everyone should consider the fact that we've got a somewhat functioning but not perfect roadway and highway that so far has -- it has its issues, but I think compared to the other alternatives, it's the lesser of many evils. (Comment 849)* So thanks for your time, I appreciate it.

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**Comment 844:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preferences.

**Comment 845:** Chapter 1 of the EIS addresses the purpose of and need for the project in transportation terms. There is acknowledgement in the chapter of the need to protect the natural environment of the Kenai River. Chapters 3.1 through 3.27 and Chapter 4 address environmental impacts. The responsibility of DOT&PF and FHWA is to provide safe and efficient transportation infrastructure. In Alaska, the Department of Public Safety has primary responsibility for enforcement on roads once they are built. That said, while stepped-up enforcement and even lower speed limits might help improve safety it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 847:** The EIS addresses impacts to water bodies and water quality in Chapter 3.13 and to fish and essential fish habitat in Chapter 3.21. Moreover, DOT&PF and FHWA prepared a special technical report entitled "Essential Fish Habitat Assessment" (available on the project web site) and consulted with the National Marine Fisheries Service on the findings. Mitigation to address impacts to fish and fish habitat includes designing bridges with as few piers as feasible below ordinary high water. Additionally, pile driving will require specific mitigation and timing that will be negotiated with regulatory agencies during design and permitting to minimize construction impacts. There are a number of other mitigation commitments summarized in the EIS specifically related to the concerns expressed.

**Comment 848:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preferences.

**Comment 849:** See Comment Group #33

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## **Communication ID: 934**

DOMINIC BAUER: My name is Dominic Bauer, D-o-m-i-n-i-c, last name Bauer, B-a-u-e-r. P.O. Box 538, Cooper Landing.

*I've been here for a while now, and I've been studying this bypass for a while, and I've been on both sides of the coin, and at this point lots of thought and witnessing trucks dumping at Gwin's corner and*

*whatnot. I think since '93 I don't know how many tractor/trailers have gone over. Seen cans of Coca-Cola floating down the river at the bridge.*

*I think it was 7,000 gallons of diesel at Gwin's corner went in there, went through the culverts into the Kenai. How long until a truck with sulfuric acid or something, who knows what, goes in? (Comment 858)*

*The number one thing that's paramount in this issue is the river. The whole Peninsula's economy depends on it, my business, many friends' businesses, tourism, it's what it is. It's one of the few sustainable businesses we have. (Comment 859)*

*I would like to see a variant other than the existing footprint or Cooper Creek. I think Juneau. Truthfully, I don't know, that's your job, but give it some great thought. (Comment 860) There are a lot of lives, and I think the long-term sustainability of this town, if you're a civil engineer, anybody with any background about looking to the future 20, 30, 40, 50 years. Our Peninsula's population and one two-lane road going out and evacuating over a river, it's not smart. (Comment 861)*

*That's about all I have to say. I just would hope that we can come to something that will provide for the health of our Kenai River for many generations to come. (Comment 862) Thank you.*

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**Comment 858:** Thank you for your comment. DOT&PF and FHWA recognize the traffic and safety issues related to the out-dated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1).

The EIS discusses hazardous waste, spills and contaminants as well as the risk of spills as part of Section 3.17, although the soda can incident you refer to is not part of our data set (likely due to the nature of the cargo). Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. The further the highway is away from the river, the larger the range of options to address cleanup should such a spill occur.

**Comment 859:** DOT&PF and FHWA recognize the importance of protecting the Kenai River corridor. By including this statement in the project purpose and need statement (Section 1.2.1), the agencies hoped to convey their understanding of the issue and their intent to make decisions that would protect the Kenai River.

**Comment 860:** Thank you for your comment.

**Comment 861:** DOT&PF and FHWA recognize the importance of the Sterling Highway's function as a National Highway System route, including its role during emergencies. Chapter 1 documents the purpose and needs for the project, including a discussion of how the Kenai Peninsula's past and future population and traffic growth contribute to the problems. The traffic analysis completed for the project (available on the project web site) does forecast traffic out 20 years into the future. Additional information on the importance of the National Highway System's function during evacuations has been included in Chapter 1.

**Comment 862:** Thank you for your comment. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles to 10 miles, that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. DOT&PF and FHWA recognize and have evaluated effects on the Kenai River in Section 3.7 River Navigation, Section 3.13 Water Bodies and Water Quality, and Section 3.21 Fish and Essential Fish Habitat and have taken these impacts into account in identifying the preferred alternative.

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### **Communication ID: 935**

THERESA NORRIS: Hi. I'm Theresa Norris. I live off of Bean Creek Road. I've been here since '67.

*It's kind of sad to see everything destroyed kind of a thing, but I definitely want the Juneau Creek Variant. I'm a hiker and I just want traffic -- less traffic going through Cooper Landing, and I think that would be the best alternative, even though it goes through Juneau Falls and some of my favorite places to hike, but I still think that would be the best one. (Comment 864)* Thank you.

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**Comment 864:** Thank you for your comment. It is helpful to understand the reasoning behind your preference.

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### **Communication ID: 936**

DAVE QUINN: My name is Dave Quinn, I live in Cooper Landing, been a property owner since the '70s, and I have lived here full time since about 2006. P.O. Box 833, Cooper Landing.

*I have a few concerns mostly on protecting the Kenai River. We have a corridor here that's very unique and a lot of the people in Cooper Landing are living here because of the uniqueness of that river. (Comment 867)*

*Last summer we were seeing a large increase with the tanker trucks coming through from Nikiski, and they are serving the state of Alaska. Wherever there is a road, they are hauling their oil.*

*Last year we averaged -- probably estimated about four trucks an hour, and that is around the clock, so you can imagine how long this road is going to last with that kind of traffic, plus we have the development in Nikiski. It's only going to increase.*

*And then plus we have all the commerce vehicles that come through here for Carrs and Safeway and Walmarts and all of those, and then plus we have the tourist traffic. So we have an enormous responsibility for the state of Alaska to maintain Cooper Landing in the best way that we can. (Comment 868)*

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*And I'm not excited about all the alternatives we have, because I would like to see a route that were away from the river. And I know that's a huge challenge, and I don't know if we're going to see that, but I would play the percentage side.*

*If we can be away from the Kenai River, that's a better percentage for us. (Comment 869) There has always been a safety issue on this main corridor, and if we could be able to have a safer corridor.*

*35 miles an hour is a bottleneck, plus we have all the entities. As we travel down the corridor, we see Gwin's corner, which there has been numerous accidents down there involving commercial traffic; we have the Russian River turnoff; and then we also have the Sportsman's and at Jim's Landing. So whatever we can do to protect that corridor from a truck going into the Kenai with oil or whatever chemicals they are carrying, I would appreciate that. I think that's a huge concern for everyone here. (Comment 870)*

And then the other concern, I'll make it brief, is Cooper Landing is -- we don't have a lot of history here, '20s, '30s, '40s -- I'd like to maintain the integrity of Cooper Landing with the historical value. So to leave Cooper Landing away from changes, you've got alternative, is it C? What's the Cooper Creek one? That divides Cooper Landing. Cuts the residencies right in half, and that would be a terrible situation for this community to change. The integrity of it would be gone. It would just be another place on the road. Thank you.

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**Comment 867:** Thank you for your comment regarding the health and value of the Kenai River watershed. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles to 10 miles, that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). Shifting the highway traffic away from the river is discussed in more detail under Sections 3.17 and 3.21.

**Comment 868:** Thank you for your comment. DOT&PF maintains a permanent traffic recorder (PTR) at Quartz Creek Road, which is a useful estimate of traffic volumes and types in the project area. The most recently processed data from the PTR is 2013. Observations of increased industrial activity in Nikiski in 2014 and 2015 causing increased tanker truck and multi-trailer truck traffic on the Sterling Highway have not been able to be verified using the available PTR data, however the comments and anecdotal information provided by residents and trucking companies have been added to the EIS discussions in Sections 3.6 (Transportation) and 3.27 (Cumulative Impacts). DOT&PF uses growth rates computed over many years to forecast future traffic volumes and traffic mix. This approach has shown reliable and tends to even out short-term fluctuations. Nonetheless, the anecdotal information exemplifies that, as part of the National Highway System, the Sterling Highway is an important truck route, and safely and efficiently accommodating trucks is an important aspect of the project.

**Comment 869:** Thank you for your comment. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles to 10 miles, that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. DOT&PF and FHWA recognize and have evaluated effects on the Kenai River in Section 3.7 River Navigation, Section 3.13

Water Bodies and Water Quality, and Section 3.21 Fish and Essential Fish Habitat and have taken these impacts into account in identifying the preferred alternative.

**Comment 870:** Thank you for your comment. The EIS discusses hazardous waste, spills and contaminants as well as the risk of spills as part of Section 3.17. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. Where the existing highway is upgraded to new design standards, wider lanes, shoulders, improved sight distances for drivers, and vehicle turn pockets should decrease the likelihood of crashes. DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1).

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### **Communication ID: 937**

ANN HANSON: My name is Ann Hanson, H-a-n-s-o-n. I live at 35360 Just Bears Court in Cooper Landing. I just have a couple comments about the Juneau Creek -- the two Juneau Creek Variants.

*I do a lot of shuttling between Sportsman's and Jim's, and the one variant which does not cross the Kenai federal lands when you are going to be coming out and going west, from Sportsman's there will be an onramp; but when you are coming back east to get to Jim's, you're going to have to cross several lanes of traffic to turn left to get down to Jim's.*

*On the other side of the coin, the other Juneau Creek Variant, when you are shuttling and you're going west to Jim's, you are going to have to come up and make a left turn lane onto the new highway and cross three lanes of traffic, if what I'm looking at up there is correct, and they are going to be coming at you off of a 55 mile an hour road, and I think that that is going to be a very difficult place to try and go west.*

*I don't know what the solution is for either one of those. I hope I've explained myself. I don't see a good alternative, but I just think that you need to consider it, because there is a lot of shuttling that goes between Jim's and Sportsman's, and how you are going to have people access that new highway from each direction going west and east on the new highway needs to be very, very strongly considered.*

*And you have to remember that you're pulling a trailer, so it's not like you're pulling out into traffic with just a car, you are going to have a boat trailer on the back of it. (Comment 872) Thank you.*

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**Comment 872:** The needs of turning traffic have been considered in the preliminary design. Final design would include further study and refinement if necessary. The comment appears to be most concerned with the two Juneau Creek alternatives. In general, under each alternative, turning lanes and acceleration lanes would be provided at the intersection of the new and old highways and at the intersection of the Sterling Highway with Skilak Lake Road. Left-turning traffic going either direction typically would cross one lane of opposing traffic.

## Communication ID: 938

JONATHAN OSOWIECKI: My name is Jonathan Osowiecki, O-s-o-w-i-e-c-k-i. I was born in the area, lived here for eight years, I've been back about six years now.

*I'm opposed to all these alternatives. The Kenai Peninsula I believe is 16,000 square miles, which works out to over 10 million square acres. I think they can find a different place to put this highway. (Comment 882)*

*Having worked construction in this town with a local excavator, being on both sides of this valley digging holes, there is no good base for a highway. I don't believe that we should do either one. There must be a better way. (Comment 884) If the river is truly to be protected, they need to get away from it. (Comment 885)*

*I'm very worried about the oversight on the construction on this project. From what I've seen in my construction experience, that shortcuts are taken and the oversight is never there. And I would hate to see an Alcan Highway put through this town, that after even beyond 50 years -- I believe the Alcan is getting closer to 60 -- it still wasn't built right in the first place. It's unmaintainable almost to this day. It's still not a manageable highway. Anyone who's driven it can attest to that. It's rutted, frost heaves everywhere, and I'm concerned about the lack of oversight that hasn't been done already with projects through this town. (Comment 886)*

My major concerns, *I think they can find a different place to put this highway. And I do own property that one of the alternatives would go through is another reason I'm opposed to it. (Comment 887)*  
Thank you very much.

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**Comment 882:** DOT&PF and FHWA examined a large range of alternatives, including options for putting the highway in a different location. Topographic constraints such as mountains, avalanches, glaciers and icefields, waterbodies, and coastal zones; land ownership constraints; Section 4(f) properties such as Kenai National Wildlife Refuge, Kenai Fjords National Park, and Forest Service trails; and designated Federal Wilderness severely limit the practical alternate locations of highways on the central, eastern, and southern Kenai Peninsula. Adding a new highway in an alternate location would not improve the design or safety of the existing corridor that serves local traffic and commercial traffic connecting the Sterling highway communities. Chapter 2 summarizes the alternatives that were examined. Chapter 4 looks at the difficulties of trying to avoid parks and recreation areas.

**Comment 884:** DOT&PF and consulting geotechnical engineers have completed preliminary examination of soils in the project area and believe they are mostly adequate for road construction. Where subsurface conditions have been deemed an unacceptable risk, alternatives have been routed to avoid those areas. During design of the selected alternative, additional soil borings and analysis would be complete throughout the alignment to develop a design-level understanding of soils to be encountered and engineering solutions that will be required.

**Comment 885:** See Comment Group #54

**Comment 886:** DOT&PF and FHWA have modern, rigorous oversight standards that are likely to be entirely different than the Alaska Highway, which was constructed in a hurry in preparation for war. Before the project is constructed it will undergo thorough design and review and will be designed to meet modern standards. DOT&PF employs or hires professional engineers to provide construction oversight and administration.

**Comment 887:** DOT&PF and FHWA examined a large range of alternatives, including options for putting the highway in a different location. Topographic constraints such as mountains, avalanches, glaciers and icefields, lakes, rivers, and streams; land ownership constraints; Section 4(f) properties such as Kenai National Wildlife Refuge, Kenai Fjords National Park, and Forest Service trails; and designated Federal Wilderness severely limit the practical locations of highways on the central, eastern, and southern Kenai Peninsula. Chapter 2 summarizes the alternatives that were examined.

Private property impacts are taken seriously in the environmental process. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

Thank you for your comments. It is helpful to understand the reason behind your objection to the various alternatives.

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## **Communication ID: 939**

DAVE HANSON: Thank you, sir, very much appreciate it. Is there someone else who would like to testify at this time?

CHRISTINE FARRINGTON: After listening to Jonathan, I think I may.

My name is Christine, C-h-r-i-s-t-i-n-e, Farrington, F like in Frank, a-r-r-i-n-g-t-o-n, and I'm at P.O. Box -- do you need physical? I'm at 18067. I'm right on the highway, the Sterling Highway.

*I've lived here for 11 years, and we have traffic pass our house constantly. And kind of listening to everyone and thinking maybe the do-nothing is the way to go. And get the DOT -- who is with the DOT here -- to step up, get us some slow-down signs. I don't know how we get more troopers passing out tickets. Knock out Gwin's curve, somehow someway just knock that out, that's got to be able to be done and straighten that out a bit. Even though it says 35, slow down, no one really does.*

*And we need enforcement on our highway. I know last year when they put the new road in it did help a little, they did put some signage on the highway that says 35 miles per hour. No one still drives 35 miles an hour through Cooper Landing. I'll be going 40 myself, and all of a sudden say, hey, I'm going over the speed limit already as soon as I pull out of my driveway, and I slow down.*

*But I think those flashing signs, if the DOT could get some of those going through Cooper Landing might help, and that would save \$247 million, and maybe we could house and feed some people in our country, not that your money does that, but it just seems like a lot of money.*

*So yeah -- I mean, but anyway, I'm for the do-nothing. Right now, even though I live right on the highway and I hear the cars go by my house and trucks, you get used to it, right Jonathan? But they need to slow down and we need more enforcement in our town. (Comment 892) Thank you.*

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**Comment 892:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Vehicle speed is a factor in traffic safety, but it is not a stand-alone factor. Vehicle crashes are often a result of unsafe speeds- which is not necessarily higher speed, but speeds exceeding that which the roadway is designed (due to curves, grade changes, or site distances) or the conditions (low visibility, wet or snowy conditions, etc.). By more closely designing for driver expectations on a national highway system route - meaning consistent speeds, smoother curves, wider lanes, and fewer conflict points - the risk of crashes will be reduced.

The responsibility of DOT&PF and FHWA is to provide safe and efficient transportation infrastructure. In Alaska, the Department of Public Safety has primary responsibility for enforcement on roads once they are built. That said, while stepped-up enforcement and even lower speed limits might help improve safety it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

FHWA and DOT&PF have weighed the cost of the project relative to the impacts in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose and needs for the project and justifies the expenditure of funds. Note that Federal Highway Administration funds cannot be transferred for use in enforcement or to feed the hungry.

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## **Communication ID: 940**

CHARLOTTE OSOWIECKI: Hi. My name is Charlotte Osowiecki, C-h-a-r-l-o-t-t-e O-s-o-w-i-e-c-k-i, and I've been in this area for 17 years, living in Cooper Landing for about half of it.

I live on the highway. *I am pretty much opposed to all these alternatives. (Comment 897) The Juneau Creek one is the least of the evils in my opinion. (Comment 898)*

*And the only concern that I really have is that if this doesn't go through now, that we don't spend another 20 years spending money and talking about it, and talking about it, and talking about it, and studying it. Put that money into widening this road and making this highway that we have a federally compliant highway, straighten it out, blast some of the curves out.*

*That's basically my major concern, is whatever the decision is, that if we don't do it, that we, you know, fix the road that we have and basically put this to bed and stop talking about it. (Comment 900) So thank you.*

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**Comment 897:** See Comment Group #44

**Comment 898:** See Comment Group #38

**Comment 900:** The project area around the Sterling Highway MP 45–60 is a complex area with many constraints, including challenging topography (steep valleys and proximity to the Kenai River); recreational resources (world-class sport fishing, hiking trails, state and federal lands); Alaska Native and historic cultural resources; and the existing community of Cooper Landing. There is simply no easy solution that is readily available, so each potential solution has needed careful study and coordination in all of these areas, which has taken time. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones. If one of the proposed alternatives is not built, the EIS explains that the current problems and roadway conditions would continue. The effects of not building the project are described by the "No Build Alternative." Minor programmed improvements, like bridge replacements are anticipated to still occur. The impacts of these reasonably foreseeable future actions are discussed in the Chapter 3.27 Cumulative Impacts.

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## **Communication ID: 941**

JIM HARPRING: Good evening, my name is Jim Harpring. For the record, the spelling is H-a-r-p-r-i-n-g. The address is 35001 Water Front Way, three words, Soldotna, Alaska 99669.

I'd like to begin my testimony beginning with -- I thought the EIS that was presented was very thorough and complete. I've only read the Executive Summary and I read portions of the EIS that concerned me.

*The one area that I would really like to speak to tonight -- there are really five -- but the major one is the safety-related issues in Appendix A, especially to two particular tables, Table 3 and 4 and figures associated therein.*

*It's obvious just by doing a quick analysis of that -- and, again, I apologize for not being more prepared because I couldn't find it in the real EIS, I didn't go to the appendices -- it's obvious that that particular corridor from 45 to 60, although designed in the '40s and '50s, has never been changed.*

*We've lived here for 40-some years, and we used to live in Anchorage and we would commute every weekend to our home here on the Kenai River, and that particular area was just terrifying. I can't tell you how terrifying it was, but it was just -- you just wanted to avoid it if you could. You'd just get through it as quickly as possible because of the number of fatalities, rollovers, and head-ons and collisions, as depicted in the appendices. So any alternative is better than the current one as is. (Comment 907)*

*The next area that I want to address is avoiding the Kenai River and all of the associated haz-mat issues. We've had them over the past, we will continue to have them in the future, so to continue with no alternative is unacceptable. Again, remembering that this thing started in '82, and then we had the next one in '94, testifying in both of those, and we've seen no successful resolution to this after 33 years. So avoiding the Kenai because of the related issues of not only oil, but of the haz-mat and the other petrochemical issues that it may impact because of the growth of the Kenai Peninsula and related issues there. (Comment 908)*

*The third item is the taking of private property with the means that are available to take that property and compensate. Just the mere fact of taking the property, which I'm totally opposed to, if there is any alternative available to the owners. I've been impacted throughout my life on three other properties where it was taken with no recourse except a monetary one, and I find it very unnecessary in many means just because that was the most convenient approach to resolve a particular issue. (Comment 909)*

*The next one is the issues associated with the 19 acres that would be impacted if you did the Juneau Alternative, not the variant. So I hope that we don't go to an Izembek-related issue where it's too hard to handle, after 14 years of studying that particular issue and being defeated to set up a road. (Comment 910)*

*And so the testimonial finals here, I want to support the Juneau Creek Alternative if given the opportunity to support that. The other two have too many related issues that can't be addressed in their entirety to support this particular project. (Comment 911) Thank you.*

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**Comment 907:** DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative.

**Comment 908:** See Comment Group #54

**Comment 909:** FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Comment 910:** DOT&PF and FHWA recognize the challenge of going through designated federal Wilderness, and outlined in the Draft EIS that it would not identify the Juneau Creek Alternative as a preferred alternative due in part to the difficulties and uncertainties associated with the process. For this project, the 2002 Russian River Land Act, which was passed to resolve the claims of CIRI, provides a process for CIRI and the Department of the Interior (DOI) to exchange lands (up to 3,000 acres). No action has ever been taken by either party; however, during the summer of 2017 CIRI informed DOI of their desire and willingness to engage the DOI on a land exchange that would include the area of the Refuge that the Juneau Creek alignment crosses, and DOI subsequently informed the FHWA that it intends to execute the trade if the Juneau Creek Alternative is selected. This would effectively change

the land status from designated federal Wilderness to private land. Based on this new information, FHWA now considers the trade to be reasonably foreseeable, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS).

**Comment 911:** See Comment Group #38

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### **Communication ID: 943**

RICK MOORE: Mine is a very brief thing on what I have.

DAVE HANSON: Sit down and introduce yourself and address.

RICK MOORE: My name is Rick Moore, M-o-o-r-e. My address is 36663 Marsha Lane in Soldotna here.

Mine is a very brief deal. *I run trucks that run from Anchorage down to the Kenai Peninsula on a daily basis, and I know how dangerous it is to drive our trucks pulling doubles going through Cooper Landing. It's almost impossible to keep the trucks in your own lane. (Comment 912)*

And what I wanted to emphasize to you guys as you guys are trying to design this thing is there is a couple things to really keep in mind from our aspect of it with the trucking industry.

*And number one is to make sure you guys put passing lanes in both directions. In other words, don't put strictly passing lanes on a hill. Going uphill for trucks, we can't get around vehicles, which are all passing us, which is fine, except when you get to the other end. If we haven't been able to pass people, we get to the end of a road there, you get some people that are scared to drive, you know, a reasonable speed. We get behind them, we get hung up, traffic can't see around us. They start getting irritated because they are behind us for a long distance, and they start doing stupid passes. Give us passing lanes going uphill and downhill. From one of your propositions I saw over there there was only passing lanes going uphill in both directions. That's terrible on trucks. (Comment 913)*

*The other thing is the grades. You've got to keep the grades to where we don't spin out. It's showing a 5.8 percent. If you can, it needs to be less than that. In our snow and ice conditions that we get out here, when we spin out, we shut the highway down. You know, people can't get around us, and there is times we're waiting for two and three hours to get sand to come out there. Even when we have our chains on all tires that we can put chains on, we're waiting for two or three hours for DOT to come out there and get us going again by dumping a bunch of sand underneath us. They need to keep the grades at a very small -- very low percentage. (Comment 914)*

And that's really all I had, two aspects that I wanted to bring to your attention in designing the roads. Okay, thank you.

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**Comment 912:** DOT&PF and FHWA recognize the traffic and safety issues (including those faced by trucks) in the project area. Chapter 1 of the EIS recognizes the importance of this National Highway System route for trucks and identifies safety as a need for completing the project. Each of the Build

Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative.

**Comment 913:** Passing lane locations and lengths were established based on projections of congestion and taking into account environmental impacts. It is anticipated that the addition of passing lanes will relieve congestion and the irritations and frustrations associated with vehicle platoons or being stuck behind larger trucks and RVs that block visibility. Passing lanes have been added in both directions and have not all been placed solely on uphill sections.

**Comment 914:** The grades in the preliminary designs are all at 6% or less for all build alternatives, which is lower than the 7% grades that exist on the Seward Highway. Because of the mountainous and rolling terrain and sensitive environmental areas and there are few options to lower the grades further without creating greater, unacceptable impacts or costs.

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## **Communication ID: 944**

JIM GRAIGE: My name is Jim Graige, Box 8328, Nikiski 99635.

*This project has been a long time coming. We're not there yet. I've been here almost 50 years, and they have made a lot of improvements on the road. This particular section of road hasn't had much more than pavement in all those years. It's a very dangerous road. (Comment 918)*

*Anybody that wants to really know what it's like, come here in July when fishing season is really going. It doesn't matter how many no parking signs you put up, they will still park out on the highway, and there is not really room for two cars or trucks to meet. And then it gets even narrower when somebody has parked on the roadway, in the road, it gets really dangerous. (Comment 917)*

*I'm very much in favor of the alternative routes that take us as far away from the river as possible. I don't have anything against fishing. Let the fishermen go ahead and use the old road and the other people that have other things to do and don't have any particular business or businesses in the affected area where you can make a special trip or go after July. But the further we stay from the river, the better off I believe all of us are. (Comment 916)*

*And I'm very impressed with what's online. All the things I didn't know that was occurring over all of these decades, I thought everybody was dragging their feet. And somebody has been doing their homework, and I'm pretty impressed with that. (Comment 915)*

*But I'd like to see us stay as far away from the river as possible. (Comment 919) And I would really like to see this project happen (Comment 920), thank you.*

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**Comment 915:** Thank you for your comment.

**Comment 916:** Each of the four build alternatives presented in the EIS has a segment that is moved well away from the Kenai River. These segments vary from about 3.5 miles to about 10 miles.

**Comment 917:** DOT&PF and FHWA recognize the traffic and safety issues related to the high amount of traffic, especially in summer, and the narrow lanes and shoulders in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative.

**Comment 918:** DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would each see similar safety improvement over the No Build Alternative.

**Comment 919:** See Comment Group #54

**Comment 920:** See Comment Group #45

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## **Communication ID: 945**

WADE WAHRENBROCK: Hi. My name is Wade Wahrenbrock, I'm at 36720 True Fir Circle, and that's F-i-r, not F-u-r, in Soldotna, Alaska.

And I guess pretty much my only comment is, looking at the various alternatives -- let me digress.

*There is a strong need to do something as compared to the current situation, so any alternatives that other people have said is a step forward, which would be beneficial. (Comment 921)*

*Of those alternatives, you have a plan at this point, I would favor the Juneau Creek Alternative as the best bang for the buck, so to speak, the best use of funds and alleviating the most problems. (Comment 922)*

*The only question I have or comment about that alternative is at this point I see a number of pullouts and so forth for recreational areas like Bean Creek and around Juneau Creek and so forth, but I don't see any alternatives for the public that live up there to be able to access that road directly as compared to have to go many miles around the road to get on the highway. So to me it makes sense to have at least one access from the subdivisions there.*

*Since you're going to have vehicles egressing and getting on their way from the recreational areas, it would make sense to have one for the public that live around that area. (Comment 923)* And that's the end of my comments, thank you.

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**Comment 921:** See Comment Group #45

**Comment 922:** See Comment Group #38

**Comment 923:** As explained in the EIS in Section 2.6.2, access to those segments of each alternative that would be built on a new alignment would be controlled and DOT&PF will not provide driveways. For the Juneau Creek alternatives, DOT&PF has agreed to reserve access for a potential connection to the rural residential development on Unit 395 using ramps. A connection would also be reserved for the CIRCI Tract A development near the connection of the old and proposed highway segments under the Juneau Creek Alternative. The new highway is intended to serve the mobility of through traffic. By not allowing additional new access roads and driveways, DOT&PF can keep that portion of the new highway functioning at a high level, improve safety, and reduce congestion. By not permitting driveway access, DOT&PF can also avoid inducing commercial development and sprawl. In areas where alternative access already exists, such as in existing subdivisions with access to the old highway, the old highway will become a lower functional classification that addresses local access needs. The pullouts and trailheads proposed in each alternative are to provide access where alternative access does not already exist and are part of negotiated mitigation for effects to recreational resources.

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### **Communication ID: 946**

PAUL SHADURA: My name is Paul A. Shadura, II. It's spelled S-h-a-d-u-r-a. I've been a resident of the Peninsula for, I think, 40-some years. My family dates back into the pre-1900s.

And currently I'm involved in several different organizations. I will be speaking for the South K-Beach Independent Fishermen's Association today. Our mission and goal is to preserve and protect the aquarian areas of the Kasilof River. It's kind of a little bit off our path, but something that's just as important.

I'm also a commercial fisheries representative for the Cook Inlet Regional Citizens Advisory Council, although I'm not speaking for them today, but just to show my concern, and I've been a 30-year participant to the Kenai/Soldotna Fish & Game Advisory Committee, and past involved with Cook Inlet Aquaculture Association and so forth, so fish is my life. I am a commercial fisherman, for a while anyway.

And so my concern here, my meaning to come here tonight was to see how far along you are on your project. And since the last go-around and discussions and open meetings, and I think at that time many of the organizations that I mentioned and myself as an individual have viewed the different alternatives.

*I see that the Juneau Creek Variant alternative seems to be something most favorable in my personal view, in sockeye's view. The cost at \$257 million sounds like it's 47 million less than the most responsive project, I would say, and it has a favorably low risk as it relates to incidence of contamination relative to spills.*

*It has the -- to me anyway, it has relatively the least risk as it involves different waterways, which affect, of course, the fish and different species. (Comment 925)*

*I do have one comment on -- excuse me, a comment on the no name creeks -- I'm trying to read my notes here -- unnamed creeks. In one of the posters it said there would only be one culvert and one*

*bridge, yet there is three unnamed creeks in and around Sportsman's Lodge there. All those are extremely important for coho. Coho are a very regional animal in the sense that they may have water one year and the next not. It doesn't mean that they won't survive, they do.*

*So coho are a cumulative aggregate of habitat, it's necessary to raise them. Other than sockeye where you see them visably where they are spawning, coho and trout and the other Native species, our resident species are important, all those little systems are. (Comment 926)*

*So I would hope that if any of these projects, if we're looking at a small system or a small stream or a drainage area, that you would look at it with a little more delicacy and concern and putting in the proper culvert system, if that's necessary.*

*We've learned a lot of things, and this project could be very helpful to creating some of the -- or I should say improving some of the situations in the past that have been deleterious to the fisheries, for instance Cooper Creek, as we've talked about. That's probably a large example, but the small ones are just as important. (Comment 928)*

*The short-term and the long-term effects I think -- you know, in many ways for transporting goods and services, we understand the LNG may or may not happen, the facility out on the North Road, so there would be quite a bit of population, and that raises the risk level. (Comment 929)*

*But currently -- individuals probably don't understand that all the seafood that comes out of the Homer or Kenai area, they go by highway, everything comes out by highway. It's really important for those trucks to be able to transfer to Anchorage.*

*And currently in the summer when we have a lot of other traffic, it makes it very difficult for those loads to come through on a timely manner. So again, that raises the risk in more than one way. (Comment 930)*

*So these are all positive things. I think the project should go forward. And other than the efficiency and safety and the transportation, that works. (Comment 932)*

DAVE HANSON: Well, thank you very much.

PAUL SHADURA: Off the top of my head.

DAVE HANSON: And I don't think -- I will ask if there is anyone else that wants to testify. And we'll be recessing. And you may want to stay around and talk to our board members if you wish.

PAUL SHADURA: Good. Thank you for giving me the opportunity and the public to have this.

*You know, it was very difficult for me to find where this meeting was. It was on Channel 2 news, and it was in the paper a couple weeks ago and the Clarion, but it was pretty difficult for me to find where it was tonight. And maybe that was just my own sources, but usually I'm pretty good about seeing things. It didn't come over the wire in fisheries-related stuff like I'm used to.*

*So maybe if you have another one, you can make sure that you get us, the Cook Inlet Aquaculture or the Kenai Peninsula Fishermen's Association or Sockeye or UCIDA so we would know, okay. (Comment 931)*

DAVE HANSON: Thank you. Thank you for sharing that with us.

PAUL SHADURA: Yeah.

**Comment 925:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 926:** Fish and Essential Fish Habitat are addressed in the EIS in Section 3.21. All culverts that would be installed, whether new or replacement culverts, would be designed as fish passage culverts for any large or small stream known to contain fish. The poster referenced in the comment is presumably a poster illustrating fish issues that was used at the public hearings on the Draft SEIS. That poster illustrates a total of four unnamed anadromous fish streams that cross the existing highway alignment near MP 48, MP 51.6, MP 54, and MP 54.3 (all east of Sportsman’s Landing, which is at MP 55). The poster indicates one culvert and one bridge crossing of anadromous fish streams for the Juneau Creek and Juneau Creek Variant alternatives. The Cooper Creek and G South alternatives would have eight crossings each of anadromous fish streams. The G South alternative would cross three of the unnamed streams. The Cooper Creek alternative would cross all four. The two Juneau Creek alternatives would not cross any of them. To the extent that some of these streams extend uphill to the north into the area of the Juneau Creek alternatives, they are small and steep and do not contain fish.

**Comment 928:** Fish and Essential Fish Habitat are addressed in the EIS in Section 3.21. All culverts that would be installed, whether new or replacement culverts, would be designed as fish passage culverts for any large or small stream known to contain fish.

**Comment 929:** The 2014 closure of the Flint Hills refinery means petroleum products required for roadway construction are now sourced from Nikiski and trucked along the Sterling Highway to access the rail system. The oil and gas industry is constantly revising its operations and locations. It is unknown whether the recent increase in heavy truck traffic would continue in the project area. Potential LNG operations and development in the Nikiski area are also unknown. While such a development may increase population and associated transport or goods and services, the port development may also create an alternative route for transporting commercial and industrial cargo between western Kenai Peninsula communities and other areas of Southcentral Alaska. At this time, it is not considered a reasonably foreseeable future action to consider under the Cumulative Impacts section. However, risks associated with fuel and cargo transportation are discussed under Section 3.17 Hazardous Materials. All build alternatives widen and straighten the roadway, and include design features that would reduce the risk of collisions and subsequent hazardous material releases.

**Comment 930:** DOT&PF and FHWA recognize the traffic and safety issues (including those faced by trucks) in the project area. Chapter 1 of the EIS recognizes the importance of this National Highway System route for trucks and identifies traffic congestion, especially in summer, as a need for completing the project. Each of the Build Alternatives has been designed to meet current highway standards, include passing opportunities, and reduce driveways and side streets that exacerbate congestion. With these improvements, congestion will be reduced.

**Comment 931:** The public hearings were advertised in multiple Kenai Peninsula newspapers as display ads and in the Anchorage paper in display and legal ad formats. The meetings also were announced multiple times over a period of weeks on public radio stations on the Kenai Peninsula and in Anchorage. In addition, meeting particulars were emailed to the project email list, and notice was mailed to all PO boxes and owners of record in the project area. The meetings were announced also

through paid advertising on Facebook. Project information and meeting information was posted on the project web site.

**Comment 932:** Thank you for your comment.

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### **Communication ID: 947**

*I have a cabin on Cast Quartz Creek Rd and am an avid biker, hiker, hunter and fisherman. The Cooper Creek Alternative is the only choice that makes sense to me.*

*I would love to be able to safely bike into Cooper Landing from my cabin, but right now I do not dare. The shoulder from Quartz Creek to town is non-existent. The Cooper Creek Alternative is the only route that would give a safe shoulder all the way.*

*I hike, bike and ski the Bean Creek and Resurrection Trails the other routes go through these and would disrupt that whole area - NO need.*

*Someone is killed biking on that dangerous stretch of road. With the Cooper Creek Alternative the WHOLE length would be improved. (Comment 933)*

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**Comment 933:** See Comment Group #66

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### **Communication ID: 948**

*I vote for the no-build alternative. It seems like any of the other alternatives would have too great of an impact on the community & the ecosystem and little overall benefit other than to funnel traffic faster past Cooper Landing. It seems like the money could be better spent to improve what is there & not deprive a small community of it's life line or further impact the surrounding habitat & wildlife. (Comment 935)*

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**Comment 935:** See Comment Group #56

## **Communication ID: 949**

Good Afternoon;

We are still waiting your reply to the question below. Thank you in advance for working with us to better understand how or if our property will be affected. We have spent many years carefully planning and building our retirement home there in Cooper Landing. Please let us know.

Thank you, Julie Allison

On Tuesday, April 14, 2015 9:07 AM, Julie Allison allison-texas@sbcglobal.net wrote:

Good Morning;

Thank you for your response. I have read through the engineers report and each of the Appendix. The maps are helpful but with out seeing it with the existing structures it is difficult to determine if our property will be affected by a full acquisition, a partial acquisition or a full acquisition due to loss of access. Appendix B, #5, does reference an areal photo that the build alternatives map has been overlain to determine which properties were affected and by which definition, full or partial. I can not find that photo with the map overlain in any of the documentation. Is it available somewhere for me to view? Or more simply, there must be a report of the structures including owner names or addresses, that I can review to see exactly how our property will be affected. I need to start making plans so I appreciate your input and direction, Regards,

Julie Allison

On Monday, April 13, 2015 4:05 PM, SterlingHighway SterlingHwy@hdrinc.com wrote:

Ms. Allison,

Thank you for your question regarding the Sterling Highway 45-60 project. The best place for you to find an answer to your question is in the Preliminary Engineering Report. Appendix A of that report contains details of the potential alignments. The report and appendix can be viewed or downloaded from the following page: [http://www.sterlinghighway.net/technical\\_reports.html#PER](http://www.sterlinghighway.net/technical_reports.html#PER) Under the header “PER Appendix A - Build Alternative Plan Sets” there is a link to each alternative’s alignment.

Sincerely,

Kelly Petersen, PE  
DOT&PF Project Manager  
Sterling Highway MP 45-60 Project  
[sterlinghwy@hdrinc.com](mailto:sterlinghwy@hdrinc.com)

From: Julie Allison [mailto:allison-texas@sbcglobal.net]  
Sent: Friday, April 03, 2015 1:54 PM  
To: SterlingHighway  
Subject: mp 45-60

Good Afternoon;

We, Jeff and Julie Allison, are property owners in an area that appears to be affected by 3 of the 4 routes being purposed. Can you tell me if our property is one that is partially affected or completely affected by the 3 northern routes? Our address and legal description is as follows: Birch and Grouse Ridge Sub lot 40 18779 Langille Rd Currently, this property is primarily a summer home until we retire, then we plan to reside there full time. If our property is affected, we will need to start making alternate plans. From the maps I can not tell if there is a partial or total encroachment. Can you please advise us of such? Thank you for your input.

Regards,

Julie Allison

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## **Communication ID: 950**

*I am AGAINST the Cooper Creek Alternative. (Comment 940) The highway right now is way too close to the lake and river. The further we can move it away from the water the better! All it will take is one tanker truck crash spilling it's contents into the river and it will shut down almost the entire Kenai Peninsula economy. (Comment 942) I think that the Juneau Creek Variant Alternative is the best of all of the options. (Comment 943) Please move this highway to that alternative and get it away from the water. When that highway was put in so many years ago, it wasn't carrying near the capacity that it is now and they weren't considering the volume that the highway carries today. A few years ago, a truck carrying soda pop overturned at the bridge. It was a great day for the local kids that enjoyed all the soda pop they could drink for a few days, but I shudder to think if that truck had been carrying gasoline or some other substance that would have destroyed the Kenai River ecosystem. The King Salmon are already suffering enough. MOVE THIS HIGHWAY AWAY FROM THE WATER!!!!!!!!!!!!!!!!!!!!!! (Comment 944)*

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**Comment 940:** See Comment Group #39

**Comment 942:** See Comment Group #54

**Comment 943:** See Comment Group #41

**Comment 944:** See Comment Group #54

## **Communication ID: 952**

To Whom It May Concern:

I am attaching my comments on the draft SEIS for the Sterling Hwy MP 45-60. I will unfortunately be working out of town when the public hearings will be held in Cooper Landing and neighboring communities.

Thank you for accepting this comment,

Janette Cadieux  
Cooper Landing, AK

### **ATTACHMENT TEXT FOLLOWS:**

#### **General:**

I am writing to express my support for the so-called "no build" alternative for the Sterling Highway MP 45-60 project. *The Alaska Department of Transportation (DOT) has not demonstrated the need for the extreme measure of placing another highway in the narrow, upper Kenai River valley. This is a major failure of the Section 4(f) requirement. DOT has not taken measures to improve the existing Sterling Highway and thereby address some of the stated concerns in the Supplemental Environmental Impact Statement (SEIS). Without data from working on the problem, DOT cannot plausibly argue that they need to build a bypass in the MP 45-60 section of the Sterling Highway. (Comment 953)*

#### **Congestion:**

*Research shows that slower traffic moves more cars through a given area than faster speeds do. The key is to keep them moving. DOT has done nothing in the existing roadway to address this other than a turning lane at Sportsman's Landing.*

*\* Building a separated walking/biking pathway from Skilak Loop Rd and the parking lot in that area to the Russian River /Kenai River confluence would remove walkers and bikers as impediments to traffic flow.*

*\* Development of concentrated parking areas for those visiting the Russian River /Kenai River confluence area would allow the elimination of on-road parking in the Russian River /Kenai River confluence area. This would also allow for a concession van/bus to transport people providing predictable stops for through traffic.*

*\* Building more acceleration/deceleration and turning lanes where needed including in Cooper Landing proper would keep through traffic moving instead of stopping for local traffic.*

*\* Traffic circles such as at the State Park boat launch/Snug Harbor interchange with the Sterling Highway could be instrumental in keeping the flow of traffic moving.*

*Combined, these measures and others would help keep traffic flowing, decrease frustration, and calm traffic as it moves through this area during those weeks of the year when congestion exists. The SEIS does not address any means of reducing congestion other than using the extreme measure of a bypass highway. (Comment 958)*

**Design Standard:**

*The SEIS does not address what measures DOT took (or did not take) to address design standard on the existing highway. The specific concern raised in the SEIS for MP 49-50.5 doesn't answer the obvious question of how an engineered solution could be any worse than the current sloughing, unstable bluff, especially if a lower design speed is considered. Slowing traffic and calming traffic could allow a lower design speed and allow the existing highway to continue to serve if it is given the long overdue maintenance and improvements it needs. Federal Highways representatives have indicated that waivers can be obtained that would allow lower design speed as an option on the existing Sterling Highway corridor. DOT /the SEIS has not made the case that the extreme measure of building a second highway in this highly sensitive area is warranted. (Comment 962) The SEIS also does not address the design concerns represented by alternatives north of the existing highway through avalanche zones, across the Juneau Creek canyon with its unstable rock, and the steep grades required. The entire Kenai River valley is glacial. Chances are there will be other clay and poor soil areas that the bypass alternatives will have to address once the building begins making the cost estimates too low and concerns similar to those raised regarding MP 49-50.5. (Comment 1435)*

**Safety:**

*Given the proposed locations of the bypass alternatives on the north side of the highway at elevation and through avalanche zones, the safety concerns of those alternatives were not adequately addressed by the Supplemental Environmental Impact Statement (SEIS). (Comment 963) The statement that the 8' shoulder would be a "safe" place for walkers and bikers would be laughable if it weren't so serious. A statement like that is a big indicator that the safety concerns of walkers and bikers were not seriously addressed in the SEIS. There are many measures that might be taken to calm the traffic as it traverses the existing highway thereby improving the safety for all. Other than signage recently placed, no measures have been taken to ensure either walker /biker or vehicle safety in this area. A separated walking/biking pathway should be built in the entire project area, MP 45-60. (Comment 1422)*

*There just isn't any data proving that the extreme measure of building a bypass is warranted or that it would reduce accidents. If conditions on the existing highway are as bad as the SEIS states, the state has been negligent in not addressing them by now through improvements to the existing roadway. Since the existing roadway will continue to be used, measures need to be taken anyway. Measures should be taken now, before a bypass is even considered. If this does not occur, there isn't enough information to demonstrate the need for the extreme step of building a bypass. (Comment 1423)*

**Habitat and Wildlife:**

*The SEIS did not adequately consider and weight the implications of building a second highway in the highly sensitive upper Kenai River area, headwaters for the Kenai watershed. *Calming the traffic and moving it more efficiently through the existing corridor would help sustain habitat and wildlife linkages far better than placing an entirely new roadway through the same area. (Comment 1431) Moving the highway away from the river would not eliminate the dangers to the watershed. The SEIS inadequately**

*addresses this and makes misleading statements about the risks of both the existing and proposed highway corridors. (Comment 1432) DOT and wildlife/river managers have done little to curb the habitat destruction underway by all the foot traffic through sensitive areas along the river and yet the SEIS claims that river safety is a goal. Improved visitor infrastructure would go a long way to protecting the watershed and the complex habitats in this area. (Comment 1433) The crass statement that wetlands lost would be addressed by paying fines reveals that river health is not really a concern nor reason for building this bypass. Research shows the upland wetlands protect the river during times of heavy run-off. The wetlands both filter and feed nutrients to streams of the watershed and the river directly. (Comment 964) The Section 4(f) requirement has not been met since DOT has not demonstrated through measures taken on the existing highway that "no prudent and feasible" alternative has even been tried. It cannot be proved if there are no comparison measures to point to. (Comment 966) (Comment 1434)*

**Recreation:**

*The impacts to world-class trails from any alternatives north of the highway would be negative. Highway noise would extend far into the Resurrection Pass. The trailhead for Art Anderson Slaughter Gulch and Juneau Ridge (improperly named Slaughter Ridge in SEIS) is not addressed adequately and is grossly under rated in its usage as it has changed since the original EIS. This trail is now a regionally known trail with associated greater utilization. USFS has maintained it. (Comment 968) The suggestions that DOT would post no parking signs is another sign that the SEIS does not take pedestrian safety seriously enough. (Comment 1436) The SEIS discussed increased traffic for the highway but ignores increased traffic on trails. (Comment 1452) If trailheads and therefore starting/stopping traffic will occur, what is the point of building a bypass at all? (Comment 1437) Once again, the Section 4(f) requirement has not been met since the SEIS has not demonstrated through measures taken on the existing highway that "no prudent and feasible" alternative has even been tried. It cannot be proved if there are no comparison measures to point to. (Comment 967)*

*Aside: The "mitigation" of a pedestrian bridge over Snow River bridges for losses in this project area is hard to understand. There will be many concerns that need mitigating in the project area, on the bypass or on the existing highway, if this project is forced through. (Comment 969)*

**Economics:**

*The economic losses in Cooper Landing village would be great. The SEIS does not adequately address what a second highway would do to the scenic, wild nature of our valley. That wild and scenic nature is what draws people to Cooper Landing and is upon which the economy of Cooper Landing rests. The SEIS lacks a cost column for repair and overdue maintenance of the existing highway. The existing highway will not be abandoned and therefore must remain a part of the MP 45-60 cost equation. The SEIS, takes pains to identify the problems that exist for the current highway corridor but does not address the necessary cost of fixing them. (Comment 970)*

*If a bypass is forced through, mitigation for the losses created by the bypass should include creating visitor infrastructure in the village. A walking/biking path system along the entire MP 45-60 length of the existing highway should be just one of these mitigation measures including an underpass at the intersection with Quartz Creek Rd so that visitors and local businesses can safely access trails north of the highway on foot, bike, or horseback from the campgrounds and neighborhoods down Quartz Creek Rd. (Comment 972)*

Summary:

*The SEIS has inadequately made the case for a bypass in any form from MP 45-60 of the Sterling Highway. No measures have been tried to make the existing highway corridor meet the needs of local or through traffic, whether vehicle or pedestrian. There is no data to prove the extreme measure of putting a second highway through this highly sensitive river valley is warranted. (Comment 973) Section 4(f) concerns have not been adequately addressed for the harm that a bypass alternative would assuredly cause. (Comment 974)*

Thank you for allowing me to review this SEIS and point out what is lacking in the case for a bypass between MP 45-60 of the Sterling Highway.

Sincerely,

Janette Cadieux  
Cooper Landing, AK

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**Comment 953:** DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose and needs for the project and justifies the project. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: The 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 958:** See Comment Group #56

**Comment 962:** See Comment Group #56

**Comment 963:** FHWA and DOT&PF completed a detailed analysis of the avalanche risks. A special technical report was prepared by an avalanche expert and is available on the project web site. Avalanche issues are discussed in Section 3.12. All alternatives were designed to stay out of avalanche run out areas on the mountain slopes that were identified in the avalanche risk study as hazard areas. The exception are the two narrow avalanche run-outs that cross the existing highway between MP 46 and 47. It was not feasible to relocate the highway out of these two avalanche prone areas; all build alternatives are identical in this stretch and would be rebuilt in the existing alignment, and would face the same avalanche risk as the No Build Alternative.

**Comment 964:** Where there is no practicable alternative that would avoid wetlands mitigating the loss of wetlands through a physical project (such as wetland creation or restoration) or paying a fee in lieu of completing such a project. Paying an in-lieu fee is not a fine. It is an accepted mitigation measure that provides substantial funding to non-profit organizations (such as a land trust) that are set up to protect and restore wetlands and other sensitive lands. Of note, the functional values mentioned in the comment are identified in the EIS in Chapter 3.20 and in the special technical report on this topic entitled "Wetland Functional Assessment" available on the project web site. DOT&PF and FHWA are serious about protecting the river and incorporated that as a goal in the purpose and need statement and included design and mitigation measures to protect the health of the Kenai River and waters that drain to the river. Additional details on proposed mitigation for wetlands have been included in the Final EIS (See the 404(b)(1) analysis).

**Comment 966:** See Comment Group #55

**Comment 967:** See Comment Group #55

**Comment 968:** The EIS discloses substantial impacts to the Resurrection Pass Trail and Bean Creek Trail principally in Chapter 4, Section 4(f) Evaluation. Through extensive consultation with the Forest Service and the Kenai Peninsula Borough regarding the Slaughter Gulch Trail, it is clear that no agency has adopted it as their own (or formally named it). While the trail has been discussed, neither agency has requested any accommodation for this trail as part of this project. These are the agencies with jurisdiction over the land in this area. Section 3.8 addresses the Slaughter Gulch Trail. Based on comments on the Draft SEIS, DOT&PF and FHWA have decided to include an underpass for the Slaughter Gulch Trail to mitigate impacts of the highway crossing.

**Comment 969:** Funding a pedestrian bridge at the highway bridge crossing of Snow River supports the Forest Service's goal of establishing long distance recreational experience along the Iditarod Trail. The mitigation helps to make a trail connection on one long-distance nationally important trail (the Iditarod Trail) to help mitigate the effect of the highway interrupting another long-distance nationally important trail (the Resurrection Pass Trail).

Many other mitigation measures are planned and are presented in Chapters 3.1-3.27, typically under the heading "Mitigation" and in chapter 4 under the headings "Measures to Minimize Harm."

**Comment 970:** DOT&PF and FHWA recognize and have disclosed the economic impacts described by the comment. The EIS addresses scenic visual impacts under Section 3.16, recreation impacts in Section 3.8, and economic impacts in Section 3.5. Costs associated with operations and maintenance of the existing highway (No Build), as well the unimproved segments of the existing highway of each alternative, are addressed under Cumulative Impacts (3.27.7.5; Table 3.27-4). For the Final EIS, a new cross reference appears in Section 3.5.2.2 to help the reader find this information.

**Comment 972:** See Comment Group #67

**Comment 973:** See Comment Group #56

**Comment 974:** See Comment Group #55

**Comment 1422:** See Comment Group #66

**Comment 1423:** Chapter 1 of the EIS explains the purpose and needs for the project and provides the data and background material demonstrating the reasons that DOT&PF and FHWA are pursuing this

project. Recognizing that problems in the corridor and the lengthy time it has taken to get this project into construction, DOT&PF has been continually making incremental safety improvements in the project area. These improvements include new pavement, advisory speed limit signs, sharp curve signs, lighted and blinking signs, guardrails, pedestrian pathway on the Cooper Landing Bridge, reconstructed pathway along the Sterling Highway in Cooper Landing, and a new paved pathway along Snug Harbor Road. Meanwhile, DOT&PF has been working for many years to complete this EIS to provide for a safer and more efficient alignment through this challenging area.

**Comment 1431:** See Comment Group #56

**Comment 1432:** DOT&PF and FHWA recognize and have disclosed the impacts to the watershed. The EIS does not make the claim that moving the highway away from the river eliminates the dangers to the watershed. To the contrary, several chapters deal specifically with potential consequences to the Kenai River and other waterbodies in the watershed. See specifically, Section 3.7 River Navigation, Section 3.13 Waterbodies and Water Quality, Section 3.19 Floodplains, Section 3.20 Wetlands and Vegetation, Section 3.21 Fish and Essential Fish Habitat, Section 3.23 Coastal Zone Management, and Section 3.27 Cumulative Impacts. Additionally, several of the topics are the subject of specific technical reports available on the project web site (wetlands, floodplains, hydrology, fish). DOT&PF and FHWA dispute the assertion that the EIS makes misleading statements.

The EIS acknowledges that none of the alternatives moves away from Kenai River 100%, but rather that each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the river. Section 3.17 of the EIS discusses hazardous waste, spills and contaminants as well as the risk of spills. Section 3.17.2.2 discusses the numerous factors that affect the impact associated with a chemical release. Spills entering wetlands and tributary streams (such as Juneau Creek) pose a great potential to quickly impact sensitive areas. However, the risk of contaminants entering the Kenai is diminished the farther the highway is from the river. Distance can provide additional time and opportunity to respond and contain the spilled materials.

Without additional detail provided by the commenter as to what they deemed misleading, it is not possible to provide a more detailed response.

**Comment 1433:** DOT&PF does not have management authority outside the existing right-of-way. Access to adjacent land and water, and management of that land and water is controlled by others. DOT&PF and FHWA included the goal of moving the roadway away from the river based on input from the public and agencies during scoping for the project. The EIS discusses hazardous waste, spills and contaminants as well as the risk of spills as part of Section 3.17. The release of transported cargo into the river does demonstrate the potential risk of transportation related spills into nearby water bodies. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. The further away from the river, the larger the range of options to address cleanup should such a spill occur. DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). Mitigation for wetland or stream impacts includes compensatory mitigation or applicant supplied mitigation which will be within the Kenai Watershed. See Section 3.13 Waterbodies and Water Quality and 3.20 Wetlands for details on proposed mitigation to protect the watershed from project impacts.

**Comment 1434:** See Comment Group #55

**Comment 1435:** DOT&PF had geotechnical engineers review available information related to the geology and soils to identify areas where highway or bridge construction could be unfeasible. The EIS discloses that glacial materials are likely to be encountered and the cost estimates include additional geotechnical investigation and design costs. Section 3.12 (Geology and Topography) addresses rocks and soils, and avalanche issues. The cost estimates are conservative to account for unknown risks such as geotechnical concerns.

FHWA and DOT&PF completed a detailed analysis of the avalanche risks. A special technical report was prepared by an avalanche expert and is available on the project web site. Avalanche issues are discussed in Section 3.12. All alternatives were designed to stay out of avalanche run out areas on the mountain slopes that were identified in the avalanche risk study as hazard areas. The exception are the two narrow avalanche run-outs that cross the existing highway between MP 46 and 47. It was not feasible to relocate the highway out of these two avalanche prone areas; all build alternatives are identical in this stretch and would be rebuilt in the existing alignment, and would face the same avalanche risk as the No Build Alternative.

**Comment 1436:** DOT&PF has proposed no parking signs in areas where adjacent land managers have expressed concerns with people parking on the highway or accessing adjacent property in an unacceptable location. An 8-foot shoulder meets the requirements for safety for bicycles and pedestrians along a rural principle arterial highway. Given the level of bike and pedestrian activity on the highway outside of Cooper Landing, DOT&PF believes the wider lanes and shoulders would sufficiently increase safety for pedestrians and bicyclists along the new highway segments. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. The reduced traffic levels and changed usage along the old highway would improve safety for bikes and pedestrians.

**Comment 1437:** Thank you for your question. Providing access to local points of interest is not contrary to the project goals of improving safety and congestion. Providing turn pockets or turn lanes can provide a safe refuge for turning traffic to slow and enter local recreation points. Minimizing driveways and intersections, and providing appropriate sight distances allows drivers to pull into traffic when appropriate space is available as well as provides drivers already traveling on the highway sufficient time to slow when entering vehicles pull into travel lanes. On new segments of highway, access to trailheads has been added only at the request of land managers as mitigation for impacting specific trails.

**Comment 1452:** DOT&PF and FHWA expect that traffic on the highway will grow based on population increase over time. The project itself is not anticipated to induce population or traffic growth. Similarly, the project will not induce activity on the trails in the project area. Trail activity levels overall are not expected to change with or without the project. For certain alternatives relative to certain trails, where the trails can be accessed will change. This may cause some segments of trail to experience reduced usage (e.g. the lower 3 miles of the Resurrection Pass Trail under the Juneau Creek Alternatives) and some segments to experience increased usage (e.g. the Juneau Creek Falls area under the Juneau Creek Alternatives). Accurately forecasting these indirect usage changes quantitatively is not possible given the lack of reliable annual trail use levels. The anticipated changes are described qualitatively in the EIS and the Recreation Analysis technical report. None of the changes is anticipated

to affect the capacity of the trail system. Parking lot capacity has been planned through consultation with the associated land managing agencies to be commensurate with existing parking levels and use patterns. DOT&PF and FHWA have been in coordination with the Forest Service and U.S. Fish and Wildlife service who are the largest land managers in the project area. DOT&PF and FHWA have relied on these agencies to understand the use and needs of their trail facilities in context with this project's anticipated impacts.

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### **Communication ID: 953**

*I would support the plan which removes the highway away from the water for the longest distance. (Comment 977) My fears for the current configuration is the very distinct possibility of a large truck spilling a load into these pristine waters. (Comment 978)*

*Also the highway should be moved out of Cooper Landing to allow its development as a destination village. (Comment 979) The current traffic makes any hiking or walking through the area to be dangerous and scary since speed limits are not observed and sight lines are tough for crossings. (Comment 980)*

Linda Raveaux

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**Comment 977:** See Comment Group #54

**Comment 978:** Thank you for your comment. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles (Cooper Creek) to 10 miles (Juneau Creek), that is moved well away from the Kenai River. No alternative is able to completely distance the highway from the Kenai River. The risk of contamination from a vehicle-related fuel spill is discussed in the EIS under Section 3.17, Hazardous Waste Sites and Spills. A spill along any of the alternatives could result in contamination within the watershed, however the greater distance from the main stem of the Kenai River would result in greater time and opportunities to minimize and mitigate harm.

**Comment 979:** Any of the build alternatives would shift the majority of vehicle traffic onto new segments that partially or completely bypass most of the commercial and residential areas of Cooper Landing. This is anticipated to draw 70% of the traffic off of the old highway. That means the old road would provide less of a through-traffic function and would be intended to serve more localized trips, characterized by slower speeds which are safer for accessing adjacent properties. This provides opportunities for the community to implement the Walkable Community Project on the old highway and more readily allow Cooper Landing to develop as a destination village as suggested by the comment. These effects are discussed in the EIS under Section 3.3.2 (Social Environment).

**Comment 980:** DOT&PF and FHWA recognize the traffic and safety issues (including congestion and pedestrians using the highway) in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Each of the Alternatives has been designed to meet current highway standards and as such, would each see similar safety improvement over the No Build

Alternative. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. The EIS addresses pedestrian and bicycle effects in Section 3.6, and specifically in Section 3.6.1.4 and for each alternative in Section 3.6.2.

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## **Communication ID: 954**

*It is my opinion at this time to select the no build route. (Comment 1427) With the decrease in federal and state revenues, the funds spent on roads should be directed to the area that has the most impact from year round traffic which is the Anchorage bowl and Mat Su Valley. I would rather see the Knik Arm Bridge built. Also if the Chulitna coal mine is finalized the Tyonek natives will be wanting a bridge over the Big Su to tie their roads into the Knik Goose Bay road. (Comment 1408) We have wasted enough of our tax dollars on environmental studies and the route that was looked at 30 years ago is still the best but now we have greater concerns regarding wildlife and the cost for construction is escalated. (Comment 1408) I also don't feel enough consideration has been given into adding the burden of emergency response requirements on Cooper Landing Emergency Services who is totally a volunteer service and self supporting financially. (Comment 1428) We also have a small road maintenance crew and I feel this would direct maintenance away from the current highway onto the high speed area and our access will become more difficult. (Comment 1428) I also depend on road traffic year round for my business and I am open year round. The bypass will effect my winter operation. I had 6 full time jobs and 2 part time this winter and I am sure if the bypass happens, several year round jobs will disappear. (Comment 1430) So put me down for no build. We will live with what we got. (Comment 1430)*

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**Comment 1408:** DOT&PF uses a comprehensive nomination and evaluation process to identify and prioritize transportation improvements across the State. The Statewide Transportation Improvement Program (STIP) process is described on the DOT&PF web site at: <http://www.dot.state.ak.us/stwdplng/cip/stip/>. The STIP process includes substantive public input on project needs, evaluation by engineers as to costs and feasibility, and review and approval by elected officials and FHWA. The MP 45-60 project has been identified as an important project for decades. As part of the Final EIS, DOT&PF and FHWA have prepared a financial plan to fully consider the cost and funding plan of the preferred alternative. DOT&PF and FHWA confirmed the financial feasibility of proceeding with the project.

**Comment 1427:** See Comment Group #42

**Comment 1428:** DOT&PF and FHWA recognize and have disclosed the impacts described by the comment. Regarding the additional burden of two roads on the Emergency Medical Services and road maintenance services, the text of the EIS has been reviewed and adequately addresses these topics. DOT&PF recognizes that new sections of highway and wider lanes and shoulders will increase the

maintenance burden. DOT&PF has committed to maintaining the existing highway and has disclosed the financial burden in Section 3.27. Section 3.3.2.2 addresses EMS, while road maintenance is addressed in the Transportation section, 3.6.2.2.

**Comment 1430:** Thank you for your comment. It is helpful to see the reasons behind your preference. The economic changes you describe are addressed in the EIS in Section 3.5. The EIS anticipates that with the highway traffic pulled onto the new alignment, most of the traffic in Cooper Landing will be comprised of local traffic accessing local attractions. This will have an effect on local businesses, especially those that are more dependent on highway, drive-by traffic.

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### **Communication ID: 955**

*I submitted a comment previously with no response. (Comment 1409) Can you make the alternatives available in KMZ files? I would like to put them into Google Earth to see the affected properties. The Cooper Creek Alternative does not solve the problem. (Comment 1411) I think that the road should north side of the river. Juneau Creek Variant is the best one from my perspective. (Comment 1411) Also what is going to be done with the existing road? Bike lanes and one way? Need to make it more livable for folks staying in Cooper Landing. That would make biking and non-motorized transportation much safer in town. (Comment 1410) Thank you! Brad*

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**Comment 1409:** DOT&PF and FHWA do not respond to comments individually as they come in during the Draft EIS comment period. All comments received during the comment period have been reviewed and have received a response in this Final EIS document.

**Comment 1410:** Chapter 2 of the EIS describes the alternatives. The third paragraph of Section 2.6 describes treatment of the "old Sterling Highway"—that is, the project would do nothing to realign or widen the segment that was not part of the selected alternative. However, DOT&PF would continue routine maintenance. Bike lanes on the old highway would have to be part of a separate project. The EIS explains that by removing traffic from the old highway, the livability in Cooper Landing would benefit and create future opportunities to reconstruct the old highway as a local, community-oriented street.

**Comment 1411:** Thank you for your comment.

## **Communication ID: 956**

To Whom It May Concern:

I am writing to express my comments regarding the Sterling Highway Mile Post 45-60 Project Draft Supplemental Environmental Impact Statement (Draft SEIS) and Draft Section 4(f) Evaluation. I am a resident of Cooper Landing.

I have read the full Draft SEIS and Draft Section 4(f) Evaluation Executive Summary and have studied pertinent parts of the comprehensive documents as they relate to the parts of this project upon which I will comment. *The Executive Summary was well produced and helpful to understanding the impacts that the four new build alternatives are considered to have on the wilderness and human communities through which they will pass. (Comment 1061) My general opinion of the situation is that the Draft SEIS and Draft Section 4(f) Evaluation have failed to make the case that any of the four new highway alternatives are environmentally suitable or defensible. (Comment 1062) As described on page 18 of the Executive Summary, “Section 4(f) of the Federal Department of Transportation Act prohibits use of certain parks, recreation areas, wildlife refuges, or historic properties for transportation projects unless there is “no prudent and feasible alternative” or the impacts are “de minimis.” The Executive Summary goes on to state that, “If there is no prudent and feasible avoidance alternative, FHWA must select the alternative with the least overall harm.” In my view, the restrictions expressed in Section 4(f) exist to prevent the unnecessary destruction of wild, scenic, fauna-critical habitat. This describes exactly the nature of the habitat and value that would be lost should a second highway be built through the Cooper Landing/ Upper Kenai River Valley. (Comment 1063) The Draft SEIS/ Draft Section 4(f) document mislabels the only potentially acceptable alternative as “No Build.” Instead this alternative should be labeled the “Improve Existing Road” alternative, and the nature of these improvements should spelled out in the Draft SEIS/ Draft Section 4(f) document every bit as clearly as the four new highway alternatives are described. (Comment 1064) In the comments that follow, I will specify exactly how I identify aspects of the new highway proposals that violate Section 4(f) of the Federal Department of Transportation Act.*

*Wildlife Corridors. The Alaska Department of Fish and Game has carefully studied, and presented to Cooper Landing residents, on various occasions, detailed information about how Upper Kenai River Valley resident and transient populations of brown bears, black bears, Dall sheep, mountain goats and moose move across mountain valley corridors, between streams and rivers in the valley, and up and down the valley during various seasons of the year. Some of these animal populations are already in decline in their native habitat in the Upper Kenai River Valley. It is inconceivable that one could argue that any of the new-build alternatives would not have a massive effect on the movement of these animal populations through their native habitat. The effect on these animals will not be “de minimis.” The “prudent and feasible alternative” to destroying habitat that these animals require to continue to exist in this mountain valley is to improve the existing roadway, not build a second high-speed highway through the valley. A second highway in the Upper Kenai River Valley slices up the existing critical habitat that these species rely upon into ever narrower strips and introduces an entirely new obstacle*

*that must be safely negotiated to reach required river and stream habitat where animals feed and rear their young. The improperly named “No Build” alternative is the only alternative that one can possibly defend in the face of Section 4(f) restrictions to construction through this highly sensitive animal habitat. (Comment 1065)*

Noise and Visual Pollution. The animal inhabitants are not the only ones to experience negative impacts from the construction of a new high-speed highway in the Upper Kenai River Valley. *The residents of Cooper Landing will experience a dramatically increased level of noise pollution, especially with placement of the roadway on a mountainside bench in alternatives JC and JCV. Steep inclines rising toward and from Juneau Falls will cause trucks to use their brakes. Raising the level of the highway above the valley floor provides a much broader area for traffic noise disbursement. All of the inhabitants living along the valley floor and the hillside, just below the designated path of the new highway, will have traffic noise rained down upon them, from above, continuously. (Comment 1066) The cut that this new highway will make into the view shed of the Upper Kenai River Valley has not been properly addressed. (Comment 1067) Since no effort appears to have been made to properly evaluate how improvements to the existing roadway would impact noise and visual pollution levels in the Copper Landing/ Upper Kenai River Valley, relative to the various bypass alternatives, it is hard to see how the Section 4(f) standard that any alternative highway route chosen have “de minimis” environmental impact relative to improving the existing roadway, can be met. (Comment 1068) The community of Cooper Landing has a “Walkable Community Project” that has spent a great deal of time studying how the existing roadway could be improved, both from a traffic and a pedestrian standpoint. The ideas contained in “Walkable Community” planning documents should be evaluated for possible incorporation into an analysis of how the existing roadway could be improved. This analysis of the existing roadway must be part of the Draft Supplemental Environmental Impact Statement and Draft Section 4(f) Evaluation. Without a detailed analysis of a viable proposal to improve the existing roadway there can be no valid comparison that meets the “de minimis” standard. Presenting the existing roadway as a “No Build” comparison to the proposed bypass alternatives is a glaring omission from the Draft SEIS/ Section 4(f) evaluation. (Comment 1069)*

Wetlands Displacement. *The Draft SEIS/ Section 4(f) evaluation indicates that wetlands lost in the process of building the various alternatives described in the document will be mitigated-for by the improvement or creation of wetlands elsewhere. This approach does not hold water (pun intended). The Kenai River supports a world class fishery and is the lifeblood of the entire central Kenai Peninsula. The wetlands that support this river are irreplaceable. Creating a wetland elsewhere in the area, even if it is ten times the acreage of the Kenai River wetlands lost to this construction project, cannot replace a wetlands that supports the Kenai River. These wetlands and the Kenai River that they feed are integral to each other. You cannot trade them out, acre for acre, with wetlands somewhere else. (Comment 1070) The destruction of wetlands that nurture the Upper Kenai River violate Section 4(f) requirements so long as no attempt has been made to determine how improvement of the existing roadway would impact Kenai River wetlands, by comparison. (Comment 1071)*

*Drafters of the SEIS/ Section 4 (f) document asked for examples where the SEIS failed to account for an impact that should have been addressed. An example is the large seasonal wetland that exists on the bench above Cooper Landing School through which alternatives GS, JC and JCV will pass. This wetland generates a unique micro-habitat on the mountainside that would be lost forever should these bypass alternatives be built. The existence of this seasonal wetland is not even acknowledged in the*

*Draft SEIS/ Section 4(f) evaluation. The heart of this wetland can be reached from a trailhead at the west end of Slaughter Ridge Road that connects, by a spur trail, to the Slaughter Gulch Trail. (Comment 1072)*

*Trail Impacts. One of the most destructive impacts of constructing alternatives JC or JCV is the impact they will have on trails in the Cooper Landing area. The most prominent of these is the impact a bypass will have on the world renowned Resurrection Pass Trail when it bisects the trail four miles north of it's current trailhead, just south of Juneau Falls. Placing a high-speed, two, three or four lane highway, just south of Juneau Falls will dramatically impact the wilderness experience of anyone hiking the lower third of this 30 plus mile trail. (Comment 1073) The noise generated by this bypass bisection of the Resurrection Pass Trail clearly violates Section 4(f) of the Federal Department of Transportation Act. Since no serious effort was made to evaluate how best to improve the existing roadway, it is impossible for the SEIS to claim that "no prudent and feasible alternative" exists to placing a bypass just below Juneau Falls. Every spring, summer and fall people come from all over the world to hike the Resurrection Pass Trail. It is a treasure of the central Kenai Peninsula. There must truly be "no prudent and feasible alternative" to building a road through the heart of it's lower 10 miles before such an alternative should ever be allowed under Section 4(f). (Comment 1074) Providing an underpass to connect hikers who have traversed the lower four miles heading toward the bypass, to the trail that travels below the highway and past Juneau Falls and beyond the bypass, does nothing to mitigate the destruction of the wilderness character of a hiking or biking experience on this end of the Resurrection Pass Trail. For all practical purposes, the peace and quiet of a wilderness experience on this end of the Resurrection Pass Trail will be lost forever. The burden of this loss will be most acutely felt by local residents who regularly use this end of the trail for day hikes, hiking over and over again that portion of the trail to be bisected by the bypass. No amount of "mitigation" in the form of an underpass or new trailhead at Juneau Falls can make up for what will be chopped off and lost forever of the character of this trail. (Comment 1075)*

*Likewise, several other lesser known but vital trails and roads of the area, such as the Slaughter Gulch Trail and the West Juneau Creek Road, enjoyed by many Cooper Landing residents and knowledgeable passers-by year-round, would be bisected by one or more of bypass alternatives GS, JC or JCV. The Slaughter Gulch Trail leading to Juneau Ridge and the high country beyond receives especially dismissive, short-shrift in the Draft SEIS/ Section 4(f) evaluation. Described in the evaluation as a little-used trail, Slaughter Gulch Trail is perhaps the best loved, most used trail, by Cooper Landing residents, of any trail in the area. It is also well known to many from outside the local community. My wife and I climbed it yesterday, Mother's Day, May 10, 2015. We encountered six different groups ranging from individuals, to couples, to families with children and dogs. The tiny parking lot at the trailhead we used on this day, just above Wildman's one-stop, had six vehicles in it while we were there- probably more than would be found at the Resurrection Pass trailhead on this particular day. And yet this trail, vital to local residents most impacted by the negative affects of any bypass alternative selected, does not even rate an underpass in the Draft SEIS/ Section 4(f) evaluation. And, as I mentioned above, this trail passes directly through a seasonal wetland of unique character and importance within the broader scheme of wetlands that support the health of the Upper Kenai River. The Draft SEIS/ Section 4(f) document is seriously deficient for failing to address bypass impacts on this gem of a trail in the heart of our community. (Comment 1076)*

*Conclusions. The Draft Supplemental Environmental Impact Statement and Draft 4(f) Evaluation Executive Summary is a clear and helpful document. The actual SEIS/ Section 4(f) evaluation that it attempts to characterize is, however, dramatically deficient. At the heart of this deficiency is the fact that those pushing to build a bypass through the Upper Kenai River Valley have refused to properly evaluate how best to improve the existing roadway. Without such an evaluation, it is impossible to compare the various bypass options with a real alternative. Comparing the various bypass options only to each other offers a series of false choices that are, therefore, illogical. The only sensible way in which the mandate required of the Federal Department of Transportation and Alaska Department of Transportation to ensure that any new highway built in the Upper Kenai River Valley generates impacts that are “de minimis” and offers an alternative where “no prudent and feasible alternative” otherwise exists, is to offer a real evaluation and plan for deep improvement of the existing roadway as part of the SEIS/ Section 4(f) document. Until such an evaluation is done, the Draft SEIS/ Section 4(f) Evaluation is incomplete and essentially unusable. No decision regarding the selection of a bypass alternative should be made on the basis of this Draft SEIS/ Section 4(f) document. (Comment 1077)*

Thank you for the opportunity to comment on this Draft SEIS/ Section 4(f) document. I look forward to ongoing participation in the document’s development process.

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**Comment 1061:** Thank you for your comment.

**Comment 1062:** By definition an EIS is only done when there are anticipated to be significant environmental impact. The National Environmental Policy Act requires that the FHWA conduct a thorough and reasoned examination of the potential effects, to disclose those effects to the public and agencies, to mitigate effects where possible, and involve the public and agencies in the process. Because Section 4(f) properties cannot be avoided FHWA is required to select the alternative with the least overall harm. The EIS explains in Chapter 1 the purpose of and need for the project. The rest of the EIS is devoted to explaining the alternatives examined and disclosing the impacts of implementing each of the reasonable alternatives. FHWA and DOT&PF have weighed the effects on the environment in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4. The EIS, and process to develop it, meets the requirements of the National Environmental Policy Act and Section 4(f) of the U.S. DOT Act and provides substantial mitigation for impacts to the natural and social environment.

**Comment 1063:** Section 4(f) of the Department of Transportation Act prohibits the use of certain parks, recreation areas, wildlife refuges, or historic properties for transportation projects unless there is “no prudent and feasible alternative” or the impacts are “de minimis” as described in Chapter 4 of the EIS. FHWA was unable to identify any prudent and feasible avoidance alternative, including the use of the existing alignment, because most of the area is encompassed within the SqiIantnu Archaeological District and heavily overlain with a broad array of other overlapping protected properties. FHWA has consulted with agencies having jurisdiction over the protected Section 4(f) properties and has undertaken all possible planning to minimize harm to those properties. Where impacts could not be avoided, mitigation has been proposed. FHWA has weighed the effects to Wilderness, scenic values, and habitat in identifying a preferred alternative. The results of the evaluation have identified the

alternative with the least overall harm. The analysis is summarized at the end of Chapter 4. See also new discussion of the preferred alternative at the end of Chapter 2 and in the Executive Summary.

**Comment 1064:** The No Build or No Action alternative is required to be a part of an EIS and is fully evaluated in the EIS. An "Improve Existing Road" alternative is a separate and distinct alternative that was considered but rejected. As indicated in Chapter 2, substantial effort has gone into examining use of the existing alignment throughout its entire length in the project area. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: the 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 1065:** The EIS addresses wildlife, habitat, and impacts to wildlife, including wildlife movement, fragmentation of habitat, and other issues described by the commenter in Chapter 3.22. ADF&G, USFWS, and USFS have been consulted extensively throughout this process and have provided important information to the project team, including information on the species, their habitat, and movement patterns described in the comment (See for example, Map 3.22-1). In addition, the project has undertaken a wildlife movement study, the preliminary results of which have been incorporated into the Final EIS (an important update since the Draft SEIS), and this information informs the mitigation proposed to minimize effects on movement corridors. DOT&PF and FHWA have disclosed the wildlife impacts described by the comment, and agree that the impacts could be substantial without the proposed mitigation. The EIS and Section 4(f) Evaluation do not claim that impacts to wildlife and wildlife movement would be de minimis. In fact, "de minimis" in the context of this project is a term used only for effects on specific, individual, Section 4(f) properties an alternative would use.

**Comment 1066:** See Comment Group #65

**Comment 1067:** Visual Impacts have been properly addressed. Visual impacts, including cuts into hillsides, are described in Section 3.16, Visual Environment. Moreover, a standalone visual impact analysis technical report was prepared by landscape architects and is the basis for the EIS evaluation on visual impacts and is posted on the project web site. The visual impact analysis takes into consideration impact analysis methodology guidance from multiple agencies. Changes to views from key viewpoints are examined. Simulations before and after construction are provided and evaluated. Full simulation videos of each of the alternatives were prepared and used to convey visual impacts to the public, agencies, and DOT&PF and FHWA decision makers.

**Comment 1068:** DOT&PF and FHWA evaluated more than 11 build alternatives - including alternatives that make improvements on the existing highway alignment. These included “3R” alternatives (both a version proposed in the 1994 Draft EIS and another version examined in response to comments received for the 2015 Draft SEIS) that made minor improvements to the existing highway and the “Kenai River Walls Alternative” that would fully meet Rural Principal Arterial standards. None of these alternatives satisfy the project purpose and need, or they would not be feasible based on sound engineering, or both. Chapter 2 of the Draft SEIS contains details of alternatives that were dismissed, and the Final EIS has been updated to elaborate on the issue.

Alternatives that do not meet the purpose and need or are not feasible are not required to be fully evaluated in the EIS. Noise and visual impact analysis are not required to be conducted on alternatives that are not reasonable.

The statement that the "Section 4(f) standard that the alternative highway route chosen [must] have de minimis environmental impacts" is incorrect. A Section 4(f) Evaluation is completed only where there is no feasible and prudent avoidance alternative available to using Section 4(f) property, and such use is not de minimis (See 49 USC 303). This project presents such a scenario. As described in Section 4.4, "Potential Avoidance Alternatives," the combination of the vast size of KNWR, the extent of the Sqilantnu Archaeological District within the Kenai River valley and within the existing right-of-way, and the radiating network of linear recreational and historic trails in the project area mean no alternative could satisfy the project purpose and need without impacting Section 4(f) property - on any alignment - including the existing alignment. Because there are no complete avoidance alternatives to using Section 4(f) protected properties, DOT&PF and FHWA prepared a Section 4(f) evaluation. The analysis found that each of the alternatives requires use of one or more Section 4(f) properties with impacts that are greater than de minimis (note for some alternatives for some certain properties FHWA did determine the use of those properties to be de minimis). See section 4.3 and Appendix F for a discussion of de minimis impact findings.

The commenter appears to be confusing FHWA's requirement to select an alternative with the least overall harm, with the de minimis requirements. Section 4(f) and associated regulations and guidance require that FHWA examine avoidance alternatives and, if there are none that are feasible and prudent, FHWA must select the alternative with the least overall harm. FHWA has examined avoidance alternatives, has completed a least overall harm analysis, and has identified an alternative that has the least overall harm as explained in the Final EIS and Final Section 4(f) Evaluation, primarily in Chapter 4.

**Comment 1069:** See Comment Group #56

**Comment 1070:** DOT&PF and FHWA recognize their part in protecting the Kenai River and wetlands in the watershed and are working with the Corps of Engineers and other resource and land management agencies to mitigate wetland impacts. None of the alternatives avoids impacts to wetlands entirely. Wetland impacts were an important consideration in refining proposed alignments and in identifying the preferred alternative. A Section 404(b)(1) analysis has been newly completed and is attached to the Final EIS as an appendix. A Preliminary Compensatory Mitigation Plan has been prepared for the G South Alternative. Additionally, DOT&PF will be required to get a permit for fill in wetlands and other waters of the United States through the Corps of Engineers, which will require more detail and finalization of the mitigation proposal. Of note, not all wetlands are directly connected to the Kenai

River or its tributaries. Additionally, under Section 4(f), FHWA is required to select the alternative with the least overall harm and must balance the wetland impacts with other impacts to other resources. The Final EIS includes an updated wetland mitigation discussion at Section 3.20.2.3 and 3.20.2.5.

**Comment 1071:** Section 4(f) does not specifically protect wetlands, however, wetlands are protected under other laws, including Section 404 of the Clean Water Act. DOT&PF and FHWA recognize and have disclosed the impacts to wetlands in Section 3.20. Moreover, DOT&PF and FHWA conducted special studies to identify wetlands and evaluate their functions. These two studies (Wetland Preliminary Jurisdictional Determination and Wetland Functional Assessment) are available on the project web site. FHWA and DOT&PF have weighed the effects to wetlands in identifying a preferred alternative.

A detailed examination of how improvements to the existing highway would impact wetlands was not undertaken because that alternative was determined to not be a reasonable alternative. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: The 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 1072:** DOT&PF and FHWA conducted a thorough investigation of wetlands and wetland impacts in the project area. Wetlands were delineated and mapped using US Army Corps of Engineers (USACE) procedures. The methodology and results of the delineation were coordinated with and accepted by the USACE. Wetland impacts in the project area are addressed in Chapter 3.20. The wetlands chapter includes impacts to the wetlands in the area this comment highlights. In the Birch Ridge area and bench above the school, the document shows impacts to a portion of a wetland system consisting primarily of forested wetlands and shrub-dominated bog wetlands, both of which are listed as having human non-consumptive values and uses, values similar to those inferred from this comment.

**Comment 1073:** FHWA and DOT&PF have weighed the effects to trails, including the Resurrection Pass Trail, in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

The EIS describes the impacts to the Resurrection Pass Trail in Section 4.5.4.2. The impacts presented in this comment are included.

**Comment 1074:** The EIS presents two build alternatives that entirely avoid the Resurrection Pass Trail--the Cooper Creek and G South alternatives. For the two Juneau Creek alternatives, the EIS

describes a suite of impacts to the Resurrection Pass Trail and Juneau Falls Recreation Area, including impacts of noise and impacts associated with effectively shortening this long distance trail experience. This discussion appears in Sections 4.5.4.2 and 4.5.4.5. Chapter 2 and the end of Chapter 4 of the Final EIS describe DOT&PF and FHWA analysis of the alternative with least overall harm and identification of the preferred alternative.

Improving the existing roadway was seriously considered. Substantial effort has gone into examining a Kenai River Alternative, and Kenai River Walls Alternative, and a "3R" alternative that would remain on or near the existing alignment through Cooper Landing and westward in the MP 48-51 area (the only area in which the Cooper Creek Alternative is not on the existing alignment). Geotechnical studies over the years and a summary "Existing Alignment" document prepared in 2014 describe the geotechnical problems in the western portion of this area and the constraints of placing the highway through the Cooper Landing community in the eastern portion of this area. For the Final EIS, DOT&PF took another hard look at concept of improving the existing alignment. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 1075:** FHWA and DOT&PF have weighed the effects to trails, including the Resurrection Pass Trail, in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. Chapter 4, specifically Section 4.2.4.2, describes permanent impacts to the Resurrection Pass Trail in detail. Sections 4.2.4 and 4.5.4.2 have been augmented to explain the local use pattern described in this comment and the impacts to that use pattern. Mitigation measures, described particularly in Section 4.6.4, are intended to reduce the level of impact where possible and, in part, to compensate for impacts. As indicated in Section 4.8.2, in the least overall harm evaluation, mitigation measures are not expected to reduce impacts to zero or to fully compensate for impacts. This is a key consideration in identifying the alternative with least overall harm/preferred alternative.

**Comment 1076:** DOT&PF and FHWA recognize and have disclosed the impacts to trails including the West Juneau Road and the Slaughter Gulch Trail described by the comment. Impacts of the G South, Juneau Creek, and Juneau Creek Variant alternatives on these trails and other routes used for recreational access are fully described in Section 3.8 or Chapter 4. The EIS addresses the trails in question in Chapter 3.8 and specifically notes the Slaughter Gulch Trail as important locally. The impact descriptions for each of these trails appear in Section 3.8.2. These descriptions have been reviewed and augmented in the Final EIS. Based on this comment and several others, DOT&PF and FHWA have proposed mitigating impacts to the Slaughter Gulch Trail by constructing an underpass. This mitigation is described in the Final EIS. The West Juneau Road system already had grade-separated crossings proposed as mitigation for the Juneau Creek Alternatives.

**Comment 1077:** See Comment Group #56

## Communication ID: 957

*I am in support of the Cooper Creek alternative, as I would not like to see the Resurrection Pass Trail compromised in any way. I also think this would have the least effect on traffic delay during construction and seems that it would be a less expensive alternative due to the fact that there is less roadway to be reconstructed. (Comment 1078)*

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**Comment 1078:** See Comment Group #35

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## Communication ID: 959

*I remain a believer that the Juneau Creek alternative is the best choice with the Juneau Creek Variant second. (Comment 1079) Since the 'Variant' returns to the highway just in time to take the Gwin's corner, it is much less desirable. A look at accident statistics will show that spot to be a constant site for incidents. (Comment 1080)*

*To me, the overriding concern is that a vehicle carrying hazardous materials will be involved in an accident in a spot adjacent to the river and that the entire economy of the Kenai Peninsula will crash along with that vehicle. (Comment 1081)*

*I am sure that you have access to the data about hazmat transportation along the Sterling... just think about dumping a load into the river. Even the most benign of the materials that are trucked along the highway – gasoline – could devastate the river environment. Not only would the river be polluted but the almost certain resulting fire would cause erosion and runoff for years to come. If it were to happen at an upriver location, damage to private property would likely be substantial. (Comment 1081)*

*Then think about some of the other loads that transit the highway, summer and winter.... ammonia, chlorine, poisons of various sorts and other industrial waste products... (Comment 1081)*

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**Comment 1079:** See Comment Group #37

**Comment 1080:** The comment appears to confuse the Juneau Creek Variant Alternative and the G South Alternative. Gwin's curve is at about MP 52.3. The Variant connects to the existing alignment at MP 55, immediately west of the Sportsman's Landing driveway but almost 3 miles west of Gwin's curve. The G South Alternative and Cooper Creek Alternative each would intersect the existing alignment in the MP 51.5 area, about a half mile east of Gwin's curve. Under each of these alternatives, the existing alignment would be substantially modified to include straightening Gwin's curve and, as with all the alternatives, would widen the lanes and add full shoulders and clear zones. Meeting current

standards for a Rural Principal Arterial is part of the project purpose and need (Chapter 1) and is expected to increase safety substantially.

**Comment 1081:** See Comment Group #54

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## **Communication ID: 960**

May 12, 2015

Mi 45-60, Sterling Highway

### **INTRO**

*I favor the one route not listed as a viable route, and that is to fix the existing highway. My second choice is the do nothing alternative. I do not believe that the existing highway cannot be made into a better road, that many of the problems with the existing road can and should be fixed. (Comment 1082)*

### **THE MISSING CHOICE**

*I agree with those who are concerned about spilling contaminants into the river. The most likely stretch of road where that will happen is from Cooper Creek (mile 51) to mile 60 where the highway is closest to the river and the speed limit is 55 mph. That stretch of road has no shoulders wider than a foot or two and includes the most notorious curve in the entire project area...Gwins curve at mile 52.5, a risky s-curve in the highway that is only a few feet from the river. It is this stretch that rollovers are most likely to occur, very few if any rollovers have occurred where the speed limit is 35 (MP47-49) through town. (Comment 1083) The alignment of most stretches of road on the existing highway, including Gwins curve, can be re-designed and fixed, the curve can be straightened and moved away from the river because of buildable public land in that stretch. It would cost much less than building a new highway. There are only 2 or 3 other places where the highway is less than 50 ft from the river and all those sensitive spots can be altered enough to widen that gap. And yet a representative of DOT says that that option was off the table. WHY? Federal money? I attended several highway meetings in Cooper Landing in the 90s and we were told at one meeting that federal dollars can be made available to rebuild the existing stretch of highway. So why is the existing route “off the table”?*

*Engineers state that soil conditions are not conducive to widening the existing road. That is not entirely true, only for a very short stretch of road is that true. Between mile 49 and 60, soil conditions are no different than they would be where a bypass would be built north or south of the river. The entire valley contains numerous bogs and seeps that will require much altering in order to build a road. Unstable conditions are also likely where deep cuts are made into steep banks, like that at Cooper Creek or Juneau Creek. DOT implies that an area between mile 49 and 50.5 can't be straightened and that a hillside, that abuts the highway for about 100-150 yards, can't be stabilized. Why build an entirely new road because of such a short distance? Nothing wrong with doing nothing other than maintaining that little bit of highway. But some of the curves can be straightened and the highway moved away from the river, there is plenty of ground within this stretch to do so even though some of it is wet. Wet ground*

*will be found wherever they build. If the ground is incompatible for a road, then why has the present highway been so functional all these years? (Comment 1084)*

#### **SAFETY**

*Passing lanes will be an improvement to the existing road. There are good points and bad ones to be said about passing lanes. A passing lane can be added to the Sterling highway, but the best place would be between mile 56 and 60 and farther west toward Sterling. I think a passing lane between mile 45 and 60 of the existing highway would be foolish though, because of summertime fishing activities and tourists. Slower speeds would be better than faster ones in this stretch. Passing lanes would be practical on some of the alternatives but the SEIS does not provide any data projecting accidents and severity of accidents because of the nature (increased speed) of any of the alternatives. (Comment 1085)*

*Safety is one of the reasons listed for building a new route around Cooper Landing. People who live along the highway make that claim and with some justification. NO highway is completely safe and that is the misperception about a new route being safer. I looked at accident statistics for the Seward and Sterling highways that DOT provided me from a 5 year period in the 1990s. I am sorry to say I did not keep those records, so will comment about what I remember and would suggest the DOPS do their own research using the latest accident records. The data I compiled indicated that the stretch of road, mile 45-60, is no safer or no more dangerous than any other 10-15 mile stretch of road on the peninsula. I think that is because of the slower speed limit and the nature of the road forcing people to go slow. We do have fender benders and have had the occasional rollover, but injury accidents and fatalities were less than the overall average for either the Seward or Sterling highways. I would like to know, using current data, what an accident rate might be projected on any new stretch of highway, accidents that cause injuries and fatalities that can be compared to the existing road. I think the risk of fender benders would be a little higher on the existing road but injury and fatal accidents would be greater on the proposed highway... that conclusion is based on faster speeds and what I tabulated from similar stretches of the Sterling and Seward highways. Is that cost justifiable?! Take the accidents stats from a similar portion of the Sterling /Seward highways, determine accident/injury/fatality rates per 1,000,000 vehicle passage, average the portions and use that figure to estimate potential hazards of any new route. Of course, the data would have to be extrapolated from similar stretches of highway, with steep grades and similar speed limits. Too many people ignore posted speed limits and will exceed posted speed limits, these types of people make straight stretches of road most dangerous. My guess is that the average speed would be 60 on any new stretch of road, and that may be conservative. Contributing to the safety risk, is the change in elevation of the new routes, from Kenai lake to near Juneau Falls elevation gains about 600ft in 5 miles. There is a temperature difference between the low and high points, where rain at the lower elevations in the winter will often be ice or snow higher up. The existing road does not have that elevation factor and in a sense, makes it a much better route to use in the long winter months. Would a trucker take a higher route in the 7 months of winter time driving conditions? (Comment 1086)*

#### **DEVELOPMENT**

*Development along the new bypass is not a matter of IF it will happen but a matter of when. The statement on page 3-414 is not necessarily true, the highway will indirectly if not directly affect development of the community. The borough will classify it's land on both the east and west bench and*

*there will be plenty of residential and commercial use designations. Eventually, much land will be developed with the land planning/classification being influenced by access to the highway. Although the SEIS states that no access roads will be built off of any new highway, its only a matter of time before access roads will become a topic of discussion and a reality. Will a law prevent the construction of access roads? Probably not and public opinion, political pressure will eventually lead to access. And besides, access roads would further reduce traffic through town. Local businesses will suffer. Consider the Tesoro gas station at Girdwood. If the station were in Girdwood proper, the number of people WOULD NOT STOP for gas or a hot dog. If coming from Anchorage, going to Kenai, I would not bother to stop for an ice cream cone or soda in Cooper Landing if I were traveling around the community. I could stop in Sterling or elsewhere without getting off the highway. Development and population growth is only a question of when. (Comment 1087)*

#### **FISH AND WILDLIFE**

*The draft SEIS seems to adequately cover impacts on brown bears. Fragmenting habitat with any one of the alternatives may reduce the range of any number of bears, particularly sows with cubs. If bears are reluctant to cross highways, they may instead be funneled into the community in search of food. Though speculative, sows with cubs have smaller ranges than single bears so it seems logical that any of the alternatives might increase human/bears interactions and hence more DLPs or injuries to people. The question looms, will there be fewer bears utilizing Juneau Creek where spawning salmon are susceptible to predation, and that portion of the Kenai River. Bears may go elsewhere and that could put them in places like the Russian River or Quartz Creek, where human conflicts are probable. (Comment 1088)*

*In my opinion, based on observations while exploring the backcountry, moose numbers may be down slightly in game management unit (GMU) 7. I have seen more sign of moose in the west Juneau bench area than anywhere else within a 20 mile radius of Cooper Landing. Only 1 other area within that 20 miles might have more and that is slightly outside the affected area. According to ADF&G, the Juneau west bench contains one of the densest populations of moose within the GMU thanks in part to a logging operation a few years ago. On the opposite side of Juneau Creek, the east bench held fair numbers of moose about 20 years ago but since browse has outgrown the reach of moose, no longer supports many animals. That may change with the recent completion of logging activities near the higher end of Bean Creek trail near Juneau Falls where one of the alternatives will be routed. Moose fatalities/injuries will be one thing; such collisions will add to the safety risks of the northern alternatives and will further reduce the moose population. What would the projected moose collision rate be on the new route? We may assume that the number of moose killed on mile 45-60 will decrease, but the risks are still real and moose will continue to be lost. So, additional highway miles will lead to more collisions than what currently occurs and more moose fatalities (not to mention impact on humans and property). Wildlife crossings are a nice idea but these are wild creatures that will take whatever route they choose. Unless a fence is installed to direct wildlife to these crossings, designated crossings may not serve their purpose very well. That expense would have to be added into the cost of applicable alternatives. (Comment 1089)*

*Much is said in the SEIS about moose and bears but not much about goats and sheep. Hikers, albeit infrequently, have reported seeing sheep on Bean Creek trail or Juneau Creek valley, most likely traversing the valley from one mountain to another. How will this migratory behavior be affected by a new highway? Goats were able to cross from Rhode mountain to Langille mountain and now constitute*

*about half of the sheep/goat population on Langille (my estimate), so this movement from mountain to mountain is very plausible especially if goats are displacing sheep. According to the SEIS, only 8 goats were known on Langille in 2007 but that number has increased substantially and is not mentioned in the SEIS. Just 20=25 years ago, there were no goats on Langille, now I estimate about 50 to 75 on the mountain, same as sheep which suggests successful recruitment is occurring by some means, either reproductive, migratory or both. Through direct observations, I generally see more goats on the lower half of the mountain while sheep are observed higher up. (Comment 1090)*

*Missing from the bird list table is golden eagle. In the 1980s, I found a pair of golden eagles nesting on a ledge at about 2500 ft elevation on Juneau Mountain. I can't say with certainty that the nest is still in use, probably not, but golden eagles are present on or near the south face of Langille Mountain. The last sighting I made was on May 6, 2015 on Langille and a sighting a day earlier along Juneau Mountain. So there is at least 1 nesting pair of golden eagles inside or near the project area. I think the number of active bald eagle nests is underestimated. I know of 5 active nests; one is outside the study area, the others are at Jims Landing, river miles 80 and 80.5 and on Juneau Creek. I am sure there are more. I don't know where all the active nests are but am confident that 4, as stated in the SEIS, is low. Owls are another concern. Prior to logging operations, great horned, boreal and saw whet owls were often heard at night in the spring. With the loss of older trees, I think the owls, especially the smaller ones, have suffered. What effect might additional development on the Juneau bench have on these species? Belted kingfishers are common along the river but are not mentioned. (Comment 1091)*

*Wood frogs are common in this area and are mating now. I suspect they can be found within the project area. (Comment 1092)*

*The fisheries of the upper Kenai River are very important to the community, to the borough and to south central Alaska as a whole. Much is discussed about preventing spills into the river, a legitimate concern for all who use the river. I have already addressed this; that the worse stretch of highway for spills has been between miles 49 to 60. As stated, this stretch can be fixed. If an alternate route is built, the old highway is still in use and truckers, if given a choice, may not take the "high road" because of 1) difference in weather 2) difference in road conditions, and 3) wear on equipment when climbing and descending the steeper grades of the new road. Riverine habitat can be reestablished if the existing highway route is moved away from the river, rock rip rap replaced because it would be unnecessary to stabilize the banks that threatened the road. Rock rip rap makes poor fish habitat but in times of high water and location of the highway, was the means used to stop erosion and save the road. If the road is not moved and improved, more habitat degradation can be expected because of river encroachment on the present right of way and the threat of spills remains. (Comment 1093)*

## **WATER**

*The new routes pass through several water sensitive areas (bogs, small streams and springs). What affect will the new routes have on wells and surface water? Will the new road divert water from its natural underground course and adversely affect wells in the Knaack subdivision and other nearby subdivisions? It may sound farfetched but I know what, with time, earthen structures can do to a natural water course, just not sure what happens underground. (Comment 1094) Potential risk to water quality is also understated. Anywhere there is a bridge built, water quality will be affected. Currently, there is no highway runoff into Juneau Creek, Cooper Creek (except at the confluence) and several small streams. Salt, gas and small amounts of oil will accumulate on the road surface over time*

*and will run-off into the river and creeks to some degree. I point at these contaminants just to draw attention to it. Pristine waters will now be receiving these wastes as well as the Kenai River. (Comment 1095)*

*We assume the probability of a major contaminant spill into the Kenai River will be less, but the risk is still there if the existing road remains as is. A spill into Juneau Creek will be disastrous as well and that all hazardous material spills into creeks, wherever they occur in this valley, flows downhill and into the Kenai River. (Comment 1096)*

#### **TRAFFIC**

*Daily heavy traffic usage begins the week of Memorial Day in May and subsides after Labor Day weekend in September, and not for 5 months as stated in the SEIS. That covers the period when school is out for the summer, when tourists arrive and entails most of the fishing season for salmon on the peninsula. (Fishing season for King and Sockeye salmon begins in early June and ends in August). (Comment 1097)*

#### **COST**

*The cost of constructing and the cost of maintaining any new highway is ridiculous. The cost estimates are skewed to favor one of the alternative routes. Bridge replacement specifically, is included only in the cost estimate for the do-nothing route or the G south route. Fact is, these bridges must be replaced soon. Anyone who has seen the base of the bridge abutment at the outlet of Kenai Lake might agree, the north abutment has some serious holes at the base. Regardless of which route is selected, costs for the bridges remain so the do nothing alternative will, in reality, be less expensive in the long run, than building a new route. That doesn't include cost of maintenance and snow removal for 2 highways. I refer to this rerouting business as nothing more than a highway of convenience for those who live along the existing highway and those who are in a hurry to get to their fishing hole during the months of our tourist and fishing season. A new road to accommodate heavy traffic for only 3-4 months of the year! Why should taxpayers from Nebraska and Michigan, from Maine and Florida, Washington, Iowa and New Jersey, and from all the other States see their tax money spent on this highway of convenience? Let's not forget, the old stretch of road through town is not going to disappear, it will still require maintenance, plowing and repaving whenever needed. I think it would be prudent for our legislators to use this money toward improvements on the existing road and spend the savings on existing highway systems, to repair bridges that are in need of repair (such as the ones at Kenai lake and schooner bend), for snow plowing and public safety improvements (such as shoulders, painting lines, and signage).*

*The table that shows the costs of each alternative is very general so it is hard to determine what is included in those costs. Why isn't the do nothing alternative (maintenance) cost included? Maintenance/snow removal costs/year need to be shown in addition to the alternatives maintenance costs. I expect twice the amount of government funding will have to be spent to keep 2 highway routes. Why would taxpayers outside this State be happy with that? (Comment 1098)*

#### **NOISE**

*Effects of noise are understated in the SEIS. I live at the end of Bean Creek road; about 300 ft above the Kenai River and opposite the Sterling highway, and can occasionally hear the distant traffic on calm days and nights. Any alternative that is built will route traffic nearer my neighborhood increasing*

*traffic noise in my subdivision. I can hear truckers apply their jake brakes when going through the community and can expect to hear much more of that on any of the alternates, especially on the steep grades. Although it is hard to justify, I and many people in my neighborhood bought our lots where we did because of the quiet. (Comment 1099)*

That is all I have to comment on at this time. If I discover other discrepancies within the SEIS I will comment further prior to the deadline.

Respectfully

Dave Westerman  
Cooper Landing AK

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**Comment 1082:** See Comment Group #56

**Comment 1083:** See Comment Group #54

**Comment 1084:** See Comment Group #56

**Comment 1085:** The Sterling Highway Rehabilitation and Passing Lanes, MP 58-79 Project includes the addition of passing lanes in the MP 58-60 area, as well as other sections west. Passing lanes are primarily added to reduce congestion and improve safety. Congestion caused platoons and unsteady speeds that form behind slow moving vehicles cause people to pass in unsafe locations. By providing safe places to pass, highway traffic moves at a more predictable and consistent speed. The EIS identifies passing lanes in the alternatives' descriptions and maps in Chapter 2. The EIS outlines that design changes should reduce the crash rate by 65% and acknowledges that higher travel speeds may make resultant crashes more severe (see Transportation Safety in Section 3.6.2.2).

**Comment 1086:** See Comment Group #31

**Comment 1087:** The analysis in the EIS of development potential on borough lands along any of the alternatives is based on the best available information, including direct consultation with the borough, the adopted Kenai Peninsula Borough Comprehensive Plan, and the adopted Kenai Area Plan for State Lands. All consistently state that it is goal and intent of the community of Cooper Landing and the government entities to limit access, preserve the Cooper Landing community and not create a new commercial center, and provide substantial buffers along the new highway where there would be no development.

In keeping with these plans, this project has committed to creating no new driveways or side roads where any alternative would be built on a new alignment. DOT&PF and FHWA have specifically designed the alternatives as controlled access so that the build alternatives would not induce new growth. In that way, the project alternatives would not encourage community growth and thereby recreate the original problems. The decision to reserve access rights where segments are built on a new alignment is an FHWA environmental commitment of the EIS and will be enforced by FHWA. Recommendations for a buffer along the highway are also contained in the DNR's Kenai Area Plan and conveyance decision, and in the KPB's comprehensive plan. This would appear to represent alignment of local and State planning priorities to prevent strip development with the Federal proposal for the alternatives contained in the EIS. As such, retention of an undeveloped buffer is reasonably foreseeable. The cumulative impacts section identifies additional housing and increases in services that are planned

by others and that are reasonably foreseeable. The impact of this growth is evaluated even though it will not be caused by the project.

The EIS acknowledges that some businesses would be likely to suffer, particularly under the G South Alternative and the two Juneau Creek alternatives. Impacts to businesses are disclosed in Section 3.5.

**Comment 1088:** DOT&PF and FHWA recognize and have disclosed the wildlife impacts described by the comment. The EIS discloses the potential impact of changing bear movement patterns and potential habitat use changes, habitat fragmentation, avoidance of the highway, conflicts with automobiles, and interactions with humans in Section 3.22, Wildlife. DOT&PF and FHWA have proposed a more detailed wildlife mitigation plan in the Final EIS to address concerns about bear movement.

**Comment 1089:** The "Juneau bench" area is identified as an area of predicted use for moose, identified through interagency consultations for this project among Alaska Department of Fish and Game, the U.S. Forest Service, and the U.S. Fish and Wildlife Service (see Map 3.22-1 of the EIS). Text has been added to Section 3.22 of the EIS recognizing the proximity of the G South and Juneau Creek alternatives to the Forest Service's moose habitat enhancement area east of Juneau Creek, and identifying potential effects on moose and moose habitat in that area.

There were 36 moose collisions between 2001 and 2009 in the project area. The mile with the highest number was MP 57-57.9 with 8 collisions in 10 years. In such terms, the existing highway ranks low as a risk compared to other areas in the State, and other stretches of the Sterling Highway.

While it is possible that the moose collision rate for the build alternatives could be higher than the No Build Alternative, the future moose crash rate is not known. While travel speeds on some segments will be higher than they are currently, moose collisions correlate to factors other than traffic speed, such as quality of habitat, season, weather, daylight (or lack thereof), and roadway design. Because the new highway design will have better visibility around corners and wider cleared areas along the roadside, the risks associated with the current highway's design will be reduced.

To reduce the risks of moose collisions, DOT&PF and FHWA have committed to establishing wildlife crossings with bridges or large culverts. A wildlife mitigation study was performed, and study data have been incorporated into the locations proposed for establishing crossings along the alternatives, including proposals for a crossing in the MP 57-57.9 vicinity. The point of the study is to place the crossings at locations where moose and other wildlife are most likely to cross. Fencing, or other designed features, to funnel wildlife to the designated crossing areas is anticipated as part of the crossing design and costs. In addition to identifying mitigation to provide wildlife crossing locations, DOT&PF and the Forest Service have agreed to coordinate during design to identify appropriate revegetation plans to minimize attractive browse alongside the highway.

**Comment 1090:** The information on sheep and goats in the EIS is based on information available from land management agencies and the Alaska Department of Fish and Game. Chapter 3.22 addresses sheep and goats. Section 3.22.1.1 has been augmented for the Final EIS to indicate 2015 sheep and goat counts from Alaska Dept. of Fish and Game. The numbers of goats is listed at 39 in that count, much higher than the 8 previously reported but not as high as 50-75. ADF&G stresses that these are minimal counts and are not population estimates. ADF&G confirms that animals traverse on occasion from mountain to mountain, including crossing the existing highway. Section 3.22.5 reports the expected effect on animals crossing from mountain to mountain across the highway.

**Comment 1091:** The tables in the Birds section of Chapter 3.22 indicate year-round species and species of concern. Both tables are compiled from the published sources, including state and federal wildlife management agencies. The species identified in this comment (bald eagle, saw whet owls, boreal owls, great horned owls, and belted kingfisher) are all listed in both tables. For the Final EIS, information has been added to the text at 3.22.1.2 to indicate local knowledge of golden eagles in or near the project area.

Bald Eagle nest usage varies from year to year. The 2014 nest survey was conducted on April 30, 2014 via helicopter. The survey was conducted prior to deciduous tree leaf-out to maximize visibility during the survey. The Kenai River corridor, and each proposed build alternative alignment were flown and nests were sighted and mapped. Nests were considered active if an adult bald eagle was seen in the nest or in close association with the nest (e.g. sitting in the nest, perched near the nest) and the nest was in good condition. Five previously unrecorded bald eagle nests were detected during the 2014 survey. Bald eagle usage of the Kenai River corridor is high, and it is anticipated that greater numbers of adult eagles could be present than those associated with the nests in any given year. Based on this comment, a localized ground survey was conducted in November 2015. No nest was identified from road accessible areas near Jim's Landing, but a new nest was identified between Juneau Creek and the Kenai River (near river mile 80.5). Another nest survey will be flown prior to construction to determine locate and address active nests during construction.

Project related impacts to raptors would apply to owl species in the project area, similarly impact discussions associated with waterbirds would apply to the belted kingfisher. It is assumed that the loss of larger, older trees from logging operations displaced owls from their nesting habitats. Precautions are always taken to ensure that impacts do not occur during the nesting season themselves--but either beforehand (to enable species to find other nesting locations) or after (to avoid impacts to the offspring), in accordance with the Migratory Bird Act. Owl species typically re-use existing nests of other species, therefore it is assumed that any vegetation clearing would displace their nesting habitat rather than adversely impact individual birds. Text has been added to Section 3.22.6.2.

Belted kingfishers are considered common in the area (see Table 3.22-7). They perch in trees to spot prey (fish), but as they nest in sandy cut banks, it is not anticipated that the project would have much, if any, nesting impacts.

**Comment 1092:** Thank you. Wood frogs are identified as likely occurring within the project area wetlands. They are discussed in Section 3.22.1.3 and 3.22.7.

**Comment 1093:** DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). While nothing is currently proposed that would legally prevent trucks from using the "old highway," it is anticipated that the wider lane width, shoulders, clear zone, easier curves, provision of passing lanes, and ability to maintain consistent speeds will cause most truck traffic not destined for Cooper Landing to use the main highway under all build alternatives.

The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment. Engineers have not found a feasible way of establishing improvements to the existing road in the most constricted area that solves the identified problems. DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch (roughly MP

48-51) would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector roadway. This provides opportunities for the old highway to be modified over time to serve local needs, and would provide better opportunity to implement the riverbank changes suggested by the commenter.

**Comment 1094:** Section 3.13 includes discussion of wells and wellhead protection zones and indicates that the proposed road alignments would cross wellhead protections zones. DOT&PF completed a special technical report on hydrology and hydraulics (available on the project web site) that evaluates streams and drainage and makes preliminary recommendations on conveyance structures to maintain hydrologic patterns. No impact is anticipated based on the engineering conditions evaluated to date. During the design process, DOT&PF will conduct additional detailed engineering investigations and refined the design to manage and maintain drainage to avoid impacts to streams, bogs, and groundwater flows, and wells. The EIS does indicate that a major spill of pollutants from the highway has potential to impact surface or groundwater drinking water sources. Such a spill would be managed and cleaned up based on Alaska Department of Environmental Conservation requirements and processes.

**Comment 1095:** The EIS documents storm water impacts of the project in Section 3.13.2 (Water Bodies and Water Quality). We have added additional information in this section to related to storm water runoff entering streams, stream reaches and drainages not previously recipients of storm water pollutants.

**Comment 1096:** See Group Comment #54

**Comment 1097:** The EIS already discloses that the heavy traffic uses occur during the months suggested by the commenter. Page 1-6 of the Draft SEIS indicates "When measured in 2011, DOT&PF determined that nearly 54 percent of all annual traffic occurred during the months of June, July, and August, with approximately 23 percent of the annual traffic occurring in July alone (Lounsbury 2014). In 2011, the summer average daily traffic was 8,198 vehicles per day while the annual average daily traffic was 3,410 vehicles per day."

**Comment 1098:** Table 3.5-4 in the Economic Environment chapter (Section 3.5.2.2) presents construction costs for each build alternative. Section 3.27.7.5, under discussion of cumulative impacts, presents the costs of the proposed alternatives in combination with the reasonably foreseeable future costs of maintaining the old highway, including bridge replacements and maintenance for the new alignment and the "Old Sterling Highway." The number of bridges that would need to be replaced under each alternative is different, because under some of the alternatives, existing bridges would be replaced as part of the alternative. Similarly, the cost of plowing and crack sealing, etc. to maintain the "old" highway differs substantially because the segment of "old" highway remaining varies from about 3 miles to more than 9 miles. Details of the cost estimates were disclosed in the Preliminary Engineering Report which was published on the project web site in June 2014. See in particular Appendix B which includes engineering details including quantities, unit prices, estimating factors, and contingency factors. The cost estimates for each of the alternatives used identical assumptions, were derived using a consistent approach, and were based on identical levels of engineering design detail. They are not "skewed to favor one of the alternative routes." DOT&PF and FHWA had no preferred

alternative at the time the estimates were prepared, and did not identify a preferred alternative until after the publication of the Draft Supplemental EIS.

**Comment 1099:** See Group Comment #65

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## **Communication ID: 961**

*I would like to express my support for the Juneau Creek Alternative in particular, and especially my objections to the Cooper Creek Alternative.*

*Some of the main project objectives are a quicker route down the peninsula, a safer area along the road in Cooper Landing and a reduction in the risk of spills in Kenai Lake and Kenai River. All of these would be accomplished better by completely bypassing the town, rather than using the same route for the first few miles. There are quite a few driveways off of the highway and a walking path that would be quieter, more pleasant, and certainly safer with less traffic.*

*The signage proposed to let motorists know about the local businesses would bring in people that need those services. Also the many people that come to Cooper Landing to fish and hike will continue to support these local businesses. (Comment 1412)*

*The homes between the highway and the Lake would lose sound barriers and privacy with the Cooper Creek Alternative. Our family cabin at mile 47.5 would lose much in ascetics if the present road is widened for the Cooper Creek Alternative. (Comment 1412) (Comment 1103)*

*Completely bypassing Cooper Landing with the Juneau Creek Alternative would make traveling to the central and lower Kenai Peninsula much safer and quicker for commuters, freight movers, tourists who have no need to stop in Cooper Landing. (Comment 1412)*

Thank you for your consideration in this matter.

Sincerely,

Rhoda Roedl

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**Comment 1103:** DOT&PF and FHWA rigorously evaluated noise and visual effects and fully disclosed impacts. Section 3.15 addresses Noise impacts and Section 3.16 addresses visual impacts. Both topics are also subjects of specific technical reports prepared for the project by experts in their respective fields and are available on the project web site. These chapters and supporting reports and were prepared to meet FHWA and cooperating agency evaluation requirements. Text in Section 3.3.2 (Social Environment, Consequences) has been augmented in the Final EIS to supplement the concerns expressed regarding aesthetic impacts.

**Comment 1412:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

## **Communication ID: 962**

Chris Degernes  
PO Box 683  
Cooper Landing, AK 99572

May 16, 2015

Brian Elliott, Environmental Manager  
DOT&PF Central Region  
Sterling Highway MP 45-60 Project  
PO Box 196900  
Anchorage, AK 99519-6900

Dear Mr. Elliott:

I have reviewed the Draft Supplemental Environmental Impact Statement and Draft Sec. 4(f) Evaluation for the Sterling Highway MP 45-60 project and offer the following comments.

I have been thinking about this issue since I first heard about an early proposal to relocate the current highway through Cooper Landing by constructing 5 bridges to run the highway essentially down the middle of the Kenai River valley. Since that time in the early 1980's, I have dealt with this issue primarily from a professional role with the Alaska Division of Parks and Outdoor Recreation, with my focus on how the project might affect public recreation or fish and wildlife resources and habitat of the upper Kenai River area. Although I am now retired, I am no less interested in what decisions will be made regarding highway traffic through the Cooper Landing/upper Kenai River area. I now live in Cooper Landing and have the additional firsthand knowledge of how congested and often dangerous travel can be through this section of highway during certain times of the year.

*While some people would argue that a strict enforcement of the 35 and 45 mph speed limits will solve all the problems, I am not convinced. (Comment 1413) With the ever-growing tourism in the central and southern Kenai Peninsula, Alaskans and visitors will continue to crowd the Sterling Highway in their efforts to reach favorite fishing or dipnetting spots. That, coupled with the closure of the gasoline refinery in North Pole has forced increased petroleum tanker truck traffic to use the Sterling Highway. (Comment 1446) It is not uncommon daily to see dozens of double tanker trucks hauling hazardous liquids just yards from the Kenai River. The combination of sharp curves, a narrow roadway, non-existent shoulders, and heavy commercial and recreational traffic creates too great a risk for a highway that is so close to the Kenai River waters. A double tractor trailer carrying cargo went off the road and rolled near Gwin's Lodge in March 2015. The accident occurred on a straight stretch of road and not even on the treacherous "Gwin's corner." Had the cargo been gasoline or diesel, the spill of this magnitude in the upper Kenai River during low flow times would have been catastrophic to the aquatic ecosystem and native fish. For a region so dependent upon a healthy Kenai River for a large portion of its economy for commercial and sport fisheries and the associated tourism industries, the*

*resultant damage could have been disastrous. It is essential that the highway be moved away from the Kenai River. (Comment 1447)*

*I prefer either the Juneau Creek Alternative or the Juneau Creek Variant Alternative over either the G South or the Cooper Creek Alternatives. The No Build option is not acceptable in any case. My preference would be to relocate a new highway as far from the Kenai River as possible for as long as possible, so the Juneau Creek Alternative best provides this separation protection. However, due to the political difficulties associated with the land reclassification needed for this alternative, I can accept the Juneau Creek Variant Alternative as a suitable alternative. (Comment 1442)*

*I am a frequent user of the Resurrection Pass trail system, both in summer and winter seasons. The section that I generally avoid, however, is the stretch between the Sterling Highway and Juneau Falls. For much of this section the noise of the highway below is a huge distraction for me, so I generally use the Bean Creek Trail to access the southern end of the Res Pass Trail. As such, I am not opposed to bisecting the trail with either of the Juneau Creek Alternatives. The planned parking area for accessing the Juneau Falls is a great idea, and I know many people would enjoy being able to enjoy this area who are not otherwise physically able to get there now (like my 88 year old father.) (Comment 1443)*

*The Sterling Highway must be relocated to bypass as much of the upper Kenai River as possible. Protection of the Kenai River should be a paramount goal, along with the other stated goals of improving traffic safety, reducing congestion and meeting design standards. Please choose either of the Juneau Creek Alternatives as the Preferred Alternative in the Final SEIS. And please, please, let's see this project proceed to a Record of Decision and subsequent construction. (Comment 1444)*

Sincerely,

/s/ Chris Degernes

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**Comment 1413:** The responsibility of DOT&PF and FHWA is to provide safe and efficient transportation infrastructure. In Alaska, the Department of Public Safety has primary responsibility for enforcement on roads once they are built. That said, while stepped-up enforcement and even lower speed limits might help improve safety it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 1442:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1443:** DOT&PF and FHWA recognize and have disclosed the noise impacts to the Resurrection Pass Trail and Bean Creek Trail. Please see Section 3.15.2.2 for a more detailed discussion of anticipated noise impacts associated with the build alternatives and Section 3.15.2.5 for a specific discussion of noise impacts associated with the Juneau Creek alternatives. See Sections 4.5.4.2 and 4.5.4.3 for a detailed discussion of anticipated noise impacts on the Resurrection Pass and Bean Creek trails.

The comment expressing support for the proposed parking area and trailhead to access the Resurrection Pass Trail/ Juneau Falls area is noted. As suggested by the comment, if either of the Juneau Creek Alternatives were selected, the falls would be made more accessible to a wider number of trail users by being meeting Americans with Disabilities Act requirements.

**Comment 1444:** Thank you for your comment. The EIS discusses hazardous waste, spills and contaminants as well as the risk of spills as part of Section 3.17. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. The further away from the river, the larger the range of options to address cleanup should such a spill occur. DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). In selecting an alternative, DOT&PF and FHWA had to consider all of the impact and all of the benefits of the alternatives and identify the alternative with the least overall harm as the preferred alternative.

**Comment 1446:** DOT&PF and FHWA recognize and describe how traffic growth is creating problems in the project area. Chapter 1 documents the purpose and needs for the project, including a discussion of how the Kenai Peninsula's past and future population and traffic growth contribute to the problems. The traffic analysis completed for the project (available on the project web site) does forecast traffic out 20 years into the future and documents the congestion problems of concern in the comment.

**Comment 1447:** See Group Comment #54

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## **Communication ID: 965**

*THE COOPER CREEK ALTERNATIVE MAKES THE MOST SENSE FOR THE FOLLOWING REASONS:*

- 1. IT IS BOUND TO BE CHEAPER, FASTER AND LESS DISRUPTIVE DURING CONSTRUCTION.*
- 2. THE PEOPLE AND BUSINESSES WHO LIVE ALONG THE EXISTING ROUTE CHOSE TO LOCATE THERE. THEY HAVE NO EXPECTATION OF WILDERNESS PRIVACY. THEY ARE ACCUSTOMED TO TRAFFIC NOISE AND LIGHTS. THE COOPER CREEK ALTERNATIVE WILL HARDLY AFFECT THE LIFESTYLE THEY HAVE CHOSEN BECAUSE THEY ARE USED TO A ROAD AND CHOSE TO LOCATE ON OR NEAR IT.*
- 3. RESIDENTS ON THE NORTH SIDE OF THE RIVER CHOSE TO LOCATE AWAY FROM THE ROAD AND CHERISH THEIR SENSE OF WILDERNESS. ANY ALTERNATIVE OTHER THAN COOPER CREEK WILL DESTROY THE VERY REASON THEY CAME TO COOPER LANDING WITH HEADLIGHTS AND TRAFFIC NOISE AND PROXIMITY OF MASSES OF PEOPLE.*
- 4. THE PEOPLE ALONG THE COOPER CREEK ALTERNATIVE ARE USED TO THOSE FACTORS. THEIR WILDERNESS EXPERIENCE IS ALREADY COMPROMISED. KEEP THE COMPROMISED WILDERNESS WHERE IT IS. DO NOT RUIN THE WHOLE PIE WHEN ONE PIECE IS ALREADY RUINED. THE TRAFFIC, NOISE, PEOPLE POLLUTION ON THE SOUTH SIDE ALREADY SUCKS.*

*WHY MAKE THE NORTH SIDE SUCK TOO? PROPERTY OWNERS (LIKE ME) ON THE NORTH SIDE HAVE SOMETHING BEAUTIFUL AND WONDERFUL. A ROAD WILL DESTROY IT! HOWEVER, THE COOPER CREEK ALTERNATIVE WILL RESULT IN LITTLE CHANGE TO PEOPLE ON THE SOUTH SIDE AND SHOULD ACTUALLY IMPROVE THEIR CONDITION WITH LESS TRAFFIC AND SAFER TRAFFIC THAN THEY CURRENTLY HAVE OUTSIDE THEIR DOORS. THE COOPER CREEK ALTERNATIVE WILL IMPROVE CURRENT CONDITIONS ON THE SOUTH WITHOUT HARMING CONDITIONS ON THE NORTH.*

*5. THE JUNEAU CREEK/JUNEAU FALLS/RESURRECTION TRAIL AREA IS A FIRST CLASS WILDERNESS DESTINATION WHICH IS READILY ACCESSIBLE BY THE GENERAL PUBLIC WHO WISH TO GET AWAY FROM ROADS AND EXPERIENCE THE REAL ALASKA--BUT WITHOUT REALLY BEING VERY FAR FROM ROADS AND CIVILIZATION. IT PUTS WILDERNESS WITHIN THE REACH OF FAMILIES AND TOURISTS. PUTTING A ROAD RIGHT THROUGH THE MIDDLE OF THIS AREA WILL DESTROY AN INEXPENSIVE, ACCESSIBLE WILDERNESS EXPERIENCE FOR THE ENTIRE PUBLIC, INCLUDING TOURISTS.*

*5. THE COOPER CREEK ALTERNATIVE DOES THE LEAST HARM TO THE GREATEST NUMBER OF PEOPLE AND IS CHEAPER, FASTER WITH MINIMAL DISRUPTION DURING CONSTRUCTION. (Comment 1414)*

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**Comment 1414:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. The EIS addresses these issues. The social environment section has been augmented to better explain values of some residents and property owners for being away from the highway in Section 3.3.1.2 Community Character and in Section 3.3.2 under each alternative.

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## **Communication ID: 966**

TO WHOM IT MAY CONCERN,

I'M COMMENTING ON BEHALF OF MYSELF AND MY HUSBAND WHO CURRENTLY HAVE A HOME LOCATED AT 35671 SOUTH FACE PLACE IN COOPER LANDING.

*SADLY, ALL OPTIONS, ASIDE FROM THE COOPER CREEK OPTION AND THE NO BUILD OPTION DIRECTLY AFFECT OUR PROPERTY AS IT IS CURRENTLY DESIGNED PROPOSED.*

*OF COURSE, WE LOOK AT THESE OPTIONS AND HOW IT WILL AFFECT US PERSONALLY, FIRST AND FOREMOST, BUT ALSO HOW IT WILL AFFECT ALL SMALL BUSINESSES ALONG THE CURRENT ROAD GOING THROUGH COOPER LANDING. (Comment 1118)*

*IF ANY OF THE 'OTHER' OPTIONS GO THROUGH, I'M CURIOUS AS TO WHY THE PROPOSED HIGHWAY CAN'T GO FURTHER UP THE MOUNTAIN AS TO NOT AFFECT ALL THE PERSONAL PROPERTIES THAT IT CURRENTLY WILL?! THE AREA I AM REFERRING TO WOULD BE APPROXIMATELY FROM MILEPOST 46 THROUGH 50. WITHIN THAT STRETCH, THERE ARE NUMEROUS HOMES AND CABINS THAT WILL BE AFFECTED BY CURRENT ALTERNATIVES,*

*OTHER THAN THE COOPER CREEK AND NO BUILD OPTIONS. TAKING THE HIGHWAY FURTHER UP THE MOUNTAIN WOULD POTENTIALLY SAVE THESE PROPERTIES FROM BEING AFFECTED SO DRASTICALLY!! (Comment 1119)*

*IN SUMMARY, WE WOULD LIKE TO SEE EITHER THE COOPER CREEK OR NO BUILD OPTIONS GO THROUGH. BUT, IF ANY OF THE OTHER OPTIONS END UP HAPPENING, WE ARE HOPEFUL THAT THE HIGHWAY CAN BE MOVED UP THE MOUNTAIN FURTHER AS TO NOT AFFECT SO MANY PERSONAL HOMES AND CABINS FOR SO MANY COOPER LANDING RESIDENTS, SUCH AS OURSELVES! (Comment 1120)*

THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER!

MARY AND JASON HEBNER  
35671 SOUTH FACE PLACE  
COOPER LANDING, AK 99572

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**Comment 1118:** Thank you for your comment. It is helpful to see the reasoning behind the stated preferences and concerns. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The economic changes to small businesses are addressed in the EIS in Section 3.5. The EIS anticipates that with the highway traffic pulled onto the new alignment, most of the traffic in Cooper Landing will be comprised of traffic accessing local attractions.

**Comment 1119:** Numerous factors (both environmental and engineering) come into play in establishing the alignments proposed in the EIS. From an engineering perspective, terrain generally governs what is feasible as engineers balance grades and curves on the highway to make sure the alignments meet standards and are safe. From an environmental perspective, items such as avalanche runout zones higher on the hillside, wetlands, wildlife habitat, and property ownership were factors used to establish the alignments to minimize impacts in the areas in question in the comment. As indicated in the EIS, the Cooper Creek Alternative would have greater impacts to private properties along the existing highway (MP 47-48) and south of the existing highway (MP 48-50 area). In final design, the engineering team may be able to shift alignments or use design techniques (e.g. building retaining walls) to further avoid or reduce impacts to private property where physically possible. However, it is unlikely these alignments would move very far away from the depicted alignments given all the other constraints that are described in the EIS.

**Comment 1120:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

## **Communication ID: 967**

*As a homeowner and small business owner in the Cooper Landing area, I feel the Juneau Creek Alternative is the most realistic option for long term traffic control, protection of the delicate ecosystem of the upper Kenai River, and for small businesses located along the river. The other options proposed only temporarily "fix" the traffic flow and dangerous corners of Cooper Landing that see many vehicle accidents. If the existing road is modified only slightly (via the Cooper Creek and G South options) then the large 18 wheelers carrying double trailers, motorhomes, trucks hauling trailers and RVs, etc. will only speed up on those sections of the highway - thus contributing to the already dangerous conditions and NOT alleviating them. Therefore, the best and most long-lasting alternative to the chronic dangerous road conditions - would be the Juneau Creek Alternative. Thank you for your time and attention to this important decision. (Comment 1415)*

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**Comment 1415:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 968**

Hello Mr. Haugh and Ms. Petersen,

Attached is a comment letter from the U.S. Department of the Interior for the Draft SEIS and Section 4(f) Evaluation for the Sterling Highway MP 45-60 Project. Our office would very much appreciate it if you could please confirm when you have received this message.

Thank you very much,

Grace

Grace Cochon  
Regional Environmental Protection Assistant  
U.S. Department of the Interior  
Office of Environmental Policy and Compliance  
1689 C Street, Room 119  
Anchorage, Alaska 99501  
Work: 907-271-5011  
Cell: 907-227-3781  
Fax: 907-271-5930  
<http://www.doi.gov/pmb/oepec/anchorage.cfm>

ATTACHMENT TEXT FOLLOWS:

9043.1

ER 15/0194

PEP/ANC

May 21, 2015

Mr. Tim Haugh

Environment Program Manager

Federal Highway Administration, Alaska Division

709 West 9th Street, Room 851

Juneau, AK 99802

Subject: Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation for the Sterling Highway Mile Post 45-60 Project, Kenai Peninsula Borough, Alaska

Dear Mr. Haugh:

*The U.S. Department of the Interior has no comments to offer on the subject document at this time. Thank you for the opportunity to review this Draft SEIS and Section 4(f) Evaluation. (Comment 1124)*

Sincerely,

Philip Johnson

Regional Environmental Officer – Alaska

cc: Kelly Petersen, Alaska Department of Transportation and Public Facilities, Project Manager

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**Comment 1124:** You are welcome. We appreciate your review.

## **Communication ID: 970**

Randal Buckendorf  
18689 Langille Road  
Cooper Landing, Alaska 99572

6450 SouthPoint Ridge Drive  
Anchorage Alaska 99516

Comments Regarding Sterling Highway Milepost 45-60 Project, Federal Project # STP-F-021-2(15), State project # 53014.

To: Federal Highway Administration and Alaska Department of Transportation and Public Facilities

Please consider these comments as part of the Record in support of the final agency action in the Sterling Highway MP 45-60 Project. *As FHWA and DOTPF know, the draft Supplemental EIS (SEIS) presents four alternatives and analyzes each of the so-called “build” alternatives. The analysis is detailed and complex, and unfortunately, is a supplemental analysis to a now 21-year-old draft EIS from 1982 and 1994, that is considered “stale” by law. Although the document says it considers an all new analysis of the four build alternatives this Supplemental EIS analysis violates federal law and precedent of each federal agency involved in this analysis by supplementing a 21-year-old document. When asked why, many agency staff were frank and said that was done so the agencies did not have to reconsider the option in detail of improving the current road and right of way. An entirely new EIS must be done. The agency cannot take a shortcut of supplementing a 21 year old document that itself never reached a record of decision. It isn’t like the agency has not had the time to do it. Four decades of study have gone into the process. The agency must do a full and complete EIS and cannot supplement a state EIS and circumvent the process. (Comment 1125)*

*Besides not analyzing improving the current road at all, the DEIS also purports to analyze the No Action Alternative but fails miserably in that regard as well. The agencies have made it abundantly clear to the public and each other that doing nothing is not an option. The existing road has not been touched in decades and the current bridges fail to meet current standards. As a result, even if the No Action Alternative were chosen, which must remain a viable alternative that is analyzed under federal law; the current roads and bridges must receive a significant amount of work and spend. In fact, work to the bridges on this section of the highway was required by federal law to be completed several years ago. Instead of that work being done, In August of 2011, FHWA and DOTPF met to discuss a waiver of the requirements for the project. The result was an illegal pre-decisional agreement reached between FHWA and DOTPF whereby FHWA would waive the requirement to upgrade the roads and bridges on the condition that the “bypass project” proceeded forward and resulted in a change of standards for the current road alignment. In essence, the FHWA and DOTPF agreed over 4 years ago that the No Action Alternative was not going to occur and that one of the bypass alternatives would be chosen. As part of the final analysis the agencies must include an analysis of improving the current road as a potentially feasible alternative. A two decades olds analysis of Princess Corner and a wringing of the*

*hands over a difficult 1.1 mile section of road simply cannot be the basis for spending a third of a billion dollars, killing the community of Cooper Landing, and causing irreparable harm to numerous parks, recreation areas, wildlife refuges which are set out in great detail for the four options in the Section 4(f) analysis in Chapter 4. (Comment 1126)*

*Should the agencies ignore the legal requirements of NEPA and complete this Supplemental EIS the Chapter 4 analysis makes it clear that the 4(f) analysis under the Federal Department of Transportation Act makes it clear that either No Action and reconstruction of the existing road should be taken or the Cooper Creek Alternative should be pursued as a resort. Although not optimal itself, it would cause the least economic harm to the community of Cooper Landing (the analysis of which is woefully inadequate in the SEIS) and would cause the least overall harm under Section 4(f). Juneau Creek and even the so called G south alternatives would cause complete economic devastation to the community and cause the most harm to the Bean Creek and Juneau Creek areas. (Comment 1127)*

*I also find it curious, odd and possible a violation of NEPA that the Draft does not recommend a proposed alternative except that No Action is not an option. The Public cannot adequately comment on that which is unknown. (Comment 1128)*

Thank you for your consideration. I will continue to read the many thousands and thousands of pages of documents and will continue to provide comments in the future.

Respectfully,

Randal Buckendorf

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**Comment 1125:** As is explained on page 2 of the Executive Summary, because the MP 37-60 area has been under a single ongoing work agreement between DOT&PF and FHWA since the 1970s, this EIS is formally considered a supplement. Enough time has passed, however, that all research was begun anew." In no way, did the DOT&PF and FHWA take a "shortcut of supplementing a 21 year old document." To the contrary, DOT&PF and FHWA reissued a Notice of Intent, and conducted an all new and comprehensive project development and EIS process. Public and agency scoping, input, and comment was conducted to identify and develop the purpose and need, the range of alternatives, the screening of alternatives, the development and refinement of alternatives studied in detail, in understanding impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. Outreach and input is summarized in Chapter 5. The EIS was prepared by numerous professionals with specialized credentials resulting in all new technical reports and impact analysis. Drafts of the EIS were written new, with the latest information, and have been reviewed by agencies to refine the analysis and mitigate for potential impacts.

In fact, DOT&PF and FHWA did reconsider previous alternatives and new alternatives that attempted to use the existing alignment. The hard look given to these alternatives is summarized in a technical report available on the project web site and summarized in Chapter 2 of the EIS.

**Comment 1126:** The statement that the EIS did not analyze improving the current road is false. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: The 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation

examined in response to comments on the Draft SEIS. DOT&PF and FHWA have reexamined the stated purpose of the project and determined staying 100% on the existing alignment would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both.

The statement that the agencies have made it abundantly clear to the public and each other that doing nothing is not an option is false. The No Build Alternative is evaluated throughout the EIS and remains a viable choice. There are many examples where in the end, FHWA selects the no build alternative, and that is true for this project - until the Record of decision is signed, the No Build Alternative could still be selected.

The assertion that the existing road has not been touched in decades is not true. DOT&PF has been continually making incremental safety improvements in the project area, including advisory speed limit signs, sharp curve signs, lighted and blinking signs, new pavement, guardrails, pedestrian pathway on the Cooper Landing Bridge, reconstructed pathway along the Sterling Highway in Cooper Landing, and a new paved pathway along Snug Harbor Road. Despite these improvements, engineers continue to see safety and congestion problems exacerbate as traffic continues to grow. That is the reason that DOT&PF has continued working for many years to complete this EIS—to provide for a safer and more efficient highway through this congested stretch.

The statement that work to the bridges on this section of the highway was required by federal law is not true. DOT&PF uses a comprehensive nomination and evaluation process to identify and prioritize transportation improvements across the State. Project work in question was identified and programmed through that process.

Regarding a waiver in 2011: There was no "illegal pre-decisional agreement." In 2011, DOT&PF was preparing for a project to repave the Sterling Highway in the MP 45-60 area (the work was substantially completed in summer 2014). A memorandum dated August 25, 2011 from DOT&PF to FHWA documented an agreement that FHWA would waive a generally accepted standard that Federal "Preventative Maintenance" funding can be used for adding a 2-inch layer of Hot Mix Asphalt to the road but not for altering the base on which the asphalt is laid. It was not a waiver of some requirement that the road and bridges be upgraded. Additionally, it was not a waiver of any requirement to provide pedestrian amenities along with the road repavement, as some community members apparently believed at the time. The connection to the MP 45-60 EIS is that repavement was slated for the same part of the Sterling Highway and the decision was made in part based on a desire to get 10 years out of the repaving project, in order to allow time for this EIS to be completed and the highway's ultimate plan to be resolved before examining further work needs. It was clear in 2011 as it was in 2003/2004 that the alternatives considered reasonable in this EIS would include the Cooper Creek, G South, and Juneau Creek alternatives and would not include an alternative that would rebuild or upgrade the MP 48-51 section of the existing highway. The waiver in 2011 allowed DOT&PF to proceed with work on the sub-base as well as the asphalt overlay in order to strengthen the roadbed to get a full ten years of life out of the highway.

**Comment 1127:** Section 4(f) of the Department of Transportation Act prohibits use of certain parks, recreation areas, wildlife refuges, and historic sites unless there is no prudent and feasible alternative that would avoid Section 4(f) properties. If there is no prudent and feasible alternative that would avoid all Section 4(f) properties, the law and regulations spell out a process for determining the alternative that would have the least overall harm and mandates that it be the one selected. DOT&PF and FHWA

have followed this process, as documented in the Section 4(f) Evaluation (Chapter 4). The Final Section 4(f) Evaluation includes a least overall harm conclusion section (4.8.9) that makes FHWA's finding that the G South Alternative has the least overall harm.

Economic impacts in Cooper Landing were explicitly considered in determining the least overall harm; DOT&PF and FHWA have considered the information in the EIS and do not agree with the commenter's characterization of impacts to Cooper Landing. The EIS states that individual businesses may be impacted and could go out of business if they did not adapt to the new traffic patterns, under the G South or Juneau Creek alternatives, but that the overall economy of Cooper Landing would not be "devastated" and that the reduction in traffic congestion in town may slightly enhance the overall business climate, making it easier to get around the community by car and more pleasant for pedestrians. The EIS discloses impacts to the Bean Creek and Juneau Creek areas by the G South and Juneau Creek alternatives, particularly in Sections 4.5.3 and 4.5.4. DOT&PF and FHWA considered these impacts and the economic impacts but identified the preferred alternative based on a full array of considerations, including Section 4(f) resources, non-Section-4(f) resources, and purpose and need factors, as required under the Section 4(f) process.

**Comment 1128:** It is not a violation of NEPA to not identify a preferred alternative in the Draft SEIS. FHWA is required under NEPA regulations to identify a preferred alternative if they have one. In this case, neither FHWA nor DOT&PF had a preferred alternative at the time the Draft SEIS was released for public and agency comment. The Draft SEIS did state that they did not prefer the Juneau Creek Alternative. The decision to not identify a preferred alternative was based on the project complexity and the desire to solicit public and agency comment on any and all the alternatives to be able to use the input in making a decision. Meaningful public comment was obtained regarding the adequacy of the analysis and related to the concerns regarding the impacts of the various alternatives. The No Action Alternative was one of the alternatives under consideration and was open for comment in the Draft SEIS. FHWA and DOT&PF have reviewed the comments and considered the input in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. That analysis is summarized in the EIS, particularly at the end of Chapter 4. As is required, the Final EIS does identify a preferred alternative.

**Communication ID: 971**

United States Department of the Interior  
OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
1689 C Street, Room 119  
Anchorage, Alaska 99501-5126

9043.1

May 21, 2015

ER 15/0194 PEP/ANC

Mr. Tim Haugh  
Environment Program Manager  
Federal Highway Administration, Alaska Division  
709 West 9th Street, Room 851  
Juneau, AK 99802

Subject: Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation for the Sterling Highway Mile Post 45-60 Project, Kenai Peninsula Borough, Alaska

Dear Mr. Haugh:

*The U.S. Department of the Interior has no comments to offer on the subject document at this time. Thank you for the opportunity to review this Draft SEIS and Section 4(f) Evaluation. (Comment 1495)*

Sincerely,

Philip Johnson  
Regional Environmental Officer - Alaska

cc: Kelly Petersen, Alaska Department of Transportation and Public Facilities, Project Manager

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**Comment 1495:** Thank you for your review

## **Communication ID: 975**

From: Litchfield, Ginny VLitchfield@kpb.us  
Sent: Wednesday, May 20, 2015 10:13 AM  
To: Petersen, Kelly L (DOT)  
Cc: Litchfield, Virginia P (DFG)  
Subject: RE: Sterling Highway MP 45-60 DSEIS Public Release

Kelly,

*ADFG submitted comments regarding the Sterling Highway MP 45-60 Draft Supplemental Environmental Impact Statement (DSEIS) on October 16, 2014. A summary of ADFG comments with FHWA responses were received on March 27, 2015 with the revised DEIS. The summary and revised DEIS was circulated through our Department and no additional comments were received.*

*Thank you for addressing ADFG concerns regarding document accuracy, current data, and clarification in relation to fish and wildlife resources. We look forward to working with your agency on this important project. (Comment 1269)*

Ginny Litchfield  
(907) 714-2477 or (907) 252-1444  
Kenai Peninsula Area Manager  
ADF&G – Division of Habitat  
(State agency housed in Kenai Peninsula Borough Building)

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**Comment 1269:** Thank you for writing to let us know that additions and revisions for the Draft SEIS adequately addressed ADF&G's questions and comments.

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## **Communication ID: 976**

To whom it may concern,

*My Family built a cabin in Cooper Landing in the early 1970's. My first trip to the cabin was when I was 2 weeks old and it has been a part of me ever since. The Cooper Creek alternative plan would destroy half of our existing property and the subsequent highway would rumble just feet from the back the cabin which has stood for more than 40 years (See attaches picture). The highway would also create a barrier between us and the majestic Cecil Rhode mountain towering behind the cabin.*

*Growing up my family also owned a mining claim about a mile up Cooper Creek from the Sterling Highway. We spent countless hours panning for gold and enjoying the solitude of the deep canyon that effectively blocked out the rest of the world. The waters of Cooper Creek are cold, clear, fast moving and provided us with the most amazing fresh drinking water I have ever tasted. The creek also provides prime spawning habitat for massive Kenai River Dolly Varden. I worry that a huge bridge over this beautiful stream will destroy not only its tranquility but its purity. I envision discarded plastic bottles and other trash bobbing in deep pools where Dolly Varden spawn. With eroded sediment and toxic highway runoff destroying the water quality.*

*I am luckily not one of the many people that will be losing his/her permanent home if the this alternative is chosen, however, I will be losing a place that is more dear to me than any other on this planet. I urge you to please choose one of the other three alternatives. (Comment 1129)*

Sincerely,

Todd Derks

NOTE: PHOTOGRAPH ATTACHED

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**Comment 1129:** DOT&PF and FHWA recognize and have disclosed the impacts described by the comment. DOT&PF and FHWA recognize and have disclosed the impacts from the Cooper Creek Alternatives, including loss of private property, cabins, and homes, and including loss of tranquility and potential changes to water quality and fish. These issues have been taken into account in determining the alternative with the least overall harm. See the least overall harm analysis at the end of Chapter 4.

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## **Communication ID: 977**

To Whom it may concern,

I was born in Seward, AK and have been a resident of Cooper Landing since I was a year old in 1954. There have been many changes to the community over the years and I am well aware of the need for adequate traffic flow through the area.

*The problem with any and all of this plan, as I see it, is that we are planning to permanently destroy the beauty and essence of Cooper Landing all because of four miles and one poor turn on the highway. The damage caused by any new roadway will not be offset by the increase in miles per hour gained. Why is there no alternative? Has no one seen the irony in the fact that the straight and narrow highway through Sterling has a 45 mile per hour limit? From the Seward cut off almost all the way to Homer, the speed limit is 55 mph and yet the plan is to create a massive, EXPENSIVE road project to increase the speed through this beautiful tiny hamlet to 60 mph. In our attempt to fit the Federal Model and obtain Federal funds it appears our only choices will destroy this valley. (Comment 1131) My vote would be for keeping the road where it is with an effort to widen the lanes and shoulders as much as possible. Continue the 35 mph limit through the core area and enforce it. (Comment 1130)*

*All of the North options would have negative impacts on the Resurrection Bean Creek trail system. The construction of a roadway in this area would permanently eliminate the long distance experience of the Resurrection Trail. The Forest Service compensation suggestion is a Very poor alternative. (Comment 1132) Additionally, the road's close alignment to the mountains would impact wildlife movements of bear, sheep, goats and other animal species in the area. A road in this area will cause fragmentation of all of the habitat, which will greatly alter the animal behavior. The mitigation measures would be of very little use as most animals would tend to move farther from the area over time. Increased road access, turnouts and trailheads will bring additional pressure to animal populations. (Comment 1133)*

*The visual quality of the Kenai River Valley through Cooper Landing would be permanently scarred if the roadway were to cut a 100 foot wide plus swath along the Northern mountains. Any areas used for extraction of materials will deface the landscape further. I frequently hike these mountains and would find that highly objectionable. (Comment 1134)*

It is my sincere hope that as Alaskans we will do all we can to preserve the beauty and quality of our wilderness.

Bruce Clemson

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**Comment 1130:** The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: The 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

Also note that enforcement is funded differently, through operational budgets rather than capital construction budgets, and is not part of this engineering project. It is in part because operating budgets cannot possibly cover every enforcement need that capital projects aim to create consistent, safe, and efficient projects that minimize the need for enforcement.

**Comment 1131:** The Final EIS clarifies that the posted speed limit throughout each of the alternatives is expected to be 55 mph (the design speed is 60 mph, but the design speed is typically not the posted speed). It is not the purpose of the project to increase speeds, per se. Rather, it is to create a highway that meets standards, reduces congestion, and improves safety. As part of the National Highway System DOT&PF and FHWA hope that the highway provides for efficient travel and is as safe as possible. Part of the reason to propose alternatives that go around the community is to retain the low speed limit and reduce the traffic volume through the community, while providing for safer and more efficient regional

traffic. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. FHWA and DOT&PF have weighed the effects on Cooper Landing in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4. Finally, DOT&PF and FHWA did consider the no build alternative.

**Comment 1132:** DOT&PF and FHWA recognize and have disclosed the impacts to the long distance experience of the Resurrection Pass Trail, described by the comment. FHWA and DOT&PF have weighed the effects to trails, including the Resurrection Pass and Bean Creek Trails, in identifying the alternative with the "least overall harm" as the preferred alternative. The least overall harm analysis is summarized in the EIS, particularly at the end of Chapter 4.

It is presumed that the opinion about the Forest Service compensation is in regard to the proposal to add pedestrian walkways for crossing the Snow River bridges. Funding a pedestrian bridge at the highway bridge crossing of Snow River (or other bridges along the Iditarod Trail) does not eliminate the impacts at Juneau Creek Falls. Instead, this mitigation supports the Forest Service's goal of establishing a long distance recreational experience along the Iditarod National Historic Trail. It helps to make a trail connection on one long-distance nationally important trail (the Iditarod Trail) to help mitigate the effect of the highway interrupting another long-distance nationally important trail (the Resurrection Pass Trail) under the Juneau Creek alternatives. The proposal is based on many years of consultation with the Forest Service.

**Comment 1133:** DOT&PF and FHWA recognize and have disclosed the impacts to wildlife described by the comment and have weighed those effects in identifying a preferred alternative. The Wildlife section of the EIS (3.22) discloses the kinds of impacts described in this comment, including habitat fragmentation, anticipated avoidance of the highway, and potential behavior changes. DOT&PF and FHWA have conducted extensive modeling to identify locations where mitigation will be effective in maintaining wildlife movements (grade-separated crossings, fencing, etc.). New material is included in the Final EIS regarding wildlife mitigation.

**Comment 1134:** DOT&PF and FHWA recognize and have disclosed the visual impacts described by the comment. Visual impacts, including the affects from the alternatives on the north side of the Kenai River, are described in Section 3.16, Visual Environment. Moreover, a standalone visual impact analysis technical report was prepared by landscape architects and is the basis for the EIS evaluation on visual impacts and is posted on the project web site. The visual impact analysis takes into consideration impact analysis methodology guidance from multiple agencies. Changes to views from key viewpoints are examined. Simulations before and after construction are provided and evaluated. Full simulation videos of each of the alternatives were prepared and used to convey visual impacts to the public, agencies, and DOT&PF and FHWA decision makers.

## **Communication ID: 978**

To Whom it May Concern at the FHWA,

*The Cooper Creek Alternative plan would put a highway through our property in Cooper Landing. It's a vacation cabin, but shared by a few different families and cherished by those families and their friends. It's of incredible significance to me. My husband I got engaged there, as did his brother, and his older sister. There are journals in the small cabin that date back to the time it was built in the late 70's with memories abound - many from visitors who have commented that they have fond memories of Alaska as a whole due to their time spent at our cabin. (Comment 1135)*

*I see that the Cooper Creek Alternative effects the most people, and relocates some residents. (Comment 1135) I know we aren't as equipped to fight this alternative as a company like Ciri would be, but I hope you will consider peoples livelihoods and the emotional value of some of these part-time use properties when weighing the pros and cons. (Comment 1136)*

Thank you sincerely for your time,

Jennifer Derks

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**Comment 1135:** FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Please see the least overall harm analysis at the end of Chapter 4 for a more complete description of the balancing of factors that resulted in identification of a preferred alternative. As stated in the EIS, should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Comment 1136:** DOT&PF and FHWA considers all commenters to have equal standing and has considered all concerns from the public, corporate entities, Tribal entities, non-profit organizations, and government agencies. DOT&PF and FHWA must balance adverse effects and benefits to identify the alternative with the least overall harm. Anticipated economic changes are addressed in the EIS in Section 3.5. All comments have been reviewed and considered in identifying the preferred alternative.

**Communication ID: 983**

*I urge the state DOT to adopt the Juneau Creek Alternative and move forward with project which is years overdue. (Comment 1137)*

Thank you,  
Bill Tappan

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**Comment 1137:** See Comment Group #38

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**Communication ID: 984**

*To Whom it May Concern at the FHWA, I would like to comment against the The Cooper Creek Alternative plan. (Comment 1138) It would put a highway through our property in Cooper Landing. While the cabin is not our primary residence, it has been in my husband's family for 40 years. The cabin holds the cherished memories of three generations, it is priceless. (Comment 1139) I would also like to voice my concern over the environmental impact the bridge over Cooper Creek would create. I fear the bridge will add toxins and litter to a currently pristine watershed, effecting countless animal habitats. (Comment 1140) The Cooper Creek Alternative effects the most people, even relocating some residents. Please consider peoples livelihoods and the emotional value of some of these part-time use properties when weighing the pros and cons. (Comment 1141) Sincerely, Jennifer Huff-Derks*

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**Comment 1138:** See Comment Group #39

**Comment 1139:** FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Please see the least overall harm analysis at the end of Chapter 4 for a more complete description of the balancing of factors that resulted in identification of a preferred alternative. As stated in the EIS, should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

**Comment 1140:** Thank you for your comment. DOT&PF and FHWA recognize and have disclosed the impacts described by the comment. The EIS addresses water quality in Chapter 3.13, spills in Chapter 3.17, wetlands and vegetation habitats in Chapter 3.20, fish in Chapter 3.21, and wildlife in Chapter 3.22.

**Comment 1141:** FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Please see the least overall harm analysis at the end of Chapter 4 for a more complete description of the balancing of factors that resulted in identification of a preferred alternative. As stated in the EIS, should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

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### **Communication ID: 985**

*It is crucial for something to be done to protect both life and river habitat. The Juneau Creek options provides the best outcomes to protect the Kenai River (Comment 1142)*

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**Comment 1142:** See Comment Group #37

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### **Communication ID: 986**

*Please build either the Juneau Creek (#1) or the Juneau Creek Alternative for this long-needed highway improvement. We drive this highway year-round and this stretch in Cooper Landing is very unforgiving and very highly-used. And it is very dangerous at times. (Comment 1143)*

*One of the two Juneau Creek solutions is the the answer. Please pick one and let's move forward on a project that will help the Kenai's economic development. (Comment 1144)*

Thank you,

Robert DeGroot

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**Comment 1143:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1144:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Communication ID: 987**

*I prefer that the least invasive procedures are used. Wilderness and environment preservation should be the utmost concern, both for the waterways and wildlife.*

*I choose the No Build option over all others. We can improve the existing rd to make it safer and more durable.*

*NO BUILD ! (Comment 1145)*

Sincerely,  
Keri Stout

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**Comment 1145:** See Comment Group #56

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**Communication ID: 988**

*After review of the 4 alternatives shown in your research it would appear that the G south and Cooper Creek alternatives would be the most economical. (Comment 1146) It appears that the Cooper Creek alternative would require purchase of private property more so than G south, my vote would be G south. (Comment 1147)*

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**Comment 1146:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1147:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

## **Communication ID: 989**

*The Juneau creek road is the way to go. Why not? The people of Alaska are part of the KNWR, we support it. (Comment 1416) The Sterling Highway going through Cooper Landing is a terrible road. The last time work was done to it they made it worse. The gaurd rails are so close to the road you have no escape if an oncoming car goes out of control and like many roads being built in Alaska right now it's way to narrow. There is a lot of talk about summer congestion which I totally agree with but lets not forget winter conditions. If you've ever met a tractor trailer pulling doubles in a snow storm on that stretch of road you know what I'm talking about. Even a tractor pulling one trailer on that icy stretch of road is like Russian roulette. How many Alaskans have died on that piece of road? How many permanently crippled? What is the dollar cost on vehicle and equipment damage? I would doubt accurate data has been kept to answer these questions but if you have lived on the Kenai and driven this road more than a couple of times you will undoubtedly have some frightening stories to tell or personal experience involving one of the above mentioned statistics. It's time to fix this road and do it right the first time. (Comment 1426)*

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**Comment 1416:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1426:** Thank you for your comment. DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed. Chapter 1 also recognizes the importance of this National Highway System route for trucks and identifies traffic congestion, especially in summer, as a need for completing the project. Each of the Build Alternatives has been designed to meet current highway standards, include passing opportunities, and reduce driveways and side streets that exacerbate congestion. With these improvements, congestion will be reduced. DOT&PF and FHWA agree that the problems on the existing highway create real costs for the traveling public.

Congestion costs people in terms of their time spent delayed, and crashes have costs in terms of property damage and the physical harm.

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## **Communication ID: 990**

Dear Sirs:

*While I appreciate the inconvenience of the current route of the Sterling Hwy through Cooper Landing, it is largely a matter of time inconvenience. In my opinion you have failed to demonstrate necessary*

*safety and economic concerns commensurate with the cost of the project. The costs of constructing the largest span bridges in the state, loss of habitat and private property, and the long-term inconvenience of building the new routes you propose (except upgrades to the current highway) sets this up to be a DOT debacle. If life/safety were the main concern and you used your criteria to evaluate the New Seward Hwy between Anchorage and Girdwood, you would have put in a four lane divided hwy long ago. It is the most dangerous stretch of hwy used by more people in our state bar none!! Our money is better spent on this major section of roadway first. Make it the priority for our tax dollars. (Comment 1153)*

Sincerely,

Timothy J. Davis  
14730 Turnagain Bluff Way  
Anchorage, Alaska 99515

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**Comment 1153:** Thank you for the comment. DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose and needs for the project and justifies the expenditure of funds. DOT&PF uses a comprehensive nomination and evaluation process to identify and prioritize transportation improvements across the State. The Statewide Transportation Improvement Program (STIP) process is described on the DOT&PF web site at: <http://www.dot.state.ak.us/stwdplng/cip/stip/>. The STIP process includes substantive public input on project needs, evaluation by engineers as to costs and feasibility, and review and approval by elected officials and FHWA. The MP 45-60 project has been identified as an important project for decades. As part of the Final EIS, DOT&PF and FHWA have prepared a financial plan to fully consider the cost and funding plan of the preferred alternative. DOT&PF and FHWA confirmed the financial feasibility of proceeding with the project.

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### **Communication ID: 991**

*I am an avid flyfisherman and frequently drive the Seward and Sterling Highways between Anchorage and the Kenai Peninsula. I would prefer to see the existing route improved or the Cooper Creek Alternative implemented. I do not favor the Juneau Creek Alternatives. I think they would be too costly, and would be detrimental to the people who live and work in Cooper Landing. I also think the Juneau Creek Alternatives, or any route that would run north of Cooper Landing (and necessarily significantly upslope, above Cooper Landing) would be more susceptible to avalanche risk. The existing route requires us all to slow down through Cooper Landing, but I have no problem with that, and, in fact, I think it is a good thing. I nearly always stop at one or more of the business establishments in Cooper Landing, either coming or going. I would like to see a lot of emphasis placed upon preserving the community of Cooper Landing in the evaluation of the project alternatives. (Comment 1417)*

**Comment 1417:** Thank you for your comment. It is helpful to see the reasoning behind the stated preferences.

Regarding avalanche risks of the alternatives that traverse north of Cooper Landing - FHWA and DOT&PF completed a detailed analysis of the avalanche risks. A special technical report was prepared by an avalanche expert and is available on the project web site. Avalanche issues are discussed in Section 3.12. All alternatives were designed to stay out of avalanche run out areas on the mountain slopes that were identified in the avalanche risk study as hazard areas. The exception are the two narrow avalanche run-outs that cross the existing highway between MP 46 and 47. It was not feasible to relocate the highway out of these two avalanche prone areas; all build alternatives are identical in this stretch and would be rebuilt in the existing alignment, and would face the same avalanche risk as the No Build Alternative.

DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. The EIS anticipates that with the highway traffic pulled onto the new alignment, most of the traffic in Cooper Landing will be comprised of traffic accessing local attractions. This will provide future opportunities to slow traffic down and develop the Old Sterling Highway into a more community-oriented street. FHWA and DOT&PF have weighed the effects on the community in identifying a preferred alternative.

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## **Communication ID: 992**

*I have traveled this road multiple times a year for over 45 years and enjoy it every time. It is very relaxing to stop in to get something to eat or get gas or stop to look at the views or wildlife. I love this part of the road. . Just upgrade this present road in the trouble spots (which there are very few) and be done with it and save some money.*

*The road in Cooper landing functions just fine if the speed limit is kept down and strictly enforced until people get the message. The alternatives proposed are not acceptable as each one of them degrades the ecological services provided by natural systems in one way or another. This section of road can be enhanced by proper signage, speed bumps, flashing lights etc in areas of concern. This would be the most cost effective for our state.*

*When roads get the most dangerous is when they are straightened and speeds are allowed to accelerate without breaks. Cooper Landing is one such break which we all expect and can slow her down to enjoy the magnificent view of this extraordinary area.*

*Please don't try to fix something that does not need fixing.*

*Remember the K.I.S.S. strategy: Keep It Simple Stupid! and if it ain't broke don't fix it!*

*Repair, tweek, slow folks down, and adjust but keep the road where it is so you don't disrupt the many businesses who are invested and make their livings in that town, you keep the trails wildlife and fish*

*bearing streams in tact and the wetlands can provide their function to provide filtration to the world class salmon and wildlife for us all to enjoy.*

*Thank-you for considering the alternative to leave the Cooper Landing Road where it is! (Comment 1418)*

With Kind Regards

Nancy Hillstrand  
Pioneer Alaskan Fisheries Inc.  
51 year Alaskan Fisheries Corporation

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**Comment 1418:** See Group Comment #56

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### **Communication ID: 993**

*I am opposed to the Cooper Creek Alternative since it's the most disruptive to local property owners. It also has the most adverse environmental, hazardous waste, and recreational fishing impact to the area. Plus it's not the most economical alternative. (Comment 1178)*

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**Comment 1178:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns. DOT&PF and FHWA have taken these concerns into consideration in identifying a preferred alternative.

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### **Communication ID: 994**

I live at 35635 South Face Place in Cooper Landing. *The Draft SEIS paragraph 3.13.1.4 states “Private water sources are thought to exist throughout Cooper Landing but have not been documented. Most developed private lots presumably have a well, and some homes and cabins and cabins are said to use surface water sources.” This statement makes it sound like the use of surface water is only a rumor. In fact the use of surface water for home and cabin use is true. (Comment 1179) The Draft SEIS does not mention Slaughter Creek as a water body that would be affected by the Juneau Creek and G alternatives. I know of two families that obtain surface water from Slaughter Creek. I am one of those families. I have used surface water from Slaughter Creek since 1996. I have made this fact known to AKDOT staff and consulting personnel at the many informational meetings that have been held in Cooper Landing. I consider the water from Slaughter Creek as the best tasting water in town. I have repeatedly asked AKDOT to guarantee that Slaughter Creek water will not be adversely affected by the bypass alternatives or that the quality of my water will not be affected. Only one AKDOT individual has*

*expressed any interest in my concerns, but even then will not provide any assurance as to maintaining the water quality of Slaughter Creek. The bypass road will be about 550 feet from my house and my Slaughter Creek water intake. Road oils, miscellaneous debris, winter road sand and salts will undoubtedly find their way into Slaughter Creek thus affecting the water quality. All I ask is that AKDOT take appropriate action to guarantee the quality of the water that I extract from Slaughter Creek will not change. My main concern is that the water for my home will taste as good after bypass construction as it does today. (Comment 1180)*

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**Comment 1179:** Thank you for correcting inaccurate information. Based on the information provided, the EIS has been revised in Section 3.13.1 to acknowledge that there are residential surface water sources in the Cooper Landing area.

**Comment 1180:** The SEIS has been edited in Section 3.13.1 to acknowledge that some private property owners use local surface waters including Slaughter Creek for drinking water sources. Analysis suggests that changes to water quality would be unlikely to exceed water quality standards. The EIS acknowledges the potential impacts to water quality from highway construction, including increased storm water runoff, and new crossings of water bodies such as bridges and culvert crossings of smaller streams. DOT&PF identifies several mitigation actions to minimize such impacts to water bodies, such as storm water design treatment features, erosion control, and reseeded plans (3.13.2.2).

The comment requests that DOT&PF guarantee that changes to drinking water taste and characteristics would not occur. This is not possible. Surface water characteristics can be highly variable, and taste is subjective. Surface waters are vulnerable to contamination resulting from natural activities (animals and birds) and man-made activities (including but not limited to road construction and use). Any of these potentially are a source of disease or illness. Alaska Department of Environmental Conservation recommends disinfection as the only barrier against ingestion of harmful organisms in unfiltered water systems.

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## **Communication ID: 995**

Greetings,

To whom it may concern:

*My family has owned a cabin at MP-47 since the early 1950's. I'm opposed to the Cooper Creek alternative because I fear the Sterling highway will be widened to it's full right of way thereby eliminating the green space between our cabin and said.*

*So in summary, anything but the cooper creek alternative. (Comment 1181)*

Thank you for your time.

Sincerely, Wyatt Bliss.

**Comment 1181:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Impacts to private property, among many other issues, were important considerations in identification of the preferred alternative.

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### **Communication ID: 997**

*Please select the Juneau Creek Alternative for this project as it gets the highway the furthest from the river and lake. I am concerned that something will happen with the highway being as close to the water as it is now. The King Salmon population is already hurting and the environment and the economy of the peninsula really rely on those salmon. All it would take is one bad traffic accident involving a gas, oil, or other chemical and it would totally shut down the entire area, both ecologically and economically. I know it may cost a little more, but it seems that some of these environmental coalitions ought to be willing to help out with fundraising to help protect such a valuable resource like the Kenai River. Get the highway away from the water!!!! Thanks for the opportunity to express our opinion. (Comment 1419)*

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**Comment 1419:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Each of the four build alternatives presented in the EIS has a segment that is moved well away from the Kenai River. These segments vary from about 3.5 miles to about 10 miles. The risk of contamination from a vehicle-related fuel spill is discussed in the EIS under 3.17 Hazardous Waste Sites and Spills. FHWA and DOT&PF have weighed the effects to the river in identifying a preferred alternative that balances the overall impacts with the overall benefits. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

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### **Communication ID: 998**

*My family and a group of friends have owned 19 acres of land below Cecil Rhodes Mt. If the Cooper Creek bypass was selected our property would be reduced to half it's size. Because this land has been in our family for four decades and continues to bring us, as well as the other owners, great joy, I'm very much opposed to this road option. (Comment 1184)*

Thanks for your time and consideration in thus matter.

Jennifer Derks-Andersen

**Comment 1184:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Impacts to private property, among many other issues, were important considerations in the process to identify a preferred alternative.

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### **Communication ID: 999**

P.O. Box 2994  
Homer AK 99603

COMMENTS RE: The Sterling Highway Milepost 45 to 60 Project

I have commented in the past regarding this project. *My biggest concern is that rerouting the highway seriously disturbs important wilderness areas, trails and wildlife corridors, with two alternatives, Juneau Creek Alternative and Juneau Creek Variant Alternative, affecting over 2500 acres of valuable wildlife habitat each. What I am really surprised at is the lack of an alternative analyzing and comparing costs of an alternative built along the current route. This is important missing information and makes it difficult to really know whether that is a better alternative to disturbing adjacent wilderness areas.*

*The Cooper Creek Alternative appears to be the least intrusive on wilderness and wildlife corridors. However, it is important to have the analysis of an alternative following the current route so that a full cost analysis and detailed comparison of habitat trade offs can be made.*

*I don't think the public can make a good choice without an analysis of the build in place alternative. I remember there was a reasonable alternative described in one of the original EIS documents. I think this alternative should be put into the current document with a full analysis. The old option to build along the existing road was to be widened with turning and passing lanes, a separated pedestrian/bike pathway, better signs, rumble strips to keep people from falling asleep, flashing lights in hazard zones, and hopefully other changes to keep traffic from speeding through this area.*

*I recommend revising the current document to include this alternative and extending the comment period once the new document is available. Deciding on a route based on the current document is not good public policy because it ignores the most obvious option--to improve and rework the current road. (Comment 1420)*

Sincerely,

Nina Faust

**Comment 1420:** See Group Comment #56

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## **Communication ID: 1000**

Attached please find comment letter with recommended alternative and justification.

TEXT FROM ATTACHMENT FOLLOWS:

Jean Ann & Alan Nierenberg  
PO Box 743  
Cooper Landing, Alaska 99572

25 May 2015

Alaska Department of Transportation and Public Facilities  
DOT&PF Central Region  
PO Box 196900  
Anchorage, Alaska 99519-6900

Subject: Comments to SEIS for Sterling Highway MP45-60

We are property owners and residents of Cooper Landing for more than ten (10) years and we travel Sterling Highway MP 45-60 on a daily basis. *The project for improvement of the Sterling Highway MP 45-60 is of great importance to our community, as is the decision of which alternative is to be pursued. The final decision for the selected highway alternative and the multi-year construction program will greatly alter Cooper Landing for the foreseeable future. It is essential that the most suitable alternative with least harm and impacts is selected. (Comment 1195)*

The SEIS for Sterling Highway Milepost 45-60 is an extremely comprehensive document addressing the no-build alternative plus four (4) alternatives. We have carefully reviewed its content and discussed with many other residents of our community. We are very concerned with Sterling Highway congestion and safety in Cooper Landing and are equally concerned with preserving the environment which has made Cooper Landing the Gem of Kenai. As stated in the Least Overall Harm Analysis at Section 4.8 of the SEIS, it is indeed a balancing act amongst many different considerations to select the most suitable highway alternative.

*After thorough consideration, it is our strong recommendation that the Juneau Creek Alternative become the selected alternative, subject to comprehensive mitigation measures for the substantial wildlife habitats in the impacted areas of highway construction. (Comment 1198)* Our supporting rationale is presented in the following discussion.

Prior to discussing considerations for each of the alternatives, there are two (2) general comments to be considered.

*1. It is important that the final Overall Least Harm Analysis and the selection process stay true to the clearly stated goals, purpose and need for the highway project, i.e.*

*i) reduce congestion,*

*ii) improve the highway to current design standards, and*

*iii) improve highway safety, (Comment 1199)*

*A revisit of the goals, purpose and need is offered at Section 4.8.5 of the SEIS. This is mostly an analytical assessment and but does demonstrate that the Juneau Creek Alternative affords the highest mathematical grading for reducing congestion, meeting highway standards, and improving safety. (Comment 1200)*

*2. The SEIS states many of the short term construction impacts from highway construction and states a number of generalized mitigation actions. Notwithstanding this rather simplistic discussion in the SEIS, the undisputed fact is that a four (4) to five (5) year highway construction project will have extraordinary construction impacts to the Cooper Landing community. The simple statement that 200 added truck loads per day of construction vehicles will occur and that construction impacts will be mitigated by temporary gravel roads and pilot cars, are all gross understatements as to the impacts to the Cooper Landing community. The multi-year construction program will have far greater impacts of congestion, delays, noise, road closures, river closures, and numerous safety risks, than is acknowledged in the SEIS. (Comment 1201) The extensive impacts of the construction period are given insufficient attention and are totally absent from the Table of Impacts and Benefits in the Executive Summary of the SEIS. (Comment 1202)*

*The Cooper Landing community and most Kenai Peninsula residents have endured years of highway construction, resurfacing and repairs to the Seward and Sterling Highways. We fully know the extraordinary impacts inherent in such highway projects and how these impacts are magnified during the peak summer season. It is our view that the extent of construction impacts and delays over a four (4) to five (5) year period is a major differentiating factor amongst the proposed alternatives and must be afforded far greater weight than assigned by the SEIS. (Comment 1203) In this regard, construction of the Juneau Creek Alternative is the most remote alternative to Cooper Landing and eliminates years of construction impacts in the central commercial area of Cooper Landing and at Sportsman's Landing. (Comment 1204)*

*For the sole consideration of impacts during the multi-year construction period, the Juneau Creek Alternative is by far the most compelling alternative. Construction period impacts should be a dominant factor in the final Least Overall Harm Analysis. (Comment 1205)*

**As to the individual alternatives, the following specific comments are provided:**

*1. The No-Build Alternative satisfies none of the stated goals for the project and leaves Cooper Landing with unacceptable congestion and an unsafe highway with increased risks to residents, visitors and highway travelers. The No-Build Alternative is not an acceptable decision. (Comment 1190)*

*2. The Cooper Creek Alternative follows the existing alignment of the highway for most of its length. Traffic volumes are therefore not relieved in the majority of Cooper Landing and access on and off the highway "would remain difficult", as acknowledged in the SEIS. The added congestion and increased hazards within Cooper Landing during the multi-year construction period would be massive and such*

*short term construction impacts are inadequately considered in the SEIS. The portion of this alternative which follows a new alignment will necessarily impact undeveloped and sensitive areas of Cooper Landing. This is the second most costly alternative, will not relieve traffic volumes, will not improve safety throughout a majority of Cooper Landing, and will impact previously undeveloped areas. The short term construction impacts would be enormous for minimal long term benefit. The Cooper Creek Alternative is not an acceptable decision. (Comment 1191)*

*3. The G South Alternative provides a new alignment of the highway for a portion of Cooper Landing and therefore partially accomplishes the primary goals to relieve congestion and improve safety through part of the MP45-60 extent. Although the new alignment avoids construction within central Cooper Landing, there remains significant highway construction on the existing alignment MP 51.5 to 60, which includes some of the most valuable resources in the region at the confluence of the Russian River and Kenai River. Although this alternative was devised to minimize impacts to Resurrection Pass Trail and Juneau Creek Falls areas, this alternative nonetheless requires a new crossing of Juneau Creek and also requires another major bridge crossing of the Kenai River. By using the existing alignment from MP 51.5 to 60, this alternative still negatively impacts this very sensitive existing alignment during the extended construction period. This alternative is the most costly alternative considered in the SEIS and results in extensive construction impacts for more than 50% of the highway length. The G South Alternative is not an acceptable decision. (Comment 1192)*

*4. The Juneau Creek Alternative follows a new alignment for 10 of the 14 miles between MP 45- 60 and the SEIS demonstrates this alternative is superior in meeting the goals for reduced congestion and increased safety. This alternative also has the least impact to Cooper Landing during the extended construction period. Further, the new alignment for th is alternative does not require river closures associated with a new bridge across the Kenai River and rejoins the existing alignment beyond the confluence of the Russian River and Kenai Rivers, which is one of the most prized areas of Cooper Landing. This is the least costly alternative presented in the SEIS and will have the least impacts during construction. The Juneau Creek Alternative is the most suitable alternative for the Sterling Highway MP45-60 project. (Comment 1193)*

*5. The Juneau Creek Variant Alternative follows a similar route as the Juneau Creek Alternative with variances to avoid land within two (2) wildernesses. However, these variances result in the new alignment joining the existing alignment at MP55, thereby creating added construction impacts at the confluence of the Russian River and Kenai River near Sportsman's Landing. This variant yields increased congestion, increased costs, and greater impacts during construction. The goals, purpose and need of the project are not enhanced by this variant and it is not an acceptable decision. (Comment 1194)*

Sincerely yours,

Ann & Alan Nierenberg

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**Comment 1190:** See Comment Group #34

**Comment 1191:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. DOT&PF and FHWA recognize and have disclosed the impacts of the Cooper Creek Alternatives described by the comment. While the Cooper Creek Alternative does not satisfy the

purpose and need as well as other alternatives, because of the mix of local and through traffic and the profusion of driveways and side roads intersecting the highway, the Cooper Creek Alternative would provide wider lanes, wider shoulders, turning lanes, better defined driveways, and other features that would increase safety and reduce congestion in the community as compared to the No Build Alternative. DOT&PF and FHWA have considered the impacts to the community in identifying the preferred alternative.

**Comment 1192:** DOT&PF and FHWA recognize and have disclosed the impacts of the G South Alternative described by the comment, and have considered those issues in identifying a preferred alternative. The full description of the analysis of the alternative with least overall harm appears at the end of Chapter 4. While the cost of the G South Alternative is expected to be higher than other alternatives, it is not excessively higher. DOT&PF and FHWA have evaluated the impacts of the new bridges and the construction impacts described by the comment and have proposed mitigation to minimize and mitigate the effects.

**Comment 1193:** DOT&PF and FHWA considered the points raised in this comment in identifying a preferred alternative. The EIS discloses the impacts mentioned. Both the benefits and impacts of the Juneau Creek Alternative were considered in the identification of a preferred alternative. The full explanation of analysis of the alternative with least overall harm appears at the end of Chapter 4 of the EIS.

**Comment 1194:** DOT&PF and FHWA considered the points raised in this comment in identifying a preferred alternative. The EIS discloses the impacts mentioned. While the Juneau Creek Variant Alternative would perform somewhat better on transportation measures than some of the other alternatives, its impacts particularly to traditional cultural properties, archaeological sites, and CIRI Tract A [a "14(h)(1)" Native land selection resolved by Congress], along with impacts to wildlife habitat and to Resurrection Pass Trail and Juneau Falls Recreation Area, were judged to outweigh the benefits gained in purpose and need measures. The full explanation of analysis of the alternative with least overall harm appears at the end of Chapter 4 of the EIS.

**Comment 1195:** FHWA is required by federal law to select the alternative that has the least overall harm. Identification of the preferred alternative has involved many studies and extensive consultation with the community, public agencies, and the public at large. Least overall harm balances not only a full range of impacts but careful analysis of Section 4(f) impacts, benefits and ability to satisfy the stated project purpose and need, and ability to mitigate impacts. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 1198:** Thank you for your comment. It is helpful to understand the reasoning behind the stated preference.

**Comment 1199:** All of the build alternatives satisfy the purpose and needs identified for the project, while some do a better job than others. Regarding the Least Overall Harm Analysis, purpose and need is one of seven factors that FHWA must consider and balance in determining least overall harm. Because impacts or other impediments may exist on alternatives that otherwise perform very well in satisfying the purpose and need, it may not be possible to select the alternative that best satisfies purpose and need. DOT&PF and FHWA have taken such issues into account in identifying the preferred alternative.

**Comment 1200:** Section 4.8.5 is a summary treatment that evaluates the alternatives against the purpose and need and makes cross references to other parts of the EIS for other detail. While the Juneau Creek Alternative does demonstrate the highest ability for satisfying the stated purpose and need of the project, purpose and need is only one of seven factors FHWA must balance in determining the alternative with least overall harm. Section 4.8 overall, but particularly the Conclusion in Section 4.8.9, presents the analysis of all factors. FHWA has augmented the analysis of the least overall harm and selected a preferred alternative based on that analysis.

**Comment 1201:** DOT&PF and FHWA recognize and have disclosed the construction impacts described by the comment. Based on the concerns raised, the EIS community character discussion in Section 3.3 has been augmented, particularly under the Cooper Creek Alternative, to more clearly describe construction impacts and their duration within the community.

**Comment 1202:** DOT&PF and FHWA recognize and have fully disclosed construction impacts. Construction impacts are identified in each section of Chapter 3. The construction period is anticipated to last three or more construction seasons. Text in Section 3.3 regarding community character has been augmented to further describe construction impacts within the community for the Cooper Creek Alternative. Construction impacts have been added to the Executive Summary tables.

**Comment 1203:** FHWA and DOT&PF understand the logistics and impacts of construction on the community, have disclosed these impacts in the EIS, and considered these issues in their Least Overall Harm Analysis evaluation to identify a preferred alternative. Thank you.

**Comment 1204:** DOT&PF and FHWA recognize and have disclosed the construction impacts described by the comment and have taken this into account in identifying the preferred alternative. It is true that the Juneau Creek alternatives would have less construction impacts on the central commercial areas of Cooper Landing than the G South Alternative, and especially the Cooper Creek Alternative. It is anticipated that construction impacts at Sportsman's Landing (under either the G South or Cooper Creek alternatives) would be expected to be complete in one season. Mitigation measures will require the contractor to do most of this work near Sportsman's Landing outside the prime summer fishing season.

**Comment 1205:** FHWA and DOT&PF have weighed construction effects in identifying the alternative with the least overall harm. The analysis can be found in Section 4.8. In addition, construction impacts are disclosed throughout Chapter 3 of the EIS. While construction impacts clearly are important both to local residents who use the roads every day and to long-distance drivers determined to get to their destinations, the impacts of the construction process are not permanent. DOT&PF and FHWA must weigh these temporary impacts (even if they are multi-year impacts) against permanent impacts that will affect the landscape and people of the Kenai River valley effectively forever.

## **Communication ID: 1001**

Comments on Sterling Highway MP 45-60:

This project negatively impacts more than it fixes.

*1. Highway safety: The study area Crash and Personal Injury Summary shows that in the first four sections, MP 45-51.3, the rates are significantly below state averages. Moving this traffic to high speed roadways will increase the severity of crashes, and also increase the number of wildlife related accidents. (Comment 1206)*

*2. Impacts to residents: I was surprised to learn at the Anchorage Open House, than the study didn't consider noise to be a significant factor unless it reached a level that required a sound barrier. My guess is that the majority of Cooper Landing residents moved there to escape the sound of traffic, and live in a setting away from man-made intrusions. The Juneau Creek Alternative, the Juneau Creek Variant Alternative, and especially the G South Alternative will significantly impact all of the Bean Creek residents, and maybe even those across the highway on the facing hillside. The Cooper Creek Alternative will impact the residents of Caribou Heights and Blakely Court, plus sites across the canyon. The study indicates that there would be enough noise to warrant a barrier, but it would be impossible to provide one. So "Oh Well." If you can't mitigate the conditions you are creating, don't do it. (Comment 1207)*

*3. Impacts to Trails and other recreation facilities: The Resurrection Pass Trail enjoys heavy year around use. If the Juneau Creek Alternative or the Juneau Creek Variant Alternative are chosen, this trail will lose much of its appeal. 24 hour sound from the highway will be evident in much of Juneau Valley. What was formally a backcountry experience will be exchanged for front country use: more impact from people, trash, etc. Traffic noise will impact all other recreational uses as well: camping, hiking, rafting, fishing, swimming, bird watching, etc. (Comment 1208)*

*I would like to see road improvements on both sides of Cooper Landing:*

*From MP 45-48, including a new bridge at the corner of the Bean Creek Road access. Straighten and widen where possible, but minimizing impacts to private property.*

*From mile 51-60, straighten and widen with a new bridge at MP 53. This appears to be the worst section for accidents so is possibly the first (only) section to complete.*

*That leaves 3 miles, MP 48-51, that is the heart of Cooper Landing. If areas can be straightened or widened, great!, otherwise leave them alone. (Comment 1209)*

*The destruction of natural habitat, impact on wildlife, residents, recreationists and rural lifestyle does not justify any of the four alternatives. If only MP 51-58 were improved, the third NEED to improve highway safety would be met. (Comment 1210)*

*In conclusion, I would vote for the No Build Alternative if the only other option is to chose one of the four proposals. (Comment 1211) I do think upgrading MP 51-60 is definitely worthwhile, and even the*

*bridge and access before MP 48. (Comment 1212) If forced to make a choice of the four proposals, the Cooper Creek option seems the least destructive to residents, wildlife habitat, and the qualities for which Cooper Landing is prized. (Comment 1213)*

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**Comment 1206:** See Comment Group #31

**Comment 1207:** FHWA's noise policy indicates sound levels at which a "traffic noise impact" occurs. At and above those levels, the policy indicates that noise abatement measures such as sound barriers must be considered. DOT&PF and FHWA commonly provide noise abatement measures, but only where it is shown to be effective, so as not to waste public funding. The noise policy is explained in Section 3.15 and in the traffic noise study completed for the project (Appendix D of the EIS, and available on the project web site). Both the EIS and the noise study have been augmented based on comments to better address sound levels at homes located farther from the existing alignment and to address impacts of routing alternatives near the outer limits of the Cooper Landing subdivisions. The EIS also has been augmented to better discuss lower-level effects (sound levels below the FHWA policy "traffic noise impact" levels but changes that residents or recreationalists may find disruptive).

**Comment 1208:** DOT&PF and FHWA recognize and have disclosed the recreational impacts described by the comment including impacts to the Resurrection Pass Trail. Park and Recreation Resource impacts are described in Section 3.8 and Chapter 4. The EIS acknowledges that the presence of the highway would alter the experience of the lower sections of trail from back-country to front-country. Access to, and use of areas within Chugach National Forest, would change as well. DOT&PF and FHWA have identified mitigation opportunities to enhance the "front-country" experience for users and have identified mitigation that would enhance long-distance trail experiences in other areas of the Chugach National Forest. FHWA and DOT&PF have weighed the effects to trails, including the Resurrection Pass Trail, in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 1209:** See Group Comment #56

**Comment 1210:** It is not sufficient to satisfy only one of the identified needs on only one stretch of the highway. Reasonable alternatives must satisfy the purpose and each of the needs. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts, including upgrades on the existing alignment (termed a 3R alternative). In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative attempting to stay wholly on the existing alignment would not satisfy the project purpose and needs or would not be feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 1211:** See Comment Group #42

**Comment 1212:** Thank you for your comment. DOT&PF and FHWA have considered benefits and impacts of the alternatives in identifying a preferred alternative and recognize there is no perfect solution. DOT&PF and FHWA strive for a consistent and predictable driving experience and avoid changes in lane width, presence and absence of shoulders and clear zones, etc. The proposed changes

expressed here are much like the No Build Alternative, which would eventually replace the existing bridges and which would likely include spot fixes over time as traffic increased. DOT&PF and FHWA have considered the full range of public opinion, have reexamined and reaffirmed the stated project purpose and need, and have acknowledged the impact of all alternatives, and believe it is in the best public interest to improve the highway by selecting one of the build alternatives.

**Comment 1213:** See Comment Group #35

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## **Communication ID: 1002**

We drive this route. Constantly from eagle River to Soldotna... Cabin on the kenai.....*all alternatives past the Russian River to the end of the project boundary always seemed to be the most impacting on the river..it is common sense.....yet all the re routing is through coopers landing which I feel of this entire stretch of road that is being looked at is not what has to be addressed if the well being of the Kenai River is what has driven this project. (Comment 1215) I have done numerous highway designs through Canada and this just doesn't sit well with my husband and I.....the role of a landscape architect is that we are the lead / prime consultant in most highway projects or at least partnered with the engineer...and other expertise brought on....I can tell that this project is predominantly explored and decided upon by an engineering company..... We need to listen to the expertise of others vs this state continually having engineers as the lead..... I know the industry but let's explore this with more common sense and further stages of public involvement (Comment 1214) .....* Thank you for your time Tania Krawchenko B.La 907-561-2343

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**Comment 1214:** In Alaska, as in other states, state law gives responsibility for transportation to a Department of Transportation. This project is predominantly explored by the Alaska Department of Transportation and Public Facilities, which hired a multi-disciplinary consultant, including landscape architects and public involvement specialists, to undertake preliminary design and environmental services, and by the Federal Highway Administration. DOT&PF and FHWA are the decision makers, and they work with many others with a wide array of expertise to address issues affecting the decision, from wildlife biology to visual effects. Mitigation stated in the EIS includes work with Forest Service landscape architects on issues of particular visual importance, such as the design of trailheads. The public involvement for this project has been extensive and is discussed in Chapter 5. Chapter 5 has been augmented to include results of comment on the Draft SEIS. As the project moves forward into design there will be additional refinements and opportunities for input to shape the final design and aesthetics.

**Comment 1215:** The purpose of the project includes reducing congestion, improving safety, and bringing the roadway up to current design standards, all while recognizing the importance of the Kenai River watershed. While it may be desirable to place any new highway segment away from the Kenai River, it is not possible to do so throughout the project length. Both topography and land management (KNWR/Wilderness) constrain the highway location in the western portion of the project area. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai

River and each of the alternatives routes varying lengths of highway out of and away from the community of Cooper Landing. DOT&PF and FHWA have considered the effects on the community and the river in identifying the alternative with the least overall harm.

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### **Communication ID: 1007**

*As the owners of property on Kenai lake in Coppers Landing we support either of the upper routes that by-pass Copper up the hill. (Comment 1216) The old Hwy. should be well marked as a business route. (Comment 1217)*

Thank you,

Coleman Anderson

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**Comment 1216:** Thank you for your comment.

**Comment 1217:** As stated in Chapter 3.5, Economic Environment, for each of the build alternatives, DOT&PF would add signs to direct drivers to Cooper Landing and its services. As well, DOT&PF has developed highway sign programs to address the types of directional signs that may be placed in the right-of-way, signs benefiting the public and local businesses and attractions. These permit both brown Recreation and Cultural Interest Area signs (for park, historic, and recreation areas) and blue Tourist-Oriented Directional Signs (usually for businesses) that can be erected for a fee. The exact signage information and placement is determined during the next phase of the project's development (final design).

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### **Communication ID: 1008**

Thank you for allowing me to share my opinion on the proposed alternatives regarding the Sterling Highway improvements in Cooper Landing.

*My choice would be to select the Juneau Creek Alternative. I think it would definitely provide the safest choice to improve this stretch of road. A "bypass" type alternative, such as Juneau Creek would improve traveling through CL, and the town would still be able to provide services and convenient access to recreation via the "old" road for those who need it. The reduction in traffic would improve safety in the town.*

*Juneau Creek Alternative would also be the most protective of the critical lakeside/river head environment, keeping the majority of traffic and its associated dangers and pollutants away from the lake. Finally, It would have the least negative impact on private property owners in Cooper Landing. (Comment 1218)*

*I am a frequent and avid user of the Resurrection Pass Trail, and I do have concerns about the new highway sullyng this beautiful trail, but I believe the trail could easily be altered to pass below the Juneau Creek bridge, and the trail would be minimally affected. (Comment 1219)*

*I am staunchly opposed to the Cooper Creek Alternative, as it would have deleterious effects on town safety, environmental impacts, and encroachment (noise and otherwise) on private homeowners. (Comment 1220)*

Thank you again for considering my comments.

John Anderson

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**Comment 1218:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1219:** The proposal under the two Juneau Creek alternatives would place the highway bridge over the Resurrection Pass Trail with plenty of headroom for trail users (and for moose and other wildlife). The trail alignment would not be altered, and the trail itself would be minimally affected. Chapter 4 of the EIS discloses impacts to the trail experience, both visually and in terms of use, of placing the bridge over the trail.

**Comment 1220:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 1009**

*The Juneau Creek alternative seems to make the most sense for multiple reasons. Safety, cost, environmental protection, and convenience are a few of the reasons I support this option. (Comment 1221)*

*Cooper creek would be the worst option. It would be very costly, impinge on local property owners, and would have environmental concerns because of the close proximity to the lake and river. (Comment 1222)*

Kevin Anderson

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**Comment 1221:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1222:** Thank you for your comment. It is helpful to see the reasoning behind the concerns expressed.

## Communication ID: 1010

To whom it may concern:

*I am writing to \*comment against the Cooper Creek Alternative. \* (Comment 1229)*

*My family, along with 3 other families have owned the 19 acre property at mile 48.5 of the sterling highway for over 40 years. It is by far my favorite place on earth. Our family has had three marriage proposals here and family member named Cooper. It's easy to see how much this place means to us.*

*My parents attended the open forum for the project in Anchorage and learned the project planners were not aware we have a cabin on our property that is directly in the path of the Cooper Creek Alt. Please adjust your statistics on how many buildings will be destroyed if this alternative is chosen. (Comment 1223)*

*I also must take issue with the information you provided about "Wildlife Areas of Predicted Use". We have witnessed many Moose, Black bear and Brown bear on our family property over the years as well as abundant sign of their presence. It seems as though the south side of the highway has been over looked as important wildlife habitat. (My family also had a mining claim on Cooper creek for many years. We witnessed many moose and bears over the years in this area. (Comment 1224) While spending time in Cooper Creek valley we also came to realize \*Cooper Creek is an important spawning tributary for resident Dolly Varden\*. We'd regularly see Cooper Creeks deep pools full of mature Dollies each fall on our way to the claim. A bridge over Cooper Creek would have a detrimental effect on the Kenai River Dolly Varden population. (Comment 1226)*

*\*The Cooper Creek Alternative has an important safety issue\* that may have been over looked. This proposed section of highway is in the shadow of Cecil Rhode mountain from November through January. The sun plays an important role in clearing snow and ice from Alaska highways in the winter. With no direct sunlight for 3 months a year this section of highway will surely be more slick and hazardous than the sections of highway proposed on the north side of the valley. (Comment 1227)*

*I urge you to re-examine how important this land is to the area wildlife, to the people who live here full time and those of use who rely on it as a weekend escape. (Comment 1228)*

Sincerely,

Travis Derks  
travisderks@gmail.com

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**Comment 1223:** FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Upon review of the data provided by the comment and the project's records (based on Borough data and aerial photographs), it does not appear that the Cooper Creek Alternative would affect the structure in question. The upper half of the lot would be purchased as part of the Cooper Creek Alternative. Should

private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. FHWA and DOT&PF have weighed the effects on private property in identifying a preferred alternative.

**Comment 1224:** Thank you for your comment. The information presented in Map 3.22-1 was developed during project consultations among biologists at ADF&G, USFWS, and the Forest Service. Just because the wildlife managers identified the area north of the highway as having greater importance to wildlife, does not mean that wildlife do not use or would not be encountered south of the existing highway. A new highway in areas identified by agency biologists is considered to have a greater effect on wildlife populations and habitat than reconstructed sections of highway or new segments of highway on the south side of the Kenai River and south of Cooper Landing. The EIS text and maps are not intended to suggest that wildlife is not present on the south side of the highway.

**Comment 1226:** Thank you for your comment. The EIS documents that resident and anadromous populations of Dolly Varden occur throughout the Kenai River drainage. Freshwater-resident Dolly Varden migrate seasonally between lake and riverine habitats. Dolly Varden spawn between late September and October, and spawning aggregates have been identified in Cooper Creek (as well as other tributaries). See Section 3.21.1.1. It may be confusing that the summary description of Cooper Creek under 3.21.1.2 (Essential Fish Habitat; EFH) does not include data regarding Dolly Varden. That is because the species is not included in a Federal Fishery Management Plan, and therefore is not considered in the evaluation of EFH.

A bridge over Cooper Creek with no in-water piers should have minimal impact on fish or fish habitat. DOT&PF would use best management practices to avoid and minimize stream and riparian area impacts during construction. Any crossing of fish streams in Alaska are required to be designed to pass resident and anadromous populations. While more discussion may focus on salmon species, Dolly Varden are considered in all such designs.

**Comment 1227:** DOT&PF and FHWA conducted a specific shadow analysis to determine the length and percentage of roadway in shadow for each alternative. This analysis is available for review online at <http://sterlinghighway.net/>. DOT&PF and FHWA recognize and have disclosed the shade impacts described by the comment in Section 3.6 Transportation. The Cooper Creek Alternative would be in shadow more than the Juneau Creek and G South alternatives.

**Comment 1228:** DOT&PF and FHWA have reviewed the Draft SEIS text for updates in the Final EIS based on all of the comment received. DOT&PF and FHWA recognize and have disclosed the impacts to the characterization of community and wildlife use and have weighed these effects in selecting the preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 1229:** See Comment Group #39

## Communication ID: 1011

To: Alaska Department of Transportation and Public Facilities (DOT&PF)  
Federal Highway Administration (FHWA)  
From: George Matz

Re: Sterling Highway Milepost 45 to 60 Project.

*I have briefly reviewed Draft Supplemental Environmental Impact Statement (SEIS) for the Sterling Highway Project and find it unacceptably flawed and biased. (Comment 1234) I think this is a high-risk project in terms of not just highway safety, but affordability. It also will have unacceptably high impact on valuable fish, wildlife, and outdoor recreation with no apparent compensation. We can't afford any of this, particularly in these times of fiscal uncertainty, especially when the safety of the status quo can be improved with modest expenditure and little impact on other resources. (Comment 1236)*

*I have followed this project for years and have been amazed at how persistent DOT&PF has been in trying to justify this expensive megaproject while ignoring alternatives that are more practical, less costly, and less destructive to fish, wildlife, and the quality of outdoor recreation. Although DOT&PF seems more than willing to spend a considerable amount of money on a Cooper Landing Bypass, they seem reluctant to address area problems that really do need a bypass; examples on the Kenai Peninsula include the eroding bluff just north of Anchor Point and a bridge over the Kenai River at the Fred Meyer's stoplight with a connection to the Funny River Road that would avoid Soldotna's stop-and-go traffic (which is a lot worse than Cooper Landing traffic). (Comment 1245)*

*The root of the problem seems to be in DOT&PF's biased decision-making process. It consistently caters to drivers who want faster highway speeds. DOT&PF claims that a Cooper Landing Bypass will result in faster and safer travel times. But what they don't clearly point out is that their alternatives actually result in longer travel distances (losing the benefit of more speed) and greater exposure to inclement, unsafe weather. (Comment 1425) A Cooper Landing Bypass will climb to an elevation that is higher than Turnagain Pass. I personally think the driving conditions on Turnagain Pass are a lot riskier than driving through Cooper landing. In the winter Turnagain Pass has more snow and ice because of elevation and long, steep, slippery slopes. In the summer it has an abundance of reckless drivers who travel at high speeds and often with dangerous passing. Although the driving conditions for a Cooper Landing Bypass would be more like Turnagain Pass, the SEIS doesn't make this comparison. Unless the highway safety of MP 45-60 of the Sterling Highway is compared to roads that are essentially comparable to what a bypass would amount to when built (e.g. Turnagain Pass), DOT&PF can't legitimately state that highway safety will be improved by this project. This is a critical flaw in the SEIS. (Comment 1247)*

*Although the SEIS provides detailed analysis of fish and wildlife populations, habitat, and threats related to the highway as well as the noise, visual impact, and other factors related to outdoor recreation, none of this is given any importance when it comes to increasing highway speeds. While*

*there might be effort to reduce impacts, it obviously won't be at the expense of the projects purpose. All this information certainly helps in terms of having a SEIS that is "adequate and complete" and therefore not as subject to legal challenge, but it does little to ensure that these resources and their opportunities won't be subject to significant loss. (Comment 1252) Furthermore, while the SEIS makes clear that there will be substantial impact to these resources, there doesn't appear to be any suggestion as to how these impacts that will be mitigated, an example being the purchase of other undeveloped land that is threatened with development. Given the high value of the fish, wildlife, and outdoor recreation in the Cooper Landing area, I would suspect that the bill for this mitigation could be substantial and perhaps be a threat to project funding. (Comment 1254)*

*The SEIS has considerable deficiencies in objectively describing what Cooper Landing will look like before and after any of the alternatives presented. (Comment 1424) But it's biggest failing is that it doesn't even consider a 4R approach that would not only improve the existing road, but eliminate some of the hazards that do exist, like the curve past Gwin's. That curve accounts for a lot of the accidents that happen in the MP 45-60 stretch of the Sterling Highway. If DOT&PF weren't so fixated on trying to get a megaproject, they could have fixed this problem area for probably less than what has been spent on useless, misguided studies. (Comment 1250)*

*In conclusion, the SEIS should not be approved until it has;*

- 1. A legitimate 4R alternative.*
- 2. An apple-to-apples comparison for highway safety that compares the status quo to each alternative based on legitimate examples (e.g. Turnagain Pass).*
- 3. An accounting as to how losses to fish, wildlife, and outdoor recreation will be mitigated and/or compensated for. (Comment 1249)*

Thank you for this opportunity to express my views.

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**Comment 1234:** DOT&PF and FHWA dispute the assertion that the EIS is flawed or biased. DOT&PF and FHWA conducted a comprehensive project development and EIS process. Public and agency outreach, input, and comment was conducted to identify and review the purpose and need, the range of alternatives, the screening of alternatives, the development and refinement of alternatives studied in detail, in understanding impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. Outreach and input is summarized in Chapter 5. The EIS was prepared by numerous professionals with specialized credentials. Drafts of the EIS have been reviewed by agencies to refine the analysis and mitigate for potential impacts. That entire process and documentation was published on the project web site and in the Draft SEIS. Public and Agency comments were taken on the material and modification and corrections made to present an unbiased, complete documentation fully disclosing the effects of the reasonable alternatives. The text has been augmented based on public and agency comments, and these changes strengthen the Final EIS.

**Comment 1236:** As part of the Final EIS, DOT&PF and FHWA have prepared a financial plan to fully consider the cost and funding plan of the preferred alternative. DOT&PF and FHWA confirmed the financial feasibility of proceeding with the project. The State of Alaska is eligible for federal-aid highway funds, and it is likely the State would continue to provide the modest State match in order to

receive the federal funds. The EIS discloses that any project draws from a limited set of funds and that funding available is never enough to cover all identified projects, and that therefore a decision to construct this project means funding would not be available for other transportation projects. Chapter 2, especially Sections 2.5.1 and 2.5.3, describe why the status quo or improvement of the existing alignment in the MP 48-51 area is not reasonable and feasible as an alternative.

**Comment 1245:** DOT&PF and FHWA evaluated a full range of alternatives in the EIS ranging from doing nothing, to making minor (3R) improvements to the existing alignment, to partial and full bypasses of Cooper Landing. Through a rigorous evaluation and screening process, alternatives that did not solve the identified transportation problems determined to not be reasonable, and were eliminated from full analysis. Chapter 2 summarizes the alternatives development and screening process.

DOT&PF uses a comprehensive nomination and evaluation process to identify and prioritize transportation improvements across the State. Statewide Transportation Improvement Program (STIP) process is described on the DOT&PF web site at: <http://www.dot.state.ak.us/stwdplng/cip/stip/>. The STIP process includes substantive public input on project needs, evaluation by engineers as to costs and feasibility, and review and approval by elected officials and FHWA. The MP 45-60 project has been identified as an important project for decades. Its location in a constricted valley that is also important for fish and fishing, trail recreation, tourism, wildlife habitat, cultural resources, federal Wilderness, and community interests has made the process stretch over many years.

**Comment 1247:** DOT&PF and FHWA have added additional analysis based on the comment. Under discussion of Geology and Topography, in Section 3.12.2, text now consistently discloses the highest elevation of each alternative, and it discusses grades and likely road conditions associated with elevation, including mention of Turnagain Pass and the divide at Summit Creek. It should be noted that Turnagain Pass is known for extraordinary snow accumulation, and the western portion of the Kenai Mountains in the project area typically receives less snow.

Despite the elevation, designing the highway to meet current standards for safety and efficiency will improve safety compared to the narrow, winding existing highway which has little to no shoulders or clear zones. The issues of elevation, weather conditions, and safety, among many others, were considered in identifying the preferred alternative.

**Comment 1249:** The EIS addresses each of the three points raised in this comment:

(1) The EIS evaluated a range of alternatives including both 3R and 4R alternatives that stay on the existing alignment. These alternatives included the 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. In short, DOT&PF and FHWA have reexamined the purpose of the project and determined that any alternative attempting to stay wholly on the existing alignment would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

(2) DOT&PF did consider safety of similar facilities as the propose alternatives. Analysis in Appendix A (Section 3) evaluates the crash rate of MP 37-45 and compares it against existing crash rates in the project area. MP 37-45 is the segment of highway just east of the project area that has been rebuilt to similar standards and speeds as those proposed. After being rebuilt, it has a crash rate of 1.15 crashes

per million vehicle miles. This is almost 50% less than the average crash rate for the 45-60 project area (1.72) and is more than four times lower than the highest crash rate segment in the project area (5.35). The Final EIS has been augmented to address point #2 by making a comparison to Turnagain Pass in discussion of Geology and Topography,

(3) DOT&PF and FHWA have provided a full disclosure of the impacts to fish, wildlife, and recreation and have proposed mitigation lessen or compensate for the impacts. See in particular Sections 3.21, 3.22, 3.8 and Chapter 4 (respectively). Mitigation is addressed throughout the EIS under a "Mitigation" subheading in each section. In many instances, mitigation has been augmented in the Final EIS in response to comments and concerns.

**Comment 1250:** See Group Comment #56

**Comment 1252:** DOT&PF and FHWA recognize and have disclosed the impacts described by the comment and have considered those impacts in identifying a preferred alternative. Because each of the alternatives affects property protected under Section 4(f), FHWA must select the alternative with the least overall harm. That evaluation considers 7 different factors including purpose and need and the ability to mitigate impacts. The project includes all possible planning to minimize impacts as described in the mitigation proposed throughout the document.

The purpose of this project is to reduce congestion, improve safety, and meet current design standards (that, in turn, improve safety and traffic flow), not to increase traffic speed per se. The design speed would be 60 mph, with the posted speed expected to be 55 mph, somewhat lower than most segments of the Seward Highway through the Kenai Mountains.

All the issues raised in this comment were considered in identification of the preferred alternative. Impacts to wildlife populations and habitat, impacts associated with noise and visual impact, and impacts to outdoor recreation all figured prominently in identifying a preferred alternative.

**Comment 1254:** The assertion that "there does not appear to be any suggestion as to how these impacts will be mitigated" is untrue. There are numerous mitigation measures proposed throughout the EIS. The EIS includes a subheading "Mitigation" where proposed mitigation is described in Chapters 3.1 through 3.27 and under the subheading "Measures to Minimize Harm" in Chapter 4. Anticipated mitigation measures are accounted for in the cost estimates for both design and construction using contingency factors. In general, DOT&PF and FHWA are committed to mitigating impacts wherever possible as a prudent expenditure of public funds and have no reason to believe that the cost of mitigation measures would threaten the viability of the project. The State of Alaska is scrutinizing all project costs, and a financial plan has been developed in the Final EIS as required by FHWA regulations.

Regarding the example given of purchasing undeveloped land that is threatened with development: this is a common practice in mitigating for impacts, where the applicant provides money to a nonprofit organization like the Great Land Trust, to purchase other threatened properties or conservation easements to protect similar resources as those being impacted by the project. The Corps of Engineers uses a similar approach to allow the applicant to compensate for wetlands impacted by the project through in-lieu fees. Additional details on mitigation for wildlife has been added to the Final EIS, based on modeling of wildlife movement. Costs of wildlife mitigation are included in the Final EIS. Additionally, more details on proposed mitigation for wetlands have been included (See the 404(b)(1) analysis).

**Comment 1424:** DOT&PF and FHWA recognize and have disclosed the community impacts described by the comment. The EIS describes what Cooper Landing will look like before and after any of the alternatives in the affected environment and consequences sections, respectively; see in particular chapters 3.1 Land Ownership, 3.3 Social Environment, 3.4 Housing and Relocation, and 3.5 Economic Environment. Moreover, DOT&PF and FHWA rigorously evaluated visual effects and fully disclosed impacts. Section 3.16 addresses visual impacts. Visual impacts are also the subject of a specific technical report prepared for the project. This documentation was objectively prepared to meet FHWA and cooperating agency evaluation requirements and contains before and after visualizations of the project area from key view points.

**Comment 1425:** DOT&PF and FHWA conducted a comprehensive and unbiased project development and EIS process. Public and agency outreach, input, and comment was conducted to identify and review the purpose and need, the range of alternatives, the screening of alternatives, the development and refinement of alternatives studied in detail, to understand impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. Outreach and input is summarized in Chapter 5. The EIS was prepared by numerous professionals with specialized credentials. Drafts of the EIS have been reviewed by agencies to refine the analysis and mitigate for potential impacts. That entire process and documentation was published on the project web site and in the Draft SEIS. Public and Agency comments were taken on the material and modification and corrections made to present an unbiased, complete documentation fully disclosing the effects of the reasonable alternatives.

The purpose of this project is to reduce congestion, improve safety, and meet current design standards (which, in turn, improve safety and traffic flow), not to increase travel speed per se. In setting the design speed, a key consideration is the function that this highway is intended to serve. As described in Chapter 1, the Sterling Highway is part of the National Highway system, and providing a highway facility that serves regional and Statewide trips places an emphasis on mobility. Transportation engineering indicates that a consistent driving experience enhances safety, which means consistency within the project area and consistency with other portions of the Sterling and Seward highways. Setting a design speed that is consistent with the adjoining highway segments establishes consistent design factors, which contributes to overall safety. Therefore, the design speed has been selected to be 60 mph, with the posted speed expected to be 55 mph. The Final EIS has been modified to provide further information. In Section 2.6, the exact length of each alternative has been added (about 0.6-0.7 mile longer than the existing alignment in the project area).

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## **Communication ID: 1012**

*Please select the Juneau Creek option that gets the highway the furthest from the water. (Comment 1260) The highway right now is too close to the water and in the future this highway will continue to handle a growing amount of traffic and the likelihood that something bad will happen to the water just increases with every passing year. The current highway route puts too many trucks carrying who-knows-what too close to the lake and river. I've seen some trucks doing 50-70 mph heading right for the sharp turn at the bridge and barely make the turn. A few years ago, one didn't - fortunately he was*

*carrying soda pop and not gasoline or some other hazardous chemical. We need to get that highway further from the water. The economy of most of the peninsula is dependent on the Kenai River and we need to protect it as much as we can. Other states seem to be taking these steps to protect their natural treasures and so should Alaska. Move the highway away from the water! (Comment 1259) Thanks*

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**Comment 1259:** See Group Comment #54

**Comment 1260:** See Comment Group #38

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### **Communication ID: 1013**

*I like the passing lanes with shoulders. How about a divided highway? (Comment 1262) Sent from Samsung tablet*

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**Comment 1262:** Thank you for your comment. The decision to go to a fully divided highway is based on a number of factors including amount of traffic, accident history, congestion levels, costs, feasibility, and impacts. A divided highway would cost substantially more and would have a much larger project footprint on the land, creating more impacts than a two-lane highway with frequent passing lanes as currently proposed. As stated in the EIS at the end of Section 1.2.2.1, the level of service could be increased by such measures as a divided four-lane highway, but DOT&PF has determined that the traffic level projected for the project area and the seasonally lower traffic levels in winter do not justify the greater impact or financial investment of a divided highway at this time, and such a highway would not be consistent with the rest of the Sterling and Seward highway system.

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### **Communication ID: 1014**

Thank you for the opportunity to gather information on the Sterling Highway project and comment here. *After reviewing all of the options I would like to most strongly object to the Cooper Creek option - it seems to impact the most private property as well as be one of the most expensive options. (Comment 1263)*

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**Comment 1263:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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## **Communication ID: 1015**

attached file

ATTACHMENT TEXT FOLLOWS:

RE: Sterling Highway Road Project

COMMENTS AGAINST – Specifically the Cooper Creek Alternative

*Our family, along with 3 other families, co-own the 19 acres at milepost 48.5 of the Sterling Highway in Cooper Landing. We have owned the property since the mid 1970's and our family and one other owner carried all the materials up the ¼ plus mile trail uphill to build the cabin without the aid of any power except hand power! It was and continues to be a very special place for family gatherings for over 40 years. Additionally, it is the ONLY "getaway" any of our families have in Alaska. The Cooper Creek Alternative would impact approximately 80 people in the four families that own the property. As the plan calls for cutting through the middle of the property it would render well more than half of the land as inaccessible and unusable. (Comment 1273)*

*Cecil Rhode Mountain, which sits directly behind our property, has been a real success story for the protection and growth of the mountain goats that were placed there in the 1980's/1990's. We believe that the activity of clearing, construction and use of the Cooper Creek Alternative that near the mountain would have a very negative impact on the wildlife that have flourished in that environment, up to this point – and all the other wildlife that we feel so fortunate to view from our cabin. (Comment 1274)*

*It is our sincere hope that one of the other alternatives be chosen (such as G South). (Comment 1275)*

Thank you for the opportunity to respond.

Jim and Leanne Derks  
Anchorage, AK 99502  
Email: [akderks@gci.net](mailto:akderks@gci.net)

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**Comment 1273:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Impacts to private property, among many other issues, were important considerations in identification of the preferred alternative.

**Comment 1274:** DOT&PF and FHWA recognize and have disclosed anticipated impacts to mountain goats described by the comment. Presence of mountain goats on Cecil Rhode Mountain is listed in the Wildlife discussion (Chapter 3.22). The construction footprint of Cooper Creek Alternative would

remain below the 1000-foot elevation area. Therefore it is not anticipated that road construction and use would directly impact important mountain goat habitat in that area. More details can be found in Section 3.22.

**Comment 1275:** Thank you for your comment.

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## **Communication ID: 1016**

*I am strongly against this project. (Comment 1277) I have three points to make, and I hope my comments will be considered.*

*First, the Cooper Landing area is one of the most beautiful places in Alaska, and it does not need another road running through it. This project will take a gorgeous, pristine area and create an interstate system only to accommodate tourists for three months a year. The current road is a scenic highway and should be enjoyed at a slow rate of speed. Part of coming to the Kenai Peninsula is having to navigate Cooper Landing and this takes time, plan accordingly. Adding more roads and disrupting the beautiful environment and fragile ecosystem is unnecessary and a bad idea. (Comment 1278)*

*Second, I understand there are safety concerns about the existing road. You can fix the majority of the safety concerns if you have people SLOW DOWN when they are driving. (Comment 1284) Additionally, enforce the slower speed limit! This would limit vehicle accidents and help to prevent vehicle-animal collisions. I am so tired of seeing dead moose on the side of the road from people driving too fast to stop. SLOW DOWN! The bypass will only create more roads for animals to navigate and allow people to travel through the area faster. A bear could have to cross 4 lanes of traffic so it can feed on salmon. Does this make any sense? (Comment 1285)*

*Third, consider the cost of this project. This is not an essential bypass. Let's not continue to spend money unwisely. It would be a fraction of the cost to have law enforcement enforcing the lowered speed limit. Spend money installing lights on the sides of the roads to help visibility. These are reasonable solutions to increase safety. (Comment 1288)*

*Don't ruin the Kenai Peninsula for future generations. We live here to enjoy the peace and beauty of this great state and a bypass is the last thing we need. If you can't slow down and enjoy Cooper Landing then maybe you shouldn't be coming to the Peninsula. (Comment 1289)*

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**Comment 1277:** Thank you for your comment.

**Comment 1278:** Thank you for your comment. DOT&PF and FHWA have identified transportation needs in the project area and understand the importance of the natural beauty and ecosystem in the project area. Project design and proposed mitigation measures are intended to minimize impacts. Impacts would occur, as would transportation benefits.

DOT&PF and FHWA rigorously evaluated visual effects and fully disclosed impacts. Section 3.16 addresses visual impacts. Visual impacts are also the subject of a specific technical report prepared for

the project. Lower speed limits might help improve safety but it would not solve the problems identified in the project area (Chapter 1). Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue, as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. As stated in Chapter 1, the current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 1284:** Stepped-up enforcement and lower speed limits might help improve safety but it would not solve the problems identified in the project area (Chapter 1). Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue, as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. As stated in Chapter 1, the current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 1285:** The responsibility of DOT&PF and FHWA is to provide safe and efficient transportation infrastructure. In Alaska, the Department of Public Safety has primary responsibility for enforcement on roads once they are built. Additional enforcement might address safety issues but would not address the stated needs of bringing the highway up to current standards or reducing congestion, and it is not clear there is funding for stepped-up enforcement dedicated to the Cooper Landing area.

The EIS does consider the impact of additional or wider roads on wildlife. A wildlife movement study examined and modeled where certain species of animals seek to cross to enable effective mitigation to be designed into any new highway alternative. Additional site distance and clear zones should enhance driver visibility to reduce wildlife-vehicle collisions, although higher speeds may make safe crossings more difficult. Please see Section 3.22 and 3.27 for additional discussion of wildlife impacts and mitigation.

**Comment 1288:** Thank you for your comment. FHWA and DOT&PF have weighed the cost of the project relative to the impacts in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose and needs for the project and justifies the expenditure of funds. Note that Federal Highway Administration funds cannot be transferred for use in enforcement.

Stepped-up enforcement and even lower speed limits might help improve safety, but it would not solve all the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 1289:** Thank you for your comment. It is useful to hear the reasons behind your concern.

## **Communication ID: 1017**

Dear DOT&PF:

Please find attached my comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45 to 60 Project.

Thank you.

Joel Cooper

### ATTACHMENT TEXT FOLLOWS:

Joel Cooper  
PO Box 3585  
Homer, AK 99603

May 26, 2015

Sterling Highway MP 45-60 Project  
DOT&PF Central Region  
PO Box 196900  
Anchorage, Alaska 99519-6900

RE: Comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45 to 60 Project

Dear DOT&PF:

I would like to comment on the Draft Supplemental Environmental Impact Statement (ADEIS) for the Sterling Highway Mile Post 45 to 60 Project.

I think the present DSEIS is incomplete and inadequate and should be scrapped for the following reasons:

- *It fails to provide a reasonable range of alternatives. (Comment 1438)*
- *It lacks adequate analysis of impacts to wildlife, wetlands, recreation and scenic values. (Comment 1439)*
- *The least harmful alternative is not identified.*
- *No preferred Alternative is named. (Comment 1440)*
- *I think ADOT&PF and the Federal Highway Administration should conduct a new project review to:*
- *Add an alternative that improves the present road alignment.*

- *Complete a comprehensive analysis of all potential impacts from build alternatives.*
- *Identify the least harmful alternative and a preferred alternative.*
- *Draft a new SEIS and provide a new 90 day public review period. (Comment 1445)*

Thank you.

Sincerely,

Joel Cooper

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**Comment 1438:** DOT&PF and FHWA dispute the assertion that the Draft SEIS was incomplete or inadequate. DOT&PF and FHWA conducted a comprehensive project development and EIS process to identify the range of alternatives, screen the alternatives, and develop and refine the alternatives studied in detail. The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: The 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both. The Final EIS has additional information on further attempts to create a reasonable alternative that stays on the existing alignment based on comments on the Draft SEIS.

**Comment 1439:** DOT&PF and FHWA dispute the assertion that the Draft SEIS was incomplete or inadequate. The comment provides little to no information about what is believed to be missing. DOT&PF and FHWA rigorously evaluated and disclosed impacts to the topics mentioned. Section 3.22 addresses wildlife impacts, Section 3.20 addresses wetland impacts, Section 3.8 and Chapter 4 address recreation impacts, and Section 3.16 addresses visual impacts. Each of these topics are also subjects of specific technical reports prepared for the project by experts in their respective fields and are available on the project web site. These chapters and supporting reports were prepared to meet FHWA and cooperating agency evaluation requirements.

**Comment 1440:** FHWA is required to identify a preferred alternative in the Draft EIS, if they have one. For this project neither DOT&PF nor FHWA had a preferred alternative at the time of the draft. In fact, FHWA and DOT&PF desired to have input on the draft SEIS and draft Section 4(f) Evaluation to allow them to fully understand the impacts and weigh that input in identifying the alternative with the least overall harm. The alternative with the least overall harm is the preferred alternative. Please see Chapter 4 for the detailed discussion of the least overall harm analysis process.

**Comment 1445:** DOT&PF and FHWA conducted a comprehensive project development and EIS process. Public and agency outreach, input, and comment was conducted to identify and review the

purpose and need, the range of alternatives (including alternatives that sought to improve the existing road alignment), the screening of alternatives, the development and refinement of alternatives studied in detail, in understanding impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. Outreach and input is summarized in Chapter 5. The EIS was prepared by numerous professionals with specialized credentials. Drafts of the EIS have been reviewed by agencies to refine the analysis and mitigate for potential impacts. That entire process and documentation was published on the project web site and in the Draft SEIS. Public and Agency comments were taken on the material and modification and corrections made to present an unbiased, complete documentation fully disclosing the effects of the reasonable alternatives. FHWA is only required to identify a preferred alternative during the draft EIS if they have one. For this project FHWA did not have a preferred alternative. FHWA presented a preliminary Least Overall Harm Analysis in the draft SEIS. The final analysis and decision has taken into account corrections and input on the draft and therefore making such a determination in the draft EIS would have been premature.

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## **Communication ID: 1018**

*My preference is the road is not built around Cooper Landing (i.e., no build alternative). The impacts to the environment and local landowners are great, and unnecessary. The cost of the project is massive relative to the modest or almost insignificant time savings for those driving from the Anchorage area to the Kenai Peninsula. The positive impacts of fixing and widening additional sections along Turnagain Arm are so much greater. (Comment 1299)*

*Should it be built, the Cooper Creek alternative is superior to the one that goes along Slaughter Ridge and over Juneau Creek. The impact of the latter is substantial, and all for trivial savings in time traveling. Going via Juneau Creek also has a much greater impact on those who live in Cooper Landing. Why harm a nice little community for so little benefit? (Comment 1301)*

*These comments probably don't make much of a difference – it seems the decision and the desire to build a mega road around Cooper Landing. (Comment 1302) I have to think that we as Alaskans have much more productive things to do and spend money on. (Comment 1303)*

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**Comment 1299:** See Comment Group #33

**Comment 1301:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. It is not clear how the commenter arrived at the conclusion that the Juneau Creek Alternative would have much greater impact on those who live in Cooper Landing than the Cooper Creek Alternative. The analysis in the EIS indicates that the Cooper Creek Alternative would have the greatest impact on the community (noise, traffic, community character and cohesion) and most acquisition of private property and homes.

**Comment 1302:** FHWA and DOT&PF consider every comment on this project seriously. FHWA and DOT&PF have weighed the effects to Cooper Landing in identifying a preferred alternative, and the analysis is detailed at the end of Chapter 4 and summarized in the Executive Summary.

**Comment 1303:** See Comment Group #28

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## **Communication ID: 1019**

*As a local I support either Juneau Crk. alternative. (Comment 1305)*

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**Comment 1305:** See Comment Group #37

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## **Communication ID: 1020**

### Introduction

Unfortunately it was not possible for me to attend any of the open house sessions you held last month, so I'll provide comments on the project below.

I've lived in Southcentral Alaska and regularly driven the Sterling Highway since 1969. Over most of those years I've hiked and skied extensively throughout the area around Cooper Landing, on and off trail. Since the early 1980's I've followed various iterations of the proposed project. Consequently I have a great deal of first hand experience regarding just about everything covered in the present DSEIS.

### Bottom line

Whenever I write comments to one of these things I like to move my bottom line to the top. After reading carefully through most of the document my sense is that the DSEIS is incomplete and insufficient to meet the requirements of the National Environmental Policy Act. One could spend a lot of time listing every flaw but these six inadequacies seem most relevant to me.

*Inappropriate "new alignments" design standard goal. (Comment 1308)*

*Failure to include a reasonable range of Alternatives. (Comment 1456)*

*Incomplete analysis of potential impacts to wildlife, wetlands, recreation, and scenic values. (Comment 1457)*

*Missing or inadequate proposed mitigation measures. (Comment 1458)*

*Failure to identify the least harmful Alternative.*

*Failure to identify a preferred Alternative. (Comment 1459)*

Given these omissions, the present DSEIS cannot provide members of the public or resource managers with the information needed to make informed decisions about how best to improve congestion and highway safety through Cooper Landing.

#### What to Do

*The way forward should be clear -- DOT&PF needs to conduct a new project review, correcting the above flaws, and publish a new DSEIS followed by a ninety day public comment period. (Comment 1309)*

#### *A Missing Reasonable Alternative*

*There is nothing wrong with driving at reduced speed through a very scenic area for 13.7 miles.*

*It is my understanding that the Alaska Preconstruction Manual for highway design standards provides two standards for highway upgrades: 1) new alignments and 2) rehabilitation within existing alignments. The engineering requirements and standards for rehabilitation within existing alignments are less rigorous than for new alignments. By adopting a goal to “Improve the highway to ‘rural principal arterial’ design standards” DOT&PF seems to have committed to applying the “new alignment standards” to the project. However, the Alaska design standards for “road rehabilitation projects within existing alignments” can be met between mileposts 45 and 60 and, I believe, would provide for safe, “current” highway upgrades. The DSEIS does not explain why DOT&PF considers those standards to be insufficient for this project.*

*I must assume that adopting this narrow goal is the reason for elimination of the 1994 3R Alternative. The 3R Alternative called for improvements to the roadway along the present alignment including a separated pedestrian/bike pathway, passing lanes, improved signage, rumble strips, flashing lights, and other common highway safety modifications. It seems to me that selecting any of the present build alternatives without considering some such reasonable alternative would be invalid under the legal requirements of NEPA. DOT&PF needs to add “road rehabilitation” Alternative with upgrades to the present alignment such as those included in the 1994 3R Alternative. (Comment 1310)*

#### Juneau Creek and Juneau Creek Variant Alternatives

*The Juneau Creek and Juneau Creek Variant Alternatives are unacceptable. They will result in the greatest, cumulative, negative impacts and provide the least possibilities for mitigation among the various Alternatives. (Comment 1313) Both would truncate the southern end of the Resurrection Pass Nation Recreation Trail by 3.4 miles. (Comment 1315) The road and bridge over Juneau Creek Canyon would badly degrade the Juneau Falls Recreation Area and introduce unacceptable noise levels to both Resurrection Pass Trail and Bean Creek Trail. (Comment 1316) Far from mitigating this, addition of a falls overlook, parking lot, and pedestrian walkway would exacerbate the disruption. The Forest Service suggestion for compensating for these harms by building more infrastructure at the Iditarod National Historic Trail near the Snow River is unsatisfactory because it provides no remediation at Juneau Falls. (Comment 1317)*

*Both Alternatives transect important wildlife habitat (Map 3.22-1). There will be extensive destruction of wetlands. While at least 26 mammal species are expected to be affected by the project, moose, black & brown bear, wolverine, and Dall sheep are among the most significant. For the most part the present road alignment lies well south of these important habitats, except for a 2.5 mile stretch along the*

*southern edge between MP 53 and 56. Construction of either the Juneau Creek or Juneau Creek Variant Alternative will destroy or degrade 2,600 to 2,800 acres of habitat. The road will serve as a barrier to established movement patterns and can be expected to significantly increase animal/vehicle collisions due to its location and higher traffic speed. There is nebulous mention of some type of wildlife crossing as a possible mitigation measure but no detail is provided. In addition, highway noise and activity may drive animals away, in some cases increasing interaction with humans in more populated areas. Brown bear/human interaction is already a source of consternation for some Cooper Landing residents. (Comment 1318)*

*Finally, the Juneau Creek Alternative would cross the Kenai National Wildlife Refuge Mystery Creek Wilderness Area just north of MP 55. This is completely unnecessary given the small amount of the present alignment it would abandon. (Comment 1319)*

#### **G South Alternative**

*The G South Alternative shares, to a lesser extent, many of the problems of two Juneau Creek Alternatives. While the route drops well south of Juneau Falls Recreation Area and rejoins the present alignment well shy of the Mystery Creek Wilderness Area, it would still intersect both Resurrection Pass and Bean Creek Trails and be high enough in elevation to introduce added noise and visual clutter well north and south of those intersections. (Comment 1320) It would still cut across much of the same critical wildlife habitat affecting 1,468 acres, much of it important movement corridors, in similar fashion. (Comment 1320) (Comment 1321) This alternative would have the greatest potential impact for the Kenai River because of construction of new bridge over it and two tributary creeks and extensive culvert replacement. (Comment 1320) (Comment 1322)*

#### **Cooper Creek Alternative**

*While the Cooper Creek Alternative has problems too it is by far the least destructive of the four “build” Alternatives. For one thing it is short. For another it stays away from the sensitive north side of the river. It would eliminate the least amount of vegetation and have the least affect on wildlife and its habitat. There would, however, be some negative impact, primarily for bear & moose. This alternative would also affect some recreation resources, among them the Cooper Landing Boat Launch & Day use Area, the Stetson Creek Trail, Cooper Lake Dam Road/Powerline Trail. It calls for construction of three bridges, extensive culvert replacement, and a fair amount of reworking of utility infrastructure. More historic properties would be adversely affected than with any of the other alternatives. Amendment of the Kenai Peninsula Borough Comprehensive Plan might be required to construct it. While the Cooper Creek Alternative could be a marginally acceptable build option, selecting it without having a viable “road rehabilitation” Alternative with upgrades to the present alignment would likely violate NEPA as well as the public trust. (Comment 1450)*

#### *Alternatives Fail to Solve Problems and Challenges*

*The four “build alternatives” follow present alignment between MP 45 and about 46.7. Unfortunately, this segment of the road appears to have most of the “problems and challenges” the project aims to eliminate -- steep mountain walls, narrow & curvy, driveways, etc. This is a short distance but, as the old saying goes, “A chain is only as strong as the weakest link.” In reality, between where the alternatives would rejoin the present alignment near MP 55, right on through to MP 58, there seem to*

*be some of the same limitations to achieving project objectives as well, not the least being proximity to the Kenai River. (Comment 1325)*

*Inadequate Noise Studies and Predictions*

*Efforts to monitor and predict impacts to the Resurrection Pass much beyond Juneau Falls is lacking. If a highway crosses Juneau Creek at the elevations proposed in three “build alternatives” people on the Resurrection Pass trail can expect to hear traffic noise all the way to the top of the Swan Lake Grade. From near the Bean Creek/Resurrection Pass Trail junction topography is perfect for funneling noise right up the trail. (Comment 1326)*

*No Measures to Mitigate Noise and Visual Impacts*

*The project area occupies a beautiful travel corridor, one that enjoys a relatively low level of noise considering the amount of development along the present roadbed. All build alternatives will result in impairment of the viewshed and significant increase in noise levels. There are, however, no practical mitigation measures available. (Comment 1327)*

*Preventing Development Along New Alignments Unlikely*

*Assurances by DOT&PF that, “Access to developable land adjacent to the bypass segments would need to be from the existing Sterling Highway only...” are unsupportable. DOT committed to preventing development along the Sterling Highway Homer Bypass when it was built (about 1978). Today the whole route is heavily developed. This is consistent with roadside development throughout the nation. Historical record will show that in all but a small percentage of very unusual cases roadside development is virtually unpreventable. (Comment 1328)*

*Unclear Presentation of Project Cost Sharing*

*It is difficult to determine how much these projects are likely to cost the state. Planning and administration are lumped in with construction, implying that they are included in the 90% federal match. Isn't the federal match 50% for planning and administration? Operation and maintenance costs are listed separately as they should be but there is no mention that the state is responsible for 100% of these costs. These are especially important considerations at present, with the Federal Highway Fund diminishing and the State of Alaska facing unprecedented deficits for the foreseeable future. (Comment 1329)*

I appreciate the opportunity to weigh in on this project again and look forward to seeing a complete and adequate version of the DSEIS some time in the future.

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**Comment 1308:** The correct classification to which the road will be designed is a "Rural Principal Arterial." The Interstate Highway System identifies the most important highways in the nation, and is reserved for those that serve national functions (see footnote in Section 1.1). In the lower 48 states there are specific design requirements for the Interstate Highway System (e.g. they have full control of access and are divided). Alaska has an exception to those Interstate design requirements. In Alaska, the Interstate Highway System is designed to Principal Arterial standards, and in the case of the Sterling Highway these are Rural Principal Arterial standards. Nonetheless, Alaska's highways that are designated as part of the Interstate Highway System, like the Sterling Highway through the project area, are the most critical in the State and have a recognized national significance.

**Comment 1309:** DOT&PF and FHWA dispute the assertion that the EIS or process were flawed. DOT&PF and FHWA conducted a comprehensive project development and EIS process. Public and agency outreach, input, and comment were conducted to identify and review the purpose and need, the range of alternatives, the screening of alternatives, the development and refinement of alternatives studied in detail, in understanding impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. Outreach and input is summarized in Chapter 5. The EIS was prepared by numerous professionals with specialized credentials. Drafts of the EIS have been reviewed by agencies to refine the analysis and mitigate for potential impacts. That entire process and documentation was published on the project web site and in the Draft SEIS. Public and Agency comments were taken on the material and modification and corrections made to present an unbiased, complete documentation fully disclosing the effects of the reasonable alternatives.

**Comment 1310:** See Group Comment #56

**Comment 1313:** Thank you for comment. It is helpful to see the reasoning behind the stated concerns. The impacts associated with the Juneau Creek alternatives, and particularly their impacts to the Resurrection Pass Trail (both alternatives) and Confluence Traditional Cultural Property (Variant), were considered in the least overall harm analysis process to identify the preferred alternative. The analysis of least overall harm appears at the end of Chapter 4.

**Comment 1315:** The EIS discloses that the two Juneau Creek alternatives would cross the southern end of the Resurrection Pass Trail at a point 3.4 miles from existing trailhead and describes the impacts of the change to the character and use of the trail. Substantial discussion is given to impacts to this trail near the crossing and along its full length, primarily in Section 4.8.2.3.

**Comment 1316:** DOT&PF and FHWA recognize and have disclosed the noise impacts to the Resurrection Pass Trail and Bean Creek Trail. The Juneau Creek Alternatives that route the highway across the Juneau Creek canyon (and over these trails) would introduce traffic noises to an area that does not currently include such human-induced noises. Please see Section 3.15.2.2 for a more detailed discussion of anticipated noise impacts associated with the build alternatives and Section 3.15.2.5 for a specific discussion of noise impacts associated with the Juneau Creek alternatives. See Section 4.5.4.2 and 4.5.4.3 for a detailed discussion of anticipated noise impacts on the Resurrection Pass and Bean Creek trails.

**Comment 1317:** Building the parking lot and Juneau Fall access amenities was suggested by the USFS as a means of accommodating the changes that would occur if either of the Juneau Creek alternatives were constructed. The EIS acknowledges that the falls area would change from a back-country to a front-country experience. The planned trail and trailhead parking improvements are not designed to reduce the loss of back-country experience, but are intended to enhance what will become a "front-country" experience within Chugach National Forest.

Funding a pedestrian bridge at the highway bridge crossings of Snow River supports the Forest Service's goal of establishing long distance recreational experience along the Iditarod Trail. The mitigation does not provide remediation at Juneau Falls, but rather helps to make a trail connection on one long-distance nationally important trail (the Iditarod Trail) to help mitigate the effect of the highway interrupting another long-distance nationally important trail (the Resurrection Pass Trail).

**Comment 1318:** Thank you for registering your concern and objections regarding the Juneau Creek alternatives. DOT&PF and FHWA recognize and have disclosed the impacts described by the comment. The adverse impacts to wildlife habitat were considered heavily in the least overall harm analysis used in process to identify a preferred alternative (see the end of Chapter 4 for a detailed discussion).

Any new segment of highway, like the existing highway, would be a barrier to wildlife movement. Highway alterations and additional roadway segments would impact habitat use and wildlife movement and behaviors. Section 3.22, Wildlife, provides substantial discussion of impacts. The Final EIS incorporates additional specific mitigation measures proposed. FHWA and DOT&PF are committed to continuing to refine wildlife mitigation as data continues to be collected.

**Comment 1319:** DOT&PF and FHWA have disclosed the impacts to the Mystery Creek Wilderness areas from the Juneau Creek Alternative. DOT&PF and FHWA stated in the Draft SEIS that they did not intend to identify the Juneau Creek Alternative as the preferred alternative as long as the land near MP 55 remained wildlife refuge and federally designated Wilderness land. In 2017, CIRI informed Department of Interior (DOI) of their desire and willingness to engage the DOI on a land exchange that would include the area of the Refuge that the Juneau Creek alignment crosses (enabled by the Russian River Land Act of 2002), and DOI subsequently informed the FHWA indicated it intends to execute the trade if the Juneau Creek Alternative is selected. This would effectively change the land status from designated federal Wilderness to private land. Based on this new information, FHWA now considers the trade to be reasonably foreseeable, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS

**Comment 1320:** The G South Alternative does not intersect the Resurrection Pass trail. It was specifically routed to avoid crossing the trail.

G South does intersect and reroute a portion of the Bean Creek Trail. The impacts are described in the EIS. Noise and visual resource impacts associated with the alternative are documented in Section 3.15 and 3.16. According to noise model forecasts, the G South Alternative would not change average traffic noise levels along the Resurrection Pass Trail, although it may be discernible at some locations and some points. Manmade intrusions on what is currently a natural viewscape is a visual change, but typically the vegetation cover blocks those views. There would be a large increase in traffic noise at the point where the G South Alternative intersects the Bean Creek Trail. As a way to mitigate effects a new trailhead is planned. Similar to other trailheads that initiate near roadways, recreational users of the Bean Creek Trail would experience traffic noises at the trailhead, which would decrease as the trail leads into vegetative cover and further away from the noise source. There are no planned facilities such as picnic areas or campground within this area where users would experience sustained noise over time. It is estimated that hikers would experience a noise level change exceeding 15 decibels (dBA) over the existing noise levels during peak traffic volumes until about 400 feet from the highway. While 15 dBA is a notable change, the forecasted noise level remains under the threshold of the noise abatement criteria.

G South does impact wildlife habitat important to bear, moose, and other mammals. These impacts are described in the EIS. Since brown bears may avoid habitat close to roadways, the additional area that would be effected was identified. That is not to say that the area no longer provides habitat, but its habitat quality would change. The amount of habitat potentially changed for any of the build

alternatives is proportional to the segment length of new roadway; thereby Cooper Creek is the least and the Juneau Creek alternatives are the most and G South is in between.

DOT&PF and FHWA have been consulting with the wildlife management agencies (USFWS, Forest Service, and Alaska Department of Fish and Game) to identify opportunities and appropriate options for mitigating the project impacts. A wildlife movement/mitigation study is underway to address impacts to habitat fragmentation. Additional wildlife mitigation information has been included in the Final EIS (See Section 3.22).

The G South Alternative does add a new bridge across the Kenai River and a new bridge across a tributary, as well as the greatest number of culvert and drainage crossings. That issue was heavily weighed in the consideration of resource impacts, which is documented in the Least Overall Harm Analysis discussion in Chapter 4. Impacts to water quality and water bodies and identified mitigation are discussed in Section 3.13 Water Quality and Water Bodies.

**Comment 1321:** DOT&PF and FHWA recognize and have disclosed the wildlife impacts described by the comment. G South does cut across wildlife habitat on the north side of the Kenai River that is considered an important area for brown bears and other wildlife species, as documented in Section 3.22.2. Mitigation measures for these impacts have been described in greater detail in the Final EIS.

**Comment 1322:** The G South Alternative does have the most documented total water body crossings and introduces a new bridge over the Kenai River. Impacts on water bodies and water quality are documented in Section 3.13.2. However, the G South Alternative shifts more roadway away from the Kenai River and its major tributaries than Cooper Creek and the No Build alternatives. Risks of having the roadway near the Kenai River are documented in Section 3.17.

**Comment 1325:** The portion of the project area from MP 45 to 46.7 would be fully upgraded to meet rural principal arterial standards. The same is true for any part of the four build alternatives where it would overlie the existing alignment--it would no longer have the problems and challenges inherent in that section of road today. Of note, the segment mentioned in the comment mischaracterizes the driveway issue. On this segment there are relatively few driveways (only two).

Note that the description of the alternatives in the comment is inaccurate. Not all of the alternatives connect near MP 55. The Cooper Creek Alternative would continue beyond MP 46.7 to MP 48 before departing the existing alignment. Both the Cooper Creek and G South alternatives would rejoin the existing alignment near MP 51.5. Regardless, the problems and challenges where the alternatives are in proximity to the river would be resolved by reconstructing the highway to flatten curves and widen lanes and shoulders.

While removing most of the through-traffic from close proximity to the Kenai River may be a benefit of the various alternatives and is a goal expressed in the purpose and need chapter, it is not the purpose of the project nor is it one of the needs. It is having a highway that does not meet modern standards in close proximity to the river that is the greatest concern. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. In segments where the highway remains along the river, upgrading it to modern standards would reduce the risk of collisions and accidents, thereby reducing the risk of chemical releases near the river.

**Comment 1326:** DOT&PF and FHWA recognize and have addressed noise impacts in the Draft SEIS. Section 3.15 addresses Noise impacts and Section 4.5 addresses impacts to Section 4(f) resources.

Noise was done to comply with DOT&PF noise policy and FHWA regulations and is also the subject of a specific technical report for the project. The Draft SEIS in Section 4.5.4.2, Resurrection Pass Trail describes that traffic noise effects would be likely well into the upper Juneau Creek valley.

**Comment 1327:** DOT&PF have disclosed the visual and noise impacts. Noise abatement for noise impacts was considered using DOT&PF and FHWA policies and guidance for feasibility and reasonableness. Noise barriers were considered but were determined to either not be feasible or not reasonable. It is untrue that no mitigation for visual impacts has been proposed. For visual impacts, mitigation measures included working with landscape architects on bridge design and designing for aesthetic value. The EIS identified that topography and vegetation would screen the new highway from many key view points, but new engineered cuts would be visible from high elevations (principally away from trails). These would be an incremental changes to the visual landscape, adding to the existing highway corridor and power transmission lines visible in the project area. DOT&PF is committed to careful design and revegetation of cut soils to reduce the effects.

**Comment 1328:** DOT&PF and FHWA have made a commitment in the EIS to reserve access rights on highway segments built on new alignment, and that commitment is a binding environmental commitment under NEPA. Specifically, DOT&PF and FHWA have committed to purchase access rights along those highway segments that would be built on new alignment and record the access limitation on official plats. Controlling access is commonly done in Alaska and throughout the nation. DOT&PF controls access on a number of its highways (e.g. Seward Highway, Glenn Highway, and Minnesota Drive in Anchorage). Change to an access plan committed to under NEPA would require an environmental document (or legislation by Congress). Commitments made in a federal agency's EIS can be undone by a future project, which would have to have its own NEPA documentation and its own mitigation commitments. However, that outcome is not generally expected and is not anticipated in this instance.

Section 3.27.7.3, under the Community Character heading, includes additional discussion to further clarify the reservation of access rights and expected 100-foot buffers outside the 300-foot highway right-of-way that would further prevent roadside development. Other minor clarifications have also been inserted in other subsections of Section 3.27.

**Comment 1329:** Project costs are presented in Section 3.5, Economic Environment, and costs are also discussed in Section 3.27, Cumulative Impacts. The federal match is the same for the current preliminary design and environmental phase as it is for the design and construction phases. State responsibility for the operation and maintenance costs has been added to Table 3.5-4 as part of a footnote. The table does not lump planning and administration with construction. "Project Development" is split out from "Direct Construction." Federal and state funds have been programmed for this project. Political considerations at both levels of government can alter the funding stream, but the EIS presents the best current information available. A Financial Plan has been created in preparation for the Final EIS that provides additional detail on funding from various sources.

**Comment 1450:** Thank you for your comments about the Cooper Creek Alternative. The EIS disclosed the impacts mentioned in this comment.

DOT&PF and FHWA have sought a viable alternative that would use the existing alignment throughout its length, including the 3R Alternative proposed in a 1994 Draft EIS, the Kenai River Walls Alternative that would fully meet standards, and a 3R variation examined in response to comments on

the Draft SEIS. Geotechnical engineering studies (documented in the 2013 "Existing Alignment Issues" report available on the project web site) consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involve cuts into this bluff. DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would not be feasible based on sound engineering judgment, or both. DOT&PF and FHWA have conducted many public meetings and prepared several studies and papers regarding issues in the MP 48-51 area in an effort to document and explain the decision to not carry forward an alternative in this area. Further documentation has been added to the Final EIS to discuss the evaluation of alternatives along the existing alignment, particularly in Section 2.5.1. DOT&PF and FHWA encourage a thorough reading of this portion of the EIS and of documents referenced there. Based on the hard look given to that stretch of road and the sharing and disclosure with the public DOT&PF and FHWA have met their responsibilities under NEPA and to the public trust.

**Comment 1456:** The EIS evaluated a range of alternatives, including making improvements on the existing highway alignment, taking a hard look at several concepts including: the 3R Alternative proposed in a 1994 Draft EIS; the Kenai River Walls Alternative that would fully meet standards; and a 3R variation examined in response to comments on the Draft SEIS. Geotechnical engineering studies since at least the 1980s, including studies done specifically for this project, are documented in the 2013 "Existing Alignment Issues" report available on the project web site. These studies consistently pointed to feasibility problems associated with cutting into the high bluffs in the MP 49-50.5 area. Engineers have not found a satisfactory way of establishing improvements to the road in this area. Even maintaining the current speed of 35 mph and trying to make improvements on the existing alignment, involves cuts into this bluff. In short, DOT&PF and FHWA have reexamined the stated purpose of the project and determined that any alternative in the 3-mile stretch MP 48-51 would not satisfy the project purpose and need or would be not feasible based on sound engineering judgment, or both. To address comments received on the Draft SEIS about alternatives using the existing alignment, additional text has been added to Section 2.5.1 of the Final EIS to describe both past and recent efforts to create a reasonable alternative that stays on the existing alignment.

**Comment 1457:** The comment provides little information about what is believed to be missing. DOT&PF and FHWA rigorously evaluated and disclosed impacts to the topics mentioned. Section 3.22 addresses wildlife impacts, Section 3.20 addresses wetland impacts, Section 3.8 and Chapter 4 address recreation impacts, and Section 3.16 addresses visual impacts. Each of these topics are also subjects of specific technical reports prepared for the project by experts in their respective fields and are available on the project web site. These chapters and supporting reports and were prepared to meet FHWA and cooperating agency evaluation requirements.

**Comment 1458:** Many mitigation measures are planned and are presented in Sections 3.1-3.27, typically under the heading "Mitigation" and in chapter 4 under the headings "Measures to Minimize Harm." Additional mitigation measures have been added to the Final EIS based on comments provided on the Draft SEIS.

**Comment 1459:** (A) The least overall harm analysis required by Section 4(f) of the US DOT Act published in the Draft SEIS and Final EIS addresses the identification of the alternative with the least overall harm. This analysis follows FHWA regulations to balance seven factors to determine which

alternative does the most good and has the least overall harm. FHWA typically does not identify the alternative with least overall harm in a Draft Section 4(f) Evaluation. Per FHWA policy (2012 Policy Paper p. 16), the draft can (and does, in this case) provide a preliminary comparison of alternatives relative to the seven factors. The final EIS must identify the alternative determined to have least overall harm, and the policy allows for final approval for use of Section 4(f) property in the NEPA ROD. As is required, the alternative with least overall harm has been identified in Section 4.8 and the Executive Summary in the Final EIS. Selection of the alternative with the least overall harm will occur in the ROD.

(B) FHWA is required to present a preferred alternative in the Draft EIS only if it has one. At the time of the Draft SEIS, neither DOT&PF nor FHWA had a preferred alternative. As is required, a preferred alternative has been identified in the Final EIS.

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### **Communication ID: 1021**

*The Juneau Creek, Juneau Creek Alternatives, G North Alternatives, and Russian River Alternatives are unacceptable because they would cross national forest and national wildlife refuge lands of significant national importance. The impacts would be devastating for the existing natural environment wrecking some of the most beautiful and heavily used areas in Southcentral Alaska such as the Resurrection Trail. (Comment 1338)*

*The requirement for a major new road is the product not just uncontrolled growth but growth that is encouraged by the state and borough. A bypass road will not necessarily relieve the pressure on the existing road because people will still use it for local access mostly having to do with Kenai River tourist-related activities. All the of problems that the SEIS described are ones that could have been avoided with some elementary foresight. (Comment 1339)*

*The few deaths and injuries, that may not necessarily be alleviated by the scenarios presented, and are not worth the huge capital cost of building what is essentially a bypass. My experience driving Alaska roads generally and that stretch of road particularly is that it is the drivers themselves who are the problem. More enforcement is a better option to building another road. \$300 million could buy a lot of enforcement and improvements of the existing corridor. We do not need to lose more wilderness to keep tourists from stewing in their own juices. The answer to everything is not to pave everything over not to mention the pervasive influence of the construction industry that would build roads to nowhere if it makes it money. (Comment 1340) .*

*I support the No Build Alternative restricting infrastructure improvement to the existing Sterling Highway corridor. (Comment 1341)*

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**Comment 1338:** Thank you for your comment. It is helpful to understand the reasoning behind the stated concerns. Note that the G North and Russian River Alternatives were not considered reasonable

and not carried forward for complete analysis in the EIS and will not be selected. Impacts to the Resurrection Pass Trail are discussed in detail in Chapter 4, Section 4.5.4.

**Comment 1339:** DOT&PF and FHWA recognize that there will continue to be traffic on the existing road. Each of the alternatives bypasses differing lengths of the existing highway. A special origin-destination study completed for the project anticipates that the new highway will draw 70% of the traffic off of the old highway. That means the existing road (where it has been bypassed) would provide less of a Statewide function and would be intended to serve more localized trips, characterized by slower speeds which are safer for accessing adjacent properties. Traffic analysis completed for the project shows that with the regional traffic removed, congestion on the old highway will be improved and will flow at an acceptable level.

**Comment 1340:** Vehicle crashes are often a result of unsafe speeds, which are not necessarily higher speeds, but speeds exceeding those for which the roadway is designed (due to curves, grade changes, or site distances) or the conditions (low visibility, wet or snowy conditions, etc.). By more closely designing for driver expectations on a national highway system route -- meaning consistent speeds, smoother curves, wider lanes, and fewer conflict points -- the risk of crashes will be reduced.

While stepped-up enforcement and even lower speed limits might help improve safety, it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety still would be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

FHWA and DOT&PF have weighed the cost of the project relative to the impacts in identifying a preferred alternative. The results of the evaluation have identified the alternative with the least overall harm. DOT&PF and FHWA believe Chapter 1 of the EIS adequately explains the purpose and needs for the project and justifies the expenditure of funds.

**Comment 1341:** See Comment Group #42

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## **Communication ID: 1022**

Please see attached letter

Thanks

ATTACHED TEXT FOLLOWS:

To Whom it may concern:

*This letter is AGAINST the Cooper Creek Alternative. (Comment 1342)*

*Our family has had property in Cooper Landing for over forty years. Your proposed Alternative plan would go right through our families 19 acres. This property has been jointly owned by the same 4 families for over forty years.*

*I remember in the early 70's as a young teen helping haul all the wood and supplies up to the "perfect spot" on which we built our cabin. It was a lot of hard work, but I wouldn't trade that experience or the countless memories over the years for anything! If the walls of the cabin could talk the stories would go on and on with nothing but good to tell!*

*My five siblings and I grew up spending time there and our children now enjoy it as well. So multiply that by the other 3 families and their children and friends and you've got lots of people over the years who've enjoyed this cabin!*

*The cabin still stands solid today and continues to be a place of peace, fond memories, beautiful scenery and home to countless wildlife that we have seen over the years. (Comment 1343)*

Thank you for taking the time to read this letter opposing the Cooper Creek Alternative.

Sincerely,

Teresa (Derks) Pearce  
[vic.teresa@gci.net](mailto:vic.teresa@gci.net)

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**Comment 1342:** See Comment Group #39

**Comment 1343:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. FHWA and DOT&PF have completed a detailed analysis of the right-of-way needs of the project and have weighed the effect on private property in identifying a preferred alternative. Should private property be required, private land owners and the Borough would be compensated at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Impacts to private property, among many other issues, were important considerations in identification of the preferred alternative.

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## **Communication ID: 1023**

Sterling Highway Milepost 45-60 Project  
DOT&PF Central Region  
P.O. Box 196900  
Anchorage, Ak 99519-6900

May 26, 2015

Stakeholder Comments:

*First, I would like to congratulate the Federal Highway Administration and the Alaska Department of Transportation for the great job they did on developing the Sterling Highway Milepost 45-60 Project Draft SEIS. The road rebuild alternatives are well thought out, researched, and defined. (Comment 1344) It's clear the best alternative for all concerned is the Juneau Creek Alternative. It is the least costly and will skirt the ever fragile Kenai River Valley, home to one of the world's most easily*

*accessible wild and scenic river systems. The highway rebuild is not only needed to improve highway safety for those traveling through this narrow, winding, dangerous, and shoulderless stretch of highway to other destinations; but also to allow for safe, unfettered access to the Kenai River with its fishing opportunities, parks, and many trails for generations to come. (Comment 1345)*

I first traveled the Sterling Highway in 1954, driving from our home in Anchorage with my parents to visit my cousin whose grandparents had a homestead and operated a gas station and café in Naptown (now called Sterling). In 1957 my dad built a mahogany hulled lake boat in our garage and drove the 100 miles to Cooper Landing to christen it on the beautiful, aqua blue, glacial waters of Kenai Lake. I've been coming to the Kenai Peninsula now for more than 60 years to either mine for gold as a boy with my father, work as an Alaska State Trooper, or build and enjoy my retirement home; where I now live on Kenai Lake at Milepost 46.5.

*My family, wife, and I have seen a lot of changes over the past 60 years while traveling to and living on the Kenai Peninsula, both in Sterling and Cooper Landing. The one change, however, that we have not seen is a rebuild of the old section of highway between Sunrise Inn at Milepost 45 and Skilak Lake Road at Milepost 58. The Sterling Highway in the 50's was more than adequate for the number and type of vehicles using it. The population on the Kenai Peninsula has grown from 5,000 in the early 50's to over 55,000 in 2010. And Anchorage's population has grown from 11,254 in the 50's to almost 301,000 in 2013. With the steady increase in population, the Sterling Highway has become increasingly dangerous and congested, particularly during the busy summer season when Alaskans and tourists in the hundreds of thousands venture here to enjoy the incredible scenery and outdoor activities. (Comment 1346)*

*Through the years the easily accessible Kenai Peninsula, now labeled "Alaska's Playground," has become Alaska's and now the world's outdoor playground. The area includes the Kenai River, with its magnificent natural run of four species of wild salmon, giant rainbows, and dolly varden; and the surrounding Chugach National Forest, National Wildlife Refuge, and Alaska State Parks; all open to hikers, adventurers, and sportsmen, alike. These awesome attractions are what make this such a special place, unlike any other in the world.*

*This narrow, winding, shoulderless, dangerous stretch of roadway can no longer safely handle the thousands of vehicles and increasing number of bicyclists that now pass through here during the busy and chaotic summer months. Not only do people travel to Cooper Landing to hunt, fish, boat, and hike; they also travel through Cooper Landing to Kenai, Soldotna, Ninilchik, and Homer for many of the same reasons. All that traffic is funneled through the same narrow, winding, dangerous, and shoulderless stretch of roadway on the Sterling Highway that passes through Cooper Landing. (Comment 1347)*

*Mixing semi-trucks hauling wide loads, double trailers carrying thousands of gallons of fuel and heating oil; and thousands of cars, trucks, camp trailers, and motorhomes traveling to varying destinations with those that come here solely to recreate is like turning California's I-75 into a narrow, winding, dangerous, shoulderless stretch of highway and running it right through the center of Yosemite or Yellowstone National Park! (Comment 1348)*

*Sixty-four years have passed with no substantial rebuild to one of the last remaining sections of the old highway between Homer and Fairbanks. So that future generations of residents and travelers can*

*safely enjoy the Kenai River and surrounding parks; and those passing on to other destinations on the Kenai Peninsula can do so as safely as possible---it's time to get it done! (Comment 1349)*

Glenn and Cheryl Flothe  
20317, Milepost 46.5, Sterling Highway  
P.O. Box 850  
Cooper Landing, AK 99572

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**Comment 1344:** Thank you for your comment.

**Comment 1345:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1346:** Thank you for your comment. As discussed in Chapter 1 of the EIS, the highway segment between MP 45 and 60 is no longer sufficient for the type and volume of traffic now. This has led to congestion and safety problems.

**Comment 1347:** Thank you for your comment. As discussed in Chapter 1 of the EIS, the highway segment between MP 45 and 60 is no longer sufficient for the type and volume of traffic now. This has led to congestion and safety problems.

**Comment 1348:** Thank you for your comment. As discussed in Chapter 1 of the EIS, the highway segment between MP 45 and 60 is no longer sufficient for the type and volume of traffic now. This has led to congestion and safety problems.

**Comment 1349:** Thank you for your comment.

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## **Communication ID: 1024**

*I am against the cooper creek alternative. (Comment 1350) My property on caribou heights is directly adjacent to the cooper creek road alignment. It would destroy the beauty of the property and its value. the cabin that currently sits on the property now has a view of mountains and alpine forest would only see traffic and road construction. The noise level would completely ruin the serenity of the property making its worth drop considerably. (Comment 1351)*

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**Comment 1350:** See Comment Group #39

**Comment 1351:** The EIS discusses land ownership impacts in Chapter 3.1 and Housing and Relocation in Chapter 3.4. As stated in the EIS, land owners would be compensated for any use of private property at fair market value in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. DOT&PF and FHWA recognize that views and noise would change and have disclosed those impacts in the EIS. Such impacts, among others, were important in determining the alternative with least overall harm and identifying a preferred alternative.

## **Communication ID: 1026**

Previous e-mail did not include signatures on page two. One of those days. Chiqinik,

ATTACHMENT TEXT FOLLOWS:

May 26, 2015

John Lohrey  
Statewide Programs Team Leader  
DOT&PF Central Region  
Sterling MP 45-60 Project  
PO Box 196900  
Anchorage, AK 99519-6900

RE: Sterling Highway Mile Post 45-60 Project Draft SEIS

Dear Mr. Lohrey:

Thank you for the opportunity to submit comments on the Sterling Highway Mile Post 45-60 Project Draft SEIS on behalf of the Russian River Land group. The Russian River Land Act (PL 107-362) requires Cook Inlet Region, Inc. (CIRI), Kenaitze Indian Tribe (KIT), US Fish and Wildlife Service (USFWS), and the US Forest Service (USFS) to cooperate on efforts to "protect and preserve the outstanding historic, cultural, and natural resources" in the vicinity of the confluence of the Russian and Kenai Rivers. It is in the spirit of that charge that these comments are submitted.

*The group met on May 6th to focus on the impacts of the Draft SEIS's four build alternatives on cultural resources. KIT and CIRI's position is that the Juneau Creek Variant is unacceptable and should be removed from future alternative consideration and analysis due to the proposed highway bisecting and being located in Tract A. The USFS and USFWS acknowledges and supports KIT and CIRI's determination based on our joint effort to fulfill the Russian River Section 14(h)(1) Selection which included Tract A and is in alignment with our Sqilantnu Archaeological District Memorandum of Understanding. (Comment 1265)*

*Tract A was conveyed on May 31, 2012 pursuant to the Russian River Land Act of December 19, 2002, Pub. I, 107-362, 116 State. 3021, and the Russian River Section 14(h)(1) Selection Agreement executed July 26, 2001. As stated in the Agreement, "Upon conveyance to CIRI of lands and interests ... and without acknowledging whether they currently exist as separate applications, CIRI shall relinquish its ANCSA 14(h)(1) selections ...". As part of the Agreement, CIRI agreed not to seek legislation or other avenues to acquire additional lands within the Sqilantnu Archeological District. Based on the 2012 conveyance to CIRI, the group believes that use of CIRI Tract A under the Juneau Creek variant alternative is counter to the intent of Congress in resolving ANCSA 14(h)(1) land claims. (Comment 1265) This proposed alternative cuts right through the heart of CIRI's 42-acre selection (Tract A). Building through this area will have irreversible direct and indirect impacts (as well as unanticipated effects) to sites defined by the Kenaitze Indian Tribe as sacred and spiritual. (Comment 1266) These*

*include, but are not limited to, traditional burial sites. Incorrectly, the Draft SEIS indicates "the burial area within this 1.6-acre area would not be affected..." (p. 4-62) as well as "the graves area, however, would not be affected" (p. 4-61). Impacts of this alternative could not be mitigated. (Comment 1266)*

*Beyond Tract A, the group notes that for all build alternatives that the significance of cultural and sacred sites varies. We believe that the Draft SEIS analysis of impacts to cultural resources must include factors not evident in your analysis to date. While a quantitative acreage approach appears to have been the foundation for this Draft SEIS's cultural resource impact analysis, we believe that qualitative analysis must be completed and disclosed in the Final EIS. While each build alternatives impacts numerous sites, the significance of them is not fully established/understood. Upon selection of a preferred alternative, we reiterate the need for your agency to conduct additional studies and consultations to garner a better understanding of the cultural resources present and develop and concur on mitigation measures. (Comment 1267)*

*We seek ongoing consultation efforts with DOT&PF and FHWA on this project. To ensure timely communication and consultation, please address any comments regarding this letter to the undersigned individuals collectively as a group. We would urge future efforts conducted in this manner include the Russian River Land Group and specifically request formal consultation with KIT prior to the Record of Decision being issued. (Comment 1268)*

In closing, please know the above comments are not intended to represent the individual positions of the USFWS, USFS, KIT, or CIRI as to matters that may relate to the broader missions of those organizations. Accordingly, individual comments may be submitted by USFWS, USFS, KIT, or CIRI to address additional concerns.

Sincerely,

Jaylene Peterson-Nyren, Kenaitze Indian Tribe, Executive Director  
Andy Loranger, KNWR, Refuge Manager  
Terri Maceron, CNF, Forest Supervisor  
Jason Brune, CIRI, Director, Land/Resources

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**Comment 1265:** Thank you for your comments. First, the cultural issues associated with the Juneau Creek Variant Alternative were considered key among multiple issues considered in determining the alternative with least overall harm.

Second, it is important to recall that DOT&PF and FHWA met several times with Kenaitze Indian Tribe and other representatives of the Russian River Land Act group while developing the Juneau Creek Variant Alternative and had several discussions with CIRI about Tract A and CIRI's interests in the area. Based on that consultation, three alignment variations were presented and discussed with KIT, and it was determined that the alignment that came to be called the "Juneau Creek Variant Alternative" was the best of the three. No indication was made at that time that the impacts were of such consequence that the alternative was "unacceptable and should be remove from future alternative consideration."

The information provided relative to the Russian River Land Act and the ANCSA 14(h)(1) selections is informative. Further information on the agreement ratified by the Russian River Land Act has been added in Section 3.9.

**Comment 1266:** DOT&PF and FHWA met several times with Kenaitze Indian Tribe and other representatives of the Russian River Land Act group while developing the Juneau Creek Variant Alternative and had several discussions with CIRI about Tract A and CIRI's interests in the area. Based on that consultation, three alignment variations were presented and discussed with KIT, and it was determined that the alignment that came to be called the "Juneau Creek Variant Alternative" was the best of the three. The Juneau Creek Variant Alternative was carefully placed to avoid impacts to the known burials. The EIS also states that the Forest Service has conducted substantial subsurface exploration in this area but the final limits of the burial area have not been established. The language cited has been clarified to more accurately reflect direct avoidance of known resources. Additional language has also been added to describe more qualitatively other potential effects. The results of the consultation, including the comments provided here, are now incorporated in the Final EIS, reflecting the views of the KIT, CIRI, and USFS as to the difficulty/impossibility of mitigating the effects to Tract A.

**Comment 1267:** Additional information and clarification regarding the significance of cultural resources has been added to Section 3.9 of the EIS. Per Section 106 of the National Historic Preservation Act (36 CFR 800.6 and 36 CFR 800.14(b)), mitigation measures to address adverse impacts to historic properties have been identified under a programmatic agreement, which was developed in consultation between the FHWA, Advisory Council on Historic Preservation (ACHP), Alaska State Historic Preservation Officer (SHPO), U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (Forest Service), and tribal entities (Cook Inlet Region, Inc.; Kenaitze Indian Tribe; Kenaitze Native Association, Inc.; Salamatof Native Association, Inc.; and Salamatof Tribal Council) for whom the impacted cultural resources have traditional and cultural importance. The programmatic agreement stipulates ongoing consultation between these parties over the life of the project. Mitigation measures in the programmatic agreement include, but are not limited to, additional survey and documentation of cultural resources within the Area of Potential Effect (APE) for the preferred alternative.

**Comment 1268:** DOT&PF and FHWA have and will continue to consult with the Russian River Land Group as well as with its member entities separately. Formal consultation under Section 106 of the National Historic Preservation Act has taken place in preparation of the Draft SEIS, Final EIS, and to draft a programmatic agreement and has included the Russian River Land Group and Kenaitze Indian Tribe specifically.

## **Communication ID: 1027**

Federal Highway Administration and Alaska Department of Transportation and Public Facilities, c/o HDR Inc.

Please accept the attached comment letter regarding the Sterling Highway Milepost 45 to 60 Project Draft Supplemental Environmental Impact Statement. If you have any questions, feel free to contact me at 907-276-9410.

Thanks,

Andy

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ATTACHMENT TEXT FOLLOWS

May 26, 2015

Via Electronic Mail

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RE: Comments on the Sterling Highway Milepost 45 to 60 Project Draft Supplemental Environmental Impact Statement

To Whom It May Concern:

Defenders of Wildlife, joined by Audubon Alaska, Center for Biological Diversity, Cook Inletkeeper, Friends of Alaska National Wildlife Refuges, Kachemak Bay Conservation Society, National Wildlife Refuge Association, Sierra Club Alaska Chapter, and Wilderness Watch, on behalf of our committed members within the state of Alaska and millions of supporters nationwide, submit the following comments on the Sterling Highway Milepost 45 to 60 Project 1 Draft Supplemental Environmental Impact Statement (“DSEIS”).

1 Hereinafter referred to as the “Project,” “project,” or “Cooper Landing Bypass.”

## I. INTRODUCTION

The Sterling Highway transects the Kenai Peninsula in south-central Alaska, connecting Anchorage with the ports of Homer, Soldotna, and Kenai. The highway traverses some of the most scenic and wild land in the country. From its junction with the Seward Highway near Turnagain Pass, the Sterling Highway bisects a portion of the Chugach National Forest, with inventoried roadless areas on both sides of the highway. At about mile 60, the highway enters the Kenai National Wildlife Refuge, passing just a few hundred feet from congressionally designated wilderness.

Over its entire length, the Sterling Highway crosses important wildlife habitat and recreation areas. Brown bears, wolves, moose, lynx, and other wildlife move from their northern ranges near Turnagain Arm, to the main southern portions of the Kenai Peninsula through drainages and tributaries to the Kenai River, which the Sterling Highway crisscrosses from Kenai Lake to Skilak Lake. Wildlife movement through these corridors is important for genetic diversity on the Kenai.<sup>2</sup>

2 See Sean Farley, Federal Aid Final Research Report: Ecological Studies of the Kenai Peninsula Brown Bear, Alaska Department of Fish & Game, Project 4.29 (2005) (available at [www.adfg.alaska.gov/static/home/library/pdfs/wildlife/research\\_pdfs/brb-kenai05.pdf](http://www.adfg.alaska.gov/static/home/library/pdfs/wildlife/research_pdfs/brb-kenai05.pdf)).

Outdoor recreation is also common on the highway’s route through the national forest and national wildlife refuge. Each summer tens of thousands of fishermen congregate on the banks of the Kenai and Russian Rivers to fish for salmon. Hiking, mountain biking, skiing, and snowmachining trails depart from numerous trailheads located along the highway. Widely recognized as one of the nation’s best hikes, and considered the “crown jewel” of the Chugach National Forest, the Resurrection Pass Trail departs from the highway, following Juneau Creek near the scenic Juneau Falls. The Sterling Highway is a remarkable road precisely because of its spectacular scenery and opportunities for remote recreation and wildlife viewing.

### A. The Project

The Federal Highway Administration (“FHWA”) and the Alaska Department of Transportation and Public Facilities (“DOT&PF”) have proposed a highway improvement project for the Sterling Highway between mileposts 45 and 60. The original highway was constructed in 1950 as a gravel road from Cooper Landing to Homer. Over the past 65 years, new communities developed along the road and the highway was eventually paved to become a thoroughfare, connecting Anchorage with western Kenai Peninsula towns. Consequently, traffic increased beyond what the original designers of the gravel road could have imagined.

In the 1980s, the DOT&PF decided to make safety and engineering improvements to the highway. Most highway sections were soon reconstructed to widen and straighten shoulders and lanes, accommodating increased traffic and increased vehicle speeds. But the most challenging section from an environmental and engineering standpoint, from mileposts 37 to 60, remained unimproved. This section posed problems ranging from winding curves, sharp turns, narrow roadways, canyons, steep river banks, wildlife crossings, driveway entrances, multiple river crossings, and the community of Cooper Landing.

DOT&PF considered a number of new routes for the highway for mileposts 37 to 60, and produced a draft environmental impact statement (“EIS”) in 1982 and another draft EIS in 1994. The alternatives contained in those draft EISs were rejected “for engineering, environmental, financial, and traffic constraint reasons.”<sup>3</sup>

<sup>3</sup> DOT&PF, Project History, [www.sterlinghighway.net/history.html](http://www.sterlinghighway.net/history.html) (last visited May 12, 2015).

Because the primary difficulty in improving the section between mileposts 37 and 60 came from the Cooper Landing area (mileposts 45 to 60), DOT&PF split the project into two components: the lower Kenai section from mileposts 37 to 45 and the Cooper Landing section from mileposts 45 to 60.4 In 2001 DOT&PF completed an improvement project for the highway from mileposts 37 to 45, widening and straightening the roadway and shoulder, and adding passing lanes and pullouts.

<sup>4</sup> Id.

In 2000 DOT&PF initiated a supplemental EIS for highway improvements to the section between mileposts 45 to 60.5 Planners identified multiple alternatives that would re-route the road away from the existing highway alignment. Each alternative was screened for engineering feasibility, and many of the alternatives required construction of multiple new bridges, including the proposed Juneau Creek Bridge, which would be “the longest span in Alaska.”<sup>6</sup> DOT&PF estimated the costs for this megaproject range from \$250 to \$304 million.<sup>7</sup>

<sup>5</sup> “The current Supplemental EIS (SEIS) process for the highway between MP 45 and 60 was initiated in 2000, with the purpose of supplementing the 1994 Draft EIS for MP 37 to 60.” Id.

<sup>6</sup> DOT&PF, STERLING HIGHWAY MP 45-60 DRAFT SEIS AND DRAFT SECTION 4(F) EVALUATION 2-30 (2015) [hereinafter DSEIS].

<sup>7</sup> DOT&PF, Frequently Asked Questions, [www.sterlinghighway.net/faqs.html](http://www.sterlinghighway.net/faqs.html) (last visited May 12, 2015).

The current DSEIS identifies four alternatives that re-route the highway onto a new alignment (“build alternatives”) and one no build alternative.<sup>8</sup> The no build alternative leaves the highway between mileposts 45 and 60 on its existing alignment and makes no safety upgrades other than regularly scheduled road maintenance.<sup>9</sup> The highway from mileposts 45 to 60 would remain two lanes, with 11-foot driving lanes and 0–2-foot shoulders.<sup>10</sup> A separate, existing project would be undertaken to improve safety on a curve at milepost 45.<sup>11</sup> For much of the fifteen mile section, the highway bisects the community of Cooper Landing – driveways and road intersections are common; pedestrians, bicycles, and horseback tours use and cross the road; and the section has 35 to 45 mph speed limits.

<sup>8</sup> See DSEIS, 2-1 to 2-54.

<sup>9</sup> Id. at 2-16.

<sup>10</sup> Id.

<sup>11</sup> Id.

The first build alternative, the Cooper Creek Alternative, proposes a new highway alignment for approximately four road miles on the south side of the existing highway.<sup>12</sup> The Cooper Creek Alternative bypasses Cooper Landing to the south, requiring a new bridge over Cooper Creek.<sup>13</sup> The

four miles of new alignment would consist of up to four 12-foot driving lanes and 8-foot shoulders, at a grade of between 3 and 6 percent.<sup>14</sup>

12 Id. at 2-20.

13 Id.

14 DSEIS at 2-20.

The second build alternative, the G South Alternative, proposes a new alignment for approximately 5.5 road miles on the north side of the existing highway.<sup>15</sup> The G South Alternative would construct a new bridge over the Kenai River and a new bridge over Juneau Creek. The new alignment would consist of two 12-foot driving lanes plus a passing lane and 8-foot shoulders.<sup>16</sup> A new trailhead would be built for the Bean Creek Trail, and the existing Bean Creek Trail would be rerouted through an underpass under the new highway.<sup>17</sup>

15 Id. at 2-25.

16 See id. at 2-17; 2-25.

17 Id. at 2-25.

The third build alternative, the Juneau Creek Alternative, proposes a new alignment for 9.5 road miles on the north side of the existing highway.<sup>18</sup> The Juneau Creek Alternative would construct a new bridge, the Juneau Creek Bridge – which would be the longest span bridge in Alaska – and consist of 12-foot driving lanes plus passing and turning lanes and 8-foot shoulders.<sup>19</sup> The Juneau Creek Alternative cuts through the congressionally designated Kenai Wilderness within the Kenai National Wildlife Refuge.<sup>20</sup> The DSEIS acknowledges that DOT&PF is “unlikely to select the Juneau Creek Alternative as the preferred alternative” because building a highway through designated wilderness requires congressional authorization.<sup>21</sup>

18 Id. at 2-28.

19 Id. at 2-30; see id. at 2-17; 2-28.

20 DSEIS at 2-28.

21 Id.

The fourth build alternative, the Juneau Creek Variant Alternative, modifies the Juneau Creek Alternative to avoid the Kenai Wilderness.<sup>22</sup> The Juneau Creek Variant Alternative proposes a new alignment for 8.8 road miles on the north side of the existing highway.<sup>23</sup> A new bridge would be built and the new highway would consist of 12-foot driving lanes plus passing lanes and 8-foot shoulders.<sup>24</sup> The Juneau Creek Alternative would pass over existing Forest Service roads, requiring an overpass or underpass near Juneau Creek. A new pullout would be constructed north of the highway near Juneau Creek and a “large trailhead parking area would be constructed for the Resurrection Pass Trail.”<sup>25</sup>

22 Id. at 2-32.

23 Id.

24 Id.; see id. at 2-17.

25 See id. at 2-29.

## B. Summary of Our Comments

After a thorough review of the history of this project, the DSEIS, and supporting documents, we have serious concerns about the adequacy of the analysis and the proposed build alternatives' effects on the environment. Although we think the goal of improving safety on the Sterling Highway, especially between mileposts 45 and 60 is laudable – and even necessary – the four build alternatives' effects on wildlife, recreation, and scenic views are likely to be significant and any potential mitigation will be insufficient to justify a massive new highway megaproject immediately adjacent to congressionally designated wilderness and inventoried roadless areas.

In this letter, we have identified an alternative that satisfies the safety needs for the community and highway travelers within the existing alignment. Thus, there is no need to construct a new highway that will erect a deadly barrier to wildlife crossings, increase use and degrade quality of remote recreation, and obstruct scenic vistas of the beautiful mountains, valleys, and rivers of the Kenai Peninsula.

Our comments on the project can be summarized as follows:

*1) The DSEIS and Section 4(f) evaluation fail to provide sufficient information for meaningful public comment because the FHWA and DOT&PF did not identify their preferred alternative, environmentally preferred alternative, and least harmful alternative. (Comment 747)*

*2) The DSEIS establishes an unreasonably narrow purpose and need for the project, and fails to analyze a reasonable range of alternatives, including an alternative that makes safety upgrades to the existing highway alignment. (Comment 748)*

*3) The DSEIS provides an inadequate analysis of the effects on inventoried roadless areas within the Chugach National Forest. The DSEIS unreasonably minimizes effects on roadless areas by attempting to equate size of roadless areas with ecological importance; ignores fragmentation of habitat unique to roadless areas; fails to acknowledge likely preclusion of wilderness designation if any of the build alternatives are selected; and undermines the Chugach National Forests' legally required wilderness review process. (Comment 749)*

*4) The DSEIS provides an inadequate analysis of the effects on wildlife, particularly moose and brown bears, which use the project area as a corridor connecting the northern and southern portions of the Kenai Peninsula. (Comment 750) The DSEIS also refers to, but fails to disclose any detailed mitigation plans or measures that will be applied to each of the alternatives. (Comment 751)*

*5) The DSEIS provides an inadequate analysis of the cumulative impacts of the proposed project, including a failure to consider imminent subdivision expansion, and previous highway improvements on the Kenai National Wildlife Refuge. (Comment 752)*

*6) The Section 4(f) evaluation provides an inadequate analysis of the harms to each of the park, recreation area, and wildlife refuge land affected by the alternatives. Specifically, the evaluation fails to disclose the magnitude of impacts on wildlife and remote recreation for each alternative, fails to disclose what mitigation measures will be in place for each alternative, and fails to consider a reasonable alternative that makes safety upgrades within the existing alignment. (Comment 753)*

*Given the inadequacies in the DSEIS and Section 4(f) evaluation, the FHWA and DOT&PF should reexamine the project and consider a new alternative that improves safety within the existing alignment. The DSEIS released by the FHWA and DOT&PF falls well short of the legal standards for*

*analysis mandated by statute, federal regulations,<sup>26</sup> and Ninth Circuit case law.<sup>27</sup> The agencies should conduct a new review and provide a new opportunity for meaningful public comment in the form of a revised DSEIS that considers an alternative that makes improvements to the existing alignment.*

*26 See 40 C.F.R. Part 1500.; 23 C.F.R. Part 771.*

*27 See, e.g., Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1982) (“This circuit employs a ‘rule of reason’ that asks whether an EIS contains a reasonably thorough discussion of the significant aspects of the probable environmental consequences.” (quoting Oregon Environmental Council v. Kunzman, 817 F.2d 484, 492 (9th Cir. 1987) (internal quotation marks omitted))). (Comment 754)*

*If FHWA and DOT&PF decide to move forward with consideration of only the proposed alternatives, based on the information provided, it is our view that the environmentally preferable and least harmful alternative is the Cooper Creek Alternative. Under 49 U.S.C. § 1653(f)<sup>28</sup> and 36 C.F.R. § 294.12(b)(6),<sup>29</sup> the Cooper Creek Alternative must be selected in the record of decision for this project.*

*28 See infra Part VII.*

*29 See infra Part IV. (Comment 755)*

## **II. THE DSEIS AND SECTION 4(F) EVALUATION UNDERMINE MEANINGFUL PUBLIC COMMENT BY FAILING TO DISCLOSE THE PREFERRED AND LEAST HARMFUL ALTERNATIVE**

### *A. The National Environmental Policy Act*

*The National Environmental Policy Act (“NEPA”) requires the FHWA to complete a rigorous review of the environmental effects of this federally-funded highway project.<sup>30</sup> The environmental review must demonstrate that the FHWA considered and provided a full explanation of potential environmental effects, including a comprehensive analysis of all reasonable alternatives, a fair and objective accounting of cumulative impacts, and a thorough description of measures to mitigate harm.<sup>31</sup>*

*30 See NEPA, 42 U.S.C. §§ 4321–4370h (2012).*

*31 See Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348 (1989); Flint Ridge Development Co. v. Scenic Rivers Ass’n, 426 U.S. 776, 778 (1976).*

*Federal regulations also require the FHWA to identify a preferred alternative, if it has one,<sup>32</sup> and to include a discussion of “appropriate mitigation measures not already included in the proposed action or alternatives.”<sup>33</sup> The purpose of those disclosures is to provide the public with a “clear basis for choice among options.”<sup>34</sup> Moreover, in any record of decision (ROD), FHWA is required to identify an “environmentally preferable” alternative.<sup>35</sup>*

*32 40 C.F.R. § 1502.14(e).*

*33 40 C.F.R. § 1502.14(f).*

*34 40 C.F.R. § 1502.13.*

*35 40 C.F.R. § 1505.2(b).*

*Unfortunately, FHWA and DOT&PF failed to identify either preferred or environmentally preferred alternatives in the DSEIS.<sup>36</sup> The failure to include the agency’s thoughts on which alternative is most*

*likely to be selected and which alternative is least environmentally harmful has deprived the public of meaningful opportunity to comment on the proposed project. Because the alternatives involve drastically different types and degrees of environmental effects, the DSEIS has made it difficult to compare alternatives, essentially shifting the burden on the public to make the case for which alternative is the environmentally preferable alternative. Without a clear indication of which alternative the FHWA is most likely to select or which alternative FHWA believes is the environmentally preferred alternative, the effects of the project cannot be fairly assessed by the public.*

*36 DSEIS at 2-35 (“At this time, neither DOT&PF nor FHWA has identified a preferred alternative.”).*

#### *B. Section 4(f) Evaluation*

*In addition to NEPA requirements, FHWA must prepare a Section 4(f) evaluation under the Department of Transportation Act of 1966.<sup>37</sup> The Section 4(f) evaluation is required to determine whether a federal highway project that uses “a public park, recreation area, or wildlife and waterfowl refuge” includes “all possible planning to minimize harm” and that “there is no prudent and feasible alternative to using the land.”<sup>38</sup> In order for the project to be approved, FHWA must conclude “that as a matter of sound engineering it would not be feasible to build the highway along any other route.”<sup>39</sup> Thus, the FHWA must select the “least harmful” alternative.*

*37 See 49 U.S.C. § 1653(f).*

*38 Id. at § 1563(f)(1)–(2).*

*39 Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 411-12 (1971).*

*But like the DSEIS’s demur on a preferred alternative, FHWA has not disclosed which alternative it believes will cause the least overall harm.<sup>40</sup> Once again, the agency has shifted the burden on the public to discern, compare, and weigh each alternative’s harmful effects.*

*40 DSEIS at 4-126 (“Neither DOT&PF nor FHWA has identified a preferred alternative, and FHWA has drawn no conclusion regarding least overall harm at this time.”).*

*Federal law requires that Section 4(f) evaluations begin as early in the planning process as possible.<sup>41</sup> “The potential use of land from a Section 4(f) property shall be evaluated as early as practicable . . . when alternatives to the proposed action are under study.”<sup>42</sup> Because this project, with similar alternatives, has been under study since at least 1982, it is perplexing that the FHWA has not had time to decide what it considers to be the least harmful alternative. The Section 4(f) evaluation purports that the FHWA “is hopeful that input from the public and appropriate agencies with jurisdiction . . . will prove helpful and assist decision makers in making a formal finding of least overall harm in the Final Section 4(f) Evaluation and SEIS.”<sup>43</sup> But the FHWA should have all of the information it requires, since at least the 1982 and 1994 EISs, when the public and agencies commented on similar proposed alternatives. By waiting to make its Section 4(f) determination in the final SEIS, the FHWA has given the appearance that its decision will be based on discretionary factors, such as which alternative the public favors. And that kind of determination would be improper under Section 4(f), which permits of no discretion and requires FHWA to select the least harmful alternative.<sup>44</sup>*

*41 See Defenders of Wildlife v. North Carolina Department of Transportation, 762 F.3d 374, 400 (4th Cir. 2014); Corridor H Alternatives, Inc. v. Slater, 166 F.3d 368, 373 (D.C. Cir. 1999).*

*42 23 C.F.R. § 774.9(a).*

43 DSEIS at 4-126, 4-127.

44 *Overton Park*, 401 U.S. at 411–13.

*As a draft evaluation put out for public comment, the FHWA should have issued its draft decision or at least provided some indication of which alternative it considered was least harmful. Despite providing an analysis of some environmental effects and describing the factors it will use in making the determination, the ultimate decision and how the FHWA ends up weighing each of the factors are both important to the public, and the public should be given a meaningful opportunity to comment on both.*<sup>45</sup> Unlike NEPA's procedural requirements, Section 4(f) provides a substantive mandate: select the least harmful alternative. In order to provide meaningful comment, the public ought to know where the agency stands on the substantive determination. Thus, by not disclosing its determination of least harmful alternative (even in draft form), the FHWA has undermined the public's ability to provide meaningful comments on the Section 4(f) evaluation.

*45 New Mexico ex rel. Richardson v. Bureau of Land Management*, 565 F.3d 683, 708 (10th Cir. 2009) (“A public comment period is beneficial only to the extent the public has meaningful information on which to comment.”). (Comment 756)

### III. THE DSEIS DEFINED AN UNREASONABLY NARROW PURPOSE AND NEED AND FAILED TO ANALYZE A REASONABLE RANGE OF ALTERNATIVES

NEPA requires all agencies to analyze and consider all reasonable alternatives to a proposed action.<sup>46</sup> In the DSEIS, FHWA was required to “[r]igorously explore and objectively evaluate all reasonable alternatives.”<sup>47</sup> In defining reasonable alternatives, FHWA's regulations recognize that “[a]lternative courses of action” should be evaluated by balancing “the need for safe and efficient transportation . . . the social, economic, and environmental impacts of the proposed transportation improvement . . . and . . . national, State, and local environmental protection goals.”<sup>48</sup>

<sup>46</sup> 42 U.S.C. § 4331(2) (2012).

<sup>47</sup> 40 C.F.R. § 1504.12.

<sup>48</sup> 23 C.F.R. § 771.105(b).

Unfortunately, the DSEIS does not fairly comply with those statutory and regulatory requirements. The DSEIS adopts a narrow purpose and need: to upgrade the Sterling Highway to “new” highway alignment standards. That purpose eliminates all consideration of safety upgrades within the existing alignment. The DSEIS fails to consider alternatives that satisfy safety and efficiency goals by improving the existing highway alignment and preserving wildlife, recreation, and scenery in the Kenai.

#### *A. The Purpose and Need Was Unreasonably Narrow*

*The DSEIS purpose and need statement identifies three criteria for the project: 1) reduce highway congestion, 2) meet current highway design standards, and 3) improve highway safety.*<sup>49</sup> *The DSEIS further defines “current highway design standards” as “current design standards for a rural principal arterial road,”*<sup>50</sup> *and elaborates that the FHWA considers the need for the project as upgrading the highway to comply with engineering standards for a “full reconstruction or construction on a new alignment.”*<sup>51</sup> *But that purpose is unreasonably narrow because the highway can be improved within its existing alignment using different standards for “rehabilitation” projects. By narrowly and*

*arbitrarily defining the purpose of the project, FHWA eliminated consideration of upgrades within the existing alignment.*

*49 DSEIS at 1-5.*

*50 Id.*

*51 Id. at 2-10.*

*Although agencies have significant discretion in defining the purpose and need of a project, they are not permitted to narrowly define purpose and need statements to avoid consideration of reasonable alternatives. “A purpose and need statement will fail if it unreasonably narrows the agency’s consideration of alternatives so the outcome is preordained.”<sup>52</sup> An agency that has the power to consider other alternatives must do so.<sup>53</sup>*

*52 Alaska Survival v. Surface Transportation Board, 705 F.3d 1073, 1084 (9th Cir. 2013) (citing National Parks Conservation Association v. Bureau of Land Management, 606 F.3d 1058, 1070 (9th Cir. 2010)).*

*53 See Carmel-By-the-Sea v. U.S. Department of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997) (“[A]n agency cannot define its objectives in unreasonably narrow terms.”); City of New York v. U.S. Department of Transportation, 715 F.2d 732, 743 (2d Cir. 1983) (“[A]n agency will not be permitted to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered.”). (Comment 757)*

*“An agency may not define the objectives of its actions in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency’s power would (Comment 757) accomplish the goals of the agency’s action, and the EIS would become a foreordained formality.”<sup>54</sup>*

*54 Friends of Southeast’s Future v. Morrison, 153 F.3d 1059, 1066 (9th Cir. 1998) (quoting Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991)).*

*In the DSEIS, the FHWA defined the purpose and need in unreasonably narrow terms, excluding any alternatives that make improvements to the existing highway alignment. Although it is probably true that improvements meeting “full reconstruction or construction on a new alignment” standards cannot be accomplished within the existing alignment, this does not preclude any improvements from being made.*

*The DSEIS acknowledges there are two standards for highway upgrades: 1) new alignments and 2) rehabilitation within existing alignments.<sup>55</sup> “[T]he standards for the two types of improvement [are] not equal; the standards for a [rehabilitation] project were (and still are) different than those for full reconstruction or construction on a new alignment.”<sup>56</sup> The engineering requirements and standards for rehabilitation (within existing alignment) are less rigorous than for new alignments.<sup>57</sup>*

*55 DSEIS at 2-10. See DOT&PF, ALASKA PRECONSTRUCTION MANUAL (2005); AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO), A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS, 4TH ED. (2004).*

*56 DSEIS at 2-10.*

*57 See DOT&PF, supra note 55; AASHTO, supra note 55.*

*The DSEIS does not explain why it chose a purpose and need that requires use of the more rigorous new highway alignment standards.<sup>58</sup> The failure to explain a reason for selecting new highway alignment standards when other standards were available and compatible within the existing alignment makes the purpose and need arbitrary. It also gives the appearance that the FWHA narrowly tailored the purpose and need to exclude alternatives that upgrade the highway within the existing alignment.*

*58 See DSEIS at 1-5, 2-10.*

*A reasonable reading of the purpose and need statement, “meet current highway design standards” leads to the conclusion that the purpose can be accomplished using the rehabilitation standards on the existing alignment. Chapter 1060 in the Alaska Preconstruction Manual for highway design provides engineering standards for road rehabilitation projects within existing alignments.<sup>59</sup> Those standards can be met for the Sterling Highway section between mileposts 45 and 60 within the existing alignment,<sup>60</sup> and provide for safe, “current” highway upgrades. The DSEIS does not explain why the Chapter 1060 highway rehabilitation standards are insufficient for this project. The Alaska Preconstruction Manual recognizes that highways like the Sterling Highway that were built in the 1950s as a gravel road can be upgraded to modern standards but should not be expected to be engineered to the same standards as a new highway alignment.*

*59 See DOT&PF, supra note 55, at Chapter 1060.*

*60 See DSEIS at 2-11; DOT&PF & FHWA, STERLING HIGHWAY MP 37-60 DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SECTION 4(F) EVALUATION (1994) [hereinafter 1994 EIS].*

*The DSEIS should have considered upgrades to the existing alignment as an alternative along with alternatives that use new alignments. The DSEIS should have recognized that those alternatives require different engineering standards, but both standards provide for safe, “current” highway improvement. By requiring alternatives to meet only the new highway alignment standard, the DSEIS unreasonably excluded alternatives that make upgrades to the existing alignment. (Comment 757)*

#### *B. The DSEIS Failed to Analyze a Reasonable Range of Alternatives*

*As a result of the unreasonably narrow purpose and need, the DSEIS failed to analyze a reasonable range of alternatives.<sup>61</sup> Specifically, the DSEIS failed to consider an alternative that would make improvements within the existing alignment. The purpose and need for the project can be met by using a modified alternative that makes improvements to the existing alignment.*

*61 See DSEIS at 2-10 to 2-35.*

*NEPA requires agencies to analyze a reasonable range of alternatives.<sup>62</sup> “The touchstone for our inquiry is whether the EIS’s selection and discussion of alternatives fosters informed decision-making and informed public participation.”<sup>63</sup> Although agencies have discretion in selecting the alternatives for analysis, the range of alternatives cannot merely ignore a reasonable middle-ground option.<sup>64</sup> “The existence of a viable but unexamined alternative renders an environmental impact statement inadequate.”<sup>65</sup>*

*62 Methow Valley Citizens Council v. Regional Forester, 833 F.2d 810 815 (9th Cir. 1987), rev’d in part, 490 U.S. 332 (1989) (reversed in parts not affecting the Ninth Circuit’s alternatives analysis).*

*63 California v. Block, 690 F.2d 753, 767 (9th Cir. 1982).*

64 *Id.* at 768 (“While nothing in NEPA prohibits the Forest Service from ultimately implementing a proposal that allocates more acreage to Nonwilderness than to Wilderness, it is troubling that the Forest Service saw fit to consider from the outset only those alternatives leading to that end result.”).

65 *Morongo Band of Mission Indians v. Federal Aviation Administration*, 161 F.3d 569, 575 (9th Cir. 1998).

For this project, a reasonable middle ground exists between the two types of alternatives considered (no build and new alignment). The DSEIS should have considered making upgrades to the existing alignment.

*1. Improving the existing alignment is a reasonable alternative*

The middle ground alternative that FHWA should have considered is described best in terms of the 3R Alternative that was analyzed in the 1994 EIS.<sup>66</sup> The 3R Alternative would have made road and safety improvements to the Sterling Highway section from mileposts 45 to 60 within the existing alignment. The 3R Alternative “would have a total 36-foot width: two 12-foot lanes and two 6-foot shoulders” and a 12-foot passing lane with a 4-foot shoulder where needed.<sup>67</sup> Additionally, a “separated pedestrian pathway would be provided between MP 55 and MP 45.”<sup>68</sup> “Vehicle pull offs would be provided as appropriate.”<sup>69</sup>

66 See DSEIS at 2-11; 1994 EIS at II.D and IV.F.

67 1994 EIS at II.D.

68 *Id.*

69 *Id.*

The 1994 EIS described the 3R Alternative as a “viable build alternative.”<sup>70</sup> Obviously, the widened roadways and shoulders contribute to safety improvements, which the 1994 EIS acknowledged: “The extended safety pathway would provide additional access and safety along the highway for residents and visitors and connect the community with heavily used recreation areas.”<sup>71</sup>

70 *Id.*

71 1994 EIS at IV.F.

A modified version of the 3R Alternative is a reasonable alternative for this project.<sup>72</sup> The 3R Alternative’s improvements to the roadway, separated pathway, and passing lanes all contribute to safety, easing congestion, and improving highway design standards. Additional features that the DSEIS should have considered to improve safety within the existing alignment include signage, rumble strips, flashing lights, speed signs and notifications, and other common highway safety modifications.

72 See 1994 EIS at II.D.

Importantly, a modified 3R Alternative (or some other middle ground that uses the existing alignment) would be 60% identical to the Cooper Creek and G South build alternatives.<sup>73</sup> The Cooper Creek and G South Alternatives’ new alignments rejoin the existing alignment at or near mile 51.3 and 51.9, respectively; the only new alignments that will be created are from milepost 45 to 51.3.<sup>74</sup> From milepost 51.3 to 60, the existing alignment is used for both alternatives. If the Cooper Creek and G South Alternatives satisfy the purpose and need to improve “current highway design standards,” than

*an alternative that uses the existing alignment for the remaining 40% of the section is also reasonable and should have been analyzed.*

73 See DSEIS at 2-21; 2-26; 2-39.

74 *Id.*

*2. Improving the existing alignment should have been analyzed*

*The DSEIS provides only one logical reason for rejecting the 3R Alternative or any other middle ground alternative that uses the existing alignment: failure to meet the highway design standards for principal rural highways on new alignments.<sup>75</sup> But that purpose and need for the project is unreasonably narrow.<sup>76</sup> The DSEIS should have analyzed a middle ground alternative's ability to meet the reasonable purposes and needs of this project, which it likely does.*

75 DSEIS at 2-11 (“[B]y definition, [the 3R Alternative] did not meet the SEIS purpose and need.”).

76 See *supra* Part III.A.

*First, the 3R Alternative or other alternative that uses the existing alignment can make improvements to traffic congestion. As the 1994 EIS for the 3R Alternative recognized, “Highway improvements would enhance safety conditions and alleviate traffic congestion. . . . Traffic congestion would be reduced by the addition of passing and left-turn lanes.”<sup>77</sup>*

77 1994 EIS at II.D.

*Although the DSEIS claims that the 3R Alternative would not alleviate traffic congestion today, given increases in traffic volume since 1994, the DSEIS did not actually evaluate how much the 3R Alternative would still address congestion.<sup>78</sup> The DSEIS admitted it did not fully evaluate the 3R Alternative: “A Traffic Analysis Assessment (HDR 2001a) for the current SEIS and the Evaluation Criteria and Alternatives Analysis (HDR 2003a) addressed the 3R Alternative but did not pass it through the alternatives screening process because, by definition, it did not meet the SEIS purpose and need.”<sup>79</sup> And, “passage of time and increases in traffic have led DOT&PF to determine that fully meeting rural principal arterial standards for roadway geometry is important.”<sup>80</sup> Those statements imply that FHWA does*

*not know how much the 3R Alternative could alleviate traffic congestion. But we can infer from the 1994 EIS that at least some significant improvements to traffic congestion would be made.<sup>81</sup>*

78 See DSEIS at 2-11.

79 *Id.*

80 *Id.*

81 See 1994 EIS at 11.D (“Highway improvements would . . . alleviate traffic congestion.”).

*Second, the 3R Alternative or other alternative that uses the existing alignment can make improvements to highway safety. The 1994 EIS for the 3R Alternative recognized that “widened shoulders would provide for vehicular emergency pull-off. Widened slopes would provide a greater vehicle recovery zone. Rumble strips for alerting drivers would be added to the shoulders.”<sup>82</sup> Those safety improvements could all be made using the existing alignment.*

82 1994 EIS at II.D.

*The DSEIS claims that the 3R Alternative would still be unsafe because it “would have realigned only one particularly unsafe curve without meeting full geometric standards.”<sup>83</sup> But once again, the DSEIS is confusing new alignment standards with rehabilitation standards. The existing alignment can be improved to meet the Alaska Preconstruction Manual’s engineering standards for existing highway alignments.<sup>84</sup> Moreover, 60% of the existing alignment is capable of being improved to meet new alignment standards. Only 40% of the section between mileposts 45 and 60 would meet the reduced rehabilitation highway standards.<sup>85</sup>*

*83 DSEIS at 2-11.*

*84 See DOT&PF, supra note 55, at Chapter 1060.*

*85 See DSEIS at 2-21; 2-26; 2-39.*

*Importantly, according to the DSEIS traffic analysis, the most dangerous sections of the highway are after milepost 51.3.<sup>86</sup> The Cooper Creek Alternative rejoins the existing alignment at or about milepost 51.3, and that alternative is considered to meet the purpose and need.<sup>87</sup> Thus, using the existing alignment for the entire project would address the most significant safety concerns in an identical way as the build alternatives.*

*86 DSEIS at Appendix A, 1-12.*

*87 See DSEIS at 2-21; 2-26; 2-39.*

*The DSEIS should have analyzed an alternative that uses the existing alignment for the entire section between mileposts 45 and 60. The 3R Alternative or another middle ground between the no build and build alternatives is a reasonable alternative given the purpose and need for the project. Using the existing alignment also has the advantage of minimizing effects on recreation, wildlife, and scenery. An alternative using the existing alignment would likely be the environmentally preferable alternative, and be the least harmful alternative for Section 4(f) properties and inventoried roadless areas. (Comment 758)*

#### *C. Irretrievable Commitment of Resources*

*It appears that the FHWA and DOT&PF have adopted a preordained conclusion that the project will use a new alignment to avoid the community of Cooper Landing. In the past 20 years, improvements were made to the roadway in Cooper Landing. But contrary to some federal requirements, safety and accessibility improvements were not made to the Sterling Highway. One of the justifications given at the time was that meeting federal requirements for the road was unnecessary because a new alignment would be built imminently. This demonstrates an impermissible and undisclosed irretrievable commitment of resources. (Comment 759)*

#### *IV. Roadless rule*

*All four build alternatives cross inventoried roadless areas within the Chugach National Forest.<sup>88</sup> The Cooper Creek Alternative requires building 0.1 mile of road on 3.8 acres within the Kenai Lake Inventoried Roadless Area (IRA).<sup>89</sup> The G South, Juneau Creek, and Juneau Creek Variant Alternatives require building between 1.1 and 3.3 miles of road on up to 127.5 acres of the Resurrection IRA.<sup>90</sup> NEPA requires the FHWA to disclose the effects of this project on those IRAs, and the Roadless Area Conservation Rule requires the approval of the Secretary of Agriculture.<sup>91</sup>*

Unfortunately, the current DSEIS fails to adequately analyze the effects on roadless areas and is an insufficient basis for secretarial approval.

88 Id. at 3-29 to 3-55.

89 Id. at 3-52.

90 Id. at 3-53 to 3-55.

91 36 C.F.R. § 294.12(b)(6).

In 2001 the Forest Service adopted the Roadless Area Conservation Rule, generally referred to as the roadless rule.<sup>92</sup> The rule was designed to protect large, intact landscapes remaining on national forests throughout the country.<sup>93</sup> Over 58 million acres of national forests within inventoried roadless areas received permanent protections from development.<sup>94</sup> The rule prohibited “road construction, reconstruction, and timber harvest” in roadless areas because those activities “have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics.”<sup>95</sup>

92 See Special Areas; Roadless Area Conservation, 66 Fed. Reg. 3244, 3244 (Jan. 12, 2001) (codified at 36 C.F.R. pt. 294).

93 Id.

94 Id. at 3245.

95 Id. at 3244.

The rule included seven narrow exceptions for road building within roadless areas.<sup>96</sup>

96 36 C.F.R. § 294.12(b).

Exception 12(b)(6) provides that

“a road may be constructed in an inventoried roadless area if . . . [t]he Secretary of Agriculture determines that a Federal Aid Highway project, authorized pursuant to Title 23 of the U.S. Code, is in the public interest or is consistent with the purposes for which the land was reserved or acquired and no other reasonable and prudent alternative exists.”<sup>97</sup>

97 36 C.F.R. § 294.12(b)(6) (emphasis added).

Exception 12(b)(6) was intended to be narrow and used only where absolutely necessary. The rule’s record of decision explained that the Forest Service,

“decided to adopt the Federal Aid Highway exception to allow road construction based on social considerations and Federal state relationships. The Department believes that this exception will have a very limited application, and the Secretary of Agriculture retains the discretion to approve or deny authorization when warranted (23 U.S.C. 317).”<sup>98</sup>

98 66 Fed. Reg. 3244, 3264.

The Forest Service specifically considered the Chugach National Forest and the Cooper Landing Bypass project when adopting 12(b)(6):<sup>99</sup>

99 Id.

“The analysis in the FEIS identified only one application of this exception in the next five years for a proposed 5.5-mile State highway relocation project on the Chugach National Forest in Alaska.”<sup>100</sup>

100 *Id.*

“Estimates indicate that few miles of road construction would be expected for Federal Aid Highway projects over the next 5 years in inventoried roadless areas. There is no reason to anticipate a substantial increase in the future. Only one 6-mile project is currently planned on the Chugach National Forest.”<sup>101</sup>

101 U.S. FOREST SERVICE, FINAL ENVIRONMENTAL IMPACT STATEMENT, ROADLESS AREA CONSERVATION RULE, 3-68 (2001).

*But just because the Forest Service contemplated the Cooper Landing Bypass in the record of decision for the roadless rule does not mean that secretarial approval is a foregone conclusion. In its roadless rule analysis, the Forest Service acknowledged that the Cooper Landing Bypass project “may have local effects on the characteristics and values associated with the affected inventoried roadless area.”<sup>102</sup> (Comment 760) A full and fair analysis of those “local effects” is required before the Secretary of Agriculture can authorize the 12(b)(6) exception for this project. Additionally, NEPA requires a full disclosure of the alternatives’ effects on the roadless areas. The DSEIS’s terse and incomplete analysis of the effects on roadless areas falls short of the requirements of both the 12(b)(6) exception and NEPA.*

102 *Id.* (Comment 760) (Comment 761)

*First, the DSEIS failed to consider a reasonable and prudent alternative that makes improvements to the highway within the existing alignment.<sup>103</sup> An alternative that makes safety upgrades within the existing alignment can satisfy the purpose and need of the project without requiring road construction within either IRA. The availability of a reasonable and prudent alternative, such as the 3R Alternative, precludes the application of the 12(b)(6) exception.*

103 DSEIS, at 3-29 to 3-55. (Comment 761)

*Second, the DSEIS unreasonably minimized effects on IRAs by consistently referring to the affected areas as “very small.”<sup>104</sup> For each of the affected IRAs, the DSEIS provides the acreage impacted in terms of a percentage of the overall IRA acreage.<sup>105</sup> For example, the description of the Cooper Creek Alternative’s effects on the Kenai Lake IRA state that “3.8 acres of 213,200 total acres (0.002%)” will be incorporated into the right-of-way. The DSEIS then says that “[t]he portion of the IRA impacted under this alternative is a small, isolated part that is effectively a ‘donut hole’ . . . It already is an isolated parcel that would no longer qualify as ‘roadless’ by size.”<sup>106</sup> Thus, the description of the effects on IRAs consistently minimizes impacts by saying the IRAs are too small to matter. Such statements are misleading because even small IRAs serve important ecological and social functions. Instead of minimizing the size of the impacted area, DSEIS should focus on the ecological and social effects of road building in IRAs.*

104 *Id.* at 3-52.

105 *Id.* at 3-52 to 3-55.

106 *Id.* at 3-52. (Comment 762)

*Third, the DSEIS failed to analyze the effects of fragmentation of IRAs on the Kenai Peninsula.<sup>107</sup> There is simply no discussion of fragmentation of IRAs or the importance of connectivity between IRAs to maintain ecological and social functions. Because preventing “fragmenting landscapes” was one of the main purposes of the roadless rule,<sup>108</sup> the DSEIS should have acknowledged the effects of cutting off a portion of an IRA with a highway.*

*107 Id. at 3-53 to 3-55.*

*108 66 Fed. Reg. 3244, 3244. (Comment 763)*

*Fourth, the DSEIS did not discuss the effects of increased recreational use of roadless areas that will likely result from the project.<sup>109</sup> The build alternatives intend to reconstruct trailheads and increase parking, making accessibility to the Kenai Lake and Resurrection IRAs easier.<sup>110</sup> Increased access and recreational use has the potential to degrade the quality and character of the IRAs. Remote recreation was a key reason behind the roadless area, but the DSEIS only evaluated “primitive” and other classes of “dispersed recreation.”<sup>111</sup> It is not clear that “remote recreation” is the same, and in any event, the DSEIS did not discuss likely impacts caused by increased use of remote portions of the IRAs.<sup>112</sup>*

*109 DSEIS, at 3-53 to 3-52.*

*110 Id.*

*111 Id.*

*112 Id. (Comment 764)*

*Fifth, the DSEIS ignored the Chugach National Forest’s wilderness evaluation and roadless area inventory from the 2002 forest plan final EIS.<sup>113</sup> The roadless inventory offers a detailed analysis of the Kenai and Resurrection IRAs.<sup>114</sup> According to the Forest Service, the Kenai Lake IRA has a “very high degree of natural integrity.”<sup>115</sup> The Chugach forest plan specifically rejected alternatives that would allow road construction in the Kenai Lake IRA because “as new roads are constructed, the roadless character and primitive recreation opportunities on these lands would be lost.”<sup>116</sup> For the Resurrection IRA, the Forest Service concluded that “[m]ost of the area appears unmodified,” despite “[m]inor inclusions [sic] such as the recreation cabins and trails are evident when one is close to them.”<sup>117</sup> The DSEIS for this project failed to address the Forest Service’s roadless inventory and address how the project would affect important qualities of IRAs identified in 2002.*

*113 Id.*

*114 U.S. FOREST SERVICE, FINAL ENVIRONMENTAL IMPACT STATEMENT, CHUGACH NATIONAL FOREST PLAN REVISION, APPENDIX C (2002).*

*115 Id.*

*116 Id.*

*117 Id. (Comment 765)*

*Sixth, the DSEIS incorrectly asserted that no public drinking water would be affected.<sup>118</sup> Preserving drinking water in remote watersheds was an important reason for implementing the roadless rule.*

*Public testimony indicated that rural residents near Cooper Landing use Juneau Creek for drinking water. The potential effects on that drinking water use were not analyzed anywhere in the DSEIS.*

*118 DSEIS, at 3-53 to 3-52. (Comment 766)*

*Seventh, the DSEIS concluded that the alternatives would have no anticipated impact to wildlife “diversity.”<sup>119</sup> But there are no wildlife mitigation measures, such as underpasses or wildlife bridges, discussed anywhere in the DSEIS.<sup>120</sup> Wildlife frequently move between the Kenai Lake and Resurrection IRAs, forcing animals to cross the Sterling Highway. The DSEIS did not analyze the effects of any measures to mitigate impacts of a new highway with increased speeds on those wildlife crossings.*

*119 Id.*

*120 Id. (Comment 767)*

## V. THE DSEIS INADEQUATELY ANALYZED THE EFFECTS ON WILDLIFE AND WETLANDS

### A. Wildlife

Highway crossings in the Kenai are one of the most serious and significant sources of wildlife fatalities. Combined with loss of habitat and increased presence of human recreation, this project has the potential to seriously threaten wildlife populations in the Kenai. At least 26 mammal species are expected to be affected by the project, including moose, wolverine, Dall sheep, black and brown bears, and lynx. *Unfortunately, the DSEIS provided a terse and inadequate analysis of those potential effects, and failed to identify concrete and specific mitigation measures for each of the alternatives.*

*Although the DSEIS acknowledged that vehicle collisions are a major source of mortality for Kenai, the analysis did not disclose the possibility that increased vehicle speeds on the new highway alignment will lead to increased mortality. The DSEIS should have considered likely new speed limits on the new alignments and disclosed likely increases in mortality. (Comment 768)*

*And despite acknowledging that the new highway alignment will cause habitat fragmentation by creating a new barrier to wildlife movement, the DSEIS fails to provide a meaningful discussion of how the fragmentation will affect moose and brown bear populations. Possible effects include changed movement behavior, increased vehicle collisions, noise disturbances, and increased human-wildlife interactions. (Comment 769)*

*Finally, the DSEIS failed to provide an adequate discussion of potential mitigation to the effects on wildlife. There is nebulous mention of some type of wildlife crossings, but no detail is provided. Other wildlife mitigation measures that should have been discussed include wildlife over/under passes, wildlife crossing signs, and fencing. The DSEIS should have disclosed what mitigation measures are guaranteed to happen with each alternative, and how those mitigation measures will reduce the project’s effects on wildlife. (Comment 770)*

### B. Wetlands and Water

*The project is likely to have significant effects on wetlands in the Kenai River watershed. Destruction of wetlands for each of the proposed new road alignments will likely effect the Kenai River, decreasing the ecological filtration capabilities. No mitigation measures for wetland functions within the project*

*area have been proposed. Any mitigation efforts in the final EIS should be within the project area, if possible, in order to replace lost ecological functions within the area. (Comment 771)*

*Other long-term problems for wetlands and aquatic environments posed by the project include increased siltation and runoff. Additional impervious surfaces from any new alignment will lead to increased road runoff. A new road alignment will also require new culverts and new bridges, all of which pose significant threats to ecological integrity within the project area.*

*The DSEIS claims that one of the environmental advantages of the build alternatives is that the highway is moved away from the Kenai River, decreasing the likelihood and severity of a potential spill. Ironically, the DSEIS admits that building a new highway alignment through the build alternatives will create similar problems. The DSEIS claims that “[e]ach build alternative would move the majority of vehicle traffic away from the Kenai River . . . This would reduce the risk of spills and general runoff pollution reaching the river.” That statement is almost immediately contradicted by the evidence and conclusion that more paved surfaces will only increase runoff: “All build alternatives would result in an increase in storm water runoff because the project area would have more paved surfaces.”*

*The contradictory conclusions and failure to include any wetland or runoff mitigation measures demonstrates that the DSEIS did not adequately consider and disclose the project’s effects on wetlands and water resources. (Comment 772)*

## **VI. THE DSEIS INADEQUATELY ANALYZED THE PROJECT’S CUMULATIVE IMPACTS**

*NEPA requires the DSEIS to discuss and analyze the project’s cumulative impacts. The cumulative impacts analysis should be searching, including all reasonably foreseeable projects that could have impacts on the project area. Unfortunately, the DSEIS for this project did not rise to the standards required by NEPA and expected by the public. The cumulative impacts chapter of the DSEIS failed to adequately analyze likely future impacts by additional road construction projects, subdivisions, and increased use of forest roads for access.*

*The DSEIS failed to disclose and analyze potential effects of other road construction and maintenance projects in the Kenai. Possible plans for paving existing roads could lead to increased traffic and increased vehicle collisions for wildlife. Any other road paving projects planned within the project area should have been analyzed. (Comment 773)*

*The DSEIS also fails to discuss plans for subdivision development within the project area. The state and local governments have plans to allow development of residential lots to occur within the project area, possibly using the new highway alignments as a primary access route. Despite assurances from DOT&PF that access to those new developments would be to the existing highway alignment, there is no binding commitment to make that happen. DOT&PF committed to preventing development along the Sterling Highway Homer Bypass when it was built in the 1970s. Today that route is heavily developed. This is consistent with roadside development throughout the nation. Historical record will show that in most cases, roadside development is virtually inevitable. The DSEIS should have acknowledged that possible outcome and analyzed the cumulative effects of the likely residential subdivisions within the project area. (Comment 774)*

VII. THE SECTION 4(F) ANALYSIS FAILED TO ANALYZE EFFECTS ON RECREATION, WILDLIFE, AND SCENERY

Because the project proposes to use recreation areas, historical sites, and a national wildlife refuge, the FHWA must comply with Section 4(f) of the Department of Transportation (“DOT”) Act of 1966.<sup>121</sup> Under the DOT Act, FHWA may approve a highway project “requiring the use of publically owned land of a public park, recreation area, or wildlife refuge . . . or land of an historic site,” only if two conditions are met:

121 49 U.S.C. § 1653(f) (2012).

“(1) there is no prudent and feasible alternative to using the land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”<sup>122</sup>

122 *Id.*

Federal regulations make it clear that the FHWA may only approve the alternative that “[c]auses the least overall harm in light of the statute’s preservation purpose.”<sup>123</sup> FHWA policy specifies that the preservation purpose “is to avoid, and where avoidance is not feasible and prudent, minimize the use of significant public parks, recreation areas, wildlife and waterfowl refuges and historic sites.”<sup>124</sup> Ultimately, the “goal is to identify alternatives that would not use any section 4(f) property.”<sup>125</sup>

123 23 C.F.R. § 774.3(c).

124 FHWA, SECTION 4(F) POLICY PAPER, 11 (2012).

125 *Id.* at 13.

*The U.S. Supreme Court has made it clear that the Department of Transportation Act presents a general bar to projects that use public parks, recreation areas, and wildlife refuges.<sup>126</sup> Only in most extreme and unusual cases will the Section 4(f) exemption be found appropriate.<sup>127</sup> “For this exemption to apply the Secretary [of Transportation] must find that as a matter of sound engineering it would not be feasible to build the highway along any other route.”<sup>128</sup>*

*126 Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402 (1971).*

*127 Id. at 410 (“This language is a plain and explicit bar to the use of federal funds for construction of highways through parks – only the most unusual situations are exempted.”).*

*128 Id. at 411.*

*In Overton Park, the Court also made it clear that the Section 4(f) determination of “least harmful” alternative is substantive and not subject to discretionary factors beyond harm to the land.<sup>129</sup> The Court rejected arguments from the Department of Transportation that Section 4(f) required the agency to engage in a “wide-ranging balance of competing interests.”<sup>130</sup> Thus, the substantive decision of which alternative is least harmful should be made by the FHWA after considering only the effects on the Section 4(f) properties themselves.*

*129 Id.*

*130 Id. (Comment 775)*

For this project, the Section 4(f) evaluation is flawed because the FHWA failed to analyze a reasonable alternative that minimizes use of Section 4(f) properties by upgrading the highway within the existing alignment. The DSEIS failed to consider an alternative that minimizes use of Section 4(f) properties by using the existing alignment. Safety and engineering upgrades can be made using the existing alignment. An alternative that uses the existing alignment would be the least harmful to Section 4(f) lands.

*Furthermore, the Section 4(f) evaluation failed to consider likely effects on remote recreation within the project area. Both the Juneau Creek and Juneau Creek Variant Alternatives require a new bridge that will truncate the southern end of the Resurrection Pass National Recreational Trail by 3.4 miles. The road and bridge over Juneau Creek Canyon would badly degrade the Juneau Falls Recreation Area and introduce unacceptable noise levels to both Resurrection Pass Trail and Bean Creek Trail. Far from mitigating this, the project build alternatives propose to add a falls overlook and pedestrian walkway, exacerbating the disruption. The Forest Service’s suggestion to build more infrastructure at the Iditarod National Historic Trail near the Snow River is unsatisfactory because it fails to address the problems at Resurrection Creek and the proposal changes the nature of recreation from remote backcountry to front-country.<sup>131</sup>*

*131 See DSEIS, at 4-115 to 116.*

*The DSEIS acknowledges that the three northern build alternatives will have significant effects on remote recreation. “The recreation area would function differently than it does today, but would serve an important recreation function within the Chugach National Forest as a highway-related recreation area instead of a backcountry recreation area.”<sup>132</sup> But remote recreation areas and highway-related recreation areas serve very different users and types of recreation. Remote recreation opportunities are fewer in number and less likely to be accessible from highways. Eliminating or changing an accessible backcountry recreation area is a significant effect on the Section 4(f) land.*

*132 Id. at 4-108.*

*The effects of noise on remote recreation and wildlife also received only cursory attention in the Section 4(f) evaluation. The analysis contained inadequate noise studies and predictions to anticipate effects on remote recreation areas and wildlife habitat. The evaluation put no effort to monitor and predict impacts to the Resurrection Pass area beyond Juneau Falls. And the evaluation did not indicate any measures to mitigate noise and visual impacts from the build alternatives. The project area occupies a beautiful travel corridor that enjoys a relatively low level of noise considering the amount of development along the existing highway alignment. All build alternatives will result in impairment of the viewshed and significant increase in noise levels. (Comment 776)*

*Constructive uses of surrounding park and recreation lands were also not considered in the Section 4(f) evaluation. Potential constructive uses of the Kenai National Wildlife Refuge outside of the project area include increased visitation, decreased wildlife habitat, and increased noise disturbances. The constructive use to the neighboring designated wilderness areas are particularly concerning because these areas were specifically designed to offer remote recreation in primitive settings. Increasing highway speeds nearby will impact the wilderness character of these lands. The final Section 4(f) evaluation should consider constructive uses to neighboring wilderness and national park lands. (Comment 777)*

*Most importantly, the Section 4(f) analysis failed to include mitigation measures for effects on wildlife and recreation. The inclusion of mitigation measures is a legally required aspect of the Section 4(f) analysis and should have been included in the draft to allow for public comment. Mitigation measures should be considered to minimize impacts on recreation in the Juneau Creek and Resurrection Trail areas. (Comment 778)*

*Because the effects to wildlife and recreation are less significant on the south side of the highway, we conclude that of the four build alternatives analyzed, the Cooper Creek Alternative is the least harmful. For one thing, the Cooper Creek Alternative is shorter and avoids the highly popular Resurrection Pass Trail. The Cooper Creek Alternative also stays away from important wildlife habitat on the north side of the Kenai River. But there would still be harmful impacts to Section 4(f) lands on the south side of the river. Bear and moose habitat would be affected, and recreational resources like the Cooper Landing Boat Launch and Day Use Area, Stetson Creek Trail, and Cooper Lake Dam Road and Powerline Trail would be negatively impacted by the Cooper Creek Alternative. The final Section 4(f) evaluation should consider every possible way to mitigate damage to those resources if the Cooper Creek Alternative is selected. (Comment 779)*

## VIII. CONCLUSION

The FHWA should reconsider the Cooper Landing Bypass project as it is currently designed. A new alternative that improves safety, congestion, and highway standards within the existing alignment should be considered and a new draft EIS released for public comment.

Given the information in the DSEIS and Section 4(f) evaluation, the least harmful alternative is the Cooper Creek Alternative. However, *based on the foregoing analysis, selecting any of the build alternatives without considering a reasonable alternative that makes improvements to the existing alignment would be invalid under the legal requirements of Section 4(f) and the roadless rule. (Comment 780)*

Sincerely,

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**Comment 747:** FHWA is required to present a preferred alternative in the draft EIS only if it has one. At the time of the Draft SEIS, neither DOT&PF nor FHWA had a preferred alternative. A preferred alternative is presented in the Final EIS. Similarly, the environmentally preferred alternative is not required to be identified until the ROD. FHWA and DOT&PF recognize the complexity of the project, as indicated by the commenter, and specifically valued the comments received as a way to help identify key issues to weigh in identifying a preferred alternative. The public was provided the opportunity to comment on all the alternatives, as all of the alternatives evaluated are reasonable and could be selected.

FHWA typically does not identify the alternative with least overall harm in a Draft Section 4(f) Evaluation. Per FHWA policy (2012 Policy Paper p. 16), the draft can (and does, in this case) provide a preliminary comparison of alternatives. The final must identify the alternative determined to have least overall harm, but in complex cases (and this is one of the more complex Section 4(f) evaluations), the policy allows for final approval for use of Section 4(f) property in the NEPA ROD. DOT&PF and FHWA wanted to make sure they had the information as correct as possible and to take into consideration the views of agencies and the public (as is required) before identifying the alternative with the least overall harm. The Final EIS does identify the alternative with the least overall harm.

**Comment 748:** See Group Comment #26

**Comment 749:** The format of the discussion of inventoried roadless areas in the Draft SEIS was developed based on consultation with the Forest Service as a cooperating agency to meet U.S. Forest Service requirements and fulfill their decision-making needs. The EIS presents information on each IRA's acreage and acreage impacts to put the area of impact in context with the larger area as just one aspect of analysis. In Section 3.2.4, the EIS addresses each of the roadless area characteristics required to be analyzed. In many instances, effects on the characteristics are evaluated in great detail in other sections of the EIS or in technical reports. In such instances, references are provided so the reader can easily find this additional, detailed information. Based on comments received on the Draft SEIS, the Final EIS includes greater detail regarding localized effects on the IRAs, effects on future Wilderness designation, and presents more information on fragmentation. The Final EIS presents updated IRA background in Section 3.2.1.3 and describes impacts to IRAs in Section 3.2.4, and incorporates other portions of the EIS by reference (as mentioned above).

**Comment 750:** DOT&PF and FHWA recognize and have disclosed the impacts described by the commenter. Wildlife, and particularly brown bears and moose, have been species given the greatest attention by the project and in the EIS. Chapter 3.22 addresses wildlife and is more than 60 pages long, with special subsections devoted to moose and brown bears. The movement corridor of concern expressed in the comment is identified and described in the EIS (see specifically Draft SEIS p. 3-394; 3-395; 3-400 p. 3-401; 3-403). Impacts to species movements are described throughout the consequences discussions for each species; including moose and brown bears.

**Comment 751:** The Draft SEIS provided extensive detail about types of wildlife mitigation being considered and a process for determining where along the length of the alternatives mitigation measures would be implemented. Final mitigation measures are required to be disclosed in the Record of Decision. The Draft SEIS indicated that more detail would be available in the Final EIS, and the Final EIS now provides a refined mitigation proposal based on the results of the Wildlife Mitigation Study. See Section 3.22 under "Mitigation" headings.

**Comment 752:** DOT&PF and FHWA did consider the cumulative effects of the actions identified by the commenter (including past and present highway development and future development impacts). The reasonably foreseeable actions related to development were identified through coordination with the Kenai Peninsula Borough and the Alaska Department of Natural Resources. Impacts of development projects, including a senior housing project by Cooper Landing Senior Citizens Corporation, development plans by Cook Inlet Region Inc., Cooper Landing subdivision infill at Birch and Grouse Ridge Subdivision, and development of Unit 395 on State land (anticipated to transfer to the Kenai Peninsula Borough) were all identified and evaluated. Section 3.27 of the Draft SEIS discussed cumulative impacts of the proposed project, including subdivision expansion both on Unit 395 and in the Birch and Grouse Ridge Subdivision (see subsection 3.27.4). For Unit 395 a special analysis was conducted to identify the likely density and build-out of Unit 395 (see for example Table 3.27-2 and the surrounding text). For previous highway improvements on the KNWR that were evaluated (see Sections 3.27.4.1 and 3.27.7.15). References and analysis to these past, present and reasonably foreseeable future actions occur throughout the impact assessment topics in Section 3.27.

**Comment 753:** The following discusses the comment point by point:

- *Inadequate Analysis of Harms.* DOT&PF and FHWA have spent a large amount of time and effort on a Section 4(f) Evaluation that runs to more than 140 pages and includes 14 maps. It meets all requirements of the law and includes analysis of the harms to each park, recreation area, and wildlife refuge--and also to each historic property--that is protected by Section 4(f). The impact to each Section 4(f) property is found in Section 4.5
- *Fails to Disclose Magnitude of Impacts to Wildlife.* The Section 4(f) Evaluation in Section 4.5 and 4.8.2 discloses the magnitude of impacts on wildlife associated with the KNWR, which is the Section 4(f) property in question (wildlife itself is not a Section 4(f) property). Because only the Juneau Creek Alternative would use land from the KNWR, impacts to wildlife are discussed in the Section 4(f) Evaluation only for the Juneau Creek Alternative. Similar thorough discussion of impact to wildlife appears for all alternatives in Section 3.22 in the EIS.
- *Fails to Disclose Magnitude of Impacts to Remote Recreation.* As mentioned above, the Section 4(f) evaluation provides impact analysis for each of the Section 4(f) properties. Many of these properties currently provide important remote recreational opportunities. In particular, see discussion of impacts to the Juneau Falls Recreation Area, Resurrection Pass National Recreation Trail, Bean Creek Trail, and Kenai National Wildlife Refuge in Section 4.5.
- *Fails to Disclose Mitigation Measures.* The Section 4(f) Evaluation thoroughly discloses mitigation measures (called "measures to minimize harm," in Section 4(f) parlance) in Section 4.6, specifically those subheadings entitled "Measures to Minimize Harm--Design and Construction." The Section 4(f) Evaluation discusses measures to minimize harm for each alternative that uses land from a Section 4(f) property. Further mitigation measures are discussed in Chapter 3 for impacts to non-Section 4(f) resources.
- *Fails to Consider an Alternative that Makes Safety Upgrades within the Existing Alignment.* The Section 4(f) Evaluation focuses on the alternatives presented in the NEPA document but includes substantial discussion of efforts to avoid and minimize impacts to section 4(f) properties by altering the alignment, including use of the existing alignment/staying within the existing right-of-way. See Section 4.4 and, in Section 4.6, see those subsections entitled "Measures to Minimize Harm--Alignment Options."

**Comment 754:** The Draft SEIS and Final EIS are written to fully meet legal requirements and policies. DOT&PF and FHWA conducted a comprehensive project development and EIS process. Public and agency outreach, input, and comment was conducted to identify and review the purpose and need, the range of alternatives, the screening of alternatives, the development and refinement of alternatives studied in detail, in understanding impacts and concerns, to suggest special studies, and to review and comment on impacts and mitigation. The EIS was prepared by numerous professionals with specialized credentials. Drafts of the EIS have been reviewed by agencies to refine the analysis and mitigate for potential impacts. That entire process and documentation was published on the project web site and in the Draft SEIS. Public and Agency comments were taken on the material and modification and corrections made to present an unbiased, complete documentation fully disclosing the effects of the reasonable alternatives.

DOT&PF and FHWA have completed further work regarding an alternative that would remain on the existing alignment throughout its length. See Section 2.5.1. In short, the effort took a hard look at a method for squeezing the road into the available space and to see how close it could come to meeting current standards (the purpose of the project). DOT&PF and FHWA determined that such an alternative, while likely appropriate for local traffic (and a potential solution for the Cooper Landing community after the highway's through traffic is removed), it would not serve through-traffic and would not be reasonable for satisfying the functions of the National Highway/Interstate Highway System.

**Comment 755:** Thank you for your comment. It is helpful to see the reasoning behind the stated concerns. DOT&PF and FHWA have taken these comments into consideration in identifying a preferred alternative. The resulting least overall harm analysis and decision making to identify a preferred alternative is detailed in Chapter 4 of the EIS and summarized in the Executive Summary.

**Comment 756:** (A) As stated within this comment, FHWA is required to present a preferred alternative only if it has one. At the time of the Draft SEIS, neither DOT&PF nor FHWA had a preferred alternative. Similarly, as stated within the comment, the environmentally preferred alternative is not required to be identified until the ROD. FHWA and DOT&PF recognize the complexity of the project, as indicated by the commenter, and specifically value the comments received as a way to help identify key issues in order to help them identify a preferred alternative.

Not identifying a preferred alternative in the draft EIS in no way deprived the public the opportunity to meaningfully comment. In fact, the Draft EIS contains each of the commenters content suggestions, including: a rigorous review of the environmental effects and comprehensive analysis of all reasonable alternatives (see Sections 3.1 through 3.27); a fair and objective accounting of cumulative impacts (see specifically Section 3.27); a thorough description of measures to mitigate harm (mitigation measures are presented in Chapters 3.1-3.27, typically under the heading "Mitigation" and in chapter 4 under the headings "Measures to Minimize Harm"). DOT&PF provided the information to gauge the relative effects and harm amongst the alternatives to provide the public with the information critical to making a preferred alternative choice. Such information included impact comparison tables in the Executive Summary and Chapter 4, and also a draft "Least Overall Harm Analysis" in Chapter 4.

Contrary to the comment, DOT&PF and FHWA did not shift the burden to the public to make the case for which alternative is the environmentally preferable alternative, but rather clearly laid out the choices and fully disclosed the impacts. And, as is required by NEPA, DOT&PF and FHWA invited public and agency comments and is fully considering those comments in their decision-making.

(B)(1). FHWA typically does not identify the alternative with least overall harm in a Draft Section 4(f) Evaluation. Per FHWA policy (2012 Policy Paper p. 16), the draft can (and does, in this case) provide preliminary comparison of alternatives. The final must identify the alternative determined to have least overall harm, but in complex cases (and this is one of the more complex Section 4(f) evaluations), the policy allows for final approval for use of Section 4(f) property in the NEPA ROD.

(B)(2). The Section 4(f) evaluation was started very early in the process, including first in the previous EIS efforts. For the current effort, the Section 4(f) evaluation started at the same time as the EIS. The earliest Section 4(f) document published on the project web site is dated May 2002 and reflects work undertaken in 2001 and earlier. DOT&PF and FHWA have considered and evaluated Section 4(f) concurrently with the EIS effort. The complexities in the project area and resulting consultations have

made finalizing a least overall harm analysis a challenge, and allowing for formal agency and public comment is an important step before finally identifying the alternative with least overall harm. DOT&PF and FHWA wanted to make sure they had the information as correct as possible and to take into consideration the views of agencies in the public (as is required) before identifying the alternative with the least overall harm. The Final EIS does identify the alternative with the least overall harm. However, until the final Record of Decision is signed, there remains no final decision.

**Comment 757:** See Comment Group #26

**Comment 758:** See Group Comment #56

**Comment 759:** The commenter asserts that "federal requirements for safety and access" were not made in the corridor and that meeting "federal requirements" for the road was claimed by FHWA and DOT&PF to be "unnecessary" because this project was imminent. Despite this current ongoing overall project (which is the subject of this EIS), DOT&PF and FHWA have continued to make necessary improvements in the corridor, including lighted safety signs, guardrails, repaving, re-configuring intersections, and adding pedestrian amenities on the Cooper Landing Bridge, along the highway, and on Snug Harbor Road. Each of these improvements were undertaken in full compliance with Federal requirements, including NEPA which considered impacts related to the irretrievable commitment of resources.

Presumably, the commenter is referring to major bridge replacements on the existing highway that have been deferred. DOT&PF and FHWA are charged with providing safe transportation facilities for the traveling public and also with the wise and prudent use of public funds. The decision to defer making substantial and costly improvements in the corridor was made because this project was in development. It would not be a prudent use of public funds to make major and costly improvements, only to have to remove them or to have them be functionally obsolete if the selected alternative cannot make use of those improvements. The decision on the routing and scope of improvements to solve the identified Sterling Highway problems in this corridor is the subject and reason for this EIS.

In no case were any federal requirements not met, or deemed unnecessary. The decision to defer major investment decisions in the corridor and to base them on the outcome of this EIS in no way suggests a "preordained conclusion" nor is it an "impermissible and undisclosed irretrievable commitment of resources."

**Comment 760:** The EIS does not indicate or presume that Secretarial approval of the Sterling Highway Record of Decision is a foregone conclusion. DOT&PF and FHWA recognize and have disclosed the effects of the alternatives on the characteristics and values associated with the affected inventoried roadless areas. Each of the required elements for the Secretary to make an informed decision are identified, and a full analysis provided. The format of the discussion of inventoried roadless areas in the Draft SEIS was developed based on consultation with the Forest Service as a cooperating agency. To keep from being repetitive, the EIS provides an overview of each IRA factor with a citation to the location in the EIS where additional information can be found. Based on comments received on the Draft SEIS, the Final EIS includes greater detail regarding localized effects on the IRAs. The Final EIS discloses impacts to IRAs in Section 3.2.4 and incorporates other portions of the EIS by reference.

**Comment 761:** The EIS addresses IRAs primarily in Section 3.2. See specifically 3.2.1.3, a section devoted to background on the Roadless Rule, and Section 3.2.4, which discusses impact. These sections have been augmented in the Final EIS to further discuss "local effects" to IRAs.

The comment states that the EIS failed to consider an alternative that makes improvements to the highway within the existing alignment. In fact, all alternatives make substantial use of the existing alignment. As well, DOT&PF and FHWA extensively considered alternatives that would use 100 percent of the existing alignment for the Draft SEIS and included further consideration for the Final EIS. Consistently over 30 years, engineers have suggested that it would not be prudent and reasonable to upgrade the highway if it involved cutting into the unstable bluffs in the MP 49-50.5 area. The most recent work looked at what could be done considering the constraints of community in the MP 48-49 area and the topography/geologic constraints of the MP 49-50.5 area. DOT&PF and FHWA found that very little improvement could be made that would serve the project's goals of meeting standards that are designed to ease congestion/allow for mobility and improve safety, and cuts into the base of the unstable bluff would still need to occur. DOT&PF and FHWA have no obligation to fully evaluate in an EIS, alternatives that would not meet the project purpose and need and would not reflect sound engineering judgment.

Based in consultation with the Forest Service, DOT&PF and FHWA have provided as much information as possible in the EIS about why the project is in the public interest. The Final EIS and associated technical reports (e.g., Existing Alignment Issues report and geotechnical reports) also present ample discussion of reasons that use of the existing alignment throughout would not be a reasonable and prudent alternative. DOT&PF and FHWA are confident that the Forest Service will fully consider the information in the Final EIS in making its determination regarding effects to IRAs.

**Comment 762:** The reference cited by the commenter is taken from one summary table for one alternative (the Cooper Creek Alternative). For the IRA area impacted under the Cooper Creek Alternative, it appears that the Forest Service initially inventoried roadless areas before state land selections in the Cooper Creek area had been completed and that the current combination of state and borough lands, and existence of the existing Sterling Highway, have resulted in a portion of the Kenai Lake IRA that is, in fact, relatively small and isolated from the main body of the IRA. That reference has been changed from the using the term "very small" to report the actual acreage of the isolated IRA parcel. The language in the summary table has been updated to include the measured 19.9 ac. for this isolated IRA area.

The EIS does not indicate that the IRAs are "too small to matter." As is required by NEPA, the affected environment is factually described and the size of the impacted area is compared to the overall IRA to provide context for the impact discussion. This is just one aspect of analysis presented. In Section 3.2.4, the EIS addresses each of the roadless area characteristic required to be analyzed. In many instances, effects on the characteristics are evaluated in great detail in other sections of the EIS or in technical reports. In such instances, references are provided so the reader can easily find this additional, detailed information.

**Comment 763:** The IRA impact tables in Section 3.2.4 include a row that addresses "isolated portions of the IRA" (in other words - fragmentation) and reports an acreage of impact. This has been augmented with a qualitative discussion relating this acreage to the characteristics presented below in the same tables. Note, as indicated in Table 3.2-1, this does not apply for the Cooper Creek Alternative,

because the portion of the IRA that would be affected already is an isolated/fragmented portion of the IRA.

**Comment 764:** The Draft SEIS did discuss the effects of increased recreational use of roadless areas, including remote portions of the IRAs, that would result from the project. This is primarily an issue for the Resurrection IRA and the Juneau Creek alternatives, less so with the G South Alternative. Discussion of effects of the Juneau Creek Alternatives, in particular, has been augmented in Section 3.8.2.5. The Cooper Creek Alternative changes the physical location of access to Stetson Creek Trail but is not likely to result in a changed use pattern in the Kenai Lake IRA.

Cross references in the Final EIS from the Roadless tables to parts of the EIS that discuss recreation have been made more specific.

DOT&PF and FHWA are not aware that "remote recreation" has a legal meaning or is a particular term of art for the Forest Service that is different than the terms used in the EIS. "Remote recreation" does not appear in Chugach National Forest's Appendix C discussion of inventoried roadless areas and does not appear in the Roadless Rule except in the preamble discussion, where it is used generically to mean recreation in remote areas, or capitalized where it is specific to the Remote Recreation Land Use Designation on the Tongass National Forest only. Text has been added in the Final EIS to indicate that dispersed primitive and semi-primitive recreation are considered the same as remote recreation for the purposes of the Sterling Highway 45-60 EIS analysis.

**Comment 765:** The EIS considered and relies on the Chugach National Forest's wilderness evaluation and roadless area inventory in the analysis found in Sections 3.2.1.3 and 3.2.4 (and is cited as such). Based on this inventory and other information, the EIS (3.2.1.3) does address how the project would affect important qualities of the IRAs, including the following subsections: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and those species dependent on large, undisturbed areas of land; primitive, semi-primitive, non-motorized and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing landscapes with high scenic quality; traditional cultural properties with sacred sites; and other locally identified unique characteristics.

The EIS addresses the issues raised by the commenter. The EIS includes a nearly identical quote to that presented in the comment, "In the Roadless Areas appendix to the Forest Plan Environmental Impact Statement (EIS), the USFS indicates 97 percent of each of these IRAs as having "very high" scenic integrity, where the natural environment is intact and only natural processes are visible [Draft SEIS, p. 3-31].

The commenter indicates that the Chugach forest plan specifically rejected alternatives that would allow road construction in the Kenai Lake IRA because "as new roads are constructed, the roadless character and primitive recreation opportunities on these lands would be lost." It is important to note, that only one of the four reasonable alternatives affects the Kenai Lake IRA; the Cooper Creek Alternative. The Cooper Creek Alternative affects a 19 acre piece of the IRA that has been rendered discontinuous with the overall IRA by previous land selections. This 19 acre "island" of IRA land is surrounded by "roaded" designation and is discontinuous from the other 213,181 acres that make up the intact IRA property.

DOT&PF and FHWA have coordinated with the USFS on the requirements necessary for the Secretary to make a decision and have incorporated the information requested. The Final EIS includes more "local" information in the roadless effects tables and additional information regarding the Forest Service's ability to manage the IRAs in a roadless state or Congress's ability to designate the IRAs as Federal Wilderness in the future.

**Comment 766:** As indicated in the EIS in Section 3.2.1 3, area streams and lakes within the IRAs or downstream of the IRAs are not a substantial source of public drinking water. The discussion of Inventoried Roadless Areas in 3.2.4 has been augmented to clarify that the alternatives would cross identified wellhead protection zones and that the wellhead protection zones overlap the IRAs, that no impact is anticipated under normal circumstances, but that a spill on the highway could affect wells down-gradient. The mapping and discussion of wellhead protection areas is in Section 3.13, and the IRA discussion in 3.2.4 continues to cross-reference to Section 3.13 and Map 3.13-2. Map 3.13-2 has been updated to show the IRA boundaries and locations of surface water permits. Section 3.13.2.2 has been augmented to better describe the potential for changes in drinking water by well owners, homeowners who use surface water, and recreationalists.

**Comment 767:** The commenter is referencing IRA summary tables in Section 3.2 discussing the finding that indicates that no impact to wildlife diversity is anticipated. Section 3.22 of the EIS contains a full and detailed analysis of the information referenced in that summary table. In Section 3.22, DOT&PF and FHWA have fully disclosed the effects on wildlife. There are no threatened or endangered species in the project area or vicinity, and based on the analysis in 3.22, none of the alternatives are anticipated to impact any species to such a degree that they would be at risk of becoming threatened or endangered - in other words, the diversity of species are not anticipated to be impacted.

That is not to say that wildlife that use and rely on the IRAs will not be impacted. Chapter 3.22 fully disclosed impacts, including impacts associated with wildlife movements that require crossing the existing highway and proposed build alternatives.

Sections 3.22 and 4.6 describe DOT&PF and FHWA commitments to wildlife mitigation and an on-going process to refine precisely where the mitigation measures (crossings, fencing, etc.) would be located. The Final EIS refines the mitigation proposal, with additional details and cost estimates.

The discussion of diversity of wildlife and of habitat for species dependent on large and undisturbed areas of land as characteristics of roadless areas has been augmented in the Final EIS to bring it more directly into the IRA discussion in Section 3.2, but still incorporates substantial discussion in other sections of the EIS by reference, as agreed with the Forest Service.

**Comment 768:** DOT&PF and FHWA recognize and have disclosed the impacts described by the commenter. Wildlife, and particularly brown bears, moose, Dall sheep, mountain goats, lynx, wolves, wolverine, and river otters had special attention, based on consultation with agencies and comment received during scoping. Chapter 3.22 includes 60 pages addressing wildlife including information and disclosing impacts related to habitat loss, travel speeds, and increased human activity. Additional information related to human activity and wildlife can be found in Section 3.27, Cumulative Impacts.

With regard to the possibility that increased vehicle speeds on the new highway alignment could lead to increased mortality, the EIS discloses that. Specifically the EIS discloses that:

- Increases in traffic volume and speed, as is associated with all of the build alternatives, would have the potential to increase wildlife-vehicle collisions and hinder wildlife movement (Draft SEIS p. 3-424);
- Increased road density and associated dispersed recreational use of lands near the new roads, traffic volumes expected under all alternatives (including the No Build Alternative), and vehicle speeds could increase wildlife-vehicle collisions (Draft SEIS p. 3-431);
- Changes in human activity can also result in changes in direct bear mortality (e.g., hunting, vehicle collisions, or DLP kills) (Draft SEIS p. 3-410).
- Primary factors in moose-vehicle collisions on the Sterling Highway have been attributed to increasing traffic volume as well as increasing traffic speeds (DSEIS p. 3-399);  
> Harvest numbers and collision numbers indicate the importance of vehicle collisions in the project area as a mortality factor for moose (Draft SEIS p. 3-400);
- Vehicle collisions tend to increase during severe winters (e.g., deep snow) and when road conditions favor higher speeds (Draft SEIS p. 3-399);
- Human actions also result in direct bear mortality through hunting, vehicle collisions, and bear kills in Defense of Life and Property (DLP) (Draft SEIS p. 3-395).
- All build alternatives are likely to have impacts on brown bear mortality through changes in the probability of Defense of Life and Property kills and vehicle collisions (Draft SEIS p. 3-413).  
> Impacts to brown bears are likely to occur under all build alternatives as a result of increased brown bear mortality through changes in the probability of DLP kills or vehicle collisions (Draft SEIS p. 3-410 & 3-413);
- All build alternatives would likely result in one or more impacts to moose, including injury or mortality from collisions (Draft SEIS p. 3-423);
- Primary human-caused mortality factors for black bears are harvests by hunters and collisions with vehicles on highways (Draft SEIS p. 3-401);
- These impacts could result in lower population sizes, impediments to movements across the new highway, and direct mortality resulting from vehicle collisions (especially of wolves, lynx, and black bears) (Draft SEIS 3-431).

FHWA has committed to incorporating wildlife crossings as needed to mitigate impacts to wildlife movement and reduce vehicle collisions with wildlife. The results of a project-funded wildlife mitigation study that was requested and designed by the inter-agency wildlife team (including USFWS, USFS and ADF&G) have been incorporated in the Final EIS (3.22) with specific mitigation proposals. The mitigation analysis covers the exact species cited by the commenter (moose, wolverine, Dall sheep, black and brown bears, and lynx).

The EIS did consider and has disclosed the likely speed limits. As is indicated in the Draft SEIS, the design speed is 60 mph. The likely posted speed limit is now included in the Final EIS—55 mph—which is slower than most other segments of the Seward and Sterling Highways.

**Comment 769:** Direct and indirect impacts to brown bears are discussed in Section 3.22.3 including discussion of habitat fragmentation. The EIS discloses that habitat fragmentation could create

impediments to movement between important seasonal habitats. Salmon are a critical food source, and it is likely that bears would continue to access and use the Kenai River and its tributaries under any of the alternatives. Disclosed impacts include habitat loss, habitat alteration, noise effect, modification of behavior and use of habitat, and increased mortality through vehicle collisions and increased human-wildlife interactions and defense of life and property kills. The EIS acknowledges that project-related changes to brown bear habitat and habitat use have the potential to impact brown bear populations through decreased population sustainability. Impacts to moose are similarly disclosed in 3.22.4.

The preamble to this specific comment identifies that highway crossings in the Kenai are one of the most serious and significant sources of wildlife fatalities. The SEIS discloses this very information. As noted in Table 3.22-3, vehicle collisions comprised about 6% of brown bear mortality between 1999 and 2009. Other sources of mortality included Defense of Life and Property kills (65%), hunting harvest (13%), and other (poaching, research, etc. 16%). DOT&PF seeks to reduce vehicle collisions with wildlife. It is anticipated that providing improved visibility and line of site around curves will improve ability for drivers to avoid bear and moose on the roadway. DOT&PF has committed to work with the Forest Service to design a revegetation plan to reduce the presence of wildlife on or adjacent to the highway.

FHWA has committed to incorporating wildlife crossings as needed to mitigate impacts to wildlife movement, habitat fragmentation, and reduce vehicle collisions with wildlife. The results of a project-funded wildlife mitigation study that was requested and designed by the inter-agency wildlife team (including USFWS, USFS and ADF&G) have been incorporated in the Final EIS (3.22) with specific mitigation proposals. The mitigation analysis covers the exact species cited by the commenter (moose, wolverine, Dall sheep, black and brown bears, and lynx).

**Comment 770:** DOT&PF and FHWA recognize and disclosed the wildlife impacts identified by the commenter. The EIS discussed the incorporation of design mitigation features for bridges to provide clearance for wildlife beneath bridges, and retention of vegetation to the extent possible as cover for wildlife. The Draft SEIS described the range of mitigation options for wildlife, including vegetated overpasses, large/small mammal underpasses, fencing, gates, wildlife crossing signs, and movement-activated warning signs for drivers (See Section 3.22.3.2). The Final EIS includes additional details on proposed wildlife mitigation, which have been reviewed by wildlife biologists from the cooperating agencies on this project.

**Comment 771:** Proposed wetland mitigation is identified in Section 3.20.2.3 (under the heading "Practicable Measures to Minimize Harm/Mitigation"), which includes proposed erosion and sediment control measures and stipulations on construction techniques. Additional mitigation measures are discussed for each of the alternatives (under the heading "Practicable Measures to Minimize Harm/Mitigation") in Sections 3.20.2.4 through 3.20.2.6. Other mitigation measures that help to protect wetlands/waterbodies can be found in Section 3.7 River Navigation, 3.13 Waterbodies and Water Quality, and 3.17 Hazardous Waste Sites and Spills. Additionally, based on the analysis in the EIS, DOT&PF and FHWA have prepared a draft 404(b)(1) analysis that evaluates the alternatives in accord with USACE requirements. See new information in the 404(b)(1) analysis appended to the Final EIS, this includes additional details on proposed mitigation for wetlands.

**Comment 772:** The EIS acknowledges that the increase in paved surfaces would result in an increase in storm water runoff and discloses the effects of such runoff. Section 3.13.2 (Water Bodies and Water

Quality) has been supplemented with additional information on storm water runoff pollutants affects to water bodies (streams, stream segments, or other waters of the U.S.). The EIS analysis continues to conclude that the impacts to water resources from roadway runoff are expected to be negligible in the project area based on the traffic volume and proposed mitigation.

The EIS discusses runoff mitigation measures in Section 3.13.2.2 (under the heading "Mitigation"), which identifies storm water treatment features and Best Management Practices to protect water quality. Additional mitigation measures are discussed under each of the alternatives (under the heading "Mitigation") in Sections 3.13.2.3 through 3.13.2.5. Proposed wetland mitigation is identified in Section 3.20.2.3 (under the heading "Practicable Measures to Minimize Harm/Mitigation"), which includes proposed erosion and sediment control measures and stipulations on construction techniques. Additional mitigation measures are discussed for each of the alternatives (under the heading "Practicable Measures to Minimize Harm/Mitigation") in Sections 3.20.2.4 through 3.20.2.6. Other mitigation measures that help to protect waterbodies can be found in Section 3.7 River Navigation and 3.17 Hazardous Waste Sites and Spills.

As the commenter points out, the EIS does disclose that each of the build alternatives would result in an increase in storm water runoff because the project area would have more paved surfaces. As the EIS points out, it is also true that each of the build alternatives reduces the risk for spills (especially catastrophic spills) impacting the Kenai River, despite having additional impervious surfaces. This is possible because currently the highway runs nearly directly adjacent to the Kenai River for its entire length through the project area. Moreover, the highway is substandard through this stretch. The EIS documents that the lack of shoulders and clear zones, narrow lanes, and sharp curves presents a risk to the driving public and that crashes involving hazardous materials could more easily discharge into the river because of these existing conditions.

Each of the build alternatives moves the highway away from the river for some portion of its length. Separating traffic from the river would result in greater time and opportunities for spill response measures. Moreover, with any of the build alternatives the highway will be safer, thereby reducing the risk of crashes, and hence, reducing the risk of catastrophic spills (even for stretches that remain near the river). Section 3.17 (Hazardous Waste Sites and Spills) documents the reduction of risks of a contaminant spill (e.g. petroleum, or chemical) resulting from a vehicular accident.

**Comment 773:** DOT&PF and FHWA conducted a rigorous analysis to identify reasonably foreseeable future actions that could affect cumulative impacts associated with the project alternatives. This included reviewing plans and programs of the Kenai Peninsula Borough, Cooper Landing Community, and State and Federal agencies; and included coordinating with these agencies on their activities. Section 3.27 analyzes the project's cumulative impacts and includes all reasonably foreseeable future actions including the types of projects suggested by the comment. For instance, it does address reasonably foreseeable future road projects and residential/subdivision development anticipated to occur during the time horizon of this project. No specific project or action has been identified that specifically increases the use and access of forest roads. Changed or increased use of forest roads for access is addressed in other sections of the EIS as a direct or indirect impact of the project. Regarding "possible plans for paving existing roads" within the project area, no reasonably foreseeable paving was identified within the geographic scope of the project. Section 3.27 has been updated in several areas, based on other comments, that may in part address the concerns expressed in this comment.

**Comment 774:** The Draft SEIS did discuss plans for subdivision development in the project area in Section 3.27, Cumulative Impacts. Such plans are among the reasonably foreseeable future actions discussed throughout Section 3.27.

DOT&PF and FHWA have made a commitment in the EIS to reserve access rights on highway segments built on new alignment and that commitment is a binding environmental commitment under NEPA. Specifically, DOT&PF and FHWA have committed to purchase access rights along those highway segments that would be built on new alignment and record the access limitation on official plats. Controlling access is commonly done in Alaska and throughout the nation. DOT&PF controls access on a number of its highways (e.g. Seward Highway, Glenn Highway, and Minnesota Drive in Anchorage). Change to an access plan committed to under NEPA would require an environmental document (or legislation by Congress). Commitments made in a federal agency's EIS can be undone by a future project, which would have to have its own NEPA documentation and its own mitigation commitments. However, that outcome is not generally expected and is not anticipated in this instance.

Section 3.27.7.3, under the Community Character heading, includes additional discussion to further clarify the reservation of access rights and expected 100-foot buffers outside the 300-foot highway right-of-way that would further prevent roadside development. Other minor clarifications have also been inserted in other subsections of Chapter 3.27.

**Comment 775:** A formal Section 4(f) Evaluation is completed only where there is no feasible and prudent avoidance alternative available to using Section 4(f) property, and such use is not de minimis (See 49 USC 303). This project presents such a scenario. As described in Section 4.4, "Potential Avoidance Alternatives," the combination of the vast size of KNWR, the extent of the Squirrel Archaelogical District within the Kenai River valley and within the existing right-of-way, and the radiating network of linear recreational and historic trails in the project area mean no feasible and prudent alternative could satisfy the project purpose and need without impacting Section 4(f) property—on any alignment—including the existing alignment. Because there are no complete avoidance alternatives, DOT&PF and FHWA prepared a Section 4(f) evaluation that exhaustively examines impacts to all the Section 4(f) properties and ways to achieve the least overall harm as defined in the law, regulations, and guidance.

The commenter references the Overton Park Supreme Court case from 1971. While that case is still very important in shaping Section 4(f) analysis and decisions, it is important to note that, at the direction of Congress, FHWA amended its Section 4(f) regulations in 2005. Under the revised regulations (23 CFR Part 774), to determine which of the alternatives would cause the least overall harm, FHWA must compare seven factors set forth in 23 CFR 774.3(c)(1) concerning the alternatives under consideration. These 7 factors are spelled out and evaluated in Sections 4.8.1 through 4.8.7 of Chapter 4 of the EIS. In addition to the impacts to Section 4(f) resources themselves, FHWA must also consider views of officials with jurisdiction over each Section 4(f) property, the degree to which each alternative meets the purpose and need for the project, the magnitude of any adverse impacts to resources not protected by Section 4(f) after mitigation, and substantial differences in costs (23 CFR 774.3[c]).

**Comment 776:** Recreation and remote or primitive recreation is discussed under many of the Section 4(f) properties. The specific concerns raised by the comment are discussed in detail below.

The Section 4(f) Evaluation discloses the very impacts to remote recreation in the Juneau Falls Recreation Area, Bean Creek Trail, and the Resurrection Pass Trail raised by the commenter; both at the crossing site of the trails and in remote areas over the trail's entire lengths. See in general Section 4.5.4. In particular, impacts to the Resurrection Pass Trail were discussed in the Draft SEIS on pages 4-53 to 4-57, including truncating and changing the trail experience, viewshed impacts, effectively shortening the trail, changing the accessibility and usage, conversion from back-country to front-country, affecting long distance experience; noise effects near the highway crossing, noise effects further from the highway, concentrations of people, littering and vegetation impacts among others. Impacts on the Bean Creek Trail were discussed on pages 4-57 and 4-58 of the Draft SEIS, including rerouting impact, disuse of historic route, change in environment and setting, viewshed impacts, highway noise, change in use, and construction impacts among others. Recreation impacts to the Juneau Falls Recreation impacts were discussed on pages 4-58 to 4-61, including viewshed impacts, changing character of the area, noise, and construction impacts among others.

The Section 4(f) Evaluation in Section 4.5 and 4.8.2 discloses the magnitude of impacts on wildlife associated with the KNWR, which is the Section 4(f) property in question related to wildlife (wildlife itself is not a Section 4(f) property). Because only the Juneau Creek Alternative would use land from the KNWR, impacts to wildlife are discussed in the Section 4(f) Evaluation only for the Juneau Creek Alternative. A similar, thorough discussion of impact to wildlife, however, appears for all alternatives in Section 3.22 in the EIS.

The Section 4(f) Evaluation thoroughly discloses mitigation measures (called "measures to minimize harm," in Section 4(f) parlance) in Section 4.6, specifically those subheadings entitled "Measures to Minimize Harm--Design and Construction." Further mitigation measures are discussed in Chapter 3 for impacts to non-Section 4(f) resources. DOT&PF and FHWA consulted with the Forest Service (the agency with Jurisdiction) in multiple meetings regarding the impacts and the mitigation proposed.

The analysis in the EIS and Section 4(f) Evaluation is adequate for determining impacts of noise on wildlife and recreation. Effects of noise on wildlife principally are addressed in Section 3.15 Noise and Section 3.22 Wildlife, with additional material added in the Final EIS. As noted above, wildlife is covered in the Section 4(f) evaluation in the context of effects to the KNWR, which is a Section 4(f) property. The Final EIS incorporates the Sections 3.15 and 3.22 material by reference.

The statement "The evaluation put no effort to monitor and predict impacts to the Resurrection Pass area beyond Juneau Falls" is not accurate. The analysis addresses effects to the entire trail (Draft SEIS p. 4-56).

The EIS and Section 4(f) Evaluation disclose the visual and noise impacts anticipated. Aesthetics are part of mitigation, including methods of construction, retention of vegetation, and designing the bridge with aesthetics in mind (See in general Section 4.6 and in particular 4.6.4.1 for Juneau Creek and Juneau Creek Variant avoidance and minimization efforts relative to Resurrection Pass Trail, Bean Creek Trail, and Juneau Falls Recreation Area). Mitigation for noise impacts was considered but determined to be not effective, as stated in the document.

**Comment 777:** FHWA has fully considered the potential of constructive use of Section 4(f) properties under 23 CFR 774.15. Constructive use requires that proximity impacts of the transportation project be "severe" and that the activities, features, or attributes of the property be "substantially impaired." Regulations indicate that "substantial impairment occurs only when the protected activities, features, or

attributes of the property are substantially diminished." DOT&PF and FHWA considered proximity impacts of the project alternatives and did not find that there would be substantial impairment of the activities, features, or attributes of the properties. See Section 3.8.2.

Regarding the specific concern of a constructive use of the Kenai National Wildlife Refuge raised by the comment: DOT&PF and FHWA evaluated and disclosed visitation, habitat, and noise impacts in the document and considered whether substantial impairment would occur (see Draft SEIS p. 3-18; 3-186; and 3-193). Designated Wilderness by itself is not a Section 4(f) property but, in the KNWR, is a designation and management overlay established by Congress within a Section 4(f) property. The KNWR was formed with the Sterling Highway in mind, and Congress designated the Wilderness areas after the highway had been in place for 30 years. DOT&PF and FHWA specifically considered noise impacts and did modeling within the Wilderness area (See Section 3.15). Because FHWA has found that there would not be a substantial impairment of the refuge, no constructive use would occur.

There are no national park lands in or adjacent to the project area and none would be affected by the project.

**Comment 778:** The Section 4(f) analysis included mitigation for wildlife and recreation. The Section 4(f) Evaluation thoroughly discloses mitigation measures (called "measures to minimize harm," in Section 4(f) parlance) in Section 4.6, specifically those subheadings entitled "Measures to Minimize Harm--Design and Construction." The Section 4(f) Evaluation discusses measures to minimize harm for each alternative that uses land from a Section 4(f) property. Regarding wildlife mitigation questioned by the commenter, it can be found in Section 4.6.3 Kenai National Wildlife. Note, the only wildlife refuge protected under Section 4(f) with use by any of the alternatives is the KNWR. Other wildlife mitigation applying to other areas is found in Section 3.22 in the EIS. Regarding recreation mitigation questioned by the commenter, proposed mitigation for the Juneau Creek and Resurrection Pass Area is found in Sections 4.6.4 Resurrection Trail; 4.6.5 Bean Creek Trail; and 4.6.7 Juneau Falls Recreation Area

Further mitigation measures are discussed in Chapter 3 for impacts to non-Section 4(f) resources, including wildlife and recreation.

**Comment 779:** The 4(f) document is a chapter in the EIS and relies on and incorporates information by reference from Chapter 3 of the EIS (to minimize repetition). Recreation impacts are discussed in Section 3.8 and Chapter 4 and are the subject of a standalone technical report. Chapter 3.22 addresses wildlife and is more than 60 pages long. Visual impacts to scenery are described in Section 3.16, Visual Environment and also includes a standalone visual impact analysis technical report. The Section 4(f) Evaluation provides exhaustive analysis of effects on recreation areas and, in a Section 4(f) context, on wildlife and scenery.

DOT&PF and FHWA appreciate the input on the least overall harm analysis required by Section 4(f). It is important to hear opinions to help FHWA understand public sentiment to help weigh impacts on various types of Section 4(f) properties--in this case that priority should be given to recreational Section 4(f) properties (especially the Resurrection Pass Trail) and wildlife (a non-Section 4(f) impact) over other considerations such as cultural and historic Section 4(f) properties and impacts to private property.

DOT&PF and FHWA have committed to mitigating impacts to resources, and this process is partially independent of Section 4(f), which is to say that an area or impact does not require Section 4(f) protection to qualify for mitigation. The Final EIS and Final Section 4(f) Evaluation consider mitigation to impacted resources, and FHWA has considered the impact after mitigation as part of its Least Overall Harm Analysis. FHWA and DOT&PF have been consulting and will continue to consult with the resource agencies and relevant stakeholders to identify all possible planning to minimize harm to Section 4(f) resources and mitigation for other resources. However, please note that wildlife habitat in general, the Cooper Lake Dam Road, and the Powerline Trail are not Section 4(f) resources and are therefore not addressed in the Section 4(f) Evaluation as Section 4(f) resources. They are considered in Chapter 3. Non-Section-4(f) impacts, however, are considered as part of the Least Overall Harm Analysis.

**Comment 780:** (1) First, the comment implies FHWA has not considered an alternative that would make improvements to the existing alignment. This is not correct. All of the reasonable "build" alternatives make substantial use of the existing alignment, up to 10 of 14 miles in the case of the Cooper Creek Alternative. As stated in Chapter 2 and in the Existing Alignment Issues technical report posted on the project web site, use of the existing alignment over the entire length of the project area (14 of 14 miles) has been considered but was not feasible from an engineering aspect or did not satisfy the purpose and need (or both). For the Final EIS and Final Section 4(f) Evaluation, consideration for such an alternative has been completed. The EIS considered a full range of alternatives and has evaluated alternatives to identify those that are reasonable for full evaluation in the EIS. Use of the existing alignment throughout its entire length has been consistently found not feasible because of lack of space and risk of landslide or because it does not satisfy the purpose and need. DOT&PF and FHWA have reexamined the project purpose and need and have reaffirmed that it is appropriately stated. Applying different standards to allow use of the existing alignment would not satisfy the designated function of the Sterling Highway and would not meet the stated project purpose and need and still would require cutting into the unstable bluffs along the important and sensitive Kenai River. Further documentation about problems in this area and the additional examination in the MP 48-51 area has been prepared for the Final EIS, particularly in Section 2.5.1.

(2) Second, the comment states that a decision to select one of the named reasonable alternatives would be invalid under the legal requirements of Section 4(f). Section 4(f) and associated regulations and guidance require that FHWA examine avoidance alternatives and, if there are none, ultimately that FHWA select only the alternative with the least overall harm. FHWA has examined avoidance alternatives and has completed a least overall harm analysis, as explained in this Final EIS and Final Section 4(f) Evaluation, primarily in Chapter 4. The option of remaining entirely within the existing right-of-way throughout the project area was evaluated in the Draft SEIS and is in the Final Section 4(f) Evaluation in Section 4.4.2. Therefore, the identification of the preferred alternative in the Final EIS and ultimate selection of any one of the alternatives in a Record of Decision is legally valid under Section 4(f).

(3) Third, the comment states that a decision to select one of the named reasonable alternatives would be invalid under the legal requirements of the Forest Service's Roadless Rule. The EIS addresses this topic primarily in Section 3.2. See specifically 3.2.1.3, a section devoted to background on the Roadless Rule. While FHWA can select an alternative based on its requirements under Section 4(f) and NEPA, it is the Forest Service's final decision regarding the Roadless Rule exception quoted in 3.2.1.3. To

proceed, the Forest Service must consider DOT&PF's and FHWA's decision and determine that the project is in the public interest or that the project is consistent with the purposes for which the land was reserved or acquired and no other reasonable and prudent alternative exists. In this context, it appears that the comment is stating that selecting any of the build alternatives would be legally invalid if an alternative that stayed 100% on the existing alignment were not considered as a "reasonable and prudent alternative." However, an alternative that stays 100% on the existing alignment is not reasonable (as summarized above and explained in detail in the EIS and supporting technical reports). Based in consultation with the Forest Service, DOT&PF and FHWA have provided sufficient information about why the project is in the public interest (see Chapter 1). In case it is needed for consideration by the Forest Service, the Final EIS and associated technical reports (e.g., Existing Alignment Issues report and geotechnical reports) also present ample discussion of reasons that use of the existing alignment throughout would not be a reasonable and prudent alternative.

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## **Communication ID: 1028**

Please see the attached. Thank you for the opportunity to comment.

ATTACHMENT TEXT FOLLOWS:

May 26, 2015

Department of Natural Resources  
DIVISION OF PARKS AND OUTDOOR RECREATION  
OFFICE OF HISTORY AND ARCHAEOLOGY  
550 West 7111 Avenue, Suite 1310  
Anchorage, AK 99501-3565  
Main: 907.269.8721  
Fax: 907.269.8908

File No.: 3130-IR FHWA Sterling Hwy MP 45-60 I 2015-00571

Subject: Sterling Highway Milepost (MP) 45 to 60 Project, Comments on the Draft Supplemental Environmental Impact Statement (DSEIS)

To Whom It May Concern:

The Alaska State Historic Preservation Office (AK SHPO) offers the following comments on the DSEIS:

Chapter 3, Section 3.9 (Historic and Archaeological Preservation)

*\* Section 3.9.12. I Overview: Prehistory and History relies heavily on one source, but numerous surveys have been conducted and reports produced regarding the cultural resources along the Sterling Highway in the APE. A comprehensive bibliography of past cultural resource research in the APE would be enormously helpful. Consider addressing this in Section 3.9.1.3 as well. (Comment 1230)*

*\* The document does not include any Alaska Heritage Resource Survey (AHRs) site numbers or explain where these data are maintained. (Comment 1231)*

*\* Section 3.9.2.1 I No Build Alternative Direct and Indirect Impacts: this represents an insufficient analysis of the potential impacts under the No Build Alternative. The narrative says nothing about how even routine scheduled maintenance can impact cultural resources or the process that would be followed in order to consider and address these impacts. (Comment 1232)*

*\* Chapter 4 (Section 4(f) analysis) is significantly more effective at introducing, explaining, and analyzing potential direct and indirect impacts to cultural resources than Chapter 3 (Historic and Archaeological Preservation). While that is understandable for some readers, some may not refer to the 4f analysis for information on how cultural resources and historic properties will be affected. Consider bringing in some of the more tangible and meaningful analysis into Section 3.9 so that readers can really understand and evaluate the varying impacts of each alternative. (Comment 1233)*

*\* Page 3-204, Section 3.9.2.2., last paragraph on page cites HDR 2010d. Rather than simply cite this document, some actual data should be brought from it into this section. This will allow a reader to comprehend the potential for visual impacts by reading this document - the DSEIS - rather than having to search out another technical report that may or may not be readily accessible. (Comment 1235)*

*\* Global: NAGPRA is the Native American Graves Protection and Repatriation Act. It is incorrect in several areas. Recommend a global find and replace. (Comment 1238)*

*\* Page 3-205, last paragraph notes that any construction contract would contain a provision to halt work in the event of discovery. This should be adjusted to reflect that any construction contract would require compliance with a formal Discoveries Plan, which would be developed and appended to the Section 106 Programmatic Agreement. (Comment 1239)*

*\* Section 3.9 does not adequately address potential indirect impacts (other than visual) for any alternative. What about changes in use, character, setting, feeling, association for all known historic properties and TCPs? How about the potential impact of increased access in areas? (Comment 1240)*

*\* For each alternative discussion in Section 3.9, there is a section called "Construction Impacts." This implies that any direct impacts are related to construction impacts. However, direct (or indirect) impacts may occur further removed in distance or time (i.e., increased access, resulting in intentional/inadvertent vandalism/destruction of sites). Section 3.9 fails to address this at all. (Comment 1241)*

*\* Section 3.9.2.4, G South Alternative, under Direct and Indirect Impacts, when discussing potential visual impacts, the document states that "no visual effects to historic properties (buildings and structures) have been identified." This may be repeated under other alternatives analyses as well. This implies that buildings and structures are the only historic properties vulnerable to visual impacts. While we acknowledge that not all archaeological resources are vulnerable to visual impacts, some may be. More importantly, it should be clarified that Traditional Cultural Properties (TCPs) are often susceptible to adverse visual impacts. (Comment 1242)*

*\* Under each alternative, when discussing visual impacts, the document states that "most views of the XXX alternative would be obscured by dense forest vegetation ... " This is a vague statement. More*

*specific information regarding the minimization or mitigation of adverse visual impacts to historic properties would be helpful here. (Comment 1243)*

#### **Chapter 4 (Section 4f Analysis)**

*\* Sections 4.2.10 and 4.5 say more detail can be found in Section 3.9 of the DSEIS, but Section 3.9 of the DSEIS says more detail can be found in the 4(f) evaluation in Chapter 4. While acknowledging the effects assessment is difficult to assess and explain, I disagree that they are better explained in Section 3.9 (in comparison to Chapter 4). Chapter 4 does a much better job and more detail from Chapter 4 should be brought into Section 3.9. (Comment 1244)*

*\* It appears that some of acreage numbers are misaligned in Table 4.5-1. (Comment 1246)*

*\* The 4f analysis at least addresses the indirect impact to the setting, feeling, and association of the Confluence TCP and other historic properties in the APE. Chapter 3 (Section 3.9) does not adequately address indirect impacts other than visual; such as setting, feeling, association, access, etc. (Comment 1248)*

*\* Section 4.6.1.3, third paragraph: "the agreement will address all build alternatives." Is this accurate? Won't the PA address just the preferred? (Comment 1251)*

*\* Page 4-88, fourth full paragraph, end: Good statement (that the whole district is important, not just individual sites/features) (Comment 1253)*

*\* Page 4-89, First full paragraph states that the PA would address phased identification for the preferred alternative. However, see above (section 4.6.1.3 says the agreement will address all build alternatives). Which is it? (Comment 1255)*

*\* NAGPRA is Native American Graves Protection and Repatriation Act - global find and replace. It is wrong in some places (Comment 1256)*

*\* Table 4.8-6- Section 106 does not weigh the 'significance' of one historic property over another. If eligible/listed, they are considered equally during the consultation and mitigation process. However, it is true that properties of religious I cultural significance to Tribes may receive special consideration I recognition by agencies and consulting parties during the consultation process. (Comment 1257)*

*\* The general rating of significance based on public use is not necessarily relevant for historic properties. A historic property is not necessarily 'more significant' if it is used more or less by the public. (Comment 1258)*

*\* Although the 4f analysis does weigh the different impacts to cultural resources differently, all of the build alternatives will result in adverse effects to historic properties. Therefore, it is difficult to say which alternative offers a lessened adverse effect (Unlike 4f, Section 106 does not really have a mechanism for doing this). (Comment 1261)*

*\* Nowhere in the document is it noted that there are many areas within the APE that have yet to be inventoried. Typically, when breaking new ground, the potential to impact as-yet unidentified resources can be higher. This is an especially important point when examining the numbers of sites impacted by each alternative. They may accurately reflect the known potential impacts, but definitely do not accurately reflect the potential impact on as yet unknown resources. These numbers could change considerably with additional inventory. (Comment 1264)*

We look forward to continued consultation on the subject project and to the development of an agreement document, which evidences the agency official's compliance with Section 106 (36 CFR 800.6).

Thank you for the opportunity to comment. Please contact Shina du Vall at 269-8720 or shina.duvall@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

Judith E. Bittner  
State Historic Preservation Officer  
JEB:sad

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**Comment 1230:** The EIS is meant to summarize technical detail for the general public and decision makers. It cannot include all technical background due to the sensitivity of the resources, but refers to documents that should be readily available to SHPO and other consulting parties. The Cultural Resource Consultants (CRC) source cited was prepared specifically for this project and synthesizes previous work from multiple original sources, which are cited within the CRC document. In addition, at a November, 26, 2013 meeting of consulting parties (hosted by the Russian River Land Act MOU Group) and in follow-up emails November 27 to consulting parties, SHPO received a packet containing detailed maps of past survey work and a comprehensive 4+ page written listing of past surveys and consultation work from the 1970s through 2012, including citations.

**Comment 1231:** Because the EIS is written for the general public (which does not have knowledge of or access to the AHRS database), the specific AHRS numbers are not included in the EIS. A paragraph has been added in Section 3.9.1.3 of the Final EIS to provide background about the AHRS data as it pertains to this project and where these data are maintained.

**Comment 1232:** Section 3.9.2.1 of the Draft SEIS does indicate that "under the No Build Alternative, routine scheduled maintenance (such as brush clearing, bridge replacement, and other minor modernization projects) could disturb or bury historic properties adjacent to the highway" and list the properties that could be affected. Additional information has been added to clarify more about the impacts and to clarify that any such effort would be separate from this project and its Programmatic Agreement and Discovery Plan, but still subject to laws that protect cultural resources.

**Comment 1233:** To avoid repetition, the text in Chapter 3.9 has been strengthened to explain the relationship between Section 106 and Section 4(f) and to cross reference from Section 3.9.2 (Environmental Consequences) to appropriate subsections of Chapter 4, particularly subsections of 4.5, Impacts of the Build Alternatives on Section 4(f) Resources.

**Comment 1235:** The paragraph in which 2010d is cited is under the "Issues Applicable to the Build Alternatives" heading. Further discussion of visual effects already appears in subsequent subsections on each of the build alternatives. A sentence referring the reader to the subsequent subsections has been added.

**Comment 1238:** See Group Comment #57

**Comment 1239:** Reference to a formal Discoveries Plan has been added.

**Comment 1240:** See Group Comment #71

**Comment 1241:** By definition, impacts farther removed in distance or time are "indirect impacts." The EIS headings typically are "Direct and Indirect Impacts" and "Construction Impacts." Section 3.9 did address indirect impacts at the bottom of the "Direct and Indirect" discussion, for each alternative – not in the "Construction Impacts" section. This discussion has been reexamined, and augmented with greater detail added regarding impacts resulting from increased access via foot traffic.

**Comment 1242:** Section 3.9.2.2, Issues Applicable to the Build Alternatives, provides background on visual effects and explains how visual assessment was undertaken for certain properties, including the Confluence TCP's cemetery site, and not undertaken otherwise for archaeological sites. The text has been clarified for the Final EIS to more specifically name the properties addressed under the visual analysis (Broadview Guard Station, Bean Creek Trail, Gwin's Lodge, and the Confluence TCP cemetery site). Similar clarification has been added to the discussion of impacts under each alternative.

**Comment 1243:** The statement about dense forest vegetation is referring to existing forest and is not a reference to a mitigation measure. No planted vegetation screening is specifically proposed as visual impact mitigation for historic properties. The word 'existing' has been added to help clarify. Visual effects to setting and feeling have been added particularly for the Juneau Creek Variant alternative.

**Comment 1244:** See Group Comment #71

**Comment 1246:** It appears that several summary totals did not align exactly with the label in the left hand column. This has been corrected in the Final Section 4(f) Evaluation.

**Comment 1248:** See Group Comment #71

**Comment 1251:** The plan at the time of the Draft SEIS was to address all build alternatives with a Programmatic Agreement. However, since the Draft, DOT&PF and FHWA have identified G South as the preferred alternatives, and consequently the Programmatic Agreement (Appendix K of the Final EIS) addresses only the identified preferred alternative. Should a different alternative be selected at the time of the Record of Decision, the consulting parties would be contacted to draft and agree on an alternate Programmatic Agreement. The text of the Section 4(f) Evaluation and EIS (Section 3.9) has been updated based on ongoing consultation.

**Comment 1253:** Thank you for your comment.

**Comment 1255:** As explained above (Response to Comment 1251), the Programmatic Agreement has been drafted to address only the identified preferred alternative. Additional text has been added to Section 4.6.1.3 to clarify the agreement.

**Comment 1256:** See Group Comment #57

**Comment 1257:** In addition to abiding by Section 106, DOT&PF and FHWA are required to abide by Section 4(f), and have endeavored to weigh and balance the significance of the various Section 4(f) properties, including the cultural resources, in identifying a preferred alternative. The evaluation relied on qualitative and quantitative factors and included input from DSEIS comments and through consultations with consulting parties under Section 106. The results of the evaluation have identified the alternative with the least overall harm. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 1258:** Section 4.8.3 discusses relative significance of the Section 4(f) properties, and Table 4.8-6 includes a column for "annual use." This is acknowledged as much more important for park and recreation area Section 4(f) properties than it is for wildlife refuge or cultural resource properties. Comments on the Draft SEIS from the public and from formal consulting parties in the Section 106 process found no disagreement with the relative ranking of significance of the cultural resources in the project area. A note has been added to the table to indicate that annual use is not considered a particular marker of significance for cultural sites or refuges.

**Comment 1261:** DOT&PF and FHWA agree with this statement. Under Section 106, no such determination was needed. However, under Section 4(f), FHWA is required to identify an alternative of "least overall harm." As stated above, DOT&PF and FHWA have endeavored to weigh and balance the impacts of the alternatives, including effects to cultural resources, in identifying the alternative with least overall harm as the preferred alternative. The analysis is summarized in the EIS, particularly at the end of Chapter 4.

**Comment 1264:** All areas within the footprint of the proposed roadways for each of the build alternatives have been inventoried. Documentation and maps of the surveyed locations were shared with SHPO during Section 106 consultation, and consulting parties concurred that these efforts are sufficient for the EIS analysis. Recognizing the potential for additional resources to be found (despite the inventory work that has been done) because of the rich cultural history of the area, the DSEIS stated in Section 3.9.2.2 that more identification efforts are intended once a single alternative has been selected. For the Final EIS, DOT&PF and FHWA have been working with consulting parties to develop a programmatic agreement (Appendix K) that addresses details of the further investigation to be conducted. Section 3.9.2.2 has been augmented to acknowledge the likelihood that additional archaeological sites or features are likely to be discovered during the construction process for any of the alternatives. Additionally, qualitative information has been added to the Final EIS to better reflect potential impacts.

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### **Communication ID: 1030**

Greetings,

To whom it may concern:

*Upon reading the draft, I discovered a mistake. In 3.4.2.3 it says the cooper creek alternatives new construction is at mp 46 to 48.5. This should read mp 48 to 51. (Comment 1352)*

Sincerely, Wyatt Bliss

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**Comment 1352:** Thank you for catching that mistake. The milepost numbers have been corrected.

## **Communication ID: 1031**

*I prefer the no build option for highway improvements near Cooper Landing. (Comment 1353) The Cooper Creek alternative is the next best choice but very expensive for improvements made. (Comment 1354) The other options would lead to habitat fragmentation for wildlife that uses upland area and only has to cross Bean Creek Road to access food in the Kenai River. To change this would lead to wildlife crossing busy roads and encountering vehicles traveling at high speed. I don't support alternatives re-routing the main highway at all. (Comment 1355)*

Thank you,

Courtney Fleek

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**Comment 1353:** See Comment Group #42

**Comment 1354:** Thank you for your comment.

**Comment 1355:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference and concerns. The EIS addresses impacts to wildlife in Section 3.22.

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## **Communication ID: 1032**

Attached is CIRI's comments for the Sterling Highway Mile Post 45-60 Project Draft SEIS.

Blake Kowal

GIS Specialist

Cook Inlet Region, Inc. (CIRI) <http://www.ciri.com/>

PO Box 93330, Anchorage, AK 99509-3330

907-263-5115

Please note: Effective June 15, CIRI's physical address will change to 725 E. Fireweed Lane, Suite 800, Anchorage, AK 99503

The information contained in this CIRI email message may be privileged, confidential and protected from disclosure. If you are not an intended recipient, please notify the sender by reply email and delete the message and any attachments immediately. The use, disclosure, dissemination, distribution or reproduction of this CIRI message or the information in it or attached to it by any unintended recipient is unauthorized, strictly prohibited by the sender, and may be unlawful. Thank you.

ATTACHMENT TEXT FOLLOWS:

May 26, 2015

DOT&PF Central Region  
Sterling MP 45-60 Project  
PO Box 196900  
Anchorage, AK 99519-6900

RE: Sterling Highway Mile Post 45-60 Project Draft SEIS

To whom it may concern:

Thank you for the opportunity to submit comments on the Sterling Highway Mile Post 45-60 Project Draft SEIS. The purpose of this letter is to address the likely impact of the Juneau Creek Variant Alternative to the 42-acre parcel (Tract A) conveyed to Cook Inlet Region, Inc. (CIRI) under the Russian River 14(h)(1) Selection Agreement, dated July 26, 2001, among Cook Inlet Region, Inc. (CIRI), the Department of Agriculture, through its agency the United States Forest Services (USFS), and the Department of Interior, through its agency the United States Fish and Wildlife Service (USFWS) and the Russian River Land Act, PL 107-362, collectively referred to as the “Settlement” in the Sqilantnu Archeological District Memorandum of Understanding (MOU). The MOU between CIRI, USFS, USFWS and the Kenaitze Tribe was a key requirement of the Settlement. The research center and visitor facilities (“the Facilities”) provided for in the Settlement are critical components of a long-term cultural resource protection and preservation strategy for the Sqilantnu Archeological District. Under the terms of the Settlement, if possible, the Facilities “...will have a view of the confluence of the Kenai and Russian Rivers from the bluff...” The Settlement also provides for CIRI developing its facilities on “one or more of the tracts to be conveyed to CIRI,” or if on any lands other than those tracts, such must be “as agreed to by the parties.” There is no language in the Settlement that provides for split or divided tracts. Tract A meets CIRI’s needs and CIRI chose it for development of its facilities. The precise location and shape of Tract A was specifically configured to best serve CIRI’s development and cultural resource protection needs for this area.

*The Juneau Creek Variant Alternative cuts through the middle of Tract A. Splitting Tract A into two smaller parcels would likely make the development of facilities infeasible, and is not agreed to by CIRI. As discussed above, CIRI chose this specific Tract A based primarily upon its indivisibility, and any alternative that negates its indivisibility would frustrate CIRI’s basis for selection, and is unenforceable absent CIRI’s consent.*

*If the Juneau Creek Variant Alternative is constructed, CIRI’s rights under the Settlement as to Tract A will be impacted without its consent, which it does not give. Such a result would contravene the Congressional intent when it enacted the Russian River Land Act in December 2002. Therefore, CIRI strongly opposes the construction of the Juneau Creek Variant Alternative. (Comment 1168)*

*CIRI understands and agrees with the purpose and need for action for the Sterling Highway MP 45-60 Project as outlined in the draft SEIS. A transportation solution is inevitable in order to deal with the increasing population base and the increase in summer tourism along the Sterling Highway. CIRI recognizes the project benefits of any of the build alternatives as essential and important attributes. Of the realignment scenarios being considered for the area, the Juneau Creek Alternative appears to be the best fit with CIRI’s development and cultural resource protection goals. (Comment 1169)*

Sincerely,

Jason Brune  
Senior Director, Land and Resources  
Cook Inlet Region, Inc.  
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Anchorage, AK 99509-3330  
Telephone: 907-263-5104  
[jbrune@ciri.com](mailto:jbrune@ciri.com)

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**Comment 1168:** Thank you for carefully documenting and outlining your objections to the Juneau Creek Variant Alternative. Previous consultations among DOT&PF, FHWA, CIRI, and the Kenaitze Indian Tribe helped refine the alignment of the Juneau Creek Variant Alternative as an alternative that would avoid designated Wilderness. DOT&PF and FHWA established the alignment based on these consultations. Subsequent to the alignment's establishment, CIRI selected Tract A and KIT proposed the Confluence Traditional Cultural Property. It has only been based on the input to the Draft SEIS that the cultural significance of the CIRI Tract A property has been understood. DOT&PF and FHWA recognize and have disclosed the impacts to Tract A and have weighed the effects to the property in identifying a preferred alternative. The EIS has been revised to clarify impacts to Tract A (see Sections 3.1, 3.9 and Chapter 4), and the least overall harm analysis detailed at the end of Chapter 4 and summarized in the Executive Summary.

**Comment 1169:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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### **Communication ID: 1033**

*I support the Cooper Creek Alternative as the alternative that provides for the least new impacts and most closely follows the existing road alignment. As a frequent user of the Resurrection Pass and Bean Creek Trails all other alternatives will cause significant impacts to my back country recreation activities. The Section 4F impacts are avoidable by using an the alternate route of the Cooper Creek Alternative or choosing the do nothing alternative. (Comment 1357)*

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**Comment 1357:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. The Cooper Creek Alternative would avoid impacting the Bean Creek and Resurrection Pass Trails, which are Section 4f protected resources. However, the Cooper Creek Alternative impacts a greater number of other Section 4f resources than other build alternatives, as documented in Chapter 4 (see Table 4.8-11). FHWA was seeking input from project stakeholders regarding the relative importance of resources, and your comment served to provide public opinion in favor of weighting recreational resources high in importance. It is true that the No Build Alternative would not impact any

Section 4(f) resources with this project, but it does not solve the transportation problems identified in Chapter 1.

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### **Communication ID: 1034**

*As a property owner and part time resident of Cooper Landing the only alternative I can support is the Cooper Creek Alternative. (Comment 1360) All of the other alternatives other than the No Build Alternative offer significant 4F implications to popular and frequently used backcountry recreation and historical use trails in the Chugach National Forest and Bean Creek areas. (Comment 1361)*

*The 4F evaluation contained in Chapter 4 of the Draft EIS is deceptively poor in its descriptions of the impacts to the Bean Creek Trail and Resurrection Pass Trail area's. Although the footprint of the impact can be minimized due to the width of the trails in question the impacts to recreational opportunities are tremendous. These are currently "backcountry" area's which will instead become highway-side area's with little to no semblance to their former backcountry beauty should the project proceed in any of the Juneau Creek or G South alternatives. The group making this decision has a mandate to adhere to 4F requirements, including considering a No Build Alternative, if there are significant identified impacts to 4F properties. Aside from the No Build Alternative the Cooper Creek Alternative most closely follows the current road alignment and will create the least new noise pollution to areas not yet impacted by highway noise. (Comment 1362)*

*Resurrection Pass Trail is a national treasure used by thousands of hikers and bikers a year. Simply building a new parking area and installing an underpass will never replace the lost opportunity of viewing Juneau Falls in a pristine setting without the presence of a large, highway bridge and the associated new noise pollution to this area. The deceptive description of the impacts characterized in Chapter 4 of the Draft EIS identify poor remedies to the impacts and fails to fully account for the impacts to 4F properties of either of the Juneau Creek alternatives or the G South Alternative. In light of the magnitude of these impacts I feel that the committee has not viable alternative aside from the Cooper Creek Alternative or the No Build Alternative. (Comment 1363)*

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**Comment 1360:** See Comment Group #40

**Comment 1361:** See Group Comment #58

**Comment 1362:** See Group Comment #60

**Comment 1363:** See Group Comment #59

## **Communication ID: 1035**

*As a property owner and part time resident of Cooper Landing the only alternative I can support is the Cooper Creek Alternative. (Comment 1364) All of the other alternatives other than the No Build Alternative greatly impact popular and frequently used backcountry recreation and historical use trails in the Chugach National Forest and Bean Creek areas. (Comment 1365)*

*These are currently “backcountry” areas which will instead become highway-side areas. They will not retain their wilderness backcountry beauty should the project proceed in any of the Juneau Creek or G South alternatives. The group making this decision has a mandate to adhere to 4F requirements, including considering a No Build Alternative, if there are significant identified impacts to 4F properties. Aside from the No Build Alternative the Cooper Creek Alternative most closely follows the current road alignment and will create the least new noise pollution to areas not yet impacted by highway noise. (Comment 1366)*

*Resurrection Pass Trail is a national treasure and historic trail used by thousands of hikers and bikers a year. Simply building a new parking area and installing an underpass will never replace the lost opportunity of viewing Juneau Falls in a pristine setting without the presence of a large highway bridge and the associated new noise pollution to this area. Wildlife will move further away and the area will lose its character. The deceptive description of the impacts characterized in Chapter 4 of the Draft EIS identify poor remedies to the impacts and fails to fully account for the impacts to 4F properties of either of the Juneau Creek alternatives or the G South Alternative. In light of the magnitude of these impacts I feel that the committee has no viable alternative aside from the Cooper Creek Alternative or the No Build Alternative. (Comment 1367)*

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**Comment 1364:** See Comment Group #40

**Comment 1365:** See Comment Group #58

**Comment 1366:** See Group Comment #60

**Comment 1367:** See Comment Group #59

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## **Communication ID: 1036**

*After attending informational meetings and thoroughly reviewing online information and maps I am even more concerned with ANY pursuit of a bypass due to massive environmental impacts. All alternatives compromise an unacceptable amount of risk including historical degradation and environmental modification (Comment 1368)*

*I get the impression that a "do nothing" alternative is not truly being considered so my position of the "least impacting" and most pragmatic alternative is clearly the Cooper Creek alternative because It utilizes the existing highway path the closest*

*It is important to note that none of the elements discussed in section 4f would be compromised with the Cooper Creek alterative*

*It appears that all other alternatives will have significant impact on the main stem of the Upper Kenai River AND both the Bean Creek trail/ressurrection trail system(s) (Comment 1369)*

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**Comment 1368:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. The Final EIS discloses all environmental impacts and risks, including impacts to historic resources, the natural environment, and the socio-economic environment.

**Comment 1369:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. Doing nothing is always an option and was fully evaluated in the EIS. It is unclear what is meant by "none of the elements discussed in Section 4(f) would be compromised" by the Cooper Creek Alternative, but that is not accurate. As disclosed in Chapter 4, the Cooper Creek Alternative would use lands from more cultural properties than the other alternatives and several park and recreation properties as well. It would use lands from the Kenai River Special Management Area, Sqilantnu Archaeological District, Confluence Traditional Cultural Property, two historic mining districts, the Kenai River Recreation Area, the Cooper Landing Boat Launch and Day Use Area, and the Stetson Creek Trail. As discussed in the Section 4(f) least overall harm analysis at the end of Chapter 4, the alternative also has several other important considerations that are not specifically Section 4(f) uses but that FHWA and DOT&PF balanced among other factors in determining the alternative with the least overall harm.

The G South Alternative would not cross the Resurrection Pass Trail. Its impacts to the Bean Creek Trail would be quite different from those of the two Juneau Creek alternatives. The two Juneau Creek alternatives would remain north of the Kenai River and would not create any new bridge over the river or replace any existing bridge over the river.

## **Communication ID: 1037**

Attached please find the Kenaitze Indian Tribe's comments on the draft SEIS. Chiqinik, thank you for the opportunity to comment.

ATTACHMENT TEXT FOLLOWS:

May 26, 2015

John Lohrey  
Statewide Programs Team Leader  
DOT&PF Central Region  
Sterling MP 45-60 Project  
PO Box 196900  
Anchorage, AK 99519-6900

Re: Sterling Highway Mile Post 45-60 Project Draft SEIS

Dear Mr. Lohrey:

The Kenaitze Indian Tribe appreciates the opportunity to comment on the Sterling Highway Mile Post 45-60 Project Draft SEIS. We met with the Russian River MOU Group to formulate a group response. The purpose of this letter is to add support and clarification to the points made in that response and to identify the Tribe's preferred alternative.

*The Juneau Creek Variant is unacceptable and we respectfully request that it be removed from further consideration. Tract A contains repatriated human remains, is the site of a Dena'ina crematorium, in addition to house and cache pits; concrete and identifiable cultural resources. Tract A also stands as a symbol of not so easily identified or understood aspects of Kenaitze Dena'ina history and tradition. The complex negotiations to fulfill 14Hh)(l) selections in this culturally important area, the spirit of cooperation and understanding between two federal agencies, an ANCSA corporation, and a federally recognized tribe cannot be placed on a map to be avoided or mitigated but are an integral part of Tract A and its importance to the Kenaitze Indian Tribe. The Kenaitze Dena'ina are still here and this is as much a part of our culture and history as the 500 year and older cache pits. In addition, lands where people are buried are considered sacred to the Tribe. (Comment 1164)*

*Our youth and members have been actively engaged in archaeological excavations and surveys conducted by a variety of federal, state, and educational entities for over 20 years. The methods, questions addressed, and tools used are constantly changing and improving as are the terms "no impact" or "no affect". We request an opportunity to define these terms in relation to locating a highway near or adjacent to lands identified as sacred. In addition, we request the opportunity to discuss the use of non-disturbing tools in an effort to determine if depressions now labelled as cache*

*pits are indeed cache pits and not human burials; as well as further analysis of fire cracked rock piles to ensure that they do not contain crematory remains as found in other locations. (Comment 1165)*

*In addition to requesting further analysis and study of the cultural resources in or near the other alternates the Kenaitze Indian Tribe states that the no build alternate is not acceptable as it does not adequately address issues of safety and increased future use of both the highway and natural resources. (Comment 1166)*

*In closing the Tribe collaborated with CIRI, the USFWS, and USFS in the selection of tracts A and B under the premise that the Juneau Creek alternate would most likely be the preferred route and this premise is reflected in the Russian River Land Act authorizing a land exchange between CIRI and the USFWS. The Juneau Creek alternate is the Kenaitze Indian Tribe's preferred route. (Comment 1167)*

Again, chiqinik, thank you for the opportunity to comment and we look to forward to further consultation.

Sincerely,

Jaylene Peterson-Nyrene

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**Comment 1164:** Previous consultations among DOT&PF, FHWA, CIRI and the Kenaitze Indian Tribe helped identify and select the Juneau Creek Variant Alternative as an option to avoid impacts in designated federal Wilderness. Development plans for the property were discussed, but DOT&PF and FHWA did not fully understand the property's role as a key component of the Sqilantnu Archaeological District. Thank you for providing additional information regarding the cultural significance of the CIRI Tract A property. DOT&PF and FHWA have considered this information as important in identification of a preferred alternative, as documented at the end of Chapter 4 and in Chapter 2. Additional information has been added to the Final EIS in Section 3.9 and Chapter 4 regarding the importance of Tract A, with the discussion of the Confluence TCP.

**Comment 1165:** Thank you for raising these issues. DOT&PF and FHWA are committed to working through these issues. DOT&PF and FHWA are committed to conducting an additional, refined field survey of the preferred alternative prior to construction, and can further investigate the information provided here. Resolution of the issues raised will be discussed with consulting parties in the formulation of a Programmatic Agreement under Section 106 of the National Historic Preservation Act. The final signed Programmatic Agreement will be an integral part of the Record of Decision for the project.

**Comment 1166:** See Comment Group #34

**Comment 1167:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference. DOT&PF and FHWA made it clear ahead of publication of the Draft SEIS and in that document that their intention was not to select the Juneau Creek Alternative as the preferred alternative, because some of the land it would use was part of the Kenai National Wildlife Refuge and part of the National Wilderness System. DOT&PF and FHWA would have screened the Juneau Creek Alternative out as not reasonable, but kept in for full analysis, in part based on your request. Neither DOT&PF nor FHWA was a party to the Russian River Land Act and are in no way bound by it in selection of a preferred alternative. Moreover, as of the publication of the Draft SEIS in 2015, no action had occurred

among Russian River Land Act parties that a land exchange was reasonably foreseeable. The issues of KNWR/Wilderness impacts under the Juneau Creek Alternative and Confluence Traditional Cultural Property impacts under the Juneau Creek Variant Alternative were important considerations in the draft least overall harm analysis of the Draft SEIS. During the summer of 2017, CIRI informed DOI of their desire and willingness to engage the DOI on a land exchange that would include the area of the Refuge that the Juneau Creek alignment crosses, and DOI subsequently informed the FHWA it intends to execute the trade if the Juneau Creek Alternative is selected. This would effectively change the land status from designated federal Wilderness to private land. Based on this new information, FHWA now considers the trade to be reasonably foreseeable, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS. See discussion at the end of Chapter 4 of the EIS.

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### **Communication ID: 1038**

26 May 2015

Sterling Highway MP 45-60 Project  
DOT&PF Central Region  
PO Box 196900  
Anchorage, AK 99519-6900

Please add the following comments to the public record.

My family has owned a property in Cooper Landing since 1962. Although it is used primarily for recreation at this time, it has also been a residence. I consider it my home though I am not here fulltime. We have witnessed a lot of change over the years in Cooper Landing. I hope my comments will contribute positively to the mitigation of safety and traffic issues in Cooper Landing and along the portion of Kenai River as addressed in the draft SEIS.

Most would agree there is no perfect solution to the issues identified in this SEIS. I commend the DOT for listening to the public and to agencies over the decades, refining their proposal in the process to best address traffic, congestion, and pedestrian/bike safety issues in the Cooper Landing area. Continuing to work together will create the best plan in the end.

That said, I have some overall concerns regarding the SEIS and will then address each of the alternatives.

The SEIS is lacking two significant foundations for analysis.

*1. A foremost concern is that even though wildlife and their movement corridors should be at the heart of environmental analysis, the SEIS is woefully lacking. For over a decade brown bears on the Kenai Peninsula have been the topic of special attention. Once they were found to be an “island” population due to their limited travel on and off the peninsula, their status has hovered around the “threatened” designation under the Endangered Species Act. For this reason the multi-agency Brown Bear Task Force was created toward the end of the 1990s and a low-end population number of 350 individuals*

identified as healthy for a genetically diverse gene pool. Brown bear hunts are regularly shut down on the peninsula for reasons of maintaining this tipping-point number. Should they drop lower, petitions for a higher designation under the ESA would likely ensue and would have a major impact on residents, businesses, and public land management. Yet, there is little information or analysis in the SEIS with regard to brown bears specifically and wildlife in general. Though all of the Action Alternatives in the SEIS would affect large mammal travel corridors, this significant issue has not been addressed adequately in the SEIS. **(Comment 1311)**

2. One of the three expressed goals for this proposed project is to bring the current roadway up to current highway standards for a “rural principal arterial” and yet this goes undefined in the SEIS. The DOT should define this in the SEIS and provide factual data to back up their finding that the highway speed should be 60 mph. For example, we have no idea how the base speed limit determines (or doesn’t) width of shoulder regulations, angle of curves, number of curves, placement of driveways, and so forth. In the SEIS Existing Highway Curve Diagrams the current 35 mph corridor is evaluated for its curve safety at 60 mph. That’s like evaluating a bike trail for its safety effectiveness for motorized vehicles.

No reason is given in the SEIS as to how DOT determined this speed and why it was applied to Cooper Landing. Cooper Landing is approximately the same size as Moose Pass where the highway was both upgraded and the speed maintained at 35 mph. And there is Sterling, where the highway was upgraded to four lanes, yet the speed limit is 45 mph. Why the inconsistency?

Because the entirety of the SEIS is analyzed with the speed designation of 60 mph, this means the foundation for project alternatives is problematic at best. At worst, it is faulty. The first level of determination should be how and why the DOT chose a 60 mph zone through this area. **(Comment 1312)**

There is also no analysis in the SEIS of traffic safety at higher speeds. For comparison, the SEIS should consider traffic incidents along the Seward/Sterling Highway with similar existing conditions for each of the alternatives, such as elevation, speed and number of lanes. Turnagain Pass may present similar conditions for the Juneau Creek alternatives and for G South. Without this information, we do not know if a new road would actually alleviate traffic incidents. Congestion does not equal accidents. **(Comment 1314)**

Additionally, all three of the northern alternatives are within an avalanche area. At around milepost 46 two avalanche chutes have closed the highway at somewhat regular intervals through the years. Selecting an alternative that has the further potential of avalanche closures (and the risks associated with such) is an unnecessary risk and adds maintenance costs, both of which I did not see evaluated in the SEIS. **(Comment 1330)**

Further, all of the action alternatives would adversely affect Traditional Cultural Property on the Sqilantnu Archaeological District. Keeping the roadbed in its current location has the least impact to these historic cultural sites. **(Comment 1331)**

And, to be clear, for reasons of safety to the Kenai River, I do not support any new crossings to the river. **(Comment 1332)**

Cooper Creek Alternative

*Though at first this alternative appears to have the least impact to wildlands and recreation areas, and bypasses the majority of town (cited as one reason for the proposed project to mitigate congestion), it has several problems.*

- It has the greatest negative impacts to private property.*
- Soils on this bench are unstable.*
- It doesn't address/mitigate issues where traffic incidents are noted to be the highest, which is an identified reason for the project proposal.*
- It negatively impacts wildlife travel corridors; of special concern is brown bear movement. (Comment 1333)*

#### *Juneau Creek and Variant Alternative*

*Both of these alternatives create secondary problems to the existing road. With an additional road corridor comes increased access; now there are two roads to maintain, to patrol for safety and traffic violations, and to mitigate negative effects to wildlife and the environment. Where roads go, people go. These alternatives have the highest negative impact to wildlife and to designated special areas.*

- Negatively affects wildlife travel corridors, especially brown bear movement. Impacts to wildlife are greatest with these two alternatives.*
- Adverse impacts to inventoried Roadless Areas and recreation values are greatest with these alternatives.*
- Road grades are much steeper with these alternatives than with the existing road. This is of particular concern in the winter months where snow load is higher at higher elevations and the proposed alternatives go through an avalanche area, neither of which are evaluated.*
- These will be the costliest alternatives to maintain for the aforementioned, as well as for winter road maintenance. The environmental implications for road runoff, with its associated oil, salt, and gravel into a watershed that empties into the Kenai River Special Management Area are not evaluated.*
- Lighting of the highway is an issue, contributing to light pollution.*
- Noise travels a great distance in valleys, and especially uphill where the roadway would be located. Negative impacts from noise pollution are a concern.*
- As cited above, the SEIS is lacking in analysis for traffic safety given higher speeds and higher elevation (for wintertime travel especially). (Comment 1334)*

#### *G South Alternative*

- This alternative increases rather than decreases potential threats to the Kenai River with an additional bridge crossing. No additional crossings of the river should be considered as an alternative.*
- Because G South enters the existing highway at approximately mile 51.5, it does not mitigate the highest incidents of traffic safety issues, which occur further west.*
- As with the Juneau Creek Alternatives, the G South impacts large mammal travel corridors through the Juneau Creek valley.*
- It bisects an inventoried Roadless Area.*

- *It bisects a proposed Kenai River Special Management Area. (Comment 1335)*

*All these alternatives would require the use of public lands, some in designated special use or protected areas. Section 4(f) of the Department of Transportation Act of 1966 protects these areas unless there is no “feasible or prudent” alternative. The feasible and prudent alternative in this proposed project is the No Action Alternative. Several of the issues raised by DOT can be solved without building a new roadbed. Enhancement of the current corridor can be accomplished through a creative combination of pullouts, passing lane/s, straightening of a few corners, addition of pedestrian walkway/s and enforced speed limit as is addressed below.*

*I’ve had the opportunity to travel the Highway 101 corridor through the Pacific Northwest and California. This is a highway that bisects entire states, so state DOT’s have used a combination of highway types appropriate to the terrain and local communities. I spent time in Northern California in the redwoods and wine country and was impressed how they dealt with the Highway 101 corridor. Four lanes are used where feasible. In other areas, there are two lanes with a third passing lane, similar to Turnagain Pass and to the east of Cooper Landing. Several small- and medium-sized towns, such as Crescent City, Eureka, Laytonville, Willits and Hopland, are bisected by Highway 101. There, the speed limit is slowed to 30/35 mph, with wide shoulders that give the motorist more ease in pulling off. In one area, old-growth redwood trees are so close to the highway one has to slow to 25-30 mph in order to navigate the narrow and winding road. This area reminded me of issues facing Cooper Landing; it’s gorgeous and slowing down means one is able to take in the scenery. It’s not unlike traveling next to the Kenai River.*

*We should place the highest priority on the resources we have and for which people visit and live in the uniqueness of the Cooper Landing area. Those resources include healthy wildlife populations and salmon, pristine Kenai Lake and Kenai River, wilderness and Roadless Areas that provide recreation, quiet, and access to the night sky (during winter months) with a minimum of light pollution.*

*For all the reasons stated above, I believe the No Action Alternative is the best alternative for this SEIS. (Comment 1336)*

#### *Proposal of New Alternative*

*A new alternative should be considered using and enhancing the existing roadbed. The current roadbed can be widened in several areas and the most troublesome corners straightened. By taking these steps and enforcing the posted speed limit, there are several positive outcomes. Wildlife corridors (especially for the sensitive brown bear populations) and the viewshed are left undisturbed. No trail systems, Roadless Areas or Traditional Cultural Areas are impeded upon. And the town is able to continue to benefit from economic growth. Additionally, safety and congestion are mitigated through a creative approach that includes upgrading the road which would likely meet current design standards once they are defined.*

*The new alternative should foremost identify a speed limit through the area that is analyzed within the alternative and appropriate for the area. A reasonable and safe speed limit seems to be 35 mph from about Milepost 46 to Milepost 49. Existing speed limits of 45 mph need not change, especially with road upgrades. Slower speeds mean less traffic incidents, except in areas where conflict arises. This alternative would seek to identify and alleviate conflict areas. It should evaluate each milepost for its*

*potential to meet the three criteria identified by DOT as the stated purpose for this project: reduction of highway congestion; meet current highway design standards; improvement of highway safety.*

*A supplemental map should be added to the SEIS, which evaluates possible passing lanes in addition to the pullouts already identified.*

*All Mileposts below are approximate. Suggestions are as follows:*

*Mile 46 – 49: Several pullouts are identified in 3.6-2 of the SEIS. These pullouts could be upgraded. Work with private land owners to identify potential expansion of shoulders, especially for pedestrians and bike users.*

*Mile 49 – 49.5: Several pullouts are identified in 3.6-2 of the SEIS. These pullouts could be upgraded. The highway through this section could be widened. Work with private land owners to identify potential expansion of shoulders, especially for pedestrians and bike users. The gravel pit just east of Caribou Heights Circle is one potential parcel.*

*Mile 49.5 – 50.5: Two pullouts are identified in 3.6-2 of the SEIS. At the rapids across from Princess Lodge the roadbed could cut through the hill to the south, bisecting the Cooper Dam Road and rejoining the existing road at Cooper Creek. This would eliminate two dangerous curves, plus provide a potential passing zone and a scenic overlook.*

*Mile 50.5 – 52.5: This section of road could easily be expanded to accommodate wider shoulders and a pullout, especially on the south side of the highway between Stetson Creek Trail and just east of Gwin's Lodge.*

*Mile 52.5: Though this curve (often referred to as the Gwin's Lodge corner) is identified as one of the least safe, with the highest number of traffic incidents, it is one of the least complicated to mitigate. The road could easily be straightened through a very small hill that sits to the south of the road. Doing this would widen the road, which also allows for a west-bound turn only lane to the entrance to Russian River Campground.*

*Mile 52.5 – 53.5: Add pedestrian / bike crossings to the bridge at Schooner Bend. Just east of the bridge crossing, the pullout for Resurrection Trailhead is large enough for the Sterling Highway to begin a gentle realignment to the north of current roadbed to about mile 53.5. This would effectively move the current roadbed away from the river enough to allow for three things: removing spill risk associated with vehicles traveling directly adjacent the river, straightening a curve, and allow for a wide shoulder for pedestrians and a pullout on the river side.*

*Mile 54 – 55.5: bring highway to the north just to the southern edge of CIRI lands, possibly with the KNWR Visitor Center also to the south, reconnecting to current highway at Milepost 55.5. This would curtail much of the severe congestion of vehicles and pedestrians along the river. Brings the highway off the river in two key locations, which mitigates issues of spill risk from vehicles as well as bank erosion where the river is moving to the north. By moving the road several hundred yards north, dangerous congestion around the Russian River Ferry would be mitigated. Safety issues can be further mitigated by building pullouts and possibly a parking lot on the north side of the highway with a pedestrian bridge to safely cross over.*

*Mile 55.5 – 58: This section of road can be widened to accommodate shoulders deemed safe. A turn-only lane for west-bound traffic can be added to alleviate some congestion with rafters and those hauling trailers onto Skilak Lake Road. (Comment 1337)*

Thank you for the opportunity to comment.

Sincerely,

Karen Button  
Mile 1, Snug Harbor Road  
Cooper Landing, 99572  
Mailing: 2706 W 30th  
Anchorage, 99517

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**Comment 1311:** See Group Comment #62

**Comment 1312:** See Comment Group #29

**Comment 1314:** See Comment Group #52

**Comment 1330:** See Group Comment #63

**Comment 1331:** See Group Comment #64

**Comment 1332:** See Comment Group #53

**Comment 1333:** See Comment Group #36

**Comment 1334:** See Comment Group #49

**Comment 1335:** See Comment Group #48

**Comment 1336:** See Comment Group #56

**Comment 1337:** See Comment Group #56

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## **Communication ID: 1040**

To whom it may concern. *I'm writing this hoping that you will take into consideration the people that this bypass proposal that this will directly affect. Setting aside the fact that your proposal will go directly thru my backyard, therefore squeezing us between the 2 highways and affecting our water rights that come from the mountain side, we know this area inside and out. First of all there are 2 main avalanche shoots that come down every year. they will cross the highway and cause closures. We also have "protected" sheep and goats on Langel (the mountain that follows the sterling hwy} These animals come down low in the winter months for a more plentiful food source. As one of many small business owners that makes our money in the summer months it makes us question what our business future holds if people can just take the bypass and skip our town that thrives on the money that tourists bring in each year for our business to survive. These are 3 of many circumstances that WILL be directly*

*impact on where you are proposing this highway to be built. (Comment 1287) It seems to us and many others that there has to be a better solution then spending billions of dollars on a bypass that is really only wanted for 2-3 months out of the year to help lighten the traffic load on June and July. Have you driven thru Cooper Landing September thru May?*

*I live directly on the highway at milepost 47... I know the traffic flow! You should research that further. The talk about wanting to divert semi's away from the river is another issue. If our troopers continue to hold cars and trucks to current speed limits there wouldn't be an issue. The bypass will be inviting traffic to speed and therefore we will have another deadly highway to contend with. There has to be a better way to spend our federal/state dollars then what is being proposed here. (Comment 1283) Lastly, Reading this web-site and the talk about the noise...you obviously haven't canvassed the people that this will directly effect. We all move Alaska and more importantly right now, to us of Cooper Landing for serenity, wilderness and the love of the land and wildlife. (Comment 1286) Yes this will change the whole dynamic of where I live...It will change our plans of building a new house...I am just hoping and praying that you will take into consideration the people of Cooper Landing that do care! (Comment 1451)*

Thank you for your time,

Todd and Michelle Donahue  
Alaska Streamers  
19906 Sterling Hwy.  
Cooper Landing, AK  
99572

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**Comment 1283:** DOT&PF and FHWA are aware of the seasonality of the traffic and have reported seasonal traffic information in Chapter 1 and in the Traffic Study available on the project web site ([sterlinghighway.net](http://sterlinghighway.net)). Despite the seasonality of traffic, congestion levels, in conjunction with the other needs identified for the project, warrant the improvements. While stepped-up enforcement and even lower speed limits might help improve safety it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

Note that Federal Highway Administration funds cannot be transferred for use in enforcement. Enforcement budgets and highway construction budgets are different. Design and construction projects endeavor to match the facility with the needs of traffic. Building the highway to current safety standards would make the highway like most of the rest of the Seward and Sterling highways, allowing for safe, consistent highway speeds, but it would not "invite people to speed."

**Comment 1286:** FHWA and DOT&PF understand that people seek reasonable quiet in their homes, community facilities, and outdoor recreation. The agencies have and use noise policies and specific methods for assessing Traffic Noise Impacts. A noise study was prepared for this project and has been updated for the Final EIS. It included sound measurements in the project area and modeling of sound levels for dozens of homes, community facilities, campgrounds and other recreation sites, and dispersed

and Wilderness recreation areas. Noise is addressed in Chapter 3.15 of the EIS. Although relatively few locations were determined to have Traffic Noise Impact substantial enough to consider noise mitigation, some were, and it was not possible to find a suitable mitigation method given the configuration of driveways that would create openings in noise barriers. This circumstance and other community impacts were important considerations in the least overall harm analysis at the end of Chapter 4.

**Comment 1287:** DOT&PF and FHWA are sensitive to the many potential impacts in the project area and must balance these impacts in satisfying the project's purpose and needs (Chapter 1). The issues raised in this comment are already addressed in the EIS. Specifically: (1) Avalanche chutes are discussed in Chapter 3.12; (2) Sheep and impacts to sheep are discussed in Section 3.22 as one of the key wildlife species in the area; and (3) business impacts, including impacts associated with traffic bypassing businesses are discussed in Chapter 3.5.

**Comment 1451:** Many of the issues raised here involve impacts in the settled community of Cooper Landing. The greater community impacts associated with the Cooper Creek Alternative over other alternatives was an important consideration in the analysis of least overall harm and the identification of a preferred alternative. At MP 47, the G South Alternative and Juneau Creek alternatives would pass uphill of private properties and would change the setting and the direction from which traffic noise would be heard in this area. It is anticipated that under these alternatives, the existing highway in the vicinity of your property would be quieter and less busy.

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### ***Communication ID: 1041***

I am in concurrence with the comments below and would like them added to the record on my behalf. Thank you, Dawn Button 26 May 2015 Sterling Highway MP 45-60 Project DOT&PF Central Region PO Box 196900 Anchorage, AK 99519-6900 Please add the following comments to the public record. My family has owned a property in Cooper Landing since 1962. Although it is used primarily for recreation at this time, it has also been a residence. I consider it my home though I am not here fulltime. We have witnessed a lot of change over the years in Cooper Landing. I hope my comments will contribute positively to the mitigation of safety and traffic issues in Cooper Landing and along the portion of Kenai River as addressed in the draft SEIS. Most would agree there is no perfect solution to the issues identified in this SEIS. I commend the DOT for listening to the public and to agencies over the decades, refining their proposal in the process to best address traffic, congestion, and pedestrian/bike safety issues in the Cooper Landing area. Continuing to work together will create the best plan in the end. That said, I have some overall concerns regarding the SEIS and will then address each of the alternatives. The SEIS is lacking two significant foundations for analysis. 1. *A foremost concern is that even though wildlife and their movement corridors should be at the heart of environmental analysis, the SEIS is woefully lacking. For over a decade brown bears on the Kenai Peninsula have been the topic of special attention. Once they were found to be an “island” population due to their limited travel on and off the peninsula, their status has hovered around the “threatened” designation under the Endangered Species Act. For this reason the multi-agency Brown Bear Task*

Force was created toward the end of the 1990s and a low-end population number of 350 individuals identified as healthy for a genetically diverse gene pool. Brown bear hunts are regularly shut down on the peninsula for reasons of maintaining this tipping-point number. Should they drop lower, petitions for a higher designation under the ESA would likely ensue and would have a major impact on residents, businesses, and public land management. Yet, there is little information or analysis in the SEIS with regard to brown bears specifically and wildlife in general. Though all of the Action Alternatives in the SEIS would affect large mammal travel corridors, this significant issue has not been addressed adequately in the SEIS. **(Comment 1290)** 2. One of the three expressed goals for this proposed project is to bring the current roadway up to current highway standards for a “rural principal arterial” and yet this goes undefined in the SEIS. The DOT should define this in the SEIS and provide factual data to back up their finding that the highway speed should be 60 mph. For example, we have no idea how the base speed limit determines (or doesn’t) width of shoulder regulations, angle of curves, number of curves, placement of driveways, and so forth. In the SEIS Existing Highway Curve Diagrams the current 35 mph corridor is evaluated for its curve safety at 60 mph. That’s like evaluating a bike trail for its safety effectiveness for motorized vehicles. No reason is given in the SEIS as to how DOT determined this speed and why it was applied to Cooper Landing. Cooper Landing is approximately the same size as Moose Pass where the highway was both upgraded and the speed maintained at 35 mph. And there is Sterling, where the highway was upgraded to four lanes, yet the speed limit is 45 mph. Why the inconsistency? Because the entirety of the SEIS is analyzed with the speed designation of 60 mph, this means the foundation for project alternatives is problematic at best. At worst, it is faulty. The first level of determination should be how and why the DOT chose a 60 mph zone through this area. **(Comment 1292)** There is also no analysis in the SEIS of traffic safety at higher speeds. For comparison, the SEIS should consider traffic incidents along the Seward/Sterling Highway with similar existing conditions for each of the alternatives, such as elevation, speed and number of lanes. Turnagain Pass may present similar conditions for the Juneau Creek alternatives and for G South. Without this information, we do not know if a new road would actually alleviate traffic incidents. Congestion does not equal accidents. **(Comment 1294)** Additionally, all three of the northern alternatives are within an avalanche area. At around milepost 46 two avalanche chutes have closed the highway at somewhat regular intervals through the years. Selecting an alternative that has the further potential of avalanche closures (and the risks associated with such) is an unnecessary risk and adds maintenance costs, both of which I did not see evaluated in the SEIS. **(Comment 1295)** Further, all of the action alternatives would adversely affect Traditional Cultural Property on the Sqilantnu Archaeological District. Keeping the roadbed in its current location has the least impact to these historic cultural sites. **(Comment 1296)** And, to be clear, for reasons of safety to the Kenai River, I do not support any new crossings to the river. **(Comment 1297)** Cooper Creek Alternative Though at first this alternative appears to have the least impact to wildlands and recreation areas, and bypasses the majority of town (cited as one reason for the proposed project to mitigate congestion), it has several problems. • It has the greatest negative impacts to private property. • Soils on this bench are unstable. • It doesn’t address/mitigate issues where traffic incidents are noted to be the highest, which is an identified reason for the project proposal. • It negatively impacts wildlife travel corridors; of special concern is brown bear movement. **(Comment 1298)** Juneau Creek and Variant Alternative Both of these alternatives create secondary problems to the existing road. With an additional road corridor comes increased access; now there are two roads to maintain, to patrol for safety and traffic violations, and to mitigate negative effects to wildlife and the environment. Where roads go, people go. These

*alternatives have the highest negative impact to wildlife and to designated special areas. • Negatively affects wildlife travel corridors, especially brown bear movement. Impacts to wildlife are greatest with these two alternatives. • Adverse impacts to inventoried Roadless Areas and recreation values are greatest with these alternatives. • Road grades are much steeper with these alternatives than with the existing road. This is of particular concern in the winter months where snow load is higher at higher elevations and the proposed alternatives go through an avalanche area, neither of which are evaluated. • These will be the costliest alternatives to maintain for the aforementioned, as well as for winter road maintenance. The environmental implications for road runoff, with its associated oil, salt, and gravel into a watershed that empties into the Kenai River Special Management Area are not evaluated. • Lighting of the highway is an issue, contributing to light pollution. • Noise travels a great distance in valleys, and especially uphill where the roadway would be located. Negative impacts from noise pollution are a concern. • As cited above, the SEIS is lacking in analysis for traffic safety given higher speeds and higher elevation (for wintertime travel especially). (Comment 1300) G South Alternative • This alternative increases rather than decreases potential threats to the Kenai River with an additional bridge crossing. No additional crossings of the river should be considered as an alternative. • Because G South enters the existing highway at approximately mile 51.5, it does not mitigate the highest incidents of traffic safety issues, which occur further west. • As with the Juneau Creek Alternatives, the G South impacts large mammal travel corridors through the Juneau Creek valley. • It bisects an inventoried Roadless Area. • It bisects a proposed Kenai River Special Management Area. (Comment 1304) All these alternatives would require the use of public lands, some in designated special use or protected areas. Section 4(f) of the Department of Transportation Act of 1966 protects these areas unless there is no “feasible or prudent” alternative. The feasible and prudent alternative in this proposed project is the No Action Alternative. Several of the issues raised by DOT can be solved without building a new roadbed. Enhancement of the current corridor can be accomplished through a creative combination of pullouts, passing lane/s, straightening of a few corners, addition of pedestrian walkway/s and enforced speed limit as is addressed below. I’ve had the opportunity to travel the Highway 101 corridor through the Pacific Northwest and California. This is a highway that bisects entire states, so state DOT’s have used a combination of highway types appropriate to the terrain and local communities. I spent time in Northern California in the redwoods and wine country and was impressed how they dealt with the Highway 101 corridor. Four lanes are used where feasible. In other areas, there are two lanes with a third passing lane, similar to Turnagain Pass and to the east of Cooper Landing. Several small- and medium-sized towns, such as Crescent City, Eureka, Laytonville, Willits and Hopland, are bisected by Highway 101. There, the speed limit is slowed to 30/35 mph, with wide shoulders that give the motorist more ease in pulling off. In one area, old-growth redwood trees are so close to the highway one has to slow to 25-30 mph in order to navigate the narrow and winding road. This area reminded me of issues facing Cooper Landing; it’s gorgeous and slowing down means one is able to take in the scenery. It’s not unlike traveling next to the Kenai River. We should place the highest priority on the resources we have and for which people visit and live in the uniqueness of the Cooper Landing area. Those resources include healthy wildlife populations and salmon, pristine Kenai Lake and Kenai River, wilderness and Roadless Areas that provide recreation, quiet, and access to the night sky (during winter months) with a minimum of light pollution. For all the reasons stated above, I believe the No Action Alternative is the best alternative for this SEIS. (Comment 1306) Proposal of New Alternative A new alternative should be considered using and enhancing the existing roadbed. The current roadbed can be widened in several areas and the most troublesome corners straightened. By*

*taking these steps and enforcing the posted speed limit, there are several positive outcomes. Wildlife corridors (especially for the sensitive brown bear populations) and the viewshed are left undisturbed. No trail systems, Roadless Areas or Traditional Cultural Areas are impeded upon. And the town is able to continue to benefit from economic growth. Additionally, safety and congestion are mitigated through a creative approach that includes upgrading the road which would likely meet current design standards once they are defined. The new alternative should foremost identify a speed limit through the area that is analyzed within the alternative and appropriate for the area. A reasonable and safe speed limit seems to be 35 mph from about Milepost 46 to Milepost 49. Existing speed limits of 45 mph need not change, especially with road upgrades. Slower speeds mean less traffic incidents, except in areas where conflict arises. This alternative would seek to identify and alleviate conflict areas. It should evaluate each milepost for its potential to meet the three criteria identified by DOT as the stated purpose for this project: reduction of highway congestion; meet current highway design standards; improvement of highway safety. A supplemental map should be added to the SEIS, which evaluates possible passing lanes in addition to the pullouts already identified. All Mileposts below are approximate. Suggestions are as follows: Mile 46 – 49: Several pullouts are identified in 3.6-2 of the SEIS. These pullouts could be upgraded. Work with private land owners to identify potential expansion of shoulders, especially for pedestrians and bike users. Mile 49 – 49.5: Several pullouts are identified in 3.6-2 of the SEIS. These pullouts could be upgraded. The highway through this section could be widened. Work with private land owners to identify potential expansion of shoulders, especially for pedestrians and bike users. The gravel pit just east of Caribou Heights Circle is one potential parcel. Mile 49.5 – 50.5: Two pullouts are identified in 3.6-2 of the SEIS. At the rapids across from Princess Lodge the roadbed could cut through the hill to the south, bisecting the Cooper Dam Road and rejoining the existing road at Cooper Creek. This would eliminate two dangerous curves, plus provide a potential passing zone and a scenic overlook. Mile 50.5 – 52.5: This section of road could easily be expanded to accommodate wider shoulders and a pullout, especially on the south side of the highway between Stetson Creek Trail and just east of Gwin’s Lodge. Mile 52.5: Though this curve (often referred to as the Gwin’s Lodge corner) is identified as one of the least safe, with the highest number of traffic incidents, it is one of the least complicated to mitigate. The road could easily be straightened through a very small hill that sits to the south of the road. Doing this would widen the road, which also allows for a west-bound turn only lane to the entrance to Russian River Campground. Mile 52.5 – 53.5: Add pedestrian / bike crossings to the bridge at Schooner Bend. Just east of the bridge crossing, the pullout for Resurrection Trailhead is large enough for the Sterling Highway to begin a gentle realignment to the north of current roadbed to about mile 53.5. This would effectively move the current roadbed away from the river enough to allow for three things: removing spill risk associated with vehicles traveling directly adjacent the river, straightening a curve, and allow for a wide shoulder for pedestrians and a pullout on the river side. Mile 54 – 55.5: bring highway to the north just to the southern edge of CIRI lands, possibly with the KNWR Visitor Center also to the south, reconnecting to current highway at Milepost 55.5. This would curtail much of the severe congestion of vehicles and pedestrians along the river. Brings the highway off the river in two key locations, which mitigates issues of spill risk from vehicles as well as bank erosion where the river is moving to the north. By moving the road several hundred yards north, dangerous congestion around the Russian River Ferry would be mitigated. Safety issues can be further mitigated by building pullouts and possibly a parking lot on the north side of the highway with a pedestrian bridge to safely cross over. Mile 55.5 – 58: This section of road can be widened to accommodate shoulders deemed safe. A turn-only lane for west-bound traffic can be added to alleviate*

*some congestion with rafters and those hauling trailers onto Skilak Lake Road. (Comment 1307)* Thank you for the opportunity to comment. Sincerely, Karen Button Mile 1, Snug Harbor Road Cooper Landing, 99572 Mailing: 2706 W 30th Anchorage, 99517 Sent from my iPad

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**Comment 1290:** See Group Comment #62

**Comment 1292:** See Comment Group #29

**Comment 1294:** See Comment Group #52

**Comment 1295:** See Group Comment #63

**Comment 1296:** See Comment Group #64

**Comment 1297:** See Group Comment #53

**Comment 1298:** See Comment Group #36

**Comment 1300:** See Comment Group #49

**Comment 1304:** See Comment Group #48

**Comment 1306:** See Comment Group #56

**Comment 1307:** See Comment Group #56

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## ***Communication ID: 1044***

David and Martha Story  
PO Box 863  
Cooper Landing, AK 99572

May 26, 2015

Brian Elliott, Environmental Manager  
DOT&PF Central Region  
Sterling Highway MP 45-60 Project  
PO Box 196900  
Anchorage, AK 99519-6900

Dear Mr. Elliott:

*We live and work in Cooper Landing year-round and depend on the tourism to the area for our livelihoods. The Upper Kenai River is a unique and special area. Protecting the river, the resources it provides and the visitors drawn to it are the most important considerations in determining our recommendations regarding the Sterling Highway MP 45-60 Project. (Comment 1401)*

*Travel along this stretch of highway is congested and often dangerous. Enforcement of the existing 35 and 45 MPH speed limits does improve driver behavior for periods of time. Enforcement, however, is NOT a viable solution to the problems that plague this roadway. (Comment 1279)*

*There are steadily increasing numbers of visitors to the area. Heavy commercial use continues to increase. Tanker truck traffic has risen since the close of the North Pole refinery. Double tanker trucks hauling hazardous materials are on the road at all times of the day and night. All of this traffic is within meters of the river whose health we all value and so many, like us, depend on. THE HIGHWAY MUST BE MOVED AWAY FROM THE KENAI RIVER. (Comment 1393)*

*We feel the No Build option is unacceptable. (Comment 1394) We prefer either the Juneau Creek Alternative or the Juneau Creek Variant Alternative over the Cooper Creek Alternative (Comment 1395) and we strongly object to the G South Alternative. (Comment 1396)*

*We feel the the Juneau Creek Alternative best provides a route that keeps the highway as far from the Kenai River as possible for as long as possible. (Comment 1397) We also understand that the political likelihood the Juneau Creek Alternative is low and accept the Juneau Creek Variant Alternative as a next best choice. (Comment 1398)*

*The Sterling Highway must be relocated to bypass as much of the upper Kenai River as possible. Protection of the Kenai River should be a paramount goal, along with the other stated goals of improving traffic safety, reducing congestion and meeting design standards. (Comment 1399) Please choose either of the Juneau Creek Alternatives as the Preferred Alternative in the Final SEIS. (Comment 1400)*

*We would also like to draw attention to the need for safe passage for non-motorized traffic along the existing highway and the surrounding roads. It is important to include these uses into the design considerations of the bypass project, regardless of the alternative chosen. One example is the need for inclusion of an underpass or equivalent safe passage at the intersection of Quartz Creek Road and the Sterling Highway to prevent a pedestrian, cyclist, equestrian or other slow vehicle traffic from needing to cross four lanes of rapidly accelerating or decelerating traffic. (Comment 1280)*

*A safe, walkable community has been Cooper Landing's goal for even longer than the bypass project has been on the books. We would like to see both completed and are committed to helping protect the Kenai River and improve community health and safety in any way we can. (Comment 1280)*

Thank you for your consideration.

David and Martha Story

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**Comment 1279:** Vehicle crashes are often a result of unsafe speeds- which is not necessarily higher speed, but speeds exceeding that which the roadway is designed (due to curves, grade changes, or site distances) or the conditions (low visibility, wet or snowy conditions, etc.). By more closely designing for driver expectations on a national highway system route--meaning consistent speeds, smoother curves, wider lanes, and fewer conflict points--the risk of collisions will be reduced. Stepped-up enforcement and even lower speed limits might help improve safety but it would not solve the problems identified. Problems of congestion caused by multiple driveways and side streets, and a lack of passing opportunities, would continue. Safety would still be an issue as the conflicts and design problems (no

shoulders, poor visibility around corners, and sharp corners) would remain. The current design is not adequate for the function of the highway and amount of traffic it experiences.

**Comment 1280:** See Group Comment #67

**Comment 1393:** See Group Comment #54

**Comment 1394:** See Comment Group #43

**Comment 1395:** Thank you for your comment.

**Comment 1396:** Thank you for your comment.

**Comment 1397:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

**Comment 1398:** Thank you for your comment. It is helpful to understand the reasoning behind your preference.

**Comment 1399:** DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). Shifting the highway traffic away from the river is discussed in more detail under Sections 3.17 and 3.21.

**Comment 1400:** See Comment Group #37

**Comment 1401:** See Group Comment #54

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## **Communication ID: 1045**

Kelly Peterson, Project Manager  
Sterling Highway MP 45-60 Project  
DOT&PF Central Region  
P.O. Box 196900  
Anchorage, AK 99519-6900

Re: Comments on the Cooper Landing Bypass

Dear Kelly Peterson:

*The Kenai River Special Management Area Advisory Board submits this letter as its recommendations on the various alternatives posed for the Cooper Landing Bypass. The Kenai River Special Management Area Advisory Board was created under the authority of A.S. 41 .21 .510 in 1985 to advise local, state and federal agencies and legislative bodies on matters affecting the Kenai River and its habitat. The Board is comprised of public members, Soldotna, Kenai and the Kenai Peninsula Borough and non-voting state and federal agency representatives.*

*This letter reflects consideration and discussion by the Board of the various alternatives at its regularly scheduled monthly meetings for April and May 2015. The matter has been before the Board many times*

*over the past years and members are well versed in the various alternative routings. On May 14, 2015, the Board unanimously passed a resolution recommending the Juneau Creek Alternative for safety and habitat protection reasons. (Comment 1163)*

Ted Wellman

Passed this 14th day of May, 2015

Ted Wellman, President

Copies of this resolution shall be sent to the Commissioner of Natural Resources, The Governor of Alaska, the Kenai Peninsula Borough Mayor's Office and the Director of the Alaska Division of Parks. US Forest Service Regional Office and the Kenai National Wildlife Refuge.

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**Comment 1163:** Thank you for your comment. DOT&PF and FHWA have been sensitive to the need to protect the Kenai River throughout this project. It was necessary to balance impacts to the Kenai River against impacts to other Section 4(f) properties (including KNWR, Sqilantnu Russian River Confluence Traditional Cultural Property, Resurrection Pass Trail, and Juneau Falls Recreation Area), against non-4(f) impacts to the community of Cooper Landing, and against the project purpose and need. Because the highway will be substantially improved even where it overlies the existing alignment, risks to the Kenai River are expected to be decreased substantially with any of the alternatives.

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## **Communication ID: 1046**

From: Pinckney, Charles A (DNR)

Sent: Tuesday, May 26, 2015 9:37 AM

To: Petersen, Kelly L (DOT)

Subject: Sterling Highway MP 45-60 SEIS- Public Review Draft

Kelly,

*DNR does not have any further comment at this time, thank you for the opportunity to review. I have attached comments that I received from the DNR Kenai River Special Management Area Advisory Board. I think you may have received them already, however just in case I am passing them along. (Comment 1162)*

Chuck

Charles Pinckney

Natural Resource Specialist III

Alaska Department of Natural Resources

Division of Mining, Land & Water

Resource Assessment & Development  
550 W. 7th Ave. Suite 1050  
Anchorage, AK 99501-3579  
907-334-2551  
907-269-8915 (Fax)  
[charles.pinckney@alaska.gov](mailto:charles.pinckney@alaska.gov)

(NOTE: THE ATTACHED DOCUMENT IS FROM KENAI RIVER SPECIAL MANAGEMENT AREA ADVISORY BOARD. SEE COMMUNICATION 1045)

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**Comment 1162:** Thank you for responding. The Kenai River Special Management Area Advisory Board letter in support of the Juneau Creek Alternative was received and addressed separately.

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### **Communication ID: 1047**

From: Mitzel, John A (Andy) POA [mailto:Andy.Mitzel@usace.army.mil]  
Sent: Tuesday, May 26, 2015 4:09 PM  
To: John.Lohrey@dot.gov  
Cc: Petersen, Kelly L (DOT); Tim.Haugh@dot.gov; Speerstra, Linda POA  
Subject: Comments regarding Draft SEIS, Sterling Highway MP 45-60 (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Mr. Lohrey,

Please see attached letter with the comments regarding the DSEIS for Sterling Highway MP 45-60. If you have any questions, please feel free to contact me.

Andy Mitzel  
Regulatory Project Manager  
Kenai Field Office  
Alaska District, USACE  
44669B Sterling Hwy  
Soldotna, AK 99669  
phone: (907) 753-2673

ATTACHMENT TEXT FOLLOWS:

May 26, 2015

Federal Highway Administration  
P.O. Box 21648  
Juneau, AK 99802-1648

Dear Mr. Lohrey:

This letter provides the U.S. Army Corps of Engineers (Corps) comments on the Draft Supplemental Environmental Impact Statement (DSEIS) dated March 2015, for the proposed Sterling Highway Milepost 45-60, near Cooper Landing, Alaska.

**Project Purpose and Need:** The Alaska Department of Transportation and Public Facilities' (ADOT&PF) stated purpose and need in the DSEIS is to improve the Sterling Highway from its intersection with Quartz Creek Road to its intersection with Skilak Lake Road which would:

- \* Reduce highway congestion.
- \* Meet current highway design standards.
- \* Improve highway safety.

*The definition of overall project purpose is used in the determination of practicable alternatives since the Environmental Protection Agency's (EPA) 404(b)(1) Guidelines (Guidelines) define practicable to mean: "available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purposes."<sup>1</sup> While the definition of overall project purpose is solely the Corps' responsibility, it must take into consideration the applicant's stated purpose for the project.<sup>2</sup> It cannot be so restrictive that the applicant's proposal is the only possible alternative or so broad that it makes the search for alternatives meaningless.*

<sup>1</sup> 40 CFR 230.1 O(a)(2)

<sup>2</sup> *October 15, 1999, Army Corps of Engineers Standard Operating Procedures for the Regulatory Program. (Comment 1159)*

*Alternatives: Clean Water Act (CWA), Section 404 permits are only issued for projects that clearly demonstrate compliance with the Guidelines. The Guidelines state that no discharge of dredged or fill material can be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, as long as the alternative does not have other significant adverse environmental consequences. In those cases where non-water dependant work is proposed in a "special aquatic site", (such as wetlands, eelgrass beds, or mudflats), practicable alternatives are presumed to exist unless clearly demonstrated otherwise by the applicant. Also, where a discharge is proposed for a special aquatic site, all practicable alternatives to the proposed discharge which do not involve a discharge into a special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise. Based on the information provided in the DSEIS and available to us, we have determined that special aquatic sites occur within the proposed project area.*

*An alternative is considered practicable if it is available and capable of being accomplished after taking into consideration costs, existing technology, and logistics in light of the overall project purpose. The least environmentally damaging practicable alternative may include construction in uplands, reducing the size of the proposal to the minimum discharge necessary for the project, or the inclusion of logistic and operational controls.*

*Based on our review of the information provided in the DSEIS, all four of the build alternatives appear to be practicable. The information in the DSEIS indicates that the Juneau Creek, Juneau Creek Variant, and G South Alternatives would directly impact between 26.6 acres and 38.5 acres of waters of the United States, including wetlands. The indirect impacts for these alternatives vary between 67 acres and 130 acres of waters of the United States, including wetlands.*

*The direct impacts of the Cooper Creek Alternative are projected to be 11 acres and the indirect impacts are proposed to be 14 acres of waters of the United States, including wetlands. In this respect, it is clear that the Cooper Creek Alternative is significantly less damaging to the aquatic ecosystem than the other proposed build alternatives. (Comment 1160)*

Avoidance and Minimization: Prior to considering compensatory mitigation for impacts to waters of the U.S., including wetlands, it is the responsibility of the project proponent to demonstrate that the proposed project avoids and minimizes impacts to waters of the U.S. to the maximum extent possible. A clear discussion of the avoidance and minimization to waters of the U.S. will be required for the preferred alternative, once identified, in the Supplemental Environmental Impact Statement (SEIS). Examples of the avoidance and minimization could include, but are not limited to: alternate road designs, alignment decisions for the chosen alternative, construction methods to reduce impacts, etc.

Avoidance measures are the planning strategies that entirely eliminate the discharge of fill material into the aquatic ecosystem to achieve the project purpose. A key requirement of compliance with the avoidance sequence of the Guidelines is to show whether or not an aquatic resource can be completely avoided. Minimization entails measures to reduce or diminish the impacts to aquatic resources. The fundamental objective of compensatory mitigation is to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by DA permits.

Compensatory Mitigation: Under the Corps' substantive evaluation criteria for all Section 404 CWA permits, the Guidelines, mitigation is a sequential process of avoidance, minimization, and compensation. Compensatory mitigation is not considered until after all appropriate and practicable steps have been taken to first avoid and then minimize adverse impacts to the aquatic ecosystem.

The Corps and the EPA issued regulations that govern national compensatory mitigation policy for activities in waters of the United States, including wetlands, authorized by Corps permits. The final mitigation regulations were published in the federal register on April 10, 2008, and became effective on June 9, 2008. The final regulations at 33 CFR Part 332 establishes standards and criteria for the use of appropriate and practicable compensatory mitigation for unavoidable functional losses of aquatic resources authorized by Corps permits.

There are two overarching themes that affect how the mitigation sequencing is conducted. One is that although the burden of proof for satisfying these steps rests with the permit applicant, the Corps must rely upon its own analysis in making a finding of compliance or non-compliance with the Guidelines. *The applicant must provide information that is sufficient to determine compliance, so the Corps can make a timely permit decision. The information provided in the mitigation section of the SEIS is not substantive or specific to the proposed work for the Corps' Guidelines analysis.*

*The information provided in the DSEIS and accompanying documents state that the ADOT&PF proposed compensatory mitigation for unavoidable impacts to waters of the U. S. would consist of an in-lieu-fee payment. The forthcoming SEIS should clearly explain the unavoidable impacts to waters of*

*the U.S. proposed in the project area, so that an appropriate in-lieu-fee proposal can be developed prior to the completion of the DA Permit review. In the DSEIS you have identified your desire to purchase in-lieu-fee credits from a "qualified land trust" to compensate for unavoidable losses of waters of the U.S. including wetlands. Currently the only in-lieu-fee provider, with a service area that includes the Kenai Peninsula is The Conservation Fund (TCF). At this time TCF has indicated that they are not providing mitigation credits.*

*All build alternatives identified in the DSEIS would result in the loss of waters of the United States, including special aquatic sites. A compensatory mitigation plan will be a necessary component of the SEIS. In developing the proposed compensatory mitigation plan, the guidelines and requirements outlined in the regulations at 33 CFR 332 should be followed. It should include sufficient information about how the proposed compensatory mitigation relates to the individual and cumulative impacts to aquatic resources within the proposed project area, including an assessment to quantify debits and credits for aquatic resource impacts and compensation. (Comment 1161)*

Thank you for the opportunity to comment. You may contact me via email at [Andy.Mitzel@usace.army.mil](mailto:Andy.Mitzel@usace.army.mil), by mail at the address above, or by phone at (907) 753- 2689, if you have questions.

Sincerely,

Jon A. Mitzel  
Project Manager

CF:

ADOT&PF: [kelly.petersen@alaska.gov](mailto:kelly.petersen@alaska.gov)

USFHWA: [tim.haugh@dot.gov](mailto:tim.haugh@dot.gov)

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**Comment 1159:** Thank you for noting the key differences between the USACE's overall project purpose for CWA Section 404 and the FHWA's purpose and need statement for NEPA. We understand from your comment that the USACE's definition of overall project purpose is used in the USACE's determination of practicable alternatives. From this letter and similar statements in past communications from USACE, FHWA and DOT&PF understand that USACE supports the project purpose and need description and range of practicable alternatives outlined in the Draft SEIS. We recognize your overall project purpose may be different.

**Comment 1160:** DOT&PF and FHWA agree that from an acreage standpoint, the Cooper Creek Alternative would impact the fewest acres. This, however, does not account for other project factors relevant to defining the least environmentally damaging practicable alternative. We suggest that other effects on the aquatic ecosystem be considered, such as minimizing the potential for spills resulting from highway accidents reaching the Kenai River or its tributaries. In addition, identification of the least environmentally damaging practicable alternative should consider the adverse environmental consequences to non-aquatic resources such as effects on the social environment: historic properties, recreation, noise, the need to relocate households, and community cohesion. Finally, we suggest that the environmental factors be considered in light of the degree to which each alternative achieves the project purpose. DOT&PF has evaluated the alternatives to identify the alternative with the least overall

harm (as required by Section 4(f) of the U.S. DOT Act) and believe that analysis will be particularly useful in identifying the least environmentally damaging practicable alternative. The least overall harm analysis is found in Chapter 4 of the EIS. Additionally, based on the analysis in the EIS, DOT&PF and FHWA prepared a draft Section 404(b)(1) analysis that evaluates the alternatives in accord with U.S. Army Corps of Engineers (USACE) requirements. A copy is included as Appendix G of the Final EIS).

**Comment 1161:** The Final EIS includes information regarding avoidance and minimization measures incorporated into the build alternatives, notably the identified preferred alternative. It also identifies unavoidable impacts to waters of the U.S. Please see additional text that has been added to Section 3.20 of the Final EIS.

Fee-in-lieu is still proposed as the project's compensatory mitigation for impacts to waters of the U.S. The Conservation Fund temporarily suspended their mitigation program in order to address a backlog of released credits. The Conservation Fund has stated it would consider selling credits within Southcentral Alaska on a case-by-case basis, and a mechanism for in-lieu fees is anticipated to be available for permitting this project. Moreover, the State of Alaska also is working on a statewide in-lieu-fee program that should also be available in time for permitting for this project. Should the fee-in-lieu options not exist at the time of permitting, DOT&PF would prepare a proposed compensatory mitigation plan to accompany its permit application to the USACE.

The 404(b)(1) analysis is included as Appendix G to the Final EIS.

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## **Communication ID: 1048**

Forest Service  
Alaska Region  
Chugach National Forest  
161 East 1st Ave, Door 8  
Anchorage, AK 99501  
Phone: (907) 743-9500  
Fax: (907) 743-9488

File Code: 1900, 7710  
Route To: (1900,7710)

Date: May 26, 2015

Subject: Sterling Highway Milepost 45-60 Draft Supplemental Environmental Impact Statement Public Review (STP-F-021-2(15)/53014)

To: John Lohrey, Statewide Programs Team Leader  
Alaska Division, Federal Highway Administration  
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This memo responds to your request for public comment on the Sterling Highway Milepost 45-60 Draft Supplemental Environmental Impact Statement (DSEIS). We appreciate the opportunity to provide comment on behalf of the Forest Service, U.S. Department of Agriculture.

In providing our specific comments below, we identified topic areas where we wish to discuss further with you (and as appropriate in coordination with USFWS, CIRI and Kenaitze Indian Tribe) opportunities to address, further resolve, and/or mitigate prior to the completion of the Final EIS and ROD. These include:

*\* Cultural resources (overall, we feel that the 4(f) analysis is inadequate; there is a need for qualitative analysis/effects disclosure to provide an adequate effects analysis under 4(f); the development of mitigation based on the effects analysis would align with Section 4.6.1.3); (Comment 1391)*

*\*Discussion on CIRI Tracts A & B and how the effects to those Tracts integrate overall with the Sqilantnu Archaeological District and their effects disclosure throughout the 4(f) chapter; whether the Cooper Creek and G South alternatives can be designed to avoid these Tracts; (Comment 1402)*

*\* Post-construction vegetation along the highway corridor/disturbed areas (acknowledging varying effects to wildlife, erosion/soils, waters quality, visuals, cultural resources and discussing mitigation options that combine/consider these various resources); (Comment 1403)*

*\* Wildlife corridor and associated landscape effects (need to better describe the process and mitigation needs/outcomes once the wildlife study is complete and before preliminary highway design is completed); (Comment 1404)*

*\* Resurrection Trail (CSU) (need to identify and consider additional adaptive mitigation depending upon the timing of Snow River bridges pedestrian facilities implementation); (Comment 1405)*

*\* Roadless to better describe, connect and disclose roadless area characteristics between Section 3.2.1.3 and other resource sections in the DSEIS (there are conclusions and incomplete descriptions in some of the bullets. (Comment 1406)*

*\* Refine and/or add clarity to a few sections of the final summary table to accurately reflect National Forest System lands (we did not capture all our comments on the summary table knowing that it will be updated from the final environmental analysis). (Comment 1407)*

In addition, Our SEIS-document specific comments are:

#### Executive Summary

#### Affected Environment and Environmental Consequences

*(P. 3) The Map shows the Juneau Creek road as a local road. It is gated and closed for public summer motorized use (similar to the Cooper Lake Dam road). It should be identified as such on this map or removed from the map. (Comment 834)*

*(P. 18) Map still shows a Juneau Bench Trail. This trail does not exist. (Comment 834)*

*Second bullet on left column: language indicates that the old highway through the 4 mile core area (Cooper Creek to Russian River) will be left as a quieter, winding, lower speed, local road suited to providing access to that area's multiple amenities. In Chapter 27 (P.3-493) a section states that the existing highway would retain today's posted speed limit which in this 4 mile core is 55 MPH. While*

*there would be less traffic, the speed limit would not be less than today so this section is a bit misleading to the reader. (Comment 835)*

*(P. 20) Mitigation measure for scenery is to seed bare soils for quick greening of the landscape. Use of appropriate seed mix to avoid invasive plant introduction is critical.*

*During the Forest Service interdisciplinary review of the document, one comment that arose in multiple locations and from multiple technical specialists was the issue of appropriate seeding and re-vegetation measures. The re-vegetation plan for this project will have varying impacts to different resources and the appropriate mitigation for such impacts varies depending upon the resource. The Forest Service recommends a meeting with ADOT&PF to discuss potential options for seeding and re-vegetation in order to draft the most appropriate mitigation measures with respect to this complex issue. (Comment 836)*

*(p. 28): Table 3.2 needs to disclose that the Chugach NF Land & Resource Management Plan (Forest Plan) may need an amendment to existing management direction under the 4 build alternatives associated with the new portions of the TUS. (Comment 837)*

*(P. 30) Table 3.6 states that pedestrians and bicyclists would benefit from decreased traffic on existing highway. If annual traffic count is 1.2 million through KNWR (P. 1-3), and 30% is expected to still use the existing highway, then there would still be roughly 360,000 vehicles on old section of highway – comprised of large recreation vehicles, trailers hauling boats, vans carrying tourists, etc. Page 1-6 has summer average annual daily traffic at 8198. 30% of this number is around 2500 vehicles a day. The speed limit through quite a bit of this old highway would still be posted at today’s speed limit of 55 MPH (see comment under P. 18 of Executive summary). No shoulders or walkways are planned for the existing highway segment. This scenario does not improve the situation for pedestrians or bicyclists. While the new highway segments might be marginally better for pedestrians and bicyclists due to the wider shoulders, the existing highway should be shown as “no improvement”. (Comment 838)*

*(P. 31) Table 3.8 – Under the “Recreation Resources Affected” row, there are entries that show Juneau Bench Trail references under Juneau Creek Alternatives. If the Juneau Bench trail is referring to the logging skid trails, these were built or are maintained as recreation trails. These references should be omitted, as the Juneau Bench Trail does not exist. (Comment 839)*

## Chapter 1

### 1.2.2.3 Highway Safety

*(P. 1-17) Need 3 (p. 1-5) states that this segment of highway has higher-than-average number and greater severity of crashes than the statewide average. Table 1.2-7, however, shows that Segments 1, 2, 3 and 4 actually have crash rates substantially lower than the statewide average (between 17 and 44% lower) and only Segments 5 and 6 have crash rates higher than the statewide average. This is not acknowledged or explained in the text. (Comment 840)*

## Chapter 2

### 2.1 Terminology Applicable to the Alternatives

*“Old” highway or “Old Sterling Highway” are used in quotation marks in certain circumstances to call out the segment of the existing highway that would not be altered. Although portions of the proposed action alternatives designate areas of “old” highway and indicate these are not subject to*

*modification, this should not be an appropriate disclaimer throughout. There may be sections within the existing road ROW i.e. along the old highway, which should be available for needed upgrades for safety and wildlife passage. (Comment 842)*

#### *2.4.1 General Summary*

*(P. 2-6) For consistency throughout the DSEIS, FSEIS and ROD – we suggest you consistently refer to the Forest Service per our Regional Office policy as: “Forest Service, U.S. Department of Agriculture” the first time and “Forest Service” thereafter. This eliminates the terminology you have now which is “USFS” and “FS.” (Comment 843)*

#### *2.4.2.2 Consideration of Juneau Creek Alternative*

*(PP. 2-7 through 2-9) This section is largely the rationale for why this alternative will not be selected and should be in the Record of Decision (see 40 CFR 1505.2). It seems more appropriate to let the alternative’s facts speak for themselves and not worry about labeling the alternative’s probability of success. The information could also be put in the planning record, but including it in the body of the DSEIS is pre-decisional.*

*Summary of Juneau Creek Alternative Process (page 2-9): The ROD requires identifying an environmentally preferred alternative but this section seems to be incorrectly mixing “preferred” alternative with “selected” alternative. (Comment 846)*

#### *2.6.2 Design Criteria Applicable to the Build Alternatives*

*(P. 2-19) The paragraph regarding proposed roadway access rights does not address how existing pullouts will be handled in the segments of highway that are constructed on the existing alignment. Reference Chapter 3.6, P-3-121-122 where this discussion does occur. (Comment 850)*

*Clear zones along highway ROW: It was not specified if these will be vegetated or graveled. Vegetated roadsides can provide foraging opportunities for a diversity of wildlife species. Ungulates and other herbivores are attracted to the available forage and good sight distances, raptors and other small mammal predators are attracted to those areas for easy access to their prey. There is an increased probability of roadkill (wildlife-vehicle collision) for any and all of these species as a result. Therefore, roadside/shoulder clear zones need to not only provide for improved visibility, but also be designed in such a way (gravel, large cobble, boulders, etc.) so as to deter wildlife use along those areas. (Comment 851)*

#### *2.6.3.2 Construction Sites*

*(P. 2-22) Per document of DOT’s response to our concerns, need more conversation with DOT regarding 5.1 acre disposal site near mile post 51. The Forest Service requests that this disposal site is moved to existing borrow site where current Stetson Creek Alternate Trail access is. This site is already disturbed and putting disposal material here will not further impact this site. The Forest Service can work with DOT on timing of use of this site and Stetson Creek Access until new highway alignment and new trailhead pullout is built and operational. (Comment 852)*

#### *2.6.3.2/2.6.4 Cooper Creek/G South Alternative descriptions*

*(P. 2-21, 2-26) The current design in the reconstruction of Russian River CG recreation site entrance area will switch the entrance and exit roads but will use both roads. If either the Cooper Creek or G South alternative is chosen, the design for the entrance to Russian River will need to be incorporated.*

*Maps 2.6-2 (P. 2-43) and 2.6-3 (P. 2-45) show Russian River with only one road with both entrance and exit occurring at that location. The current design in the reconstruction of this recreation site entrance area will switch the entrance and exit roads but will use both roads. If either the Cooper Creek alternative or the G-South Alternative is chosen, the design for the entrance to Russian River will need to be incorporated. (Comment 853)*

## Chapter 3

### 3.1 Land Ownership and Use

#### 3.1.1.1 Overview

*(P. 3-2) References to “USFS owned” lands should be changed to “Forest Service managed” or “National Forest System” lands. (Comment 854)*

#### 3.1.1.3 State Ownership and Land Uses

*(P. 3-3) Table 3.1-1 refers to 2 acres of residential under USFS. This most likely refers to the Betty Fuller/Mary Dreifurst residential permit. This is in process of being transferred to the State. (Would change Map 3.1-2 as well) (Comment 855)*

*(P. 3-4) The DSEIS indicates that submerged lands beneath Kenai River and Kenai Lake “are State-owned except within the KNWR boundary, where the United States owns submerged lands.” While a Federal court has adjudicated title with respect to portions of these water bodies located within KNWR, title has not been adjudicated by a Federal court with respect to those portions located within CNF.*

*The DSEIS should acknowledge that a Federal court has not adjudicated title to the bed of Kenai River and Kenai Lake within the CNF boundary. Unless a Federal court has adjudicated title to the bed of a body of water within the boundaries of the National Forest System and determined the bed to be in non-Federal ownership, FS policy is to depict title to beds of water bodies in land status records as National Forest System submerged riparian land. (Comment 856)*

#### 3.1.1.5 ...Native Corporation Lands

*Please clarify with CIRI and Kenaitze Indian Tribe on whether or not Tract A has any specific plans to develop a research center, visitor center and lodge. (Comment 857)*

#### 3.1.2.3 Cooper Creek Alternative

*(P. 3-10) The paragraph entitled “Federal Lands” and discussing the nationwide agreement between FHWA and USFS should note that highway right-of-way appropriations are subject to conditions the Forest Service may deem necessary for adequate protection and utilization of National Forest System lands and protection of the public interest. This comment applies to all build alternatives.*

*The paragraph entitled “Borough Lands” indicates that vegetation and soils that cannot be used for construction may be disposed of on certain borough lands. The analysis should recognize that under any build alternative, timber, mineral materials, or other resource removed from National Forest*

*System lands must be disposed of in accordance with the terms of applicable construction permits or right-of-way authorizations issued by the Forest Service. (Comment 863)*

*The paragraph entitled “Private and Native Corporation Lands” indicates that 0.15 acres of CIRI’s Tract B would be acquired under this alternative. Tract B is an ANCSA 14(h)(1) site and subject to a covenant, pursuant to 43 CFR § 2653.11(b), preventing any use which is incompatible with or in derogation of its values as a cemetery site or historical place (see Patent No. 50-2012-0174, issued May 31, 2012). Please disclose whether this alternative could be designed to avoid impacting Tract B. (Comment 865)*

*The United States reserved certain interests in the May 31, 2012 patent to Tract B, including a fifty (50)-foot-wide easement, administered by the USFS, along the south bank of the Kenai River for public uses including foot travel, recreation, fishing, picnicking, boat landing, parking and servicing of watercraft, and the building, maintenance and use of structures and facilities necessary for such uses. The analysis should disclose any potential effects to this easement and the public uses that it supports. (Comment 866)*

#### *3.1.2.4 G South Alternative*

*(P. 3-12) Forest Service comments regarding potential effects to CIRI’s Tract B and the reserved public use easement apply equally to this alternative. Please disclose whether this alternative could be designed to avoid impacting Tract B. (Comment 871)*

#### *3.1.2.5 Juneau Creek Alternative and 3.1.2.6 Juneau Creek Variant Alternative*

*(PP. 3-12 – 3-16) The DSEIS states that neither the Juneau Creek Alternative nor Juneau Creek Variant would provide direct access to State Management Unit 395. I continue to request additional analysis regarding the implications of a decision to restrict access from the highway to this parcel. Please disclose that ANILCA reasonable access provisions process could result in the most feasible access being off the highway rather than the West Juneau Road.*

*The DSEIS on page 3-14 characterizes West Juneau Road as a public easement. This description is potentially misleading. West Juneau Road is a Forest Service maintenance road, and it is neither designed nor maintained for purposes of public access. As noted on page 3-479, West Juneau Road is closed to public access by motorized vehicles except for snowmachine users. Under a no-build alternative or either the Cooper Creek or G-South alternatives, West Juneau Road may or may not be determined by the Forest Service to be the most appropriate route to provide future residential access across National Forest System lands to Unit 395. Under either of the Juneau Creek alternatives, direct access from the highway may provide the best outcome in terms of safety, community interest, and resource protection.*

*Providing limited, public access directly to Unit 395 from the Juneau Creek alternative(s) is consistent with the Kenai Area Plan and your definition of controlled access which “means limiting driveways and side streets accessing directly on the highway.” One access point from the highway to the Juneau Creek road would provide adequate subdivision access and would still eliminate driveway proliferation. This would be similar to the Bean Creek road providing access to the Birch Ridge Subdivision area, the Russian Gap road providing access to that new subdivision, and the new road leading off from highway just west of Snug Harbor road intersection that provides access to the lots south of Cooper Landing.*

*The analysis of both Juneau Creek alternatives should provide for the possibility of direct, limited access to Management Unit 395.*

*Discussion of this controlled access is also found on pages 2-16, 2-19, 2-29, 3-8, 3-13, 3-15, 3-34, 3-37, 3-62, 3-66, 3-122, 3-478-480, and 3-497. (Comment 874)*

#### *3.1.2.5 Juneau Creek Alternative*

*(P. 3-13) “Federal Land” section should clarify that both KNWR Wilderness and Resurrection Pass National Recreation Trail would require issuance of a transportation easement under ANILCA Title XI. Currently, it states that only KNWR Wilderness requires a Title XI easement.*

#### *3.1.2.6 Juneau Creek Variant Alternative*

*(P. 3-14) “Federal Land” section should clarify that the Resurrection Pass National Recreation Trail would require issuance of a transportation easement under ANILCA Title XI. (Comment 876)*

#### *3.1.2.2 Resolution of Land Use Issues*

*(P. 3-9) This section states that a beneficial impact of the project under any alternative would be to resolve the uncertainty regarding land use. This benefit does not apply to CNF lands as the Forest Service continues to manage NFS lands as directed by our 2002 Revised Land and Resource Management Plan (Forest Plan). When a decision is made on this project, the Forest Service will assess what land management direction will need to change and make an amendment (or incorporate into our revision proposal) where necessary. (Comment 877)*

#### *3.1.2.3 State Lands*

*(P. 3-10) The section under State Lands refers to future management of Unit 394B. This unit is still National Forest System lands and under Forest Service management until transferred to the State. This discussion should occur under the Federal Lands section just above the State Lands section on this page.*

*(P. 3-11) This section inaccurately describes the unit 394B as a State Management Unit. As discussed in a previous comment this parcel is still part of the CNF and should be referred to as a State selected parcel of CNF. (Comment 878)*

#### *Chapter 3.1.2.5 Juneau Creek Alternative*

*(P. 3-12) This section indicates that the new highway would run immediately adjacent to the northern boundary of CIRI Tract A but would not provide access to the parcel (pg 3-31). A memorandum of agreement between the Forest Service and CIRI dated May 2, 2012, provides that the Forest Service will grant CIRI an easement from the realigned highway to Tract A. I suggest that this MOU and the associated limitations of a decision to control access be acknowledged in the document. (Comment 879)*

*Map 3.1-2 (P. 3-19) Broadview Guard station is shown as small yellow block south of highway at approx. MP 45.8. Yellow indicates residential use but Broadview is administrative facility and should be marked as institutional (Blue color). In addition, Cooper Creek Campground is shown with blue highlighting but K’BEQ interpretive site and Russian River Campground are not shown with blue highlighting. (Comment 880)*

## 3.2 Land Use Plans and Policies

### 3.2.1.2 Federal Plans and Management Direction- Chugach National Forest

*Juneau Creek alternatives all have some component of the alignment within an area designated as a “Fish and Wildlife Conservation Management Area” in the Chugach Forest Plan. Lands with this designation are to be managed to emphasize the conservation of specific fish and wildlife habitats, maintaining naturally appearing landscapes and limiting activities to only those that benefit wildlife. The proposed Juneau Creek alternatives are inconsistent with this land use designation as well as the intent. Selection of any of these alternatives would require a forest plan amendment and significant mitigations/wildlife friendly design criteria. (Comment 881)*

*(P. 3-28) I recommend removing the one sentence in this section regarding IRAs. It is not entirely accurate and the roadless discussion on the next page does a better job of explaining management of inventoried roadless areas. (Comment 883)*

### 3.2.1.3 Federal management – USFS Roadless Areas

*(P. 3-29) All references to 36 CFR 294 on this page and page 3-51 should state that they refer to the 2001 version of the CFR (under which we are operating). The current version of the CFR has not been updated to reflect that the Roadless Area Conservation Rule was reinstated. (Comment 888)*

*(P. 3-31) In the section titled “Reference landscapes” near the end of the paragraph there is a statement that is incorrect and needs to be deleted:*

*“There is no indication that the affected portions of these IRAs are being used as reference landscapes today or that there is a need for them as reference landscapes in the foreseeable future.” (Comment 889)*

*(P. 3-29) I recommend replacing the last sentence in the first paragraph (“The Chief of the Forest Service...”) with: “While the Roadless Rule generally prohibits construction or reconstruction of roads in inventoried roadless areas, the rule includes certain exceptions to the prohibition.” This introduction should also include a statement that the purpose of the Roadless Rule is to protect the roadless area values and characteristics that you listed in this section. (Comment 890)*

### 3.2.1.4 Federal Management – ANILCA Title XI

*(P. 3-32) In the fourth paragraph, change “The USFS (sic) considers the Resurrection Trail to be a CSU within the CNF to “The Resurrection Trail is a CSU within the CNF. (Comment 891)*

*(P.3-33) In the second complete paragraph, change the third sentence to:*

*Therefore, USACE, FHWA, and the Forest Service must make decisions about the Resurrection Trail that are appealable to the President. USACE, FHWA, and USFWS must make tentative decisions about use of KNWR Wilderness and forward them to the President for a final decision. (Comment 893)*

### 3.2.3 Environmental Consequences (Forest Plan)

*(P. 3-51, other sections of roadless) The EIS states that the “[Forest] plan could require amendment because of IRA land use”. The Roadless Rule is a Federal regulation separate from the Forest Plan. The process for applying an exception to the Roadless Rule involves approval from the Secretary of*

*Agriculture (or delegate) but does not require a Forest Plan amendment. The IRA boundaries would not change. (Comment 894)*

### **3.2.3.2 Issues Applicable to the Build Alternatives**

*(M) Brown Bear Habitat Management Standard 1: “Within the 750-foot brown bear management zone (areas of localized feeding areas) new road construction is not allowed.” Three of the build alternatives for new road construction fall within the 750-foot brown bear management zone (p. 3-45). There are inconsistencies between the designed alignments of new road construction under these alternatives not only with the completed road and bridges, but also with the associated construction disturbances which could be significantly more disruptive to bears and bear foraging opportunities. These impacts should be fully addressed and mitigated during agency consultations as well as within any required forest plan amendments that might permit these actions. (Comment 895)*

*(P) Raptor Nest Protection Management Standard 1: “Follow bald eagle nest protection standards outlined in the Memorandum of Understanding (MOU) with USFWS.”*

*The Bald Eagle MOU with USFWS has expired. The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) provides for specific protections as well as consultation requirements and other USFWS compliance expectations that will be required to be met prior to project initiation. (Comment 896)*

### **3.2.4.3 Cooper Creek Alternative**

*(P. 3-51) The last sentence of this paragraph states that “the CNF plan could require an amendment because of IRA land use.” See comment above—IRA boundaries would not change if the highway was permitted under the exception described in the Roadless Rule. “IRA land use” would not require a Forest Plan amendment. This comment applies to the other alternatives in this section as well. (Comment 899)*

*(P. 3-52) The footnote “b” on Table 3.2-1 is not entirely accurate: “The State and Borough Land surrounding this Federal land is principally intact and without roads”. The Cooper Lake Dam road travels through the Borough land nearly adjacent to the isolated federal parcel of the Kenai Lake IRA. (Comment 901)*

*General comment – the exception in the RACR allows a Federal Aid Highway project in an IRA if the Secretary determines that it is in the interest of the public and that “no reasonable and prudent alternative exists.” In order for the “Secretary” (delegated – in this case, the Chief must approve) to make this determination, the record must support that “no reasonable and prudent alternative exists.” The FS will need to rely on the FHWA’s rationale for their selected alternative to support this. (Comment 902)*

### **3.2.4.5 Juneau Creek and JC Variant Alternatives – Construction Impacts**

*(P. 3-54) The sentence under the “Construction Impacts” heading indicates that the project will have impacts to the roadless policy. This project does not affect Roadless policy. (Comment 903)*

### **3.2.5.5 ANILCA Factors**

*(P. 3-57) In the first paragraph under factor (B), the DSEIS does not address this factor directly but points to the Section 4(f) analysis. The Section 4(f) analysis isn’t relative to this ANILCA factor. There are two alternatives that do not affect CSUs - Cooper Creek Alternative and G-South Alternative.*

*The second paragraph under (B) provides rationale as to why agencies should consider Juneau Creek and Juneau Creek Variant (economic feasibility) and Section 4(f) properties to consider. If the alternatives are more expensive but are still included in the DSEIS for analysis, then they are still considered feasible alternatives. Page 4-133 in the Section 4(f) analysis indicates that there is not a substantial cost difference between the alternatives. (Comment 904)*

#### *3.2.7.2 Issues Applicable to the Build Alternative (KMTA Heritage Area)*

*(P. 3-63) DOT will need to work with USFS and MOU group for thematic design elements, media for production, and appropriate placement for any interpretive signing. (Comment 905)*

### *3.4 Housing and Relocation*

#### *Chapter 3.4.2.5 Housing/Relocation – Juneau Creek Variant Alternative*

*(P. 3-97) The DSEIS does not disclose the full effect on the CIRI land parcel. The construction of the highway would require acquiring 12.3 acres of the 42 acres of CIRI land but the alternative goes through the main part of the parcel and would cut off all access to the northwest corner of the parcel making it unusable for any development requiring motorized access. (Comment 937)*

### **3.5 Economic Environment**

#### *Chapter 3.5.2.2 Issues applicable to the Build Alternatives*

*(P. 3-107) In the third paragraph on this page, there is a statement that proposed mitigation for recreation impacts could attract more visitors, and provide for better directional and interpretive signing. Most of the new facilities would be replacement facilities with the same capacity, signing, and interpretive opportunities thereby not improving what is currently available. The new trailhead for the Resurrection Pass Trail would be the only facility which would have an increase in size and improved functionality due to the closer proximity to the Juneau Creek Falls and different recreation user groups anticipated to use the trail (tour groups on buses, older and younger visitors, guided visitors, etc) from this new trailhead. Overall increase in recreation visitation across the peninsula due to the project is not anticipated per other sections in the DSEIS (P. 3-120, second paragraph). The Forest Service will need to work with the DOT on appropriate location and thematic messages of any new interpretive signing. (Comment 938)*

#### *3.5.2.2 Issues Applicable to All Build Alternatives*

*(3-120 vs. 3-106 vs. 3-266) The DSEIS is inconsistent in its representation of the effects of a new alignment on overall traffic volume through Cooper Landing. On page 3-120 (Transportation), the DSEIS states that “the build alternatives are not expected to change traffic volumes traveling east and west, the overall traffic volume, traffic growth rate, or the mix of vehicle types”. Page 3-266 (Air Quality), states that “the build alternatives would not induce growth.” But on 3-106 (Economic Environment), the DSEIS claims that “visitation at popular vacation and fishing destinations may increase on the peninsula...development of second homes and retirement homes may also increase”, presumably due to the “decreased travel time and improve[d] ease of travel” along a new highway around Cooper Landing. The document should be consistent in its representation of whether or not a more seamless route around Cooper Landing will encourage more visitation to the area and communities further down the highway. The “Economic Environment” effects section, in particular, appears to contain unsupported conjecture. (Comment 939)*

### 3.6 Transportation

#### 3.6.1.1 Transportation – Roadway System

*(P. 3-113) At the bottom of the page under Quartz Creek Road, Crescent Creek Campground should be added to the list of places that the Quartz Creek Road provides access to.*

*(P. 3-114) USFS Logging Roads – Reference to Juneau Bench Trails is not correct. The Forest Service does not refer to these logging skid roads as trails. (Comment 941)*

#### 3.6.2.2 Transportation – Pullouts

*(P. 3-120) In the 4th paragraph, the DSEIS states that all pullouts along the existing alignment where reconstructed would be eliminated with exception of two on the KNWR. Currently snow machine enthusiasts and other recreation users park along the edge of the highway at MP 53 (pullout #14 on Map 3.6-2) due to the inadequate size and design of the current Resurrection Pass Trailhead for vehicles and snow machine trailers. For the Cooper Creek Alternative, winter recreation parking along the reconstructed highway in this section without some type of pullout may cause some safety concerns. (Comment 945)*

#### 3.6.2.3 Transportation – Construction Impacts of Cooper Creek Alternative

*(P. 3-129) In paragraph 3 on this page, the DSEIS states the construction of the Cooper Creek alternative will require temporary closure of the Cooper Lake Dam road. It would be important to disclose what is meant by temporary (one day, 2 weeks, all summer). (Comment 946)*

#### 3.6.2.3 Transportation – Mitigation of Cooper Creek Alternative

*(P. 3-129) The mitigation measures do not include other roads that may require access during construction periods (the Schooner Bend Administrative site road, the Juneau Creek Road, and Broadview Guard Station). Please include language in the DSEIS that for access to other Forest Service administrative roads, the construction contractor will work with Forest Service to minimize conflicts for these roads. This would also apply to G-South, and with JC and JCV alternatives for the Broadview Guard Station site. (Comment 947)*

#### 3.6.2.3 Transportation – Construction Impacts of Juneau Creek/Variant Alternatives

*(P. 3-134) The construction impacts section does not mention if the construction contractor will be requesting permission from the Forest Service to utilize the Juneau Creek Road for construction access for Juneau Creek alternatives. If the Forest Service would grant access and if this road is plowed in the winter (Dec 1 – May 1) for construction access, it could affect winter snow machine access every other year until alternate winter access is constructed off the new alignment. (Comment 948)*

### Chapter 3.7 River Navigation

*(P. 3-152) Russian River Ferry does not operate with a motor, it uses a set of cables and a rudder with the Kenai River current moving the boat one way or the other across the river pending which way the rudder is turned. (Comment 949)*

### 3.8 Park & Recreation Resources

#### 3.8.1.1 Parks and Recreation Resources – Overall Recreation Character

*(P. 3-163-164) The list of public and private sites throughout the project area does not include the sites accessed by Bean Creek Road (although these are shown on the Map 3.8-1) or the Stetson Creek Trail Alternative route entrance at highway pullout. (Comment 950)*

*(P. 3-166) The foot note (b) in Table 3.8-1 does not recognize that there are National Forest System lands at Sportsman’s Landing (See map 4-9 on page 4-161). These lands are part of the Kenai River Recreation Area. (Comment 951)*

*(P. 3-168) The last sentence in the third paragraph may be misleading in the way it is written:*

*The recreation analysis indicates that it is difficult to estimate the actual use of the river since the number of anglers who park on the road and hike in probably exceeds the number of “countable” users of the area.*

*It is saying that the number of people who park along the road in total is more than the number of people who use developed parking areas such as Russian River CG, Sportsmans Landing, Jim’s Landing. There are a lot of people who do park along the highway but the Forest Service estimates it is still less than those who use developed recreation locations. (Comment 952)*

#### *3.8.1.3 Water Based Recreation Resources*

*(P. 3-169) Table 3.8-3 does not represent those boaters who put in at the Kenai River bridge and take out at Sportsman’s Landing boat launch. These boaters are both guided and non-guided. The Forest Service does not have any estimate of users on this section of river but the DSEIS could establish that more boaters use the river than the number represented in this table. (Comment 954)*

#### *3.8.1.4 Land-Based Recreation Resources*

*(P. 3-170) The last paragraph lists the approximate number of users on the four area trails at 9,000 - 11,000 (hiking). The Forest Service estimates Lower Russian Lakes Trail at around 26,500 users annually, Resurrection Pass Trail system (South, North, Devils Creek, and Summit) at around 10,000 users, and no estimate is known for use on Stetson Creek Trail and Bean Creek Trail. (Comment 955)*

#### *3.8.2.3 Cooper Creek Alternative*

*(P. 3-180) Statements seem inconsistent in first paragraph. First it describes how the feel of the campground will change due to the new highway noise: “Campground users would be aware of its presence...leaving the impression that the campground was backed by a highway and a bridge rather than quiet woodland”, then it says that “no substantial noise increase” is expected. (Comment 956)*

#### *3.8.2.3 Overall Recreational Character*

*(P. 3-177) In the second paragraph, there is discussion about the informal pullouts that would no longer exist along the Mile 53-55 section. Comment under Chapter 3.6.2.2 (P. 3-120) applies here for effects of the Cooper Creek alternative. (Comment 957)*

#### *3.8.2.4 G-South – Direct Impacts*

*(P. 3-184) In paragraph one, there is discussion about winter recreationists using the new highway shoulder to access Bean Creek Trail when the new Bean Creek Trailhead is not available and the hazards associated with this activity. This section may be in error as Map 4-7 in Chapter 4 indicates there will be a pullout to accommodate winter parking. Creating this winter parking is critical because*

*the current winter parking for Resurrection Pass trail (for snow machine users particularly) will be eliminated by removing the widened shoulder parking near Resurrection Pass Trail along existing Highway alignment at Mile 53. (Comment 960)*

*In the second paragraph on this page, there are statements that indicate by putting the new bridge in across the Kenai River, it would change the setting from natural to roadside. The existing highway already is within sight and hearing of boaters who use this section of the Kenai River so adding a new bridge may change the setting incrementally to a more evident road setting but not from a natural setting as is described in the DSEIS. (Comment 961)*

#### *3.8.2.4 G-south – Mitigation*

*(P. 3-188) Bean Creek Trail should be deleted from the description under the Slaughter Gulch Trail of potential areas to be concerned with people parking along the highway. G-South alternative will have a new Bean Creek Trailhead as mitigation. (Comment 965)*

#### **Chapter 3.8.2.5 JC and JCV direct and indirect impacts**

*(P. 3-189-190) In the third paragraph the first sentence which describes the benefit of removing 70% of the traffic from the existing highway corridor applies to G-South and Cooper Creek Alternatives (at varying levels of length of road) and should be shown for these alternatives also. (Comment 971)*

*Bottom paragraph describes a potential situation of anglers parking along shoulders of the new alignment that might arise with the JCV alignment joining the existing highway at Sportsman’s Landing rec site. The existing highway will still be available and informal parking will not change in this section with either JC alternative. FS is uncertain on how much more informal parking would occur being farther away from the river and with the existing informal parking capacity unchanged. (Comment 975)*

#### *3.8.2.5 JC and JCV construction impacts*

*(P. 3-194) There is no mention under the construction section if the Juneau Creek road would be used to access construction sites for either JC or JCV alignments on top of the bench. If the road would be used in the winter months for construction access, the winter snow machine users (allowed on the trail every other year) would not be able to use this road as it would be plowed. (Comment 976)*

### *3.10 Subsistence*

#### *3.10.1 Affected Environment*

*(P 3-216) You should note that Russian River Federal Subsistence Dipnet Fishery harvest units are not found in State regulations. Household limits under Federal Regulations for this fishery are 25 for head of household and 5 for each additional household member. Under Federal Regulations sockeye salmon is the only salmon permitted to be harvested on the Russian River dip net fishery. (Comment 989)*

*Federal Subsistence caribou harvest is now allowed for the rural communities of Cooper Landing and Hope (Comment 990)*

#### *3.10.2.1 No Build Alternative; Direct and Indirect Impacts; Changes in Resources, Resource Habitat, or Competition*

*(P 3.221) The second sentence in the second paragraph is not completely correct.*

*“However, for resources such as fish and moose, subsistence harvests are restricted on federal lands to residents of local rural communities.”*

*This sentence would more accurately read:*

*However, resources such as fish and moose harvested on a Federal subsistence permit are restricted to only residents of the local rural communities on Federal lands. These resources can be harvested by all hunter/fishers on Federal lands under State fish and game regulations. (Comment 991)*

### *3.10.2.2 Subsistence – direct effects for build alternatives*

*(P. 3-224) Paragraph four has wording that indicates that some of the build alternatives would add new trails and trailheads thus improving access to areas for subsistence activities. The build alternatives are adding replacement trailheads because existing trailheads will no longer be functional with the new alignments. Some of the replacement trailheads may be closer to backcountry areas; the Forest Service does not anticipate the overall subsistence use to increase based on these replacement facilities. Page 3-226 has this same wording in paragraph two and page 3-227 in paragraph two. (Comment 981)*

## *3.12: Geology and Topography*

### *3.12.1 Affected Environment*

*(P. 3-239) Please provide basic geology, rock types across the project area. Discuss rock and soil mechanics and project implications. (Comment 982)*

### *3.12.2.3; 3.12.2.4; 3.12.2.5 Various Build Alternatives*

*(P. 3-241 thru 3-244) Each build alternative will require a substantial amount of materials and that fact, type of materials, and order of magnitude amounts should be discussed and treated as a cumulative impact associated with this project. One reference to construction materials (3.24 Permits, 3-465) states that this would be the contractor’s responsibility; a project of this size will require substantive amounts of materials and adjacent land managers would likely need advanced notice of intent to request large quantities of materials, and the opportunity to prepare any necessary required environmental reviews to make material sites fully available. Mineral Material disposal from the Forest Service is not under Special Use regulation as stated in (3.24.2.2, p. 3-465) but permitted under Minerals Regulations at 36 CFR 228C. (Comment 983)*

### *3.12.2.4 G South Alternative*

*(P. 3-242) The R&M Consultants geotechnical report (2005) addressing potential bridge crossings has come to the conclusion that conditions “...would make a crossing of the lower [Juneau Creek] canyon impracticable”. If this bridge crossing is impracticable, discuss site facts leading to that conclusion. An impracticable bridge crossing location associated with the G South Alternative is likely to be extremely significant when selection of the preferred alternative is made and needs to be prominently included in the EIS and made readily available to the Deciding Official. (Comment 984)*

### *3.12.2.5 Juneau Creek and Juneau Creek Variant Alternatives*

*(P. 3-243) The R&M Consultants geotechnical report (2005) spent considerable focus on a middle Juneau Creek bridge crossing location; considerable question on the suitability of a middle bridge*

*location remains and inadequacies of geotechnical studies are apparent within the report as indicated by statements such as the following:*

*“...This is not to say that a fatal flaw will not be encountered in the middle canyon...”*

*“Subsurface investigation has not been performed along this canyon and the depth of lateral extent of these unstable zones is unknown.”*

*“There still may be considerable geotechnical risk at this location, significantly more than a crossing above the falls.”*

*“...may require seismic refraction surveys and angled rock core borings.”*

*Develop a more detailed discussion on “Juneau Creek and Juneau Creek Variant Alternatives” with regards to bridge location(s), the unknowns, potential fatal flaws, practicability, backup plan if a fatal flaw is identified and that alternative was selected. (Comment 985)*

### **3.13: Water Bodies and Water Quality**

*(P. 3-248) I recommend adding in some language mentioning the Cooper Lake Hydroelectric Dam in the headwaters of Cooper Creek. (Comment 986)*

*(P. 3-248) Additionally, the Kenai Watershed Forum, in conjunction with multiple state and federal partners, has been collecting water quality data on the Kenai River and several of its tributary’s since 2000. The Kenai Watershed Forum compiles the data into available reports. (Comment 987)*

*(P. 3-255) Is DOT aware of the Forest Service plans to complete stream, riparian and floodplain restoration along the lower 1.5 miles of Cooper Creek below the proposed bridge crossing location over the canyon? If not, it is recommended that they work with the FS to ensure that the restoration work and bridge designs will be compatible. (Comment 988)*

### **3.15 Noise**

*(P. 3-280) The last paragraph under Mitigation section indicates that pile driving for bridge replacements is the primary noise impact. The mitigation is that pile driving would be limited to daytime hours. Please be more specific on what “daytime” constitutes (max daytime hours could include 4 am – 12 midnight; 8am – 5 pm? 7am - 7 pm?). (Comment 992)*

*(P. 3-281) There is no discussion of current noise levels on the Resurrection Pass Trail although Map 3.15-1 on page 3-283 indicates that that there are two receptors on this trail. Given the sensitivity of the trail and level of anticipated change, some discussion on existing noise and level of change for this trail should be displayed in this section. (Comment 993)*

*(P. 3-282) Under the mitigation section, there is no discussion of the potential of prohibiting use of air compression brakes on larger trucks on steeper slopes. This type of mitigation is applied in other locations across the United States. (Comment 994)*

### **3.16 Visuals**

*Chapter 3.16.2.2 Visuals – Issues applicable to build alternatives (P. 3-293)*

*The VQE rating for Key View 12A and 12B for the JC and JCV alternatives is listed as M/L. When looking at the simulated photos provided on page 3-303-304 and comparing these to the three criteria on page 3-291 (vividness, intactness, unity), and the existing rating of “High” for all of these criteria*

*for the two views, the Forest Service believes that the bridge would have more visual impact than is displayed (a “Low” rating for each of these views). The vividness criterion needs to be applied to the natural experience and visual sight this area currently provides. A large highway bridge does not contribute to the naturalness of the area in anyway. The visual intactness of this view is much less and the unity is not a completely natural scene anymore. (Comment 995)*

*Under Construction Impacts, there is no mention of the laydown area for bridge construction.*

*This will be a sizeable area that could have impact on the visual quality of the area. As the trail will be going through this area, it makes it all the more critical that there are mitigation measures in place that will help reduce the visual impact of both the bridge and the area needed to construct the bridge.*

*Mitigation in all cases should include the planting of seedling trees on cut/fill slopes to help mitigate the negative visual effects. The text only talks of seeding the areas. Mitigation should also include varying the slopes in both steepness and contour so they do not appear engineered, but have a more natural appearance. (Comment 996)*

*(P. 3-294) Table 3.16-4 VPP score by alternative is helpful to compare alternatives but the existing conditions VPP score is not listed. The existing conditions score would be helpful to know the impact of each alternative from today’s highway alignment. (Comment 997)*

#### *3.16.2.5 Visuals - JC and JCV direct impacts*

*(P. 3-301) The last sentence in the fifth paragraph is not appropriate for this analysis. The recreating public who hike Resurrection Pass Trail are unlikely to perceive the proposed Juneau Creek bridge in the JC and JCV Alternatives as a “striking, contrasting visual element that would add vividness to the view”. The addition of the bridge to the existing natural view would be considered a negative impact for the majority of recreationists. The last paragraph also has inappropriate wording to describe the visual effects (“...passage under a bridge....could be a “gateway” to the more remote portions of the trail.”). The trailhead really serves as the “gateway”. The bridge would be a visual obstruction of what people come to Resurrection Pass Trail to experience.*

*This section addresses the impact to trail users, but only lowers the visual from high to moderate/low. This impact will probably lower the trail experience from high to low, especially for trail users and campers. The noise and visual intrusion of the bridge to the experience are substantial. This impact drastically lowers the wilderness experience for trail users and campers. (Comment 998)*

#### *3.17 – Hazardous waste sites and spills*

*(P. 317-2) It would be helpful to the reader to display Tier II stream locations on Map 3.17-2 to better understand the spatial location of these streams and how each alternative would affect them regarding potential spills. (Comment 999)*

### **3.19 Floodplains**

#### *3.19.1.1 Regulatory Setting*

*(P. 3-329) Recommend inclusion of the Revised (January 2015) Executive Order Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (Amendments to Executive Order 11988) and its incorporation of climate change. Ensure that the Executive Order description includes the most up to date language.*

### *3.19.1.2 Effective and Preliminary (100-Year) Floodplain Mapping*

*(P. 3-330) Similar comment to above: has the DOT incorporated Revised Executive Order 11988 into the Floodplain mapping and stream crossing and culvert designs to accommodate climate change predictions? If not this will need to be addressed or revised.*

*In order to provide additional resiliency in light of climate change, under the Obama Executive Order Federal agencies are no longer required to look only at the 100-year floodplain as defined by FEMA. Executive Order 11988 requires each federal agency relevant authority to issue or amend regulations governing its activities in the floodplain that were consistent with the risk management principles set forth in the Order, and included a specific requirement that agencies with responsibilities for federal real property and facilities in the floodplain ensure that their regulations are “consistent with the intent of those promulgated under the National Flood Insurance Program.” E.O. 13960 adds an additional requirement that these regulations also be consistent with the Federal Flood Risk Management Standard. The Federal Flood Risk Management Standard was “developed to create a national minimum flood risk management standard to ensure that federal actions that are located in or near the floodplain when there are no other practical alternatives last as long as intended by considering risks, changes in climate, and vulnerability.” Adopting the Federal Flood Risk Management Standard, E.O. 13960 implements its new definition of the floodplain. Previously, the floodplain was defined as the area in which there was a 1% chance of flooding in any given year (the 100-year floodplain or “base flood”). Under the approach of the Federal Flood Risk Management Standard, flood elevation can be determined by (1) use of best available data, including expected future changes in flooding based on climate science; (2) freeboard (base flood elevation plus 2 feet in most areas or 3 feet in critical areas); or (3) the 500 year flood elevation. The Flood Risk Management Standard states that the “climate-informed science approach is preferred.” **(Comment 1000)***

### *3.19.1.3 Kenai River Flood Levels at Cooper Landing*

*(P. 3-330) I recommend including mention of the influence of the Snow River glacial outburst floods on the Kenai River flooding. **(Comment 1001)***

## *3.20 Wetlands and Vegetation*

*Table 3.20-1. Mapped wetland types (P. 3-340) Total mapped acres = 4,414.4, however, Table 3.20-2 (P. 3-343) total mapped acres = 4,972. The reason for the difference should be explained.*

*Table 3.20-2. Mapped vegetation types (P. 3-343) Total mapped acres = 4,972, however, Table 3.20-1 (P. 3-340) total mapped acres = 4,414.4. The reason for the difference should be explained. **(Comment 1002)***

### *3.20.1.2 Vegetation*

*(P. 3-344) Under Broad-Leaved Forest species I suggest renaming “paper birch” as “Kenai birch”. The Flora of North America does not recognize paper birch (*Betula papyrifera*) as being present on the Kenai Peninsula ([http://www.efloras.org/florataxon.aspx?flora\\_id=1&taxon\\_id=103887](http://www.efloras.org/florataxon.aspx?flora_id=1&taxon_id=103887)) instead the taxon recognized there is Kenai birch (*B. kenaica*).*

*I suggest renaming “Dry Meadows” as “Moist Meadows”. Viereck et al. (1992) is generally regarded as the vegetation classification standard for Alaska. Under Viereck et al. (1992) communities dominated by bluejoint reedgrass or fireweed are in mesic herbaceous classes (not dry herbaceous).*

*Citation: Viereck, L.A., C.T. Dyrness, A.R. Batten, and K.J. Wenzlick. 1992. The Alaska vegetation classification. USDA Forest Service General Technical Report PNW-286, Pacific Northwest Forest and Range Experiment Station, Portland, Oregon. 278 p. (Comment 1003)*

#### *3.20.1.4 Sensitive Plant Species*

*(P. 3-344) Based on Table 3 of Goldstein et al. (2009), the text “The list, updated from 2002 to add seven new species, designated 18 plants found in Alaska as sensitive species” should be revised to read “The list, updated from 2002, retained seven species as sensitive, removed 12, and added 11 for a total of 18”. Without this revision the text implies that the only change in the list was adding species (and incorrectly indicating seven rather than 11 additions).*

*Also, the text “Thirteen of these species were known or suspected to occur within the CNF and nine species were known or suspected to occur specifically in the Seward Ranger District (Table 3.20-3)” should be revised to read “Based on a matrix of sensitive plant occurrence by general habitat and ranger district (Stensvold 2013) twelve of these species were known or suspected to occur within the CNF and nine species were known or suspected to occur on the Seward Ranger District (Table 3.20-3)”. Stensvold (2013) is the most current listing of occurrence by general habitat and ranger district.*

*(P. 3-34) Based on Stensvold (2013) replace Table 3.20-3 with the following:*

#### *Known Suspected*

*Eschscholtz's little nightmare (Aphragmus eschscholtzianus)a*

*Sessileleaf scurvygrass (Cochlearia sessifolia)a*

*Spotted lady's slipper (Cypripedium guttatum)a*

*Pale poppy (Papaver alboroseum)a*

*Unalaska mist-maid (Romanzoffia unalascensis)a Spatulate moonwort (Botrychium spathulatum)*

*Moosewort fern (Botrychium tunux)a*

*Moonwort fern, no common name (Botrychium yaaxudakeit)a*

*large yellow lady's slipper (Cypripedium parviflorum var. pubescens)*

*lichen, no common name (Lobaria amplissima)*

*Alaska rein orchid (Piperia unalascensis)a*

*Dune tansy (Tanacetum binnatum ssp. huronense)a*

*The reasons for these changes are: Mountain lady's slipper (Cypripedium montanum) and Calder's lovage (Ligusticum calderi) are not currently known or suspected on the CNF. Sessileleaf scurvygrass (Cochlearia sessifolia) and spotted lady's slipper (Cypripedium guttatum) are known on the CNF and Lobaria*

*(P. 3-345) The text “Two of the added species (sessileleaf scurvygrass and dune tansy) were excluded from evaluation due to their association with habitats not identified within the project area (marine estuaries and sand dunes, respectively)” should be revised to read “Three of the added species (sessileleaf scurvygrass, Lobaria, and dune tansy) were excluded from evaluation due to their association with habitats not identified within the project area (marine estuaries, the beach/forest*

*ecotone, and sand dunes, respectively)”. This edit is desired since the lichen *Lobaria amplissima* is suspected on the CNF but not on the Seward Ranger District and the species habitat (beach/forest ecotone) is not present in the project area.*

*(P. 3-345) The text “Based on the associated habitat types, the remaining five species (spatulate moonwort, spotted lady’s slipper, mountain lady’s slipper, large yellow lady’s slipper, and Alaska rein orchid) may potentially occur in the project area since the area contains appropriate habitat and is within the known or suspected range of the plants. Of these species, the two most likely to occur in the project area are the spotted lady’s slipper and the Alaska rein orchid, as they are the only two of the five that are suspected to occur in the Seward Ranger District. The remaining three are not suspected to occur in the Seward Ranger District, but are suspected to occur within the larger CNF” should be revised to read:*

*“Based on the associated habitat types, the remaining four species (spatulate moonwort, spotted lady’s slipper, large yellow lady’s slipper, and Alaska rein orchid) may potentially occur in the project area since the area contains appropriate habitat. Of these species, the two most likely to occur in the project area are the spotted lady’s slipper and the Alaska rein orchid, as they are suspected to occur in the Seward Ranger District whereas spatulate moonwort and large yellow lady’s slipper are not”*

*This revision is necessary since mountain lady’s slipper is not known or suspected on the CNF and of the four remaining species only spotted lady’s slipper and Alaska rein orchid are known or suspected on the Seward Ranger District.*

*(P. 3-345) The text “Review of daily plant lists from 2003 and 2006 field surveys did not identify presence of the five sensitive species in question. While the field surveys were not specifically designed to search for the five species, both efforts covered all appropriate habitats in which the five species have the potential to occur. Field surveys also documented all plant species found in all habitat types and would have documented the presence of the five species in question if they had been located. Additionally, the four orchid species are visually dramatic, and would be unlikely to be overlooked by the botanists conducting the surveys. This review suggests that it is unlikely that any of the five sensitive species in question occur in the project area” should be revised to read:*

*“Review of daily plant lists from 2003 and 2006 field surveys did not identify presence of the four sensitive species in question. While the field surveys were not specifically designed to search for the four species, both efforts covered all appropriate habitats in which the four species have the potential to occur. Field surveys also documented all plant species found in all habitat types and would have documented the presence of the four species in question if they had been located. Additionally, the three orchid species are visually dramatic, and would be unlikely to be overlooked by the botanists conducting the surveys. This review suggests that it is unlikely that any of the four sensitive species in question occur in the project area”*

*This revision is necessary since there are four (not five) species in question and three (not four) of the species in question are orchids. (Comment 1004)*

#### *3.20.1.5 Invasive Plant Species*

*(P. 3-346) DeVelice (2003) is a more appropriate citation to use than DeVelice et al. (1999) in reference to locations occupied by invasive plants.*

*Citation: DeVelice, R.L. 2003. Non-native plant inventory: Kenai trails. USDA Forest Service, Chugach National Forest, Alaska Region Technical Publication R10-TP-124. Anchorage, Alaska.*

*Replace Table 3.20-4 with the following:*

*Table 3.20-4. Extremely invasive plants, highly invasive plants, and Alaska prohibited noxious weeds documented in the project area*

*Scientific Name Common Name Invasiveness Ranka/State Regulation*

*Phalaris arundinacea Reed canary grass 83 Extremely invasive*

*Melilotus alba White sweet clover 81 Extremely invasive*

*Cirsium arvense Canada thistle 76 Highly invasive / prohibited noxious weed*

*Vicia cracca ssp. cracca Bird vetch 73 Highly invasive*

*Galeopsis tetrahit Hempnettle 50 Modestly invasive / prohibited noxious weed*

*Elymus repens Quackgrass 59 Modestly invasive / prohibited noxious weed*

*aInvasiveness ranks are as defined by Carlson et al. (2008).*

*The reasons for these changes are: 1) the table does not include the third highest category of invasiveness as stated (i.e., “moderately invasive” with a rank range of 60 to 69) and 2) Carlson et al. (2008) was a multi-agency effort (not just the work of the Alaska Natural Heritage Program as inferred). I addition, I think it of value to include the actual numeric rank in the table. (Comment 1005)*

### *3.20.2.3 Issues Applicable to the Build Alternatives*

*(P. 3-351 and P. 3-352) The influx and spread of invasive plants may likely be the most pernicious alteration to vegetation composition that could result from this project. The “Invasive Species” text on page 3-351 only speaks to areas adjacent to the existing highway not the build alternatives. The “Invasive Species” text on page 3-352 speaks to the build alternatives but should mention dirty construction equipment as a source of invasive plants.*

*(P. 3-355 and P. 3-356) Incorporating and following invasive plant prevention measures in road construction and maintenance as listed on pages 3-355 and 3-356 is important. As part of maintenance activities it would be good to explicitly include early detection and rapid response to invasions. (Comment 1006)*

## **3.22 Wildlife**

*The Forest Service continues to express concern over the implementation of the findings from the ongoing Wildlife Study into the project design post signing of the ROD. The issue of wildlife in the project corridor is larger than simply keeping animals from collisions with vehicles and successfully moving them across the new roadway corridor. Without the results of the study, it is impossible to provide full disclosure as to the effects with regards to wildlife corridors, population growth, and landscape connectivity.*

*Considering that much of the habitat use and travel corridor reference information is from 2004 and earlier (Map 3.22.1), it is unfortunate that development of structures supporting safe wildlife movement have not been part of the initial project design and available for comment now. Wildlife crossings in*

*Alaska should be considered a fundamental part of project design and not evaluated as optional mitigations, subject to program discretion. Major wildlife travel corridors, like those identified along Juneau and Cooper Creek should be designed for maximum permeability and protection for wildlife (moose, bears, otter, wolves, etc.), whichever alternative is selected. New information should help refine placement and structure design, but findings should be incorporated sooner than later. (Comment 1007)*

*The Juneau Creek, Juneau Creek variant and G South alternatives contribute to significantly more disturbance and disruption to wildlife and their habitats. These impacts will be both short term during construction and associated activities as well as long term post construction when the magnitude of traffic, recreational users and residents will be dramatically more than what exist currently. Although there is public and private occupancy of those areas north of the Kenai River, the associated impacts are limited in scope and duration due to topography and access. Multiplying the associated habitat fragmentation to both sides of the Kenai River from MP 46.5 to 55, will contribute to lasting impacts to wildlife population distributions affecting not only the animals themselves, but the residents that rely upon them for subsistence and other uses. The Cooper Creek Alternative affects fewer new acres overall as well as maintaining primary travel routes and associated disturbance south of the Kenai River similar to existing. (Comment 1008)*

*I disagree with the statement that “None of the build alternatives is likely to change bear mortality due to hunting” from page 3-414. This statement appears to be limited to lawful harvest of bears, which is highly monitored and regulated. Unfortunately, with the increased disturbance and loss of habitat under all alternatives, opportunities for unlawful harvest are increased. This expectation is supported within footnote at the bottom of the page which acknowledges an expected increase in human-bear encounters and DLPs and I suggest an increase in unlawful harvest is a likely probability as well. The increased magnitude of impact of the Juneau Creek alternatives as well as the more remote (away from subdivisions and other regularly occupied areas) placement of the alignment offer an even greater potential for unlawful take of bears and other game species. (Comment 1009)*

*Artificial lighting is planned for multiple intersections of the Juneau Creek Alternative and maybe others. Artificial lighting can negatively affect many wildlife species, including migratory birds and bears. Project design standards should ensure light fixtures and associated bulbs meet wildlife friendly design criteria, to include the use of long wavelength lights with a red or yellow tint to minimize impacts. (Comment 1010)*

### *3.24 Permits*

*(p. 3-463) The second paragraph should include Federal: “Additional Kenai Peninsula Borough (Borough), Federal, and State permits may be required to address conditional land use, material extraction, temporary water use, and air quality permits associated with construction activities.” (Comment 1011)*

### *3.25 Short-Term Uses vs. Long-Term Productivity*

*General: This section appears to draw conclusions regarding specific resources that are not necessarily supported in the resource sections themselves. Statements such as “the short-term use of the land as a recreation resource is minor in comparison to the land available for this use” neglects to*

*consider the context in which this recreation area exists, or any cumulative effects from this conversion of use. (Comment 1012)*

### **3.27: Cumulative Effects**

*As a general note, there doesn't appear to be any cumulative effects discussion for roadless areas. (Comment 1013)*

#### *3.27.4.3 Reasonably Foreseeable Future Actions*

##### *State Land Management Unit 395 Rural Residential Development*

*(Pp. 3-478 – 3-480) The DSEIS suggests, on page 3-480, no difference in impacts to National Forest System lands associated with a decision not to provide access directly from the realigned highway to Unit 395 under either of the Juneau Creek alternatives—based on the reasonably foreseeable future action of residential development of State Management Unit 395. However, realignment of the highway through surrounding National Forest System lands under either of the Juneau Creek alternatives would affect lands and resources managed by the USFS and a decision not to provide access directly from the highway to Unit 395 has the potential to result in cumulative effects to surrounding National Forest System lands and resources. A connected action related to access is a reasonable and appropriate consideration that should be included in this analysis. (Comment 1014)*

#### *3.27.2 Resources assessed for Cumulative Impacts*

*(P. 3-473) There is no cumulative effects analysis for Hazardous Waste and Spills. This is an oversight in this document because the existing highway sections for all build alternatives will still have large truck traffic including fuel trucks and other large vehicles travelling at the same speeds as they do today on this section. Most of the commercial traffic will be on the re-routed location but some will remain on the current highway alignment to service local businesses. How this level of risk adds cumulatively to the other build alternatives. (Comment 1015)*

#### *3.27.3.2 Timeframe Scope of Analysis*

*It's not clear why the future timeframe is 20 years. The DSEIS mentions a "project design year" but it's not clear what that is. (Comment 1016)*

#### *3.27.4.3 Reasonable Foreseeable Future Actions*

*(P. 3-477) Under the Russian River Campground Entrance improvements section on this page, the wording needs to be corrected to indicate that the Russian River Campground Reconstruction Project has already been evaluated in the NEPA process with a decision signed on August 25, 2014.. (Comment 1017)*

*(P. 3-479) Discussion in last paragraph is concerning a future Borough request to utilize the Juneau Creek Road for subdivision development and use. See comments under Chapter 2.6.5.2 (Comment 1018)*

#### *3.27.5.7 Park and Recreation Resources*

*(P. 3-483) This section (alternately, or in addition to, Section 3.27.7.7) should explicitly acknowledge the effects of various alternatives on USFS Recreation Area withdrawals. (Comment 1019)*

#### *3.27.5.15 Wildlife*

*The wildlife resources section and wildlife cumulative effects section appear to be inconsistent in their discussions of brown bear populations and connectivity/isolation (3-393 vs. 3-486). It appears that the direct/indirect effects section incorporated the most recent brown bear population data (Morton, Bray, et al. 2014) but the cumulative effects section only referenced the 2013 version of Morton, Bray, et al. which was revised in 2014. This is further confused with the inconsistency of citation as the 2014 publication was cited as “USFWS and USFS 2014”. (Comment 1020)*

#### *3.27.7.7 Cumulative Effects for Parks and Recreation*

*(P. 3-497) Paragraph two indicates that a new winter recreation/snowmachine enhancement area will be built in future by Chugach Electric Association. This facility is already built on Snug Harbor Road.*

*In paragraph three, there are statements that indicate it is likely that the Forest Service or Borough would provide winter trailhead parking within the new subdivision if the new subdivision develop changes the Juneau Creek road. These statements are speculative in nature and need to be removed from the document. (Comment 1021)*

#### *3.27.7.11 Floodplains*

*(P. 3-505) Revise the Floodplain Cumulative Effects Analysis to take into account the effects on the new definition of floodplain from the revised Executive Order 11988 adopting the Federal Risk Management Standard, E.O. 13960*

*Adopting the Federal Flood Risk Management Standard, E.O. 13960 implements its new definition of the floodplain. Previously, the floodplain was defined as the area in which there was a 1% chance of flooding in any given year (the 100-year floodplain or “base flood”). Under the approach of the Federal Flood Risk Management Standard, flood elevation can be determined by (1) use of best available data, including expected future changes in flooding based on climate science; (2) freeboard (base flood elevation plus 2 feet in most areas or 3 feet in critical areas); or (3) the 500 year flood elevation. The Flood Risk Management Standard states that the “climate informed science approach is preferred.” (Comment 1022)*

#### *3.27.7.14 Wetlands and Vegetation*

*(P. 3-507) Under the Cumulative Effects – No Build Alternative it states that “only a small amount of wetlands will be impacted by the RFFAs” and that “There are no anticipated changes or additional impacts to wetland resources or vegetation from the No Build Alternative. Therefore, the No Build Alternative, in combination with past, present and RFFAs, would not have at cumulative effect on wetlands and vegetation.” These sentences are understated and there is a cumulative effect on the wetlands for the following reasons:: 1) The RFFA’s include more than 160 acres of directly impacted wetland. This impact is nearly 4% of the total wetlands in the project area. Though this amount may not be substantial, it is still a cumulative effect. 2) The No Build Alternative will continue to indirectly affect 60 acres of wetlands and ponds located within 300 feet of the current highway. The Water Quality Section (P. 3-500) illustrates how the No Build Alternative still affects Water Quality: “Due to the ongoing potential for nonpoint source water pollution associated with the No Build Alternative, combined with the potential for encroachment on water bodies by RFFAs, a cumulative effect on water bodies and water quality would occur.” If water quality is cumulatively affected as stated on P. 3-500, it is likely that it would have an effect on the adjacent 60 acres of wetlands as well.*

*Overall, I would suggest rewording this sentence to state “would not have a substantial cumulative adverse effect on wetlands or vegetation” or “would have a minimal cumulative effect on wetlands and vegetation.” (Comment 1023)*

#### *3.27.7.15 Wildlife*

*The CNF has invested in the Bean North Vegetation Management Project, which was designed in part to increase foraging opportunity for moose. The Juneau Creek, JCV and G South alternatives would overlap with these attractive moose habitat enhancement zones resulting in a loss of that habitat investment as well as increased conflicts (collisions/DLPs, etc.) with moose in those areas. The Cooper Creek alternative does not impact these areas. (Comment 1024)*

*Bridges on the Sterling Highway in the project area are expected to be replaced by 2043 (pg. 3-476). These replacements need to be constructed with wildlife/aquatic friendly design standards. Contrary to Table 3.27-3, wildlife could be impacted by the Sterling Highway Maintenance and Bridge Replacement. The opportunity exists for improvement in wildlife access and reduction in vehicle-wildlife collisions as a result of these efforts. (Comment 1025)*

#### *Chapter 4*

*4.2.4.1 Functions, Available Activities, Existing and Planned Facilities Change “The trail has been designated a National Recreation Trail and is considered a “conservation system unit” under ANILCA, affording it certain protections.” to “The trail is a National Recreation Trail and is a Conservation System Unit under ANILCA, affording it certain protections.” (Comment 1038)*

#### *4.2.4.3 Resurrection Pass Trail – Access and Use Levels*

*(P. 4-14-15) The bottom paragraph on the page should include the Forest Service estimate of 10,000 visitors using Resurrection Pass Trail system (north and south trailhead, Devil’s Creek Trail and Summit Creek Trail). (Comment 1039)*

#### *4.2.6.2 Stetson Creek Trail*

*(P. 4-17) Paragraph three has the wording “for miners with valid claims” several times. This language is technically not accurate. Most mining claims have not had a validity exam performed to determine if the claim is valid or not. The proper terminology is “properly located and staked mining claims”.*

*(P. 4-18) The informal parking for the Stetson Creek trail actually occurs on a pullout, most likely within the highway right-of-way on National Forest System lands, and not on borough lands as is described. (Comment 1040)*

*In response to your request for clarification in the cooperating agency draft with regard to the 5.1 acre disposal site south of the new highway alignment west of Cooper Creek CG, our proposal was to utilize a previously disturbed area at the existing Stetson Creek Trail parking. This area was utilized as a borrow pit source in the past and might work to use for disposal of material. Both the proposed construction disposal site and this existing site are within the Kenai River Recreation Area but this existing site is already disturbed. The current Stetson Creek Trail would be eliminated from the highway to the proposed loop trail because access to Stetson will be provided along the new highway section. Though this site is closer to Cooper Creek than the proposed location is to the Kenai River, it is a previously disturbed area, and material can be placed in a way and revegetated so that it will be less susceptible to erosion. Please consider incorporating language in the DSEIS that DOT will*

*coordinate with the Forest Service on site location, placement of materials, and revegetation practices for all construction staging and disposal sites that are proposed on National Forest System lands. (Comment 1041)*

#### *4.2.7.1 Kenai River Recreation Area – Size and ownership*

*(P. 4-18) The second paragraph under this section indicates that the recreation area is generally the Kenai and Russian Rivers confluence area. This is not accurate. While most visitors concentrate in the confluence area, the Kenai River Recreation Area spans the length of the Kenai River from Mile 49.7 near Cooper Creek Campground to Mile 55 near Sportsman’s Landing. (Comment 1042)*

#### *4.2.8.2 Juneau Falls – Functions, Available Activities, Existing Planned Facilities*

*(P. 4-20) This section has language concerning the Forest Plan and management area prescription that is applicable. This same section should be repeated in the other Forest Service Section 4(f) properties (P. 4.2.4.2, 4.2.5.2, 4.2.6.2, 4.2.7.2, etc).*

*(P. 4-20) Wording under this section needs to indicate that Juneau Falls is a day hike destination for many visitors. Wording such as “It is likely...” indicates uncertainty. (Comment 1043)*

#### *4.4.2 Ability to Avoid all Section 4(f) resources*

*(P. 4-37-38) Table 4.5-1 may be misleading in showing acres for the Charles Hubbard Mining Claims Historic District and the Kenai Mining and Milling Company Historic District as Section 4(f) use. On page 4-99 in Table 4.8-2 the subscript (a) defines that only the contributing properties in the mining districts are protected by Section 4(f). Showing acreage in Table 4.5-1 leads the reader to believe that the whole mining district is covered under Section 4(f). (Comment 1044)*

#### *4.5.2 – Cooper Creek Alternative*

*(P.4-38) When the Forest Service worked with DOT and FWHA to determine which Section 4(f) properties were affected by each alternative, it was not clearly understood by the Forest Service that the pullouts along the highway near Mile 53 would be closed under this alternative. If the highway pullout is closed at Mile 53, this alternative will affect how winter recreationists have access to the Resurrection Pass Trail. The current trailhead is not designed for parking vehicles with snow machine trailers and is not plowed. The highway pullout is currently the only winter parking for the trail. (Comment 1045)*

#### *4.5.2.6 Confluence Traditional Cultural Property*

*(P. 4-44) The second bullet item on this page references the Beginnings Heritage Site. This paragraph states that the small parking area at the Beginning site would remain but in other sections in the document, it is stated that this site is closed to cultural interpretation (now provided at the K’BEQ site) and recreation use and eliminates this pullout in the Cooper Creek and G-South alternatives. The DOT will need to discuss future access to this site with the Forest Service and the Sovereign Nation of the Kenaitze as it pertains to the different alternatives and represent future access or lack future access consistently within the FEIS. (Comment 1046)*

#### *4.5.4.5 – Juneau Falls Recreation Area - JC and JCV alternatives*

*(P. 4-60) In the last paragraph there is a statement about closing Resurrection Pass Trail to foot traffic. This does not show up in the Resurrection Pass Trail description of effects of the JC and JCV*

*alternative (P. 4-53-4-57) and was not discussed with the Forest Service. An alternate route would need to be identified by the Forest Service and built by the contractor to be open for those people using Resurrection Pass Trail. Access via Bean Creek trail is not an acceptable substitute. (Comment 1047)*

#### **4.6.4 Resurrection Pass Trail – measures to minimize harm**

*(P.4-73) The first paragraph indicates that snow machine users will still continue to use the Juneau Creek road for access if the JC or JCV is built. The pullout on the east side of the Juneau Creek road would only be used by skiers. It is unlikely that snow machine users coming from Seward, Moose Pass, or Anchorage would bypass the pullout near the bridge to drive all the way to Sportsman’s Landing, then back track on the old section of highway to park at the highway pullout near the current Resurrection Pass Trailhead. In addition, if the Borough develops Unit 395 as a subdivision, this snow machine access would no longer be available and snow machiners would use the highway pullout near the new bridge as their only parking option. (Comment 1048)*

*The second to last bullet on this page and wording on page 4-74 where it states that access for users of Bean Creek and Resurrection Pass trails would be maintained across the construction area conflicts with the statements on page 4-60-61. (Comment 1049)*

*(P. 4-75) The USFS requests to develop adaptive mitigation measures for the CSU recognizing that if the Snow River bridges are not replaced within 10 years of onset of reconstruction of the Sterling Highway (if the Juneau Creek or Juneau Creek Variant alternative is selected/implemented), the USFS could request renegotiating with DOT&PF/FHWA the terms of the 4(f) mitigation. Alternate mitigation may include, but would not be not be limited to, fabrication and installation of trail bridges along the Iditarod National Historic Trail between Snow River and Turnagain Pass to provide connectivity on another long-distance trail in the National Trails System. This ensures that the mitigation would be implemented at approximately the same time as road construction impacts the Resurrection Pass Trail. (Comment 1050)*

#### **4.8.2.3 JC and JCV alternatives – Resurrection Pass Trail - Ability to mitigate impact**

*(P. 4-107) This section describes four different measures to mitigate impact with a finding that these indicate substantial ability to mitigate impacts:*

- 1) Passage of Resurrection Pass Trail under the new highway bridge*
- 2) New trailhead parking to eliminate safety hazards of people wanting to park along the highway*
- 3) Address Bridge aesthetics (the DSEIS does not exactly say how this will be done (Page 3-308))*
- 4) Add pedestrian walkways to INHT to compensate for some of the loss of the long distance hiking experience on Resurrection Pass Trail.*

*Section 1508.20 Mitigation of the CEQ regulations describes the following as definitions of mitigation:*

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.*
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.*
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*

*(e) Compensating for the impact by replacing or providing substitute resources or environments.*

*Item 1, 2, and 4 fall under (e) above and item 3 may fall under (b). The Forest Service acknowledges the effort the DOT and FHWA has described to compensate for the impacts to the Resurrection Pass trail but compensating for the impacts does not reduce the effects of building a highway in a currently natural area. The Forest Service does not agree with the statement that “These measures indicate substantial ability to mitigate impacts”. The mitigation measures make the trail functional (passing under highway alignment) and reduce the highway safety concerns that could arise if a new trailhead was not provided for but again these measures do not reduce the impact.*

*(P. 4-108) The same discussion as the comment above for the Resurrection Pass Trail concerning ability to mitigate impacts applies to the Juneau Creek Falls area. The mitigation measures include an accessible trail to a new waterfall overlook developed site and safe passage across the new highway bridge for a loop trail experience. While these mitigation measures make the recreation situation safer for how a different set of visitors will use the area, they do not reduce the effect of taking a natural backcountry area and turning into it into a front country highway rest stop type of experience. The Forest Service does not agree with the statement “These measures would substantially mitigate impacts”. **(Comment 1051)***

*(P. 4-109) The last sentence in the Magnitude of Remaining Impact for the Juneau Creek Falls Recreation Area should be deleted. Showing preference for the value of the Juneau Creek Fall Area as a front country recreation setting with a new highway alignment through the corner versus a natural backcountry setting as it is currently is not appropriate in a NEPA document. **(Comment 1052)***

#### *4.8.3 Factor iii Relative Significance of each 4(f) property*

*(P. 4-110) The correct level of annual use should be displayed for Resurrection Pass Trail in Table 4.8-6. This is estimated at 10,000 visitors for the trail system. **(Comment 1053)***

#### *4.8.4 Factor iv: Views of Officials*

*(P. 4-116) The wording in the Juneau Falls Recreation Area section is not quite accurate. The Forest Service worked with DOT on the location of the proposed trailhead and agreed that rather than have the proposed staging area and the trailhead be in different locations, it would be possible to utilize the staging area as the location of the trailhead and having the trailhead in the Juneau Falls Recreation Area would be an appropriate use of this area. The Forest Service did not use the term “enhancement” nor did the Forest Service “seek to achieve” a front-country experience for the recreation area. Having the trailhead within the Recreation Area would reduce the wetlands impact. **(Comment 1054)***

#### *4.8.6.3 Juneau Creek and JCV alternatives*

*(P. 4-122) This section discloses that these alternatives would result in lower visual and traffic noise impacts than the Cooper Creek alternative but this statement does not take into account the higher impact of noise and visuals to the Bean Creek Trail, Resurrection Pass Trail, and Juneau Falls Recreation Area. As written, this summary is not complete and is misleading. **(Comment 1055)***

#### *4.8.8.1 – Cooper Creek*

*Alternative (P. 4-124) Paragraph four indicates that Cooper Creek will have more traffic that is audible and visible to the Kenai River users. All alternatives will still have the existing highway along*

*the Kenai River and the remaining 30% of the existing traffic will be still be audible and visible to the Kenai River users. (Comment 1056)*

*4.8.8.2 G-South Alternative*

*(P. 4-124) The paragraph under this section makes a statement that “the KRSMA is one of the most important Section 4(f) resources in the project area” but on page 4-113 there is a statement in paragraph two that says “it is not appropriate to rank all the properties in order of significance”. The Forest Service suggests changing this statement to read “The KRSMA is listed as one of five of the most significant resources in the project areas.” This paragraph also has wording about the traffic along the Kenai River being more audible and visible with this alternative than JC or JCV. See comment under Chapter 4.8.8.1 above (second paragraph). (Comment 1057)*

*Map 4-8 (P. 4-159) The Stetson Creek Trail Alternative Access section shown on the map needs to be displayed as a section of trail that would be closed due to it being truncated by the Cooper Creek highway alignment. (Comment 1058)*

*Map 4-14 (P. 4-171) This map shows the USFS logging roads to serve in part as wildlife crossings for the JC and JVC alternatives. If unit 395 is developed as a subdivision, these may not function as such and the wildlife crossing studies have not been completed to date. It may be premature to show these underpasses as wildlife crossings. (Comment 1059)*

*Table 4.8-12 on page 4-131 shows an “Ability to mitigate is good” for the Juneau Falls Recreation Area under the JC and JCV alternatives. The Forest Service does not agree with this rating. All of these measures are compensatory. Language on page 4-61 in paragraph 2 indicates that “The opportunity to experience the area as an almost entirely natural area would be lost.” The summary on this table for the JC alternative makes it difficult to use this factor as a comparison for least overall harm. The summary states that mitigation of KNWR land converted to transportation purposes have not been addressed at this time. (Comment 1060)*

This letter highlights a number of my concerns regarding the DSEIS and indicates several items that need further discussion and coordination between ADOT&PF and the Forest Service. The comments contained herein should not be interpreted as acceptance of the document.

We recognize the significance and need of this project and look forward to further coordination with ADOT&PF. If you have any questions, please contact me by phone at (907) 743-9525 or via email [tmarceron@fs.fed.us](mailto:tmarceron@fs.fed.us). Griffith Berg continues to be the forest point of contact on this project and can be reached at (907) 743-9442 or via email [gqberg@fs.fed.us](mailto:gqberg@fs.fed.us).

TERRI MARCERON  
Forest Supervisor

cc: Sam Carlson, Marie Messing, Ken Post - Alaska RO  
Peter Keller, Tom Malecek, Griffith Berg, Deyna Kuntzsch, Kori Marchowsky- CNF  
Andy Loranger, Lynnda Kahn, Doug Campbell - USFWS

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**Comment 834:** West Juneau Road and similar roads east and west of Juneau Creek and Cooper Lake Dam Road are used for recreation, even if they are not designated specifically as recreational trails or areas. The language and maps have been reviewed and updated for accuracy to indicate these are roads

closed to most motorized traffic and are not classified as trails, both in the Executive Summary and in the body of the EIS. References to "Juneau Bench Trail" have been removed.

**Comment 835:** Page 3-493 of the Draft SEIS discusses traffic conditions within Cooper Landing, where the posted speed limit is 35 mph, while the Executive Summary section discusses the primary recreational corridor in the MP 51-55 area. The posted speed limit does vary between 45 and 55 mph as it passes the numerous park and recreational facilities between Cooper Creek and Russian River. As noted in the comment, the EIS states that the existing highway likely would retain today's posted speed limits. DOT&PF does anticipate that the MP 51-55 segment of roadway would be left as a quieter, winding, lower speed, local road by either of the Juneau Creek alternatives. Removing through-traffic (70%) drivers (who are more likely to meet or exceed posted speed limits than drivers accessing local destinations) from the "old" highway could leave the "old" highway a candidate for a lower speed limit. The Executive Summary has been revised to remove the term "lower speed" to avoid confusion and the appearance of conflicting information.

**Comment 836:** FHWA and DOT&PF met with the Forest Service in part to discuss this topic. In the Draft SEIS, DOT&PF had committed to reseed disturbed areas with native plant species to avoid introduction of invasive plants. Stabilizing soils and reseeding with fast growing vegetation is an important aspect of protecting water quality from runoff, and grasses can be grown quickly and reliably. Moreover, in many areas DOT&PF uses grasses to maintain visibility, which is an important safety consideration. As discussed at the meeting, and as a new mitigation measure, the Final EIS includes a commitment to consult with federal and state land managers regarding revegetation plans during project design. It is anticipated that through coordination on this revegetation plan, the varying impacts to different resources that have been disclosed in the EIS, can be appropriately mitigated. This commitment appears in Sections 3.13.2.2 (Water Bodies and Water Quality) and 3.20.2.3 (Wetlands and Vegetation). In addition, a cross reference has been added from the Vegetation section to the Water Quality section, because the latter provides greater detail about Best Management Practices for revegetation.

**Comment 837:** The text has been modified as requested.

**Comment 838:** See Group Comment #66

**Comment 839:** References to "Juneau Bench Trail" have been removed. West Juneau Road and similar roads east and west of Juneau Creek and Cooper Lake Dam Road are used for recreation, even if they are not designated specifically as recreational trails or areas. The language has been reviewed and clarified for accuracy to indicate these are roads closed to most motorized traffic and are not classified as trails, both in the Executive Summary and in the body of the EIS.

**Comment 840:** See Comment Group #31

**Comment 842:** The "old" highway, as defined in Chapter 2, is the segment of the existing alignment that would not be altered to address the project purpose and need. These areas could be altered to address mitigation. The mitigation could be associated with impacts to wildlife or potentially for impacts to other resources associated with this project. However, improvements for safety are not proposed on the old highway as part of this project.

**Comment 843:** The suggested change has been made.

**Comment 846:** FHWA's position on this matter has not changed. FHWA disagrees with the Forest Service characterization of the treatment of the Juneau Creek Alternative as pre-decisional. FHWA has followed a process consistent with CEQ and FHWA guidance and regulation. FHWA developed a full range of alternatives and took a hard look at those alternatives through a comprehensive evaluation and screening process. The screening process (documented in reports available on the project web site) was undertaken with considerable engagement from agencies and the public. During this process, many alternatives were evaluated and eliminated.

For the reasonable alternatives, FHWA and DOT&PF undertook additional engineering and environmental studies. The analysis evaluated variations of alignment to avoid and/or minimize impacts to sensitive or protected resources. Such an examination is a standard part of FHWA's approach to alternatives development, and in many cases this avoidance analysis is required by law or regulation (e.g. wetlands avoidance and minimization under the Clean Water Act, and avoidance and minimization of certain lands mandated by the U.S. DOT Act Section 4(f)).

Given the national value placed on designated Wilderness, the concerns regarding impacts to Wilderness raised during scoping and agency consultation, and FHWA's requirement to examine alternatives that avoid Section 4(f) property (i.e., the Kenai National Wildlife Refuge), DOT&PF and FHWA conducted additional analysis of the Juneau Creek Alternative to seek variations of the alignment that achieved the project purpose and need, were technically feasible, and satisfied the screening criteria that had been established for the project. Three Refuge/Wilderness avoidance variations were evaluated, and one was selected that best achieved the purpose and need while minimizing other impacts. The alignment variation has been called the Juneau Creek Variant Alternative. With a Wilderness avoidance alternative, FHWA was prepared to screen out the original alternative and not carry the Juneau Creek Alternative through the full EIS process.

As a result of additional consultation and requests made by CIRI, KIT, and other Russian River Land Act (RRLA) MOU Group members, FHWA agreed to fully evaluate the Juneau Creek Alternative in the EIS. The reason that CIRI and others gave for wanting to continue studying the Juneau Creek Alternative was that the RRLA gave them the ability to select KNWR lands through which the Juneau Creek Alternative was aligned. They indicated in meetings in late 2010 that they intended to exchange KNWR lands through which the Juneau Creek Alternative was aligned, and that, once exchanged, the Wilderness designation would no longer apply. A 12/14/2010 letter from CIRI states "the authorized (land) exchange will be one of the many factors considered by CIRI, USFS, FWS and KIT when cooperatively evaluating which realignment option best achieves the intent of the (RRLA) Settlement." They wanted to make sure that FHWA fully evaluated the alternative in the EIS so that it could still be a possible selected alternative, in the event such a land trade was executed and to be consistent "with the clear intent of Congress when it enacted the Russian River Land Act."

FHWA seeks to fully disclose the impacts of its projects and the factors that influence its decision-making. Based on consultation with USFWS and Forest Service, FHWA previously added the new Section 2.4.2.2 to the EIS to clarify this decision process. The Juneau Creek Alternative had been retained for full analysis in the EIS to preserve the opportunity to select it as the agency's preferred alternative in the ROD. FHWA thought it was important to clearly outline its understanding of the alternative. As suggested, the same kind of information is intended to be included in the ROD, if the final decision remains to not select the Juneau Creek Alternative. CEQ regulations cited at 40 CFR 1505.2 indicate what is to be included in the ROD, but nothing prohibits discussion of why alternatives

are not preferred in the EIS. Section 2.4.2.2 explains the history of FHWA's position on the Juneau Creek Alternative. It has been revised for the Final EIS to provide greater detail regarding the issue of the land status, how the land status may change, and how the Juneau Creek Alternative is being evaluated in the Final EIS.

**Comment 850:** The issue of pullouts is not really a design criteria issue and is not an access rights issue. It is considered an impact issue and is therefore discussed in Section 3.6. However, a sentence has been added in Chapter 2 following the discussion of access rights: "In the segments built on the existing alignment, many existing informal pullouts would be eliminated by road widening. Select pullouts would be formalized and included in the project. See also Section 3.6 under Pullouts subheadings."

**Comment 851:** The intent of clear zones is that they be free of obstructions and traversable by vehicles that might leave the road, with the intent they can recover without rolling over or impacting solid objects such as trees, stumps, boulders, fences, buildings, or cliff faces. Typical clear zones would have a dirt/gravel or grass surface and typically would not include large cobbles or boulders. FHWA and DOT&PF met with the Forest Service in part to discuss vegetation and revegetation. In the Draft SEIS, DOT&PF had committed to reseed disturbed areas with native plant species to avoid introduction of invasive plants. Stabilizing soils and reseeding with fast growing vegetation is an important aspect of protecting water quality from runoff, and grasses can be grown quickly and reliably. Moreover, in many areas DOT&PF uses grasses to maintain visibility and an obstacle-free clear zone, which is an important safety consideration. As a new mitigation measure, the Final EIS includes a commitment to consult with federal and state land managers regarding revegetation plans during project design. The intent is to consider revegetation from multiple points of view, including aesthetics, erosion, wildlife, traffic safety, native/invasive species issues, and others. This commitment appears in Sections 3.13.2.2 (Water Bodies and Water Quality) and 3.20.2.3 (Wetlands and Vegetation).

**Comment 852:** Based on additional coordination with Forest Service staff, the EIS text has been altered to indicate that the disposal area in question would be moved to the Forest Service-requested location. This would apply to the Cooper Creek Alternative only. The text in Section 2.6.3.2 has been altered to reflect this change. This topic also is discussed (with updated text) in Sections 4.5.2.2, 4.5.2.3, and 4.6.6.

**Comment 853:** DOT&PF and the Forest Service have been meeting on this topic in the time leading up to publication of the Final EIS. The Forest Service has determined it needs to retain a two driveway configuration, and the DOT&PF has incorporated their preliminary plans into the Cooper Creek and G South alternatives.

**Comment 854:** The change has been made.

**Comment 855:** A footnote has been added to the table to indicate the transfer is in process.

**Comment 856:** The EIS in Section 3.1.1.3 has been revised to acknowledge the land ownership difference of opinion and to indicate there has been no court ruling to resolve it.

**Comment 857:** The text accurately describes what DOT&PF has been told by CIRI and KIT regarding the land and what is in the Russian River Land Act. No change has been made to the text based on this comment.

**Comment 863:** A paragraph has been added in Section 3.1.2.2 regarding all alternatives' uses of Forest lands, with a cross reference to the Permits section (3.24). Additions in the Permits section indicate Forest Service conditions apply when lands are appropriated for highway purposes.

**Comment 865:** Design engineers identified that the right of way impacts to Tract B can be avoided. In doing so, the roadway would shift slightly south, thereby impacting a slightly greater acreage of Forest Service lands. Combined with design changes to turning lanes for the proposed Russian River Campground entrance re-design, there would be about 0.5 additional acres of use of Forest Service lands. This information was presented to the Forest Service, and the additional impact was considered acceptable. This change has been incorporated into the Cooper Creek and G South alternatives within the Final EIS.

**Comment 866:** The easement has been included in 3.1.1.2 and 3.1.1.5. The Cooper Creek alternative would pass by Tract B but would have no effect on the Forest Service easement. This has been noted in 3.1.2. The alignment has been re-engineered slightly to avoid any use of land from Tract B. Similarly, language has been added regarding Forest Service easements for the West Juneau Road and Bean Creek Trail, impacts to these easements, and mitigation.

**Comment 871:** As discussed above (see Comment 866) for the Cooper Creek Alternative, the G South alternative would pass by Tract B but would have no effect on the public use easement. This has been noted in the text under Section 3.1.2. The alignment has been re-engineered slightly to avoid any use of land from Tract B.

**Comment 874:** In response to these comments, DOT&PF and FHWA discussed this topic in meetings with the Forest Supervisor. DOT&PF and FHWA understand the Forest Service concern, and have revised the EIS document and proposed controlled access so that the Kenai Borough could develop ramps to Unit 395. They have evaluated the access as a cumulative impact to enable the Forest Service to determine the most appropriate route to provide future residential access to Unit 395. The various sections of the Final EIS where this topic is discussed have been reviewed and updated as necessary; see particularly Sections 3.1.2.6, 3.1.2.7, 3.6.2.5, 3.27.4.3, 3.27.7.2, and 3.27.7.3.

The EIS has been updated in Section 3.27 to clarify that West Juneau Road was assumed to be the access to Unit 395 in the cumulative effects analysis because it exists and is traversable, but that under any alternative, West Juneau Road may or may not be determined by the Forest Service to be the most appropriate route to provide future residential access across National Forest System lands to Unit 395. Additional clarification has been added to make it clear that the West Juneau Road is not up to Borough subdivision standards and would need to be upgraded to provide the subdivision access.

**Comment 876:** The ANILCA Title XI reference has been added in both 3.1.2.5 and 3.1.2.6 of the Final EIS.

**Comment 877:** Revisions to 3.1.2.2 of the Final EIS have removed the "beneficial impact" language.

**Comment 878:** The text in question has been replaced to reflect the State's current status with regard to its selection of Unit 394B. Unit 394B is identified as such in the State's Kenai Area Plan as a formal state selection from federal lands of CNF; it has been made clear the State does not manage it today. This has been explained in the Affected Environment subsection of this chapter (Section 3.1.1.3) and is discussed in Section 3.2.1.5.

**Comment 879:** The memorandum of agreement referenced in the comment is already described in the EIS (near the end of the Affected Environment portion of this chapter, in Section 3.1.1.5). The EIS indicates: "The agreement provides for access easements across Forest Service lands to the 42-acre parcel from the existing Sterling Highway or a realigned Sterling Highway, or both (DOT&PF was not a party to the agreement)." It is important to note that neither DOT&PF nor FHWA were a party to the agreement. However, to facilitate the agreement made by cooperating parties, as well as keep with the project purpose and need and a desire to limit access to and from those portions of the alternatives built on a new alignment, a single access point from the Juneau Creek Alternative to Tract A will be included in the controlled access plan for that alternative.

**Comment 880:** The data is from the Kenai Peninsula Borough. The Broadview Guard Station has been changed to blue, and the blue has been removed from Cooper Creek Campground based on this comment. A note has been added to the map: "Source: Kenai Peninsula Borough, 2013. National Forest land use modified through consultation with U.S. Forest Service."

**Comment 881:** The section cited is the Affected Environment portion of the chapter. Section 3.2.3.4 and 3.2.3.5, regarding the G South and Juneau Creek alternatives and their impacts, already disclosed the information requested. However, the language in those sections has been altered in the Final EIS to state clearly that a plan amendment would be necessary and that wildlife mitigation and wildlife-friendly design would be required.

**Comment 883:** The sentence has been removed.

**Comment 888:** A footnote has been added on each page cited, to incorporate the information provided.

**Comment 889:** In further consultation with the Forest Service between the Draft SEIS and Final EIS, the Forest Service has revised their information as follows: "After doing some research on inventory roadless areas and reference landscapes, I would agree with your language in the SDEIS about how the areas modified on the Juneau Bench reference landscapes and how these modified areas probably can't serve as reference landscapes at this point. I think after a long period of time, they probably could again but we are talking many decades. I would agree to use the current language in the SDEIS" [Email from Kori Marchowsky]. Therefore, no change has been made to the language regarding reference landscapes.

**Comment 890:** The suggested language in quotes is similar to language that already appears near two paragraphs below. The "Chief" sentence has been deleted. The suggested language regarding protection of values and characteristics has been added in its place.

**Comment 891:** The opening line of this section already states that the trail is a CSU. The sentence referenced in the comment has been deleted in the Final EIS.

**Comment 893:** The suggested language has been incorporated.

**Comment 894:** The sentence about plan amendment has been removed. A sentence has been added to indicate that a designee of the Secretary of Agriculture would need to approve an exception to the Roadless Rule to allow this alternative in this portion of the IRA (applies to all build alternatives).

**Comment 895:** The EIS identifies and discloses the effects to bears, including the effects to the bear management zone. All alternatives would come within 750 feet of brown bear management zones. Section 3.22.3 thoroughly discusses Brown Bear habitat impact. Cross references from Sections 3.2 to

3.22 have been added. Additional detail regarding mitigation for wildlife impacts has been added to Section 3.22, and consultation with wildlife management agencies will continue through design and permitting.

**Comment 896:** Text has been added to explain the discrepancy between the quoted Forest Plan text and current practice, since the MOU has expired. The text of the paragraph in this location has been altered to reflect the Eagle Protection Act rather than the MOU. The Wildlife section has been checked for consistency.

**Comment 899:** The sentence under each alternative indicating that the Forest Plan may require amendment has been deleted. A sentence has been added under each alternative stating that a designee of the Secretary of Agriculture would need to approve an exception to the Roadless Rule to allow this alternative in this portion of the IRA.

**Comment 901:** The footnote has been modified to read "State and Borough land surround this Federal parcel."

**Comment 902:** A new subsection has been added in Chapter 3.2 Land Use Plans and Policies. The new Section 3.2.4.6 provides a Roadless Area Analysis that is tied to the new Least Overall Harm Analysis at the end of Chapter 4. Together, these provide the rationale requested.

As a side note, the RACR exception states that a Federal-aid highway project may be allowed in an IRA if the Secretary determines that it is in the public interest OR that it is consistent with reasons the land was reserved and acquired and no prudent or reasonable alternative exists (emphasis added). The analysis provided addresses all the words in the RACR exception.

**Comment 903:** The text has been modified to match the Cooper Creek and G South text and no longer implies impact to the policy.

**Comment 904:** Factor B requires that agencies consider whether there is any economically prudent and feasible alternative to the routing through the CSU. This is a very similar analysis that is required under Section 4(f). For that reason, the reader is directed to find information in Chapter 4.

DOT&PF and FHWA consider all of the build alternatives evaluated in the EIS to be economically feasible. The EIS discloses that two alternatives (G South and Cooper Creek) would avoid impacts to CSUs (or lands managed as CSUs, see Section 3.2.1.4) by staying within the existing DOT&PF right-of-way through the Refuge and where it passes near the trailhead for the Resurrection Pass Trail). As such, and as is required under ANILCA, FHWA has determined that the G South and Cooper Creek Alternatives are economically feasible and prudent alternatives under ANILCA that avoid routing through or within a Conservation System Unit or area managed as a CSU.

The Section 4(f) chapter is relevant to this ANILCA factor because it explains and weighs the identification of the alternative with the Least Overall Harm considering impacts to Section 4(f) resources, including the impacts and avoidance of CSUs protected by ANILCA. References to two important sections of the Section 4(f) chapter that address the ANILCA CSUs have been added: Sections 4.6.3 and 4.6.4, specifically addressing the KNWR and the Resurrection Pass Trail.

**Comment 905:** Section 3.2 addresses land use plans. This side reference to interpretive signs includes a cross reference to Section 4.6. It is clear that any mitigation for cultural resources is subject to the terms of a Section 106 agreement, and the Forest Service will be party to that agreement. In Sections 3.2.7.2

and 4.6, language similar to the following has been added in several locations: "Any interpretive material would be developed in consultation with the land manager."

**Comment 937:** This issue is not a Housing and Relocation issue, per se. The text of Section 3.4.2.5 refers to Section 3.1. The cross reference has been clarified as Section 3.1.2.6. In Section 3.1.2.6, a sentence has been added to text already in place. The new sentence reads: "Because CIRI has no publicly available layout of proposed facilities, it is not known how these plans may be affected, but it is reasonable to assume adverse impacts to these plans would occur." The Affected Environment portion, Section 3.1.1.5 provides background about plans for Tract A. The effect of the potential for creating an unusable (inaccessible) remainder is discussed under Land Ownership in Section 3.1.2.6, just not in the "housing" section (3.4).

**Comment 938:** The paragraph has been rewritten to better characterize the changes anticipated and to make clear that any economic benefit would be small. A commitment has been added in multiple places in Section 4.6 to indicate that any interpretive material would be developed in consultation with the Forest Service.

**Comment 939:** The text in the Air Quality and Economic Environment sections cited has been altered in minor ways for better consistency. The project is not expected to induce major growth or change (such as development of Unit 395 with dozens of new homes). Traffic modeling anticipates the same gradual traffic growth with or without the project, and the project is designed accordingly.

**Comment 941:** The requested changes have been made.

**Comment 945:** A pullout has been added at this location, for the Cooper Creek Alternative only. Based on consultation with the Forest Service, the G South Alternative's pullout for the Bean Creek Trail would serve the purpose for winter access to the Resurrection Pass Trail. For the two Juneau Creek alternatives, the existing pullout would remain, unchanged, so no additional pullout would be necessary. The EIS discloses the potential for safety problems associated with people parking on the shoulders of the highway for recreational access, primarily in the Recreation section and in Chapter 4. DOT&PF plans to post "No Parking" signs in some locations to prevent this from occurring and to support enforcement.

**Comment 946:** The language has been changed to clarify that the closures would be "for several hours to a full day several times, primarily for placement of a bridge over the Cooper Lake Dam Road." Note that the mitigation section under Section 3.6 indicates: "The construction contractor would be required to coordinate temporary closures with the Forest Service and Chugach Electric Association. Temporary closures would be timed to avoid conflicts with dam or pipeline maintenance."

**Comment 947:** Additional discussion of impacts and mitigation to the administrative sites and roads identified by the comment have been added throughout Section 3.6, specifically in the Mitigation sections. Schooner Bend Rd. has been added to Figure 3.6-3.

**Comment 948:** Text has been added to indicate the potential that the construction contractor would desire to use West Juneau Road for access and to disclose impacts. It is noted that such use would be by Forest Service special use permit subject to Forest Service stipulations. Changes on this topic also have been made in Section 3.8, Parks and Recreation, because the road is used for recreation.

**Comment 949:** The change has been made.

**Comment 950:** The sites listed are those "along the highway" that could be directly affected by the project, either by constructed changes or by changes in the amount of traffic passing. The sites accessed via Bean Creek Road are not in this category. The Stetson Creek Trail alternative access has been added in this location and in the Consequences subsections.

**Comment 951:** Text has been added to the footnote, and "Forest Service" has been added in the Managing Agency or Landowner column.

**Comment 952:** The text has been clarified to indicate the number of river users walking in adds to the number of formally "countable" users. The EIS has also been updated to include the following information: "According to the Forest Service, there are a lot of people who do park along the highway but the Forest Service estimates it is less than those who use developed recreation locations for access."

**Comment 954:** A sentence has been added to indicate "there are some boaters who put in at the Cooper Landing Boat Launch and take out at Sportsman's Landing and never reach Jim's Landing. These boaters are both guided and non-guided. The Forest Service does not have any estimate of users on this section of river (Cooper Landing to Sportsman's Landing), however it is likely that there are more boaters than reported in the table."

**Comment 955:** The text is citing the Recreation report, which is based on people who sign trailhead registers at Resurrection South, Devil's Pass, Russian Lakes, and Crescent Lake trails. The text in Section 3.8.1.4 has been clarified to indicate the numbers presented are register counts, and a footnote has been added to explain register counts vs. estimates and to report the Forest Service estimates of 26,500 and 10,000. Note that while the technical reports were prepared in advance of the EIS and support the EIS, as newer information comes to light, the most recent information is being updated in the EIS itself.

**Comment 956:** This is a terminology issue. FHWA guidance for noise analysis defines "substantial noise increase." The text provides a cross reference to the noise report in Appendix D, which fully explains noise analysis methodology and modeling for Cooper Creek Campground North and South, which shows an expected small decrease in sound levels. The paragraph in Section 3.8.2.3 has been changed to state that "no noise increase" is expected. The intent of the paragraph is to point out that, while noise modeling indicates no substantial impact under FHWA guidance definition, there will, however, be a change in the source and direction of traffic noise. FHWA guidance does not consider a change in the source or direction of sound to be a "substantial noise increase."

**Comment 957:** A formalized pullout has been included, as part of the Cooper Creek Alternative only, for the Final EIS. Section 3.8 now lists new pullouts in this area by milepoint for each alternative.

**Comment 960:** The paragraph has been changed to reflect the proposed winter pullout for the Bean Creek Trail.

**Comment 961:** The sentence has been clarified to read: "The bridge would cross a gravel bar where boaters sometimes stop to fish or picnic, and the experience at that location would change incrementally. The bridge location is just downstream from an area where the existing highway is within sight of the river and boaters. At the bridge site, the existing highway still is within the hearing of boaters who use river or gravel bar at this point (the existing highway is across the river, which is about 200 feet wide, and beyond a buffer of trees, which adds about 240 additional feet). With the G South Alternative, this location would change to an evident roadside setting."

**Comment 965:** The change has been made.

**Comment 971:** The topic of this paragraph and a parallel paragraph under the Cooper Creek Alternative should have been included under the G South Alternative as well. The intent is to show a distinction between the Juneau Creek alternatives and the other two alternatives regarding the core recreation area of MP 51-55. A paragraph has been added for the G South Alternative, and the language under all alternatives has been clarified to focus on the MP 51-55 area and to make the language more parallel across the alternatives.

**Comment 975:** FHWA and DOT&PF recognize and have disclosed this as a potential issue in the EIS. The text indicates No Parking signs would be used. It seems likely recreationalists may attempt to park along the new highway if it were easy to walk from their car to the river, if there were no risk of being cited, and if it would be closer than the next available informal parking spot along the "old" highway. At times, the walk to reach Sportsman's Landing or Russian River Ferry could be long, which raises the issue of whether the new shoulder would be a temptation. No change has been made to the text. DOT&PF and FHWA will not support parking in this location.

**Comment 976:** Text has been added to indicate the potential that the construction contractor would desire to use West Juneau Road for access, and the Final EIS has now disclosed the potential for such impacts. This is indicated as primarily impacts to horse access to the Resurrection Pass Trail and, if there were substantial need for such access in winter (considered unlikely), impact to snowmobile access. It is noted that such use would be by Forest Service special use permit subject to Forest Service stipulations. The permit would be the contractor's responsibility and would depend on their chosen construction techniques. Changes on this topic also have been made in Chapter 3.6 Transportation.

**Comment 981:** Text within Section 3.10 (3.10.2.2, 3.10.2.4, and 3.10.2.5) and in Appendix C, ANILCA Section 810 Subsistence Analysis (Sections 5.1.1.2 and 5.1.1.5) have been revised to clarify the trailhead replacements, and include that the Forest Service does not anticipate the overall subsistence use to increase.

**Comment 982:** 3.12.1 discusses basic geology and rock and soils types. Section 3.12.2 discusses rock and soil mechanics and project implications. Both sections have been augmented with more information for the Final EIS.

**Comment 983:** Construction materials are discussed in Section 3.26 (Irreversible and Irrecoverable Commitments of Resources), where it is identified that the major construction materials are anticipated to be available and are not likely to become scarce as a result of the project. The roadway would be designed to optimize the use of excavated materials from within the project footprint. Given the level of design done to date, and information known about the quality of subsurface materials along the proposed alignments, the amount of material that might be needed to be shipped in is not known with certainty. The Preliminary Engineering Report has a conceptual material summary and is available on the website. However, every effort will first be made during design to create a "balanced" job (i.e., to balance the amount of rock material being cut within the alignment, with the amount of material needed for fill); however, it is possible that the contractor may request getting fill from local sources which may include Forest Service property. Such requests would be at the contractor's discretion and would need Forest Service approval.

If additional material is needed to be brought in, it will be the responsibility of the contractor. DOT&PF and FHWA recognize the contractor may desire to obtain materials from sites occurring within Chugach National Forest, whether adjacent to the project area or further away. If contractors desire to use materials from the forest, they will be required to obtain clearance from the Forest Service. However, other options do exist, such as stockpiling materials from other State projects which may have surplus, or moving materials from new or existing material sites along the railbelt or highway network. The Forest Service should anticipate the contractor will request getting fill from local sources. Phasing project construction over several years should provide sufficient time for any land managers to be notified and conduct permit or land use reviews. DOT&PF will coordinate with the Forest Service during design reviews and will provide notice to contractors as early as possible about potential material needs.

It is not anticipated that additional construction material would be obtained from the area immediately surrounding the project area, due to the complex presence of cultural, historic and recreation resources. As such, the topic is not discussed within the Cumulative Impacts section (3.27). It is discussed in Section 3.26 to provide perspective on the availability of the materials in Southcentral Alaska. Additional discussion has been added to Section 3.26 of the Final EIS to clarify that the Contractor will be responsible for obtaining materials and will need to obtain clearance from landowners and regulators. Section 3.24.2.2 has been revised to clarify that mineral material extraction from the National Forest would entail a contract under 36 CFR 228, subpart C.

**Comment 984:** The G South alignment is effectively downstream of the canyon and does not depend on rock foundations in the canyon walls. The G South location is considered practicable, and this site was not a question investigated in the 2005 R&M Consultants geotechnical report. A reference to the canyon in Section 3.12.2.4 has been modified to clarify the site is "downstream of the canyon, at a location where the valley widens." A footnote has been added that reads: "Note that a 2005 geotechnical report for the Juneau Creek alternatives examined the bedrock canyon rims upstream and found areas of instability that forced relocation of the bridge over the canyon for that alternative. The G South Alternative is located downstream and outside the bedrock area."

**Comment 985:** Text has been added in Section 3.12.2.5 to explain that geotechnical field work was performed at a level sufficient to move forward with preliminary design and environmental work, indicate bridge design may change but location is not expected to change, and to acknowledge that later field work could alter this scenario, requiring further examination of bridge sites and a reevaluation of the EIS. Note that this is a risk anywhere on any of the alternatives. The geotechnical reports use typical qualifiers and caveats when data is unknown at a preliminary level. Design would depend on multiple soil and rock borings and careful mapping of geotechnical conditions. Based on the level of analysis completed, each of the reasonable alternatives is anticipated to be feasible from a geotechnical perspective.

**Comment 986:** Thank you. The information on the hydroelectric dam was added to the description of Cooper Creek in Section 3.13.1.

**Comment 987:** Section 3.13.1.2 was edited to clarify that the Kenai Watershed Forum collects water quality data on the Kenai River and several of its tributaries. ADEC is just one of their partners. Thank you for the information.

**Comment 988:** Forest Service has provided information regarding their plans for the Cooper Creek Restoration Project (along the lower 0.75-miles of Cooper Creek). The project has been added as a Reasonably Foreseeable Future Action (RFFA) for inclusion in the Cumulative Impacts section of the Final EIS (3.27.4.3). Should the Cooper Creek Alternative be selected, the DOT&PF would coordinate with the Forest Service to ensure the bridge design and the restoration work would be compatible.

**Comment 989:** The Federal harvest unit limits for the Russian River Federal Subsistence Dipnet Fishery have been added in a footnote in Section 3.10.1 of the EIS and Section 4 of Appendix C, ANILCA Section 810 Subsistence Evaluation.

**Comment 990:** Per this comment, a correction to customary and traditional caribou use has been made in the EIS (Section 3.10.1) and Appendix C, ANILCA Section 810 Subsistence Evaluation (Sections 2 and 4).

**Comment 991:** The paragraph has been edited as suggested in Section 3.10.2.1 of the EIS and Section 5.1.1.1 of Appendix C, ANILCA Section 810 Subsistence Evaluation. Thank you for the clarification.

**Comment 992:** The language has been changed to better clarify under each of the alternatives. Typical language now reads as follows "Construction noise impacts associated with pile driving would be limited to typical waking hours (for example, 8 a.m. – 8 p.m.)."

**Comment 993:** Discussion of impacts to the Resurrection Pass Trail appear in Chapter 4, particularly in the 6th and 7th bullet points in Section 4.5.4.2. Cross references to Section 4.5 in general, and to Section 4.5.4.2 specifically, have been added in several locations in the Noise section. A sentence has been added in Section 3.15.2.5 that reads "The receptor locations modeled on the Resurrection Pass Trail are not expected to have a substantial noise increase, as defined by FHWA's methodology, but the character of the audible experience along the trail in the Juneau Falls area would change (11 dBA increase at the point modeled). See also Section 4.5.4.2.

Two additional receptors were modeled to better characterize the current noise levels on the Resurrection Pass trail, with respect to traffic noise. Per the noise model, traffic noise is not a notable contributor to the ambient noise levels.

**Comment 994:** See Group Comment #65

**Comment 995:** The text in the EIS attempts to summarize the visual technical report that was prepared for the project in a way that is understandable to the general public and that is presented without directly comparing the alternatives to one another. The report was prepared by a professional landscape architect and represents the author's professional opinion.

The report uses specific defined terms (e.g. the term "vividness" means the distinctness of a key view, including its being "clearly perceptible"). The ratings of low, medium, and high were only one metric that was reported. The technical report provides additional analysis that supplements the rating. It states: "The greatest reductions in visual quality to key views are along the Juneau Creek Alternative and its Variant. These two alternatives result in lower scores for visual quality for five views. Snug Harbor residents would view the cut and fill, and traffic across Kenai Lake negatively affecting View #2. A major reduction in visual quality would affect the Resurrection Pass National Recreation Trail (#13)."

The text regarding the Resurrection Pass Trail area (including Key View 12A, 12B, and 13) has been revised based on comments received. DOT&PF and FHWA agree with the Forest Service that the impacts are a "major reduction in visual quality" and that the "greatest reductions in visual quality to key views are along the Juneau Creek Alternative and its Variant," as stated in the technical report. The official rating (from 'High' to 'Moderate/Low' rather than 'Low') and the methods for rating have not been changed because these were directly authored by a professional with expertise in this area. However, a footnote has been added to the EIS to explain the Forest Service's disagreement with the specific rating and to indicate DOT&PF's and FHWA's agreement that this is an important visual impact.

**Comment 996:** Information has been added to Section 3.16 under Construction Impacts to further explain temporary and medium-term impacts and under Mitigation to better explain siting and revegetation plans proposed to minimize visual effects.

**Comment 997:** "Visual Prioritization Process--A User's Manual," a joint manual produced by FHWA and the Forest Service in 1994, does not include a VPP score for an existing alignment. It indicates that the visual character for the area in which a road project is proposed should be described and allows for any of several methods. For this project, the VPP techniques were a secondary addition, along with Visual Preference Survey (VPS) method. The primary method used was the Visual Resource Analysis method, developed by FHWA in conjunction with the American Society of Landscape Architects. This is explained in Section 3.16.1.1, Methodology. The Visual Resource Analysis method results in Visual Quality Evaluation (VQE) scores for the existing visual environment and VQE scores for the area under each alternative proposed. Table 3.16-3 provides a succinct summary of the existing VQE rating and the VQE rating by alternative. The Visual technical report available on the project web site further explains methods used, characterizes the existing visual environment, and provides detail about impacts.

**Comment 998:** The visual resource is evaluated using specific definitions for words like "contrast" and "vividness." This section is a summary of the visual technical report that relies on such definitions. The definitions are not meant to convey a positive or beneficial impact. As defined in the impact analysis for example, "vividness" means the distinctness of a key view, including its being "clearly perceptible." The wording in this paragraph has been altered to remove the word "vivid" so as not to be misinterpreted as a beneficial change to the viewshed, and to use different words from the definition of "vivid" presented in the visual impact technical report. The "gateway" paragraph has been deleted. The text in the EIS has been revised to note the Forest Service's comments on the visual impact of the bridge on trail users and campers.

**Comment 999:** Tier I and Tier II stream locations have been incorporated into Map 3.17-2. We appreciate the comment.

**Comment 1000:** Since the receipt of this comment, Executive Order 13960 has been revoked. Text has been added to 3.19.1.2 to clarify the status of existing floodplain data and mapping in the project area. Text has been added to 3.19.2.2 to document that additional hydraulic and hydrologic analyses to comply with the floodplain regulations will be completed during the design phase. Such analysis could possibly include remapping the floodplain downstream from Cooper Creek, as well as to update the 2008 model to include the most recent climate science. DOT&PF and FHWA are committed to

designing the roadway and culverts to satisfy the requirements of EO 11988 and any existing regulations.

**Comment 1001:** A sentence has been added: "Flooding on the Kenai River can occur in association with heavy rainfall, spring melt, ice jams, and glacial lake outburst in the upper Snow River tributary."

**Comment 1002:** The different map extents and small topology errors (polygons not matching exactly between different datasets) were identified and corrected, and Kenai Lake and River habitat was added. The wetland study area is now identified to be 4,557.5 acres. For clarity, the vegetation study area was clipped to match the wetland study area, and Section 3.20 and its tables have been revised.

**Comment 1003:** Section 3.20 of the Final EIS has been updated to use the modern accepted name of Kenai birch (*Betula kenaica*). A footnote has been added as a reminder that the accepted scientific name has changed during the course of this project, and previous documents refer to paper birch (*B. papyrifera*). We appreciate the correction that the mesic herbaceous meadow should be referred to as moist rather than dry. The Forest Service and HDR-compiled data used Viereck et al (1992) Alaska Vegetation Classification System, and IIIA2b and IIIB2b were mistakenly labeled as 'dry.' Text within Section 3.20 and Map 3.20-2 have been edited. Please note that Maps 3.20-1 and 3-20.2 have also been revised to show the same study area to clarify tables and discussions of the affected environment and impacts within the EIS.

**Comment 1004:** Suggested text and table revisions to correctly and clearly present the Sensitive Plant Species description in Section 3.20.1.4 were incorporated into the Final EIS.

**Comment 1005:** Changes have been made to EIS Section 3.20.1.5 as requested.

**Comment 1006:** The text on page 3-351 (Section 3.20.2.3) has been augmented to make clear the discussion includes the segments built on a new alignment. The text on page 3-352 (Section 3.20.2.3, under Construction Impact) has been altered to clarify that unwashed construction equipment can be a source of invasive plants. Based on other comments, a commitment has been added to consult with adjoining land managers during the project design phase on a revegetation plan that would include measures to prevent new invasive species.

**Comment 1007:**

The DSEIS stated that the Final EIS would include a specific mitigation plan for wildlife, and the Final EIS now includes that detail in Section 3.22 and Appendix I. DOT&PF and FHWA had originally intended to commit to general wildlife crossing mitigation in the ROD and to refine the wildlife crossing locations during final design based on the study results. Based on cooperating agency coordination, the mitigation study was moved up in the schedule and results have been incorporated.

The wildlife mitigation study is not intended as a mechanism for evaluating impacts to wildlife resources. It is designed to identify and evaluate measures to minimize and mitigate wildlife impacts. It is important to note that the wildlife agencies have been integrally involved in defining the scope of the study. The study included a modeling effort, a year-long field verification using cameras, and preparation of a final report.

The results of the study have been incorporated into the Final EIS, and this information informs the mitigation proposed in Appendix I to minimize effects on movement corridors. The proposed mitigation plan has identified the placement and structure design of crossings based on modeled

landscape-scale wildlife movement corridors. The Final EIS refines other details such as the cost of the proposed mitigation. The mitigation plan may still be refined during design.

Mitigation commitments, including the wildlife crossings and other wildlife mitigation for this project, are not evaluated "as optional mitigations, subject to program discretion." Once a commitment is made in an EIS and ROD, it is a commitment of the project that FHWA will require for use of federal funds.

**Comment 1008:** DOT&PF and FHWA recognize and have disclosed the wildlife impacts described by the comment. The EIS discloses the differences between the alternatives regarding the disturbance and disruption to wildlife and their habitats and the effects on subsistence. It should be noted that there is a gradation of impact, with the Juneau Creek and Juneau Creek variant having similar and greatest impact to wildlife and habitat, the G South Alternative having less, and the Cooper Creek Alternative less than the G South Alternative. Wildlife and habitat impacts are disclosed in Section 3.22. Subsistence impacts are disclosed in Section 3.10. Of note, a separate technical appendix was prepared to specifically address subsistence impacts. Based on the comment information, the EIS has been reviewed and supplemented, as necessary, based on the information provided.

**Comment 1009:** The word "lawful" has been added to the sentence to make clear the statement is pertinent only to lawful hunting. In the previous paragraph, the possibility of increased poaching has been added in the second-to-last sentence as follows: "...and possibly to increased poaching, especially where new alignments are farthest from existing subdivisions and other regularly occupied areas."

**Comment 1010:** Proposed intersection lighting has been substantially reduced for all alternatives. The result is that intersection lighting now proposed only at the intersections of the new highway and "old" highway (two locations for each alternative). A paragraph on lighting has been added under the Mitigation heading in Section 3.22.3.2. It states commitments to the use of light fixtures that would be shielded and directional to direct light principally downward. A commitment has been added to consult with wildlife agencies during final design regarding the potential use of long-wavelength tinted lights, to meet both wildlife mitigation needs and meet standards for highway safety for intersections outside the community of Cooper Landing.

**Comment 1011:** The change has been made.

**Comment 1012:** The overall EIS discusses the proposed action's relationship of local short-term impacts and use of resources, and the maintenance and enhancement of long-term productivity. The section has been rewritten to better address these comments.

**Comment 1013:** Section 3.27.7.2 briefly discussed roadless areas. Additional text has been added to clarify that little cumulative effect is anticipated to roadless areas, because there are not past actions or reasonably foreseeable future actions that would substantially reduce the area of IRAs or Wilderness or that would substantially affect the character of these land use classifications. However, land use plans may need amendment or revision from time to time to address minor changes to land use.

**Comment 1014:** The Forest Service maintains that the decision of FHWA and DOT&PF to preclude access from alignments of the two Juneau Creek alternatives to the Unit 395 residential development has the potential to result in cumulative effects to surrounding National Forest System lands and resources. As a result of discussions with the Forest Supervisor, FHWA and DOT&PF have agreed to provide future access to the Unit 395 residential development within the controlled access plan for either of the Juneau Creek alternatives. It is the opinion of FHWA and DOT&PF that this decision does

not induce or change the likelihood of Unit 395 development from occurring. The decision of whether to and how to provide access to the Unit from the existing highway would remain with the Forest Service, and would be fully evaluated when and if it were requested. The EIS continues to assume it is reasonably foreseeable that access would be along the existing Forest Service logging roads, but that could change if/when the Borough actually develops the access. Because the logging roads are not developed to the Borough's road standards, it is assumed the roads would be upgraded to meet those standards. The responsibility to upgrade the roads (including any mitigation commitments) would be a Borough responsibility."

**Comment 1015:** Hazardous Waste and Spills are not assessed in Section 3.27 for cumulative impacts, as explained in Section 3.27.2. The alternatives would not impact known hazardous materials sites that would expose contaminants to the air or water. None of the reasonably foreseeable future actions are anticipated to have additive hazardous waste or spill impacts. In addition, the alternatives would not increase the risk of spills related to transportation of hazardous materials.

The document does discuss the changes to risk on both the old and new highways within Section 3.17.2.2, stating, "Reduced traffic, specifically by commercial trucks, on the "old" highway under any of the build alternatives would reduce risk of crashes and spills in that area." It is anticipated that since major risk factors (proximity to the river, outdated highway design, and traffic volume on the old, curvy highway) are improved for each case, the cumulative case is improved over the existing and No Build alternative. The following summary text has been added to Section 3.17.2.2. "The improvements to design, reduction of traffic volume on the unimproved highway sections, and the shifting of the majority of traffic onto highway further from the river suggests that the risk of contamination spills resulting from traffic on any of the build alternatives combined with the "old" highway would be lessened compared to the No Build alternative."

**Comment 1016:** The project design life for roadways is typically about 20 years, which is the life expectancy of the compacted roadway subgrade. The project must address transportation forecasts for traffic and design within that 20 year period. It allows for 2-3 repaving projects before the roadbed must be removed and re-compacted (or replaced), which would be an appropriate time to determine whether the roadway design would meet future transportation needs. For this project, it is anticipated that the environmental process, design, and phased construction would not be completed until 2023; therefore, the design year is designated to be 2043. All traffic and level of service analyses are forecasted to 2043 to ensure that the proposed project meets the purpose and need throughout that timeframe. Beyond this date, most planning efforts for community planning and land managers provide little to no information. For these reasons, DOT&PF and FHWA have selected this as an appropriate future temporal boundary to consider reasonably foreseeable future actions. The design year of 2043 has been added to the EIS.

**Comment 1017:** The language in Section 3.27.4.3 has been changed to past tense and updated.

**Comment 1018:** The Unit 395 Residential Development RFFA description (Section 3.27.4.3) has been rewritten to address Forest Service concerns that the access description is speculative. Concerns that there is a cumulative impact to national forest lands by not providing access from the Juneau Creek alternatives is addressed in Section 3.27.7.1.

**Comment 1019:** Effects on Forest Service Recreation Area withdrawals are explicitly disclosed in the EIS. The Russian River Campground Area, Quartz Creek Campground, Lower Russian Lake Recreation Area, Kenai River Recreation Area, Juneau Falls Recreation Area, Cooper Creek Public

Camp and Picnic Ground Tracts A and B, and Cooper Creek Public Service Site Tract C are presented in Table 3.8-1, with text notes to indicate that those recreation areas to which Section 4(f) applies are discussed primarily in Chapter 4. The Juneau Falls Recreation Area and Kenai River Recreation Area are the only ones that would be used by the project alternatives; and are, therefore, the ones primarily discussed in Chapter 4. The subheading Campgrounds and Recreation Sites, presented in Section 3.8.2 for each alternative, also mention these recreation areas and refer the reader to Chapter 4 where appropriate. Section 3.8.2.3 discusses Cooper Creek Campground under the sub-heading Campgrounds and Recreation Sites.

In Chapter 4, for Kenai River Recreation Area, see Sections 4.2.7 (background information) and 4.5.2.3, 4.5.3.3, and 4.5.4.4 (impacts by alternative). See also Section 4.3 and Appendix F for discussion of *de minimis* impact findings.

In Chapter 4, for the Juneau Falls Recreation Area, see Sections 4.2.8 (background information), 4.5.4.5 (impacts), and 4.6.7 (mitigation).

**Comment 1020:** This section has been updated to be consistent with the population estimates outlined in Section 3.22, and the citations have been checked and revised as necessary.

**Comment 1021:** The completion of the Chugach Electric enhancement has been added to the EIS document. Since it is tied to other future actions of the Cooper Lake Hydroelectric facility, it remains as part of the Reasonably Foreseeable Future Action discussion in Section 3.27.4.3. The EIS has also been revised to clarify that snowmobile parking and access to the Resurrection Pass Trail would potentially be impacted by Unit 395 residential development, should access be provided by the Forest Service by the West Juneau Road. The speculation that the Forest Service and/or Borough would provide access within the subdivision has been deleted, although a statement that acknowledged that mitigation options would likely be considered was added.

**Comment 1022:** FHWA had not yet adopted regulations associated with implementing E.O. 13960 prior to its revocation in August 2017. However, text within Section 3.19 and Sections 3.27.5.11 and 3.27.7.11 have been updated to indicate that the highway will be designed to comply with the most current floodplain regulations and policies.

**Comment 1023:** The EIS text has been revised to be more explicit and clear to the reader regarding cumulative effects of the No Build Alternative and Build Alternatives on wetlands.

The lands associated with the RFFAs contain approximately 160 acres of wetlands, however there is no information regarding the amount of wetlands that the actions would impact. The subdivision platting process, as well as the development of the residential lots would require wetland permit requirements to avoid, minimize and mitigate any unavoidable impacts to wetlands. It would be overstating impacts to claim that all would be impacted. This description has been edited to outline the total number of wetlands in the RFFA area, but adds that only a small portion of these acres would be impacted. This section has also been edited to cross reference cumulative effects discussed under Section 3.27.7.9 (Water Quality and Water Bodies).

The section has been summarized as the Forest Service has suggested that there would be a "minimal" cumulative effect on wetlands and vegetation.

**Comment 1024:** Map 3.27-2 includes the Bean North Vegetation Project area, as represented in the Forest Service EA. Upon further consultation with the Forest Service regarding their comment, they provided DOT&PF the final maps of the habitat zones, which confirmed that while the G South Alternative alignment is close, it does not directly impact the habitat improvement areas.

The EIS has been updated to recognize the overlap in the Juneau Creek alternatives and the CNF Bean North Vegetation Project. Text has been added to Sections 3.27.7.14 (Cumulative Impacts: Wetlands and Vegetation) and 3.27.7.15 (Cumulative Impacts: Wildlife) to reflect the loss of the habitat investment for the Juneau Creek alternatives as well as the potential for increased conflict for moose under the Juneau Creek alternatives and G South Alternative.

**Comment 1025:** The EIS has been updated to note the potential of the Sterling Highway Maintenance and Bridge Replacement project to improve wildlife access and reduce collisions. Such project or projects would be totally separate from the decision on this project.

**Comment 1038:** Section 4.2.4.2, where this language appears, has been modified by striking the word "considered." The term "conservation system unit" is listed without capitalization in ANILCA's definitions, and this treatment has been retained here. It is in quotation marks because it is not a commonly known term and because it is quoted from ANILCA.

**Comment 1039:** The estimated use has been added.

**Comment 1040:** The language regarding access for miners has been changed. The sentences on access routes and land status have been rewritten to clarify that the alternative access is on CNF land and that the main trail is on an easement across Borough land.

**Comment 1041:** The following paragraph has been added in Section 4.5.2.3, the section regarding impacts to the Kenai River Recreation Area, to address the relocation of the disposal site as suggested by the Forest Service:

"A site intended for disposal of unusable soils near the eastern end of the Recreation Area would remove 5.1 acres of trees within the Recreation Area (partially overlapping areas planned for clearing as part of the alignment), but vegetation would re-grow, and habitat would be restored over time. The Forest Service has proposed relocating this site from southwest of a curve of the Cooper Creek Alternative near MP 51 to a location east of the same curve that has been previously disturbed and is currently used as alternate access to the Stetson Creek Trail. Relocating the disposal site would minimize the area of new habitat disturbance within the Recreation Area and would contribute to closing the alternate access to the trail. The alternate access would no longer be needed under this alternative (see Stetson Creek Trail impact discussion in Section 4.5.2.2). For these reasons, DOT&PF would incorporate this proposed relocation and would coordinate with the Forest Service on details of site location, placement of materials, and final revegetation of this site."

For Section 4(f) purposes, the relocation of the disposal site has no effect on the Stetson Creek Trail Section 4(f) property. A sentence also has been added to Section 4.6.6 to read "The alternate access currently used by vehicles would be physically closed by using the informal parking area as a disposal site for unusable soil (see discussion in Section 4.5.2.3)."

**Comment 1042:** The language in these paragraphs has been changed to clarify that the extent covers about 4.3 miles of highway (not 5.3, as suggested) along the "Kenai River at and upstream of the Russian River confluence...."

**Comment 1043:** The paragraph with management prescription information has been included under each Forest Service Section 4(f) property. The "likely" sentence has been changed to read "The Forest Service indicates that Juneau Falls, or the trail bridge across Juneau Creek a short distance upstream of the falls, is a frequent destination or turnaround point for many day hikers and mountain bikers."

**Comment 1044:** Note C at Table 4.5-1 has been modified to clarify this point, similar to the note in Table 4.8-2.

**Comment 1045:** The Final EIS has been revised to state that the pullout would be retained, under the Cooper Creek Alternative, and eliminated under the G South Alternative (by Forest Service request, the G South Alternative would include winter parking near the Bean Creek Trail as mitigation). See revised Sections 3.8.1 and 3.8.2 under the Cooper Creek and G South alternatives for the additional text.

**Comment 1046:** Chapter 3.6, Transportation, discusses pullouts and shows them graphically on Map 3.6-2. The Final EIS, including Chapter 4, now consistently indicates that the pullout with a capacity of approximately four cars, associated with the former interpretive trail at Beginnings Heritage Site, would not be retained under the Cooper Creek and G South alternatives, although the driveway would remain.

It is DOT&PF and FHWA understanding that Kenaitze Indian Tribe no longer holds a permit or has any other agreement with the Forest Service regarding use of the Beginnings site or the parking area in question. The intent of the EIS is to clarify that Kenaitze/Forest Service do not currently have the site open to cultural interpretation and cultural use.

**Comment 1047:** The Draft SEIS states that the Resurrection Pass Trail would need to be temporarily closed for certain operations, such as placing of bridge girders overhead, and that there would be a trail detour during that time. This would apply only to the two Juneau Creek alternatives. Clarifications and cross references have been added as described below.

Section 4.5.4.2 describes Resurrection Pass Trail use by the two Juneau Creek Alternatives. In the opening sentence of the second paragraph, the text makes a cross reference to Section 4.5.4.5 for discussion of construction impacts applicable to the trail and to the Juneau Falls Recreation Area as a whole. A reference at this location to Section 4.6.4 for mitigation has been added in the Final EIS. Also, because of the length of Section 4.5.4.2, a second cross reference to these sections has been added at the end of Section 4.5.4.2. A cross reference to Map 4-10, which illustrates Bean Creek Trail re-routing (permanent) and Resurrection Pass Trail detour (temporary), has been added as well. Section 4.6.4 provides the most information on the trail detour. Finally, language in Section 4.5.4.5 has been clarified slightly to indicate that the trail detour and the option to use the Bean Creek Trail both would exist (not "or"). Maps of proposed detours were used in 2011 for discussion with the Forest Service of options for mitigation for the Juneau Falls Recreation Area (reference attachments to November 22, 2011 from the Forest Service to FHWA), and discussion of the detour and a map of the 2011 detour appeared in the cooperating agency review draft reviewed by the Forest Service. A mitigation commitment has been added to indicate that the final temporary detour route would be built by the contractor in an acceptable location to be determined in coordination with the Forest Service.

**Comment 1048:** Under any alternative, including the No Build Alternative, the West Juneau Road access for snowmobilers and horses could be altered if and when Kenai Peninsula Borough releases Unit 395 for development. However, this would be the result of actions by others and would not be an effect of this project. The impact of such a scenario is discussed in the Cumulative Impact Chapter. In consultation, the Forest Service has repeatedly stated that West Juneau Road is not designed as a standard subdivision road and different access may be needed for Unit 395. DOT&PF has proposed to provide overpasses over the West Juneau Road to maintain access as it is today. Should the Forest Service determine that the most appropriate route to provide future residential access across National Forest System lands to Unit 395 be from the new Sterling Highway (under either of the Juneau Creek alternatives) rather than the existing highway, DOT&PF has agreed to provide future access within the highway controlled access plan if the Borough constructs the access using ramps.

The EIS in Section 4.6.4.1 already commits DOT&PF to posting No Parking signs and signs directing traffic to the established/existing trailhead for Resurrection Pass Trail along the shoulders west of the Juneau Creek canyon. And the DOT&PF has committed to providing a large parking area that could be used in winter for snowmobile access; it is a management question for the Forest Service about whether to plow the parking area for winter use. Section 4.6.4.1 of the EIS has been augmented to discuss this potential additional impact to Forest management.

**Comment 1049:** Page 4-60/4-61 is in Section 4.5.4.5, which describes impacts in the Juneau Falls Recreation Area, and refers to Section 4.6 for discussion of mitigation (clarified as Section 4.6.4). Section 4.6.4.1 describes measures to minimize harm to both trails and the Juneau Falls Recreation Area, including a commitment to maintaining access for the trails across the construction area. To clarify the confusion: the bullet regarding maintaining trail access across construction areas (Section 4.6.4.1 "p. 4-74") has been modified to provide more detail regarding how access would be maintained. Wording has been clarified to make clear that a detour would be provided for the Resurrection Pass Trail when needed (i.e., users would not be required to use the Bean Creek Trail, although they would have that option).

**Comment 1050:** DOT&PF and FHWA have agreed to accommodate pedestrians on the Snow River Bridge as mitigation for the creating an interruption to the Resurrection Pass National Recreation Trail. Accommodating pedestrians on the highway bridge crossing of Snow River supports the Forest Service's goal of establishing a long distance recreational experience along the Iditarod Trail. The mitigation helps to make a trail connection on one nationally important long-distance trail (the Iditarod Trail) to help mitigate the effect of the highway interrupting another nationally important long-distance trail (the Resurrection Pass Trail).

DOT&PF and FHWA recognize that the Snow River Bridge work may not be timely enough to effectively mitigate the impacts to the Resurrection Pass Trail. DOT&PF and FHWA are committed to making sure that the long-distance trail impacts to the Resurrection Pass Trail would be mitigated with timely improvements on the Iditarod Trail. As such, DOT&PF agrees that if the Snow River bridges are not constructed by the time the construction of the Sterling Highway completes (if the Juneau Creek or Juneau Creek Variant alternative ultimately is selected/ implemented) that DOT&PF and FHWA would renegotiate the mitigation package to consider alternate mitigation. Alternate mitigation may include fabrication and installation of trail bridges along the Iditarod National Historic Trail between Snow River and Turnagain Arm to ensure that the mitigation would be implemented at approximately the

same time as road construction impacts to the Resurrection Pass Trail. This commitment has been added to the Measures to Minimize Harm section regarding the Resurrection Pass Trail in Section 4.6.4.

**Comment 1051:** DOT&PF and FHWA agree with the Forest Service's interpretation of the CEQ definition of "mitigation" and agree that proposed measures 1 through 4 meet this definition of mitigation. Type (e), "compensation," does fit the CEQ definition of mitigation. It should be noted that the Section 4(f) Evaluation is subject to a separate set of regulations, 23 CFR 774 and its definition (774.17) of "all possible planning" to minimize harm.

A sentence has been added at the end of the first paragraph of 4.8.2 to indicate "The term 'mitigation' as used in this document includes measures that would reduce impacts and measures that would compensate for impacts." DOT&PF and FHWA believe the intent of the 'least overall harm' regulation [23 CFR 774.3(c)(1)] is that both reduction of impact and compensation for impact be considered in coming to a conclusion about OVERALL harm, and that is how the regulatory term "Ability to Mitigate" is used in this section. In 4.8.2.3, under Resurrection Pass Trail, the text already says "impacts to the existing character of the trail (w)ould not be eliminated or substantially reduced." Other sentences in this subsection have been rewritten to reduce the use of the word 'mitigation.' The sentence about 'substantial ability to mitigate' has been changed to 'These measures indicate substantial ability to minimize and compensate for project impacts. However, it would not be possible to eliminate impacts, as there would be no way to eliminate the new highway and bridge as engineered structures crossing the trail 3.4 miles from the existing trailhead in what had been a natural, backcountry environment...." The paragraph also now repeats that bridge aesthetics would be addressed by consulting CNF landscape architects. Changes of similar character have been made in Section 3.8.2.3 under the Juneau Falls Recreation Area. The "ability to mitigate" summary in Table 4.8-12 has not been changed and remains "moderate."

**Comment 1052:** The sentence was not intended to show preference for a front country recreation setting but to indicate that the measures proposed would help mitigate the change of the Juneau Falls area to a front country function. The sentence has been rewritten to read: "FHWA believes the mitigation measures proposed would substantially help the recreation area function given its new front-country status, compared to placing the highway through the recreation area without mitigation." Note that the least overall harm analysis required under Section 4(f) is different than what might be expected in a National Environmental Policy Act document; specifically, this is a Section 4(f) Evaluation that requires FHWA to make determinations about the ability to mitigate impacts and the relative harm remaining after mitigation [23 CFR 774.3(c)].

**Comment 1053:** The Forest Service visitation estimate of 10,000 has been included as additional information. The Forest Service data provided previously has been retained as indicative of use more specific to the trail in the project area.

**Comment 1054:** The language in question has been changed to more directly use the language from the Forest Service letter to FHWA dated Nov. 22, 2011.

**Comment 1055:** Section 4.8.6 specifically addresses the "Magnitude of Impact to NON-4(f) Resources" (emphasis added). The Bean Creek and Resurrection Pass trails and Juneau Falls Recreation area all are Section 4(f) resources and are thoroughly addressed in the rest of the Section 4(f) chapter. A clarification has been added before the alternative subsections as a reminder that the topic is non-4(f)

resources, and another has been added in Section 4.8.6.3 to clarify that the noise and visual impacts under discussion are impacts "to sensitive community receptors."

**Comment 1056:** The sentence in question has been rewritten to clarify that it is the amount of traffic and its associated noise and visual impact that will be different, not the presence or absence of a road. The rewritten sentence reads: "Also, more traffic would occur along the areas near KRSMA, a somewhat greater visible and audible impact to Kenai River users than alternatives that removed 70% of traffic in this area." This same change was made for both the Cooper Creek and G South alternatives.

**Comment 1057:** FHWA Section 4(f) guidance and regulations require discussion of the relative significance of Section 4(f) properties. The sentence has been modified to read "The KRSMA is listed as one of the five most important Section 4(f) resources ...." The sentence regarding visual and noise effects to KRSMA has been changed identically to Section 4.8.8.1 to read "Also, more traffic would occur along the areas near KRSMA, a somewhat greater visible and audible impact to Kenai River users than alternatives that removed 70% of traffic in this area."

**Comment 1058:** The callout box has been revised to read "Existing Stetson Creek Trail Alternate Access (to be closed under Cooper Creek Alternative)."

**Comment 1059:** Map 4-14 has been changed and no longer highlights these road undercrossings for their function as wildlife crossings. Other instances in text have been reviewed and altered as necessary.

**Comment 1060:** The rating for Juneau Falls Recreation Area has been considered and changed to 'moderate' ability to mitigate, which appears to match the discussion in Section 4.5.4.5 (formerly on p. 4-61) and in Section 4.8.2. In addition, a note has been added in the far left column of Table 4.8-12 to indicate "The term 'Mitigation' as used in this table includes measures that would reduce impacts and measures that would compensate for impacts." DOT&PF and FHWA believe the intent of the 'least overall harm' regulation [23 CFR 774.3(c)(1)] is that both reduction of impact and compensation for impact be considered in coming to a conclusion about OVERALL harm. In Section 4.8.2, another comment has resulted in clarifying language about changes to the recreation area under 'Magnitude of Remaining Impact.' Another change has been made under 'Ability to Mitigate Impact': "These measures would substantially mitigate impacts" has been changed to read "These measures would substantially compensate for impacts." In the Summary row of Table 4.8-12, the summary has been rewritten to better match the information presented elsewhere in the table and in the document as a whole and to indicate that "KNWR/Wilderness land status change is allowed under ANILCA; the impact would occur and not be mitigated."

**Comment 1391:** DOT&PF and FHWA met with Forest Supervisor and key Forest Service staff on August 11, 2015 about this issue and those listed below in preparation for the Final EIS. Cultural resources were discussed, and additional qualitative impact analysis has been added to cultural resources discussion in Section 3.9 and Chapter 4. In general, the text has clarified that Chapter 4 is intended to contain the greatest detail on cultural resources, and the cross references in Section 3.9 to Chapter 4 have been made more precise. In both chapters, but particularly Chapter 4, additional text has been added regarding the cultural importance of sites and impacts to setting, feeling, and association where appropriate. The text regarding mitigation has been updated to reflect results of consultation among the Forest Service, USFWS, CIRI and Kenaitze Indian Tribe with respect to the programmatic agreement to resolve adverse effects.

**Comment 1402:** DOT&PF and FHWA met with the Forest Service to discuss this issue. Further engineering work has been undertaken to examine avoidance of CIRI Tracts A and B, and it was determined that the Cooper Creek, G South, and Juneau Creek alternatives all could avoid these tracts entirely, and avoidance has been incorporated into these alternatives for the Final EIS. It is not possible to reroute the Juneau Creek Variant Alternative to avoid Tract A. Discussion of the link between Tract A, the Confluence TCP, and Sqilantnu Archaeological District has been enhanced in Chapter 4. Impacts of bisecting Tract A weighed heavily in the consideration of the alternative with least overall harm. See discussion at the end of Chapter 4.

**Comment 1403:** DOT&PF has committed to reseed disturbed areas with native plant species. Stabilizing soils and reseeding with fast growing vegetation is an important aspect of protecting water quality from runoff, and grasses can be grown quickly and reliably. Moreover, in many areas DOT&PF uses grasses to maintain visibility, which is an important safety consideration. As discussed at the August 11, 2015 meeting, the Final EIS includes a mitigation commitment to consult with federal and state land managers regarding revegetation plans during project design. This commitment appears in Sections 3.13.2.2 (Water Bodies and Water Quality) and 3.20.2.3 (Wetlands and Vegetation). In addition, a cross reference has been added from the Vegetation section to the Water Quality section, because the latter provides greater detail about Best Management Practices for revegetation.

**Comment 1404:** The DSEIS stated that the Final EIS would include a specific mitigation plan for wildlife, and the Final EIS now includes that detail in Section 3.22 and Appendix I. The study includes a modeling effort, and field verification using cameras. The results of the modeling have been incorporated into the proposed mitigation plan (the new information has been used to refine placement and structure design) and the mitigation may still be refined during design.

**Comment 1405:** DOT&PF and FHWA are committed to ensuring the long-distance trail impacts to the Resurrection Pass Trail are mitigated with timely improvements on the Iditarod Trail (for the Juneau Creek alternatives). DOT&PF and FHWA agree with the Forest Service that, if the Juneau Creek or Juneau Creek Variant alternative is selected/implemented and if the Snow River bridges are not constructed by the time the construction of the Sterling Highway MP 45-60 project completes, they will renegotiate the mitigation package to consider alternate mitigation. Alternate mitigation may include fabrication and installation of trail bridges along the Iditarod National Historic Trail between Snow River and Turnagain Pass.

**Comment 1406:** Sections 3.1.2.3 and 3.2.4 have been revised to include greater information as requested by the Forest Service. During the August 11, 2015 meeting, Forest Service emphasized supplementing tables in 3.2.4 with other background material in Section 3.2.1.3, and changes in the document reflect this emphasis.

**Comment 1407:** The tables at the end of Chapter 4 (and the Executive Summary) have been refined and clarified in response to Forest Service comments and comments from others.

**Communication ID: 1049**

From: Loranger, Andy andy\_loranger@fws.gov  
Date: Tue, May 26, 2015 at 6:04 PM  
Subject: USFWS Comments, MP 45-60 DSEIS  
To: John.Lohrey@dot.gov  
Cc: Douglas Campbell [douglas\\_campbell@fws.gov](mailto:douglas_campbell@fws.gov)

Good afternoon John - Attached to this email please find two documents - a Cover Letter and Comments - from the US Fish and Wildlife Service on the Draft SEIS for the Sterling HW MP 45-60 Project. We appreciate the opportunity to provide comments. Thank you.

Andy Loranger  
Refuge Manager  
Kenai National Wildlife Refuge  
907-260-2804

ATTACHMENT TEXT FOLLOWS:

United States Department of the Interior  
KENAI NATIONAL WILDLIFE REFUGE  
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15036ajl

May 26, 2015

Mr. John Lohrey  
Statewide Programs Team Leader  
FHWA, Alaska Division  
P.O. Box 21648  
Juneau, AK 99802

Dear Mr. Lohrey:

Enclosed please find the U.S. Fish and Wildlife Service's (Service) comments on the Sterling Highway Milepost 45-60 Draft Environmental Supplemental Impact Statement and Draft Section 4(/) Evaluation (DSEIS). These comments are supplemental to those provided by the Service in October 2014 on an internal Cooperating Agency review draft of the DSEIS.

Below is a partial summary of Service comments, provided only to highlight issues the Service considers most substantive:

## 1 - Project Impacts to Wildlife and Wilderness on Kenai NWR

*The Service believes that completion of the Wildlife Study is both necessary and critical for adequately evaluating the direct, indirect and cumulative and long-term impacts of all of the Project Alternatives and other reasonably foreseeable development activities on wildlife resources in the Project Area. Without the benefit of the information in the Wildlife Study, the DSEIS fails to adequately address these impacts. (Comment 1479)*

*Similarly, the DSEIS does not adequately address impacts of the Project Alternatives to the Congressionally-designated Kenai Wilderness, a unit of the National Wilderness Preservation System. Specifically the DSEIS fails to adequately address impacts to wilderness character from increased traffic noise and reduced visual quality. (Comment 1480)*

*Without the benefit of these analyses, a comprehensive and adequate evaluation and comparison of the Build Alternatives, as well as between any of the Build Alternatives and the No Build alternative is not possible. These analyses should be included in the Final SEIS, and be based on the best information available from the completed Wildlife Study, as they are critically important to the process of selecting a preferred alternative. The Service also considers these analyses necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2). (Comment 1481)*

## 2 - Mitigation

*The treatment of measures to avoid or minimize impacts through mitigation, discussed in Section 3.27.7.15 and 3.22.3.2, are lacking in the DSEIS given the potential magnitude of this project's direct, indirect, cumulative and long-term impacts to wildlife resources. Section 3.27.7.15 discusses broad mitigation options not specific to any one of the alternatives, and recognizes that the yet-to-be completed Wildlife Study only will contribute to development of a mitigation plan for the preferred alternative. (Comment 1482)*

*The Service believes that completion of the wildlife study is both necessary and critical for developing and adequately evaluating potential mitigation options for all of the Project Alternatives. A comprehensive and detailed mitigation plan, which includes identification of mitigation necessary to avoid and/or minimize impacts to wildlife resources for all Project Alternatives, should be included in the FSEIS. This is also critical to the process of selecting a preferred alternative. The Service also considers this treatment of mitigation in the Final SEIS to be necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2). (Comment 1483)*

*Reasonable estimates of mitigation costs for each of the alternatives should also be included in the Final SEIS. Mitigation costs may be substantive, are likely to vary greatly for the different alternatives, and may ultimately influence the selection of a preferred alternative. It is therefore critical that wildlife mitigation for each alternative not be constrained initially by expense, as prematurely capping the costs could give the impression that wildlife impacts and their mitigation are similar for each alternative.*

*The DSEIS indicates that contingency funds are 20% of project costs for each alternative; and ultimately, the selection of wildlife mitigation measures will be based, in part, on the "cost and prudent expenditure of public funds". It is unclear what other costs will be covered by the contingency funds, nor the impact of such on funds available for mitigation. The FSEIS should clearly articulate that*

*sufficient funds from the Surface Transportation Fund, or similar funding source, will be set aside up front for the necessary and agreed upon mitigation measures to minimize impacts to wildlife resources and to offset unavoidable impacts resulting from the construction of the preferred alternative. Wildlife crossing structures should be designed, constructed, and maintained as primary components of the new highway, and not as highway enhancements. (Comment 1484)*

### 3 - Improvements of existing Sterling Highway within the Kenai National Wildlife Refuge

*The Project proposes addition of passing lanes between MP 55-58 of the existing Sterling HW, which falls within the Kenai National Wildlife Refuge, under all Build Alternatives. The Service supports narrowing the Project footprint in or adjacent to sensitive resource areas, e.g. wetlands and the Kenai River, to alleviate and/or minimize unavoidable impacts, and believe this to be an important goal of design flexibility. As such, while it may be appropriate to widen the shoulders between Jim's and Sportsman's Landings (MP 55-58), and accommodate intersections unique to the Juneau Creek alternatives if necessary, the Service is opposed to construction of the passing lanes in this highway section. Minor decreases in travel time and any other traffic improvements realized from installing passing lanes in this section do not warrant the filling of wetlands, the increased proximity of the expanded roadbed to the Kenai River, and the increased likelihood of wildlife-vehicle collisions due to higher traffic speeds on a roadway that travels through the Kenai National Wildlife Refuge. In addition, a new 4-lane passing section is proposed for construction approximately 0.5 miles west of Jim's Landing as part of the adjacent MP 58-79 project. The Service believes that this section of passing lanes, scheduled for construction in 2016/17, precludes the need for the passing lanes proposed for the MP 55-58 section under this Project. (Comment 1485)*

The Service looks forward to continued coordination as a Cooperating Agency on the Sterling Highway MP 45-60 Project.

Sincerely,

Andy Loranger  
Refuge Manager  
Kenai National Wildlife Refuge

Enclosure(s)

U.S. Fish and Wildlife Service Comments

#### ENCLOSURE TEXT FOLLOWS:

Sterling Highway Milepost 45-60 (March 2015) Draft Supplemental EIS & Draft Section 4(f) Evaluation (FHWA/DOT&PF)

Executive Summary

\* Pg. 6 of Response Doc. – No decision has been made, and any of the alternatives evaluated in the SEIS could be selected in the ROD. FHWA & DOT&PF do not have a preferred alternative at this time. Information explaining the selection of an alternative will be included in the Record of Decision.

*The Service remains concerned that the results of the Wildlife Study aren't expected to be available until a later date, possibly after release of the Final SEIS, the ROD and a selection of the "Preferred*

*Alternative.” The Service considers the Wildlife Study to be a necessary and critical prerequisite for adequate analyses and evaluation of project impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a detailed mitigation plan should be included in the Final SEIS. The Service considers these necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2). (Comment 781)*

\* Pg. 23 of the Executive Summary - Results of the wildlife study are expected to aid in the placement of one or more wildlife crossings and other measures to accommodate wildlife movement across the highway for brown bears, moose, and other species. In the Final EIS, DOT&PF hopes to have more detail on how many, what kind, and locations of potential wildlife crossings and other recommended measures.

*The Service considers the Wildlife Study to be a necessary and critical prerequisite for adequate analyses and evaluation of project impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a comprehensive and detailed mitigation plan should be included in the Final SEIS.*

*Wildlife crossing structures are but one of several potential mitigation measures determined necessary to avoid or minimize impacts to wildlife resources. A key component of the yet-to-be completed Wildlife Study will be identification of landscape-scale wildlife movement corridors within the Project area. Impacts of the Project and other reasonably foreseeable development activities to wildlife corridors and wildlife movement are expected, and the Service views this information critical to final decisions on appropriate and necessary mitigation. (Comment 782)*

## Chapter 2: Project Alternatives

### Sec. 2.5 Alternatives Considered & Not Advanced for Full Analysis

\* Pg. 11 of Response Doc. – With each build alternative, the construction of a highway segment on a new alignment would leave varying lengths of the “old” Sterling Highway” unimproved.

*Throughout the DSEIS reference is made to portions of the “old” highway whereby varying lengths of such would be left unimproved. Yet, between MP 52-55 for example, on a stretch of the “old” highway, planned roadway improvements are referenced on page 3-176. Clarification is necessary to accurately depict what exactly is to be done in terms of roadway improvements on the “old” highway. (Comment 783) Further, depending on which alternative is ultimately selected, the need may arise to construct wildlife crossing structures or perform safety upgrades to address mitigation on the “old” highway. This should be incorporated into the Final EIS. (Comment 784)*

\* Pg. 11 of Response Doc. – A 3R Alternative would not meet the purpose and need and would not meet rural principal arterial standards and was therefore not evaluated in detail in the EIS. An upgrade of the entire highway in its current alignment was given a hard look but was rejected because it was not feasible from an engineering perspective.

In the Existing Alignment Report it states the long/high cuts in the unstable soils were not recommended based upon past geotechnical evaluation and the geotechnical evaluation done for the current project. Further, analysis of the Kenai River Walls (KR-W) Alternative made clear that considerable technical obstacles existed between MP 49-50.5, associated with the large cuts proposed.

Issues of cutting into the bluff were the same for the 3R and KR-W Alternatives as the walls would be similarly high in the same questionable soils.

*No field explorations were specifically done for development of the SEIS, particularly for the KR-W Alternative. However 4 test holes were drilled on top of the bluff between MP 49 and 50.5, which provided a preliminary assessment of geo-tech conditions along the project corridor. The report further indicated that boring locations were not necessarily indicative of geo-tech conditions at the walls being considered.*

*It is unclear as to how it can be deduced that soil stability is one of the main driving factors in disregarding further review of the 3R Alternative. Throughout the process and in many of our interagency meetings over the years, DOT&PF has continued to stress that steep, soft slopes limit highway modifications in certain areas along the existing alignment. We realize there are many factors other than soil stability to consider, as referenced on Pg. 2 of the “Soil Nail Walls Assessment” (June 2003). However, since appropriate geo-tech exploration, sampling and testing has not yet been performed, we again suggest that this Alternative be reevaluated and carried forward.*

*To that end, a modified tunnel-type structure, to alleviate issues at Gwin’s Curve for example, appears to be a conceivable option in certain areas along the existing Sterling Highway alignment without having to encroach on the Kenai River. While it may be more costly, this option should be considered more fully as it is still less expensive than other alternatives. By so doing, DOT&PF could realign the existing highway away from the Kenai River and straighten out some of the curves making the highway safer in the long run and allowing for the highway modifications to better meet the purpose and need. Further, seismicity is an issue across the landscape and throughout the project area, so this should not be weighed any differently for the 3R or KR-W Alternatives.*

*As stated in a letter on April 24, 2008, from our Regional Director to DOT&PF and FHWA, “we feel the solution that best meets the interests of the communities of the Kenai Peninsula and the State of Alaska is to up-grade the existing highway – whereby turning and passing lanes can be constructed at strategic locations to ease the flow of traffic, selected curves can be removed where practical, and the speed limit can be maintained at 35 mph through the core Cooper Landing area in order to minimize the chances of wildlife-vehicle collisions.” (Comment 785)*

*\* Pg. 26 of Response Doc. – Based on the request, DOT&PF did reconsider alternatives that would have remained entirely on the existing Sterling Highway route and found that staying 100 percent on the existing alignment is not reasonable. We have consistently requested that a variation of previously dismissed alternatives be examined. For example, during a September 9, 2010 meeting with DOT&PF & HDR, we requested a modified “No Build” alternative be considered to reduce significant, unnecessary impacts to fish and wildlife and their habitats. We indicated at the time, that all alternatives, except the “No Build” alternative or a modified version of such, appear to pose unacceptable risks of adverse impacts and will lead to unacceptable levels of habitat loss and fragmentation; excessive incursion into pristine wildlife habitat (Juneau Creek); and additional incursion into the Kenai NWR (Juneau Creek). (Comment 786)*

*\* Pg. 12 of Response Doc. – From a ‘pure’ traffic perspective, some alternatives function better than others because they bypass more driveways and side streets—i.e., they bypass more conflict points and avoid congestion caused by those driveways and side streets—but they all meet the purpose and need.*

*This should be rephrased to state that the “improved” sections of the highway meet the purpose and need. (Comment 787)*

### Chapter 3: Affected Environment & Environmental Consequences

*\* Pg. 14 of Response Doc. – In the Impacts & Benefits Summary Table under the heading “Impacts to Wilderness & Naturalness in Mystery Creek Wilderness”-- We disagree with the Juneau Creek Variant Alternative column, referencing same traffic impacts as No Build, plus small incremental change in visual impact & wildlife movement associated with wider pavement & cleared areas. The visual impacts will be much greater than portrayed, especially in winter, when foliage is absent from deciduous trees and shrubs. This alternative will visually impact Wilderness users on the south side of the Kenai River; e.g., Surprise Mountain in the Andrew Simons Wilderness Unit. The most detrimental, in terms of visual impacts, would be either of the Juneau Creek Alternatives. (Comment 788)*

#### Sec. 3.2.5.5 Environmental Consequences - Juneau Creek & Juneau Creek Variant Alternatives

*\* Pg. 3-58 - The Section 4(f) Evaluation (Chapter 4) describes the purposes for which the KNWR and Resurrection Pass Trail were established, and the effects to the activities, features, and attributes of these properties. Refer specifically to Sections 4.2.3 and 4.2.5. Upon review of the referenced Sections, “effects” to activities, features and attributes are not addressed as indicated. Please examine the Sections stated to accurately depict where “effects” to the activities, features and attributes are located in the SEIS as it appears no changes were made to the document as requested. (Comment 789)*

### Chapter 3.6: Transportation

#### Sec. 3.6.1.1 Roadway System

*\* Pg. 31 of Response Doc. – DOT&PF does have some flexibility in design standards. USFWS mentions the clear zone as one area where they would like to see consideration of a reduced footprint. One way to reduce the footprint and meet the clear zone requirements is to add guardrails. The use of guardrails is not something the Service has either requested or recommended in terms of looking at flexibility in design standards to minimize impacts to wildlife. On the contrary, these act as barriers and can further exacerbate wildlife impacts. (Comment 790)*

*The Service supports narrowing the Project footprint in or adjacent to sensitive resource areas, e.g. wetlands and the Kenai River, to alleviate and/or minimize unavoidable impacts, and believe this to be an important goal of design flexibility. As such, while it may be appropriate to widen the shoulders between Jim’s and Sportsman’s Landings (MP 55-58), as well as accommodate intersections unique to the Juneau Creek alternatives, the Service is opposed to construction of the passing lanes in this highway section proposed under all Build Alternatives. Minor decreases in travel time and any other traffic improvements realized from installing passing lanes in this section do not warrant the filling of wetlands, the increased proximity of the expanded roadbed to the Kenai River, and the increased likelihood of wildlife-vehicle collisions due to higher traffic speeds on a roadway that travels through the Kenai National Wildlife Refuge. In addition, a new 4-lane passing section is proposed for construction approximately 0.5 miles west of Jim’s Landing as part of the adjacent MP 58-79 project. The Service believes that this section of passing lanes, scheduled for construction in 2016/17, precludes the need for the passing lanes proposed for the MP 55-58 section under this Project. (Comment 1455)*

*Based on the Service’s preliminary assessment of sensitive resources in the MP 51-58 highway section of the Project, we recommend the following aspects of design flexibility be incorporated into the Project:*

- 1. MP 57-58.2: Eastbound passing lane proposed & entire alignment to be brought up to current standards. Shifting the road alignment northward to accommodate adequate shoulders and elimination of passing lane are necessary to avoid wetlands and waters (Kenai River).*
- 2. MP 56.1-57.1: A westbound passing lane would transition to an eastbound passing lane. Both westbound and eastbound passing lanes would occur near MP 56.5, resulting in a fourlane highway in this area. A major wetland complex exists on both sides of the existing highway, between approximately MP 56.6-56.7. It appears no culverts are currently in place. Elimination of the passing lane is necessary to avoid wetlands.*
- 3. MP 55.8: In this location, the alignment is to be brought up to current standards and it’s also in proximity to the proposed west connection to the existing highway should the Juneau Creek Wilderness Alternative be selected. A slough exists on the south side of the highway. Impacts to wetlands and waters should be avoided and/or minimized to greatest extent practicable. Shoulders and clear zones in this section should be designed to avoid fill impacts by either shifting the road alignment slightly northward or minimizing shoulder width on the south side of the highway.*
- 4. MP 54-55: Eastbound passing lane proposed along with upgrading existing alignment to current standards under the Cooper Creek Alternative. There is a residence on the north side of highway just west of MP 54, with the bank of the Kenai River only 50–100 feet from edge of pavement on the south side in this location. Eastbound passing lane should be removed from this segment and only shoulders constructed to avoid potential direct/indirect impacts to waters of the U.S.*
- 5. MP 53.1-54.3: Passing lanes planned. Pg. 3-120 of Sec. 3.6 states that, while this project would not alter existing pullouts on the “old” highway segments, removing 70 percent of traffic on the “old” highway would make these pullouts easier and safer to use. However, with passing lanes being planned immediately adjacent to some pullouts on the existing alignment, in our opinion, it will pose an avoidable safety risk. Passing lanes adjacent to existing pullouts in this highway segment should therefore be removed for public safety reasons.*
- 6. MP 51-54: Eastbound passing lane near MP 51 and westbound passing lane between MP 53-54 proposed, as well as entire alignment being brought up to current standards. Along this stretch, there are segments of the existing alignment that are in close proximity to the Kenai River, in some instances within 30 – 50 feet from edge of pavement. We recommend passing lanes not be constructed in those areas where direct and/or indirect impacts would occur to waters of the U.S. and that shoulders and clear zones be limited as well. (Comment 791)*

**Sec. 3.6.2.2 Environmental Consequences - Issues Applicable to the Build Alternatives**

\* Pg. 3-120 - While this project would not alter existing pullouts on the “old” highway segments, removing 70 percent of traffic on the “old” highway would make these pullouts easier and safer to use. Each of the build alternatives would result in a reduced number of pullouts in the project corridor. None of the informal pullouts along the segment of “old” highway would be affected.

*ADOT&PF indicates there are 24 existing pullouts. However, there is an existing pullout on the west end of the project, on the south side of the Sterling Highway at MP 56.4 that is not shown on Map 3.6-2. It appears this location is targeted to be eliminated in conjunction with the west connection to the existing highway under the Juneau Creek Alternative; however, it should be maintained in all other alternatives. (Comment 792)*

*\* Pg. 33 of Response Doc. – We previously raised the issue of an eastbound passing lane affecting access to the Fuller Lakes Trailhead parking lot from a safety hazard standpoint. However, DOT&PF has overlooked our concerns. Any increase in speed at this location, poses an unacceptable safety risk to those entering and exiting the trailhead parking lot. As such, passing lanes should be eliminated from this segment of the Sterling Highway.*

*\* Pg. 34 of Response Doc. – DOT&PF has coordinated designs between this project and the MP 58-79 project. Engineers have determined that both passing lanes are needed. Because of the congestion experienced in the project area, coupled with the safety concerns of passing that occurs in the corridor, the need for more frequent passing opportunities (as proposed in the two projects) is warranted.*

*\*\* MP 53.1 to 53.9 westbound / MP 53.9 to 54.3 eastbound*

*\*\* MP 56.1 to 57.1 westbound transitioning to eastbound / 4-lanes to be constructed near MP 56.5*

*The Service disagrees with this conclusion. The difference in time between traveling this entire 4.5-mile section at 55 mph versus 65 mph is only 45 seconds.*

*While it may be appropriate to widen the shoulders between Sportsman’s and Jim’s Landings (MP 55-58), as well as accommodate intersections unique to the Juneau Creek and Juneau Creek Variant alternatives, the Service is opposed to construction of the passing lanes in this highway section within the Kenai National Wildlife Refuge proposed under all of the Build Alternatives. A minor decrease in travel time and any other traffic improvements realized from installation of passing lanes in this section do not warrant the filling of wetlands, the increased proximity of the expanded roadbed to the Kenai River, and the increased likelihood of wildlife-vehicle collisions due to higher traffic speeds. In addition, a new 4-lane passing section is proposed for construction approximately 0.5 miles west of Jim’s Landing as part of the adjacent MP 58-79 project. The distance between the nearest passing lane section being proposed for the adjacent Sterling Highway MP 58-79 Project (MP 58.8 - 59.8 eastbound and MP 58.7 - 60 westbound) to the most westerly passing lanes proposed for the MP 45-60 Project (MP 56.1 – 57.1) is only 1.7 miles. The Service believes that this section of passing lanes for the former project, scheduled for construction in 2016/17, precludes the need for the passing lanes proposed for the MP 55-58 section under this Project.*

*A quick literature search provided ample examples of posted speed limits generally being 55 mph or less on highways through National Parks. Even throughout the Canadian Prairie provinces where the speed limit varies from 62 mph to 68 mph, when the highway passes through National Parks, the speed limit is 55 mph.*

*Further, there are numerous references in literature, concluding that reducing posted speed limits on highways through National Parks and Refuges will have a direct effect on the extent of wildlife-vehicle collisions. In the case of this Project, it is unrealistic to assume that if the speed limit is raised that this will automatically be adhered to by all those vehicles that already abuse such. Constructing passing*

*lanes as planned between MP 56.1-57.1, which will allow for significantly higher speeds to occur in this segment, is simply not warranted. (Comment 794)*

#### *Chapter 3.8: Park & Recreation Resources*

##### *Sec. 3.8.1.3 Land-Based Recreation Resources*

*Pg. 16-17 of Response Doc. – The Service had previously indicated that the following statement was inaccurate: “The KNWR Wilderness is the closest Federally-designated Wilderness to the majority of the Alaska population, but similar wilderness qualities exist on non-designated lands nearby, as indicated by vast tracts of inventoried Roadless areas in the CNF.” DOT&PF’s response - Similar recreation experiences exist on other lands nearby, although these areas are not protected under the Wilderness Act and could be altered more easily in the future. This statement does not capture nor explain the difference adequately. The purposes and intent of designated wilderness areas in Alaska as established by the Wilderness Act and amended by ANILCA are unique and specific. Although there are large areas of National Forest roadless areas within the project area they cannot now and over time fulfill the functions and purposes of designated Wilderness. (Comment 795)*

##### *Sec. 3.8.2.2 Issues Applicable to the Build Alternatives*

*\* Pg. 3-175 – In general, all build alternatives would alter the existing recreational character of the project area. Each of the build alternatives would create a segment built on a new alignment....The segment of each alternative built on a new alignment would leave a portion of the “old” highway that would not be rebuilt. In all cases, it is anticipated that approximately 70 percent of traffic would use the segment built on a new alignment and 30 percent would use the unimproved “old” segment.*

*\* Pg. 3-175 – Higher average traffic speeds on new or rebuilt sections would make established roadside recreational activities less pleasant, and long-established roadside parking patterns would be altered. Pg. 3-176 – While the highway in all build alternatives would improve access for recreation in this valley, popular for fishing, camping, and trail use, it also would incrementally add to visual and noise effects that would diminish the sense of naturalness, wildness, and solitude.*

*Regarding the referenced excerpts above, Project impacts to wilderness character within the Kenai Wilderness, a unit of the National Wilderness Preservation System, are not adequately recognized (see comments below). Aspects of the project, as a result of increased traffic noise and impacts to view sheds, will degrade the natural quality of, as well as opportunities for primitive recreation and solitude within the Kenai Wilderness. (Comment 796)*

#### *Chapter 3.13: Water Bodies & Water Quality*

##### *Sec. 3.13.2.2 Issues Applicable to the Build Alternatives*

*\* Pg. 3-254 - Alterations to surface drainage and hydrology that could adversely affect nearby water bodies would be avoided or minimized through incorporation of appropriately designed, sized, and constructed culverts under the roadway to maintain stream flows. *Culverts are absent in many sections along the current highway alignment where wetland hydrology has been altered, in some cases quite drastically. Adequate culverts are needed in all wetland sections throughout the project alignment, not just in new highway sections to reestablish as well as maintain hydrologic connectivity. (Comment 797)**

#### Chapter 3.14: Air Quality

\* Pg. 18 of Response Doc. – Traffic levels are anticipated to be the same with or without the project. In other words, under any build alternative, the project is not anticipated to induce new traffic within the project area. Therefore vehicle related increases in pollutants are anticipated to be similar with or without the project. Future traffic will not be at levels near what would be needed to approach or exceed any of the National Ambient Air Quality Standards.

*We disagree with the statement that the project is not anticipated to induce new traffic within the project area and the references made afterward. With the “old” highway remaining in place, it will result in vehicles utilizing both highways if one of the Juneau Creek alternatives is selected. While the “old” section may in fact be associated with more local traffic and anglers wanting to access the Kenai River, there will be additional traffic coming in from the north that will conceivably want to access the same area.*

*With the increased amount of tractor trailer traffic on the Kenai Peninsula related to expanded oil/gas development, and other large 18-wheelers delivering goods to the area, it appears that, under either of the Juneau Creek alternatives, air quality is likely to diminish near Wilderness and on the Refuge since there would be two highways in proximity to these two areas. The Service therefore requests that additional information be provided; additional modeling may be needed to determine whether Project impacts to air quality under predicted traffic increases would result in approaching or exceeding any of the National Ambient Air Quality Standards. (Comment 798)*

#### Chapter 3.15: Noise

\* Pg. 18-20 of Response Doc. – FHWA disagrees that traffic noise would substantially increase. Traffic noise is anticipated to increase by about 10 dBA in direct proximity to the existing Wilderness that is traversed by the Juneau Creek Alternative. Designated Wilderness already is affected by traffic noise, and Congress set the Wilderness boundary parallel to the existing highway. The predicted noise levels within Wilderness would not approach or exceed the Noise Abatement Criteria for Activity Category C.

As previously indicated, Pg. 20 of your Executive Summary clearly states... All build alternatives would create noise that would substantially increase noise levels and/or exceed noise abatement criteria. Forecast increases in traffic would result in increased noise levels even under the No Build Alternative, which would impact three more sensitive receptors than are impacted today.

*The Service has a legal mandate to protect Wilderness character in the Kenai Wilderness and any increase in traffic noise resulting from the Project must be fully disclosed in the SEIS and the impacts of such avoided or minimized. The DSEIS continues to downplay, and therefore inadequately address, the impacts to wilderness character due to increased traffic noise within the Kenai Wilderness, and in particular those of either of the Juneau Creek alternatives. Downplaying these effects because traffic noise from the existing Sterling Highway already affects wilderness character in the Kenai Wilderness is not appropriate. All Build alternatives add a new road bed (in effect create two highways) and elevate the road bed such that traffic noise will be more widely dispersed. While traffic volumes are expected to continue to increase on the Sterling Highway with or without the Project, more traffic traveling at higher speeds and the extensive increase in uphill and downhill grades associated with the Build Alternatives as compared to existing highway will increase traffic noise impacts to the Kenai Wilderness. The Juneau Creek alternatives would result in two highways converging in proximity to*

*Wilderness, in one case with the newer highway traversing Wilderness. Impacts of increased traffic noise to wilderness character within the Kenai Wilderness would be greatest from the Juneau Creek alternatives.*

*The effects of noise on wildlife and humans is commonly measured as sound pressure (dBA). Decibel levels alone, however, are inadequate for describing impacts of increased traffic noise to wilderness character within Congressionally-designated Wilderness. The source of traffic noise is anthropogenic, and as such it negatively impacts both the natural quality of wilderness and the ability of wilderness to provide for opportunities for primitive and unconfined recreation and solitude. Wildlife responds differentially to both the loudness and the sources (anthropogenic vs. natural) of sound. Hearing human-generated traffic noise in Wilderness (even if the highway does not pass through Wilderness) detracts from one's ability to experience solitude and unconfined recreational opportunities. (Comment 799)*

\* Pg. 20 of Response Doc. – Large recreational areas with few designated receptor sites do not meet the FHWA and DOT&PF reasonable criterion. *The Congressionally-designated Kenai Wilderness should not be characterized as simply as a “large recreational area” in recognition of the unique wilderness qualities the Service is mandated to preserve in this unit of the National Wilderness Preservation System. In addition, the fact that wildlife are not classified as a valid noise receptor is a shortcoming of the process used to reach the conclusion stated above. (Comment 800)*

\* Pg. 21 of Response Doc. – None of these KNWR noise levels would approach or exceed FHWA's Noise Abatement Criteria, although localized increases in noise levels under the Juneau Creek Alternative is acknowledged as an important change to Wilderness in this area. *The Service questions the statement that none of the KNWR noise levels would approach or exceed noise abatement criteria. All Build alternatives add a new road bed (in effect create two highways) and elevate the road bed such that traffic noise will be more widely dispersed. While traffic volumes are expected to continue to increase on the Sterling Highway with or without the Project, more traffic traveling at higher speeds and the extensive increase in uphill and downhill grades associated with the Build Alternatives as compared to existing highway will substantially increase traffic noise impacts to the Kenai Wilderness. The Juneau Creek alternatives would result in two highways converging in proximity to Wilderness, in one case with the newer highway traversing Wilderness. Impacts of increased traffic noise to wilderness character within the Kenai Wilderness would be greatest from the Juneau Creek alternatives. Further, since FHWA's Noise Abatement Criteria do not account for noise-related impacts to wildlife, other appropriate measures to address this deficiency should be employed. The NEPA analysis appears to be flawed in this regard and this issue must be addressed accordingly. (Comment 801)*

#### Sec. 3.15.1.3 Existing Noise Levels

\* Pg. 3-271 - *The traffic noise model for the project was validated using existing noise level data collected at 11 noise monitoring (NM) locations in the project area on July 13, 15, and 20, 2001. See comment above. The Service questions whether this model validation is sufficient to predict the actual increases in traffic noise and impacts of such to wilderness character in the Kenai Wilderness and to wildlife in the Project Area. (Comment 802)*

### Sec. 3.15.2 Environmental Consequences

\* Pg. 3-273 – Traffic volumes (numbers of vehicles) are projected to increase as both local and regional populations grow. As a result of increased traffic, future traffic noise is expected to increase with or without the project. Traffic noise analysis uses frequencies weighted for human ear sensitivities. It predicts noise levels based on hourly averages. This method is designed for assessing impacts to the human environment, not necessarily impacts to wildlife.

*Stating that traffic noise is expected to increase with or without the Project inappropriately downplays the effects of increased traffic noise on wilderness character in the Kenai Wilderness and on wildlife resources due to the Project. All Build Alternatives add a new road bed (in effect create two highways) and elevate the road bed such that traffic noise will be more widely dispersed. While traffic volumes are expected to continue to increase on the Sterling Highway with or without the Project, more vehicles traveling at higher speeds and the extensive increase in uphill and downhill grades associated with the Build Alternatives as compared to existing highway will substantially increase traffic noise impacts. In addition, use of the Noise Abatement Criteria for Activity Category C does not allow for evaluation of the impacts of traffic noise to wildlife, as effects of traffic noise is modeled only on residential, campground, recreation areas, trail and commercial receptors (Table 3.15-2). The Service considers the NEPA analysis deficient in this regard; the effects of increased traffic noise on Wilderness and wildlife moving through and inhabiting the Project area must be adequately evaluated in the SEIS. Finally, the Service believes that impacts of increased traffic noise to the Kenai Wilderness and wildlife resources would be greatest from the Juneau Creek alternatives. (Comment 803)*

#### Sec. 3.15.2.1 No Build Alternative

\* Pg. 3-274 - *Under the No Build Alternative, the existing highway corridor would be affected by modest increases in traffic noise between 2012 and 2043 due to annual increases in traffic volumes. Retrofitting an existing State highway with noise abatement measures would be classified as a Type II Federal project. For a Type II project to be eligible for Federal-aid funding, the State highway agency must develop and implement a Type II program in accordance with 23 CFR 772.7(e). DOT&PF has elected not to participate in the voluntary Type II program at this time. As a result, no mitigation is proposed for receptors impacted under the No Build Alternative. Adequate and appropriate mitigation should not be restricted because of DOT&PF's decision to opt out of the Type II Program.*

*Currently, states, counties, and municipalities regulate noise from an anthropocentric perspective with little or no consideration for impacts on wildlife. However, CEQ guidance requires that mitigation measures be considered even for impacts that are not themselves “significant” once the proposal as a whole is considered to have significant effects. Thus, in the case of potential noise-related impacts to wildlife, appropriate mitigation measures must be considered.*

*Mitigation measures that have been suggested to reduce traffic noise include using road surfaces that absorb more sound (Slabbekoorn and Ripmeester 2008, Blickley and Patricelli 2010). While sound barriers for roads would reduce noise pollution they would hinder wildlife movements. However, sound barriers do not necessarily have to extend to the ground and, coupled with wildlife overpasses, could be a potential solution, at least in some areas. (Comment 804)*

Sec. 3.15.2.5 Juneau Creek and Juneau Creek Variant Alternatives

\* Pg. 3-282 - Noise abatement barriers cannot typically provide adequate noise reductions over large recreational areas representing dispersed use in a cost-effective manner. Therefore, mitigation is not recommended for this receptor. *In 2011, FHWA updated their Noise Abatement Rules for federal-aid highways, which require that “all feasible and reasonable” noise abatement measures must be incorporated into the project design. The Rule specified a reduction in noise levels by 7 A-weighted decibels or more, which represented the largest noise reduction ever required by the agency. Does this project comply with the updated Rules? If so, please explain how compliance is being met without any noise mitigation being proposed. If not, please explain why.*

*CEQ guidance requires that mitigation measures be considered even for impacts that are not themselves “significant” once the proposal as a whole is considered to have significant effects. Thus, appropriate mitigation measures should be developed to avoid or minimize traffic noise-related impacts to wildlife and wilderness character in the Kenai Wilderness. Mitigation measures that have been suggested to reduce traffic noise include using road surfaces that absorb more sound (Slabbekoorn and Ripmeester 2008, Blickley and Patricelli 2010). While sound barriers for roads would reduce noise pollution they would hinder wildlife movements. However, sound barriers do not necessarily have to extend to the ground and, coupled with wildlife overpasses, could be a potential solution, at least in some areas. At a minimum, quiet pavement alternatives, such as “Next-Generation” (diamond grinding process) should be considered. (Comment 805)*

Chapter 3.16: Visual

\* Pg. 22 of Response Doc. – Because key viewpoints tend to be at lower elevations along the existing highway and river, and because these alternatives are up above on a bench area north of the river and thus shielded by terrain and forest from the key viewpoints, the alignments are not expected to be highly visible.

Sec. 3.16.2.2 Issues Applicable to the Build Alternatives

\* Pg. 3-292 - The amount of permanent vegetation loss associated with each alternative would affect the visibility of the alignment for the viewer groups at the Key Views.

\* Pg. 3-294 - In addition to changes in visual qualities at Key Views, visual impacts would occur under all build alternatives as a result of project lighting at major intersections. Intersection lighting could change the nighttime ambient light and views, particularly for areas farther from the alignment where additional light intrusion may be visible and could affect rural recreational nighttime views. For designated Wilderness areas, where managers strive to maintain a setting untrammelled by human development, the illumination would decrease the naturally dark night sky and likely would diminish the wilderness experience. Similarly, views from elevations above tree line in the Mystery Creek and Andrew Simons Wilderness units would be altered, as the highway under any alternative would create a wider engineered cut through the forest and larger cuts into hillsides, and the paved surface would be wider....the construction of any build alternative would incrementally diminish the sense of wilderness and isolation and would be permanent.

*\* DOT&PF’s comment on Pg. 22 of Response Doc. in terms of the alignments not being expected to be “highly” visible, appear to contradict the excerpts from the DSEIS above. In addition, during winter*

*months when foliage is absent from deciduous trees and shrubs, visual impact will be much greater than FHWA/DOT&PF has portrayed.*

*According to the DSEIS, the Cooper Creek Alternative would have visual quality impacts to 2 associated Key Views & 1 Landscape Unit, while the G-South Alternative would result in changes to visual resources at 3 Key Views & 4 Landscape Units. However, the Juneau Creek Alternatives would result in visual impacts to 6 Key Views and 5 Landscape Units: “The view from the Russian River Ferry to the mountain slopes north of the parking area would change....The Juneau Creek Alternative would create a new cleared swath of land through forest, mostly on CNF land, but also for some distance on KNWR land. This swath would appear as an engineered line in a largely natural landscape, and it likely would be visible from portions of the Andrew Simons Wilderness south of the Kenai River. In fact, all Build Alternatives will have negative impacts on visual quality and affect users of the Kenai Wilderness in both the Mystery Hills and the Andrew Simons units, particularly from higher elevations. Impacts on visual quality will negatively impact wilderness character in these Units. The Service believes that either of the Juneau Creek alternatives will have the greatest visual quality impacts. Impacts to wilderness character in the Kenai Wilderness due any increase in visual impacts from the Build Alternatives must be clearly articulated in the SEIS.*

*Artificial lighting should be used only where necessary to provide for nighttime safety, utility, and or security. Light fixtures must use the lowest wattage of lamp possible to assure safety, utility, and security and shall only function when required to achieve their intended purpose. All lighting installations shall be designed and installed to be fully shielded (full cutoff: emitting no light above the horizontal plane), and shall have maximum lamp wattage of 250 watts high intensity discharge light (or lumen equivalent). Lighting design should eliminate to the extent possible spill lighting that projects beyond the project boundary. (Comment 806)*

## **Chapter 3.20: Wetlands & Vegetation**

### **Sec. 3.20.1.5 Invasive Plant Species**

**\* Pg. 23-24 of Response Doc. – DOT&PF has made recent efforts to monitor and manage the spread of invasive plant species along its ROW’s. Information related to indirect effects of the alternatives and these maintenance and operations best practices have been added to the SEIS.**

*This project will open up substantial amounts of previously intact ground surface to harmful disturbance, and in addition to the BMP’s listed, a Survey and Monitoring Plan should be developed, in consultation with the resource agencies, for continued monitoring of the potential spread and eradication of invasives.*

*The Section on terrestrial invasive plants avoids the issue of how DOT&PF will address the continuing spread of exotic invasive plants down the highway system and into adjacent waterbodies, and streams/rivers (e.g., Kenai River) it crosses long after highway construction is completed. Highways are a primary vector for the spread of exotic and invasive plant species in Alaska. The scope of this cumulative and long-term effect of the Project is such that adequate mitigation measures must be developed. The recommended mitigation stated on page 3-355 of DSEIS, i.e., that DOT&PF will continue “coordinating with local groups that are managing invasive species” is not adequate. DOT&PF should mitigate these effects as long as they are present. If DOT&PF itself cannot directly manage invasive plants, funding of both continued monitoring and treatment of exotic and invasive*

*species by other parties will be necessary. The Service recommends establishing formal agreements with and providing funding for invasive plant management by the Kenai Peninsula Cooperative Weed Management Area partners as a viable mitigation option.*

*Pg. 3-355 states: Use certified invasive-free mulches, top-soils, or seeds purchased from a local provider but does not explicitly state certified weed-free gravel. There are local growers and commercial gravel pit operators who are willing to seek certification if DOT&PF takes responsibility for notifying them in advance of their needs (Janice Chumley, UAF Cooperative Extension Service, Soldotna, pers. comm). (Comment 807)*

#### Sec. 3.20.2.3 Issues Applicable to the Build Alternatives

*\* Pg. 3-353 - DOT&PF is committed to paying a fee to a qualified land trust to fund appropriate wetland conservation or enhancement activity...A compensatory mitigation plan will be provided in the Final SEIS. At this time, there is no mechanism for in-lieu fees to be accepted by The Conservation Fund in Alaska. As such, DOT&PF should evaluate the need for permittee-responsible mitigation instead, for wetlands/waters impacts. (Comment 808)*

#### Chapter 3.22: Wildlife

*\* Pg. 27 of Response Doc. – The traffic noise model is designed to model impacts on the human environment, and the data cannot directly be used to assess noise impacts on wildlife. Noise effects on wildlife are discussed under the Wildlife Chapter 3.22.*

*We appreciate our general comments being added to the DSEIS. However, upon further review of Chapter 3.22 it is still apparent that noise impacts to wildlife and necessary mitigation to offset those impacts are not adequately addressed.*

*As previously referenced, states, counties, and municipalities regulate noise from an anthropocentric perspective with little or no consideration for wildlife species. However, CEQ guidance requires that mitigation measures be considered even for impacts that are not themselves “significant” once the proposal as a whole is considered to have significant effects. Thus, in the case of potential noise-related impacts to wildlife species, appropriate mitigation measures must be considered.*

*Mitigation measures that have been suggested to reduce traffic noise include using road surfaces that absorb more sound (Slabbekoorn and Ripmeester 2008, Blickley and Patricelli 2010). While sound barriers for roads would reduce noise pollution they would hinder wildlife movements. However, sound barriers do not necessarily have to extend to the ground and, coupled with wildlife overpasses, could be a potential solution, at least in some areas. At a minimum, quiet pavement alternatives, such as “Next-Generation” (diamond grinding process) should be considered. (Comment 809)*

*\* Pg. 28 of Response Doc. – As a point of clarification regarding the existing Cooper Creek Bridge (i.e., “old bridges over Cooper Creek”): the existing Cooper Creek Bridge would not be replaced as part of this project under any alternative. While there is no reference to the current state of the integrity of the Cooper Creek Bridge, if the Cooper Creek Alternative is chosen as the “preferred” alternative, and the existing Bridge is in need of repair or replacement, public safety should be considered and the bridge structure addressed accordingly. (Comment 810)*

Sec. 3.22.1.3 Amphibians

*\* This section on wood frogs omits any information on Chytrid fungus, documented by Reeves and Green (2006) for the first time in Alaska on the Kenai National Wildlife Refuge; evidence suggests that chytrid fungus is spread in contaminated gravel. Further, Reeves et al. (2008) showed increased risk of skeletal abnormalities with proximity to roads. (Comment 811)*

Sec. 3.22.3 Environmental Consequences (Brown Bear)

*\* Pg. 3-411 - Habitat fragmentation also could create impediments to movement between important seasonal habitats. Although studies have documented brown bear avoidance of roads and roaded areas at least some Kenai Peninsula brown bears would move to seasonally attractive habitats (e.g., salmon streams) despite roads and traffic. Increased mortality is likely for bears attempting to cross the highway from the north to access the Kenai River, with impending increase in traffic speeds. (Comment 1490)*

Sec. 3.22.3.2 Issues Applicable to the Build Alternatives

*Pg. 3-417 –The SEIS states that: Mitigation measures specific to noise are addressed under Section 3.15. Yet upon review of that Section, the common theme for all Build Alternatives is that noise mitigation was considered following the DOT&PF Noise Policy (DOT&PF 2011c), but is not being proposed. (Comment 814)*

*\* Pg. 3-417 Confirmation data from the wildlife study (e.g., field verification data) will be incorporated into the Record of Decision to the extent possible so that mitigation is identified as specifically as possible in the ROD. A commitment to further refinement during project design also will be included. While there is not yet any specific cost associated with wildlife mitigation, project construction cost estimates in Sections 3.5.2.2 and 3.27.7.5 include contingency amounts, in part to cover anticipated costs such as those for wildlife mitigation.*

Page 3-415 of the DSEIS describes the expected overall process for final selection of mitigation measures:

“The process to be used to make final wildlife mitigation decisions is anticipated to be a continuing cooperative effort and negotiation among ADF&G, USFWS, USFS, DOT&PF, and FHWA. The initial study results will be incorporated into the Final EIS along with refined mitigation measures based on these results and pertinent comments from the public and agencies. Because the costs may be substantial and because this kind of mitigation is relatively new for Federally-funded projects in Alaska, it is expected that senior agency decision makers are likely to be involved. The Final EIS will include as much detail as possible. Confirmation data from the wildlife study (e.g., field verification data) will be incorporated into the Record of Decision to the extent possible so that mitigation is identified as specifically as possible in the ROD. A commitment to further refinement during project design also will be included.”

*The Service remains concerned that the results of the Wildlife Study aren't expected to be available until a later date, possibly after release of the Final SEIS, the ROD and a selection of the “Preferred Alternative.” The Service considers the Wildlife Study to be a necessary and critical prerequisite for adequate analyses and evaluation of project impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a detailed mitigation plan should be*

*included in the Final SEIS. The Service considers these necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2). (Comment 813)*

*Wildlife crossing structures are but one of several potential mitigation measures which may be necessary to avoid or minimize impacts to wildlife resources. A key component of the yet-to-be completed Wildlife Study will be identification of landscape-scale wildlife movement corridors within the Project area. Impacts of the Project and other reasonably foreseeable development activities to wildlife corridors and wildlife movement are expected, and the Service views this information critical to final decisions on appropriate and necessary mitigation. (Comment 1453)*

*Reasonable estimates of mitigation costs for each of the alternatives should also be included in the Final SEIS. Mitigation costs may be substantive, are likely to vary greatly for the different alternatives, and may ultimately influence the selection of a preferred alternative. It is therefore critical that wildlife mitigation for each alternative should not be constrained initially by expense, as prematurely capping the costs could give the impression that wildlife impacts and their mitigation are similar for each alternative.*

*The DSEIS indicates that contingency funds are 20% of project costs for each alternative; and ultimately, the selection of wildlife mitigation measures will be based, in part, on the “cost and prudent expenditure of public funds”. It is unclear what other costs will be covered by the contingency funds, nor the impact of such on funds available for mitigation. The FSEIS should clearly articulate that sufficient funds will be set aside up front for the necessary and agreed upon mitigation measures to minimize impacts to wildlife resources and to offset unavoidable impacts resulting from the preferred alternative. Wildlife crossing structures should be designed, constructed, and maintained as primary components of the new highway, and as such, and not as highway enhancements, and all final mitigation measures should be adequately be adequately funded from the Surface Transportation Program, or similar. (Comment 812)*

\* Pg. 27 of Response Doc. – “Regarding traffic speeds and wildlife collisions, Sec. 3.22.3.2 of the DSEIS states: Under all build alternatives, the segments built on the existing alignment would have wider shoulders and clear zones resulting in better visibility that could reduce bear-vehicle collisions. However, travel speeds would be greater throughout the entire project area, which could offset any decrease or possibly increase collision rates.

FHWA/DOT&PF cannot reasonably segregate out the favorable safety factors to justify higher speeds resulting in improved safety. Average traffic speeds will increase with wider shoulders and clear zones, resulting in a real increase in the time it takes to make a sudden stop to either avoid wildlife-vehicle collisions, recreational enthusiasts, fishermen walking along or crossing the roadway, or even other vehicles that are either trying to find a place to park or avoid wildlife or people that may be trying to cross the highway.

A reduction in the operating speed of a vehicle can provide a driver with additional time and distance to react to observed conflicts. The benefits provided by additional reaction time/distance (due to vehicle speed reductions) are relatively clear for a driver approaching a stationary object in the roadway. There is more time and distance to see the object and stop or adjust the speed of the vehicle. Additional time to observe and judge the speed of a conflicting object traveling at a relatively uniform speed (e.g., other vehicles) is also beneficial. However, the advantages produced by a general decrease in posted speed

limits on the number of wildlife- vehicle crashes, and/or the ability of a driver to avoid a less predictable moving object (e.g., a bear or moose), are much less clear.

In 1997, researchers in Yellowstone National Park (YNP) studied a number of factors that they believed had an impact on the number of wildlife-vehicle collisions (WVC's). Two of the factors studied were posted speed limit and average operating vehicle speed. The roadkills observed included 14 species of animals including elk, mule deer, bison, moose and coyote.

Overall, the YNP researchers concluded that vehicle speed was “significantly” related to collisions between vehicles and wildlife. Analysis indicated that there were statistically more than the expected number of vehicle-animal collisions within the roadway segments posted with a 55 mph speed limit, and a statistically less than expected number within those segments at 45 mph or less. The average operating speed measured along the roadway segments with a 55 mph posted speed limit were about 9 to 16 mph higher than that posted.

The researchers involved with this project also concluded that pavement condition had a great impact on vehicle speed choice. They supported this and their roadway design conclusions by measuring the apparent speed impacts of one reconstruction project, and comparing the wildlife-vehicle crashes before and after two other reconstruction projects. An increase in the average operating speed of about 5 mph was found when one roadway segment cross-section in YNP was improved from 22 to 24 feet wide (with abrupt edges, no shoulders, and very poor pavement) to 30 feet wide with shoulders and new pavement.

Based on their data collection and analysis, the YNP researchers recommended that roadway designs be used that encourage lower vehicle speeds. They believed these designs would reduce operating speeds and ultimately the number of wildlife-vehicle collisions. They also felt this approach was consistent with the mission and mandate within YNP.

*There are numerous conclusions in literature, suggesting that reducing posted speed limits on highways through National Parks and Wildlife Refuges will have a direct effect on the extent of wildlife-vehicle collisions. In recognition of the values the Kenai National Wildlife Refuge is mandated to conserve and protect, consistent with our mission, we object to passing lanes being located between MP 56.1-57.1. (Comment 815)*

*\* We reviewed several websites that provided useful guidelines, developed by highway traffic and safety engineers over the years, on how far a vehicle would conceivably travel while braking under good conditions on dry concrete or pavement. The following table was found at [www.csgnetwork.com](http://www.csgnetwork.com).*

*Braking/Stopping Distances*

*MPH / Ft. / Sec. / Braking Deceleration Distance / Total Stopping Distance*

*10 / 14.7 / 5 / 22 / 27*

*15 / 22 / 11 / 33 / 44*

*20 / 29.3 / 19 / 44 / 63*

*25 / 36 / 30 / 55 / 85*

*30 / 44 / 43 / 66 / 109*

*35 / 51.3 / 59 / 77 / 136*

*40 / 58.7 / 76 / 88 / 164*

*45 / 66 / 97 / 99 / 196*

*50 / 73.3 / 119 / 110 / 229*

*55 / 80.7 / 144 / 121 / 265*

*60 / 88 / 172 / 132 / 304*

*65 / 95.3 / 202 / 143 / 345*

*70 / 102.7 / 234 / 154 / 388*

*75 / 110 / 268 / 165 / 433*

*80 / 117.3 / 305 / 176 / 481*

*85 / 124.7 / 345 / 187 / 532*

*90 / 132 / 386 / 198 / 584*

*The referenced website indicates that.... “Virtually all current production vehicles' published road braking performance tests indicate stopping distances from 60 mph that are typically 120 to 140 feet, or slightly less than half of the projected safety distances. While the figures are probably achievable, they are not realistic and certainly not average; they tend to be misleading and to those that actually read them, they create a false sense of security.”*

*These figures are considered only typical because in reality the actual stopping distances will be affected by different circumstances. For example the thinking distance will vary depending on the driver and what state he/she is in at the time, e.g. whether they are old, young, tired, careless, or affected by alcohol and/or drugs is definitely a consideration. Braking distance also depends on how good the vehicles brakes are; how well the tires grip the road, which in turn can depend on the weather; road surface conditions; the weight of the car and its contents; etc.*

*To determine how far a vehicle would travel while braking, the formula of  $\frac{1}{2}$  the initial velocity multiplied by the time required to stop, is recommended. Traveling at 60 mph, this equates to  $.5 \times 88 \text{ ft./sec.} \times 4.4 \text{ sec.} = 193.6 \text{ ft.}$ , plus a driver reaction time of either 88 ft. for a 1 second delay in reaction time, or 176 ft. for a 2 second reaction time. A vehicle would travel 281.6 ft. or 369.6 ft. respectively, when added to the base stopping distance of 193.6 ft. while braking to a stop.*

*Other websites had varying values assigned to the approximate distance for an average passenger car with good brakes and good road conditions to come to a safe stop. At 60 mph, reaction distances ranged from 132 ft. to 187 ft. with braking distances of 172 ft. to 293 ft., for total stopping distance ranging from 304 ft. to 480 ft. Ultimately, with increased speed, it is inevitable that collisions, whether with wildlife or other vehicles, will be much more devastating and possibly more frequent. (**Comment 1491**)*

*\* Wildlife in general, regardless of whether on Refuge or CNF lands, will be significantly impacted, in terms of the new road infrastructure being placed in previously undisturbed habitat. Since much of the habitat use and travel corridor reference information is from 2004 and earlier, development of appropriate crossing structures supporting safe wildlife movement have not been included in the initial*

*project design. We had envisioned this important information being made available to assist us in our review, and we find it very unfortunate that the necessary studies have yet to be performed going into the public review process. (Comment 816)*

*Sec. 3.22.3.3 Cooper Creek Alternative*

*\* Pg. 3-418 - The existing highway noise effect zone extends across about 9,500 acres. The Cooper Creek Alternative would add traffic noise effects to an additional 640 acres of wildlife habitat.*

*Sec. 3.22.3.4 G South*

*\* Pg. 3-420 - The existing highway noise effect zone extends across about 9,500 acres. The G South Alternative would add traffic noise effects to an additional 1,600 acres of wildlife habitat. This is an additional 250% or 960 acres over the Cooper Creek Alternative.*

*Sec. 3.22.3.5 Juneau Creek and Juneau Creek Variant Alternatives*

*\* Pg. 3-422 - The existing highway noise effect zone extends across about 9,500 acres. The Juneau Creek Alternative would add traffic noise effects to an additional 3,700 acres of wildlife habitat (an additional 1,730% or 3,060 acres over the Cooper Creek Alternative), and the Juneau Creek Variant would add traffic noise effects to an additional 3,500 acres (an additional 1,829% or 2,860 acres over the Cooper Creek Alternative).*

*Wildlife know no boundaries and movement across the landscape from one federal estate to another will be hampered with new highway alignments should one of the Juneau Creek alternatives be chosen. Further exacerbating the issue is the fact that the current highway will remain, resulting in two barriers to maneuver. Development of Unit 395 will create additional impacts including habitat alteration, fragmentation of wildlife movement corridors, and the increased potential for DLP mortality for brown bears. (Comment 1492)*

**Sec. 3.22.6 Environmental Consequences (Birds)**

*\* Pg. 3-435 – Disturbance from traffic volume and noise can create avoidance zones that extend as far as 3,280 feet (1,000 meters) or more from the road itself for certain bird species. There is little mention of how traffic noise may affect bird species. The only general reference is as referenced above. While there is reference to likely habituation to routine traffic noise by eagles, some construction-related affects, and inclusion of a Service comment indicating that a multitude of wildlife species would likely be affected by increased noise levels from new highway infrastructure, not much else is presented in terms of potential noise-related impacts to migratory birds.*

*In terms of noise, decibels are a measure of how loud a sound source is. The frequency of the sound source is based on pitch. High frequencies, like those from song birds, have a higher pitch than low frequencies like that of road noise or even loons and ravens. Wildlife disturbance can come from masking created by how loud a noise is and the frequency of that noise. Studies have determined that loud, low frequency sounds can disrupt and mask the sound of song birds either resulting in changing how loud the bird calls or complete relocation of the species from the area. In some cases, sound frequencies can mask sounds made by other animals.*

*Noise pollution affects birds in myriad ways, including physical damage to ears; stress, fright-flight, and avoidance responses; changes in other behavioral responses, such as foraging; changes in reproductive success; changes in vocal communication; interference with the ability to hear predators*

*and other important sounds; and potential changes in populations. Reactions to noise depend on the type of noise produced, including frequency, loudness, consistency, and duration. Even though studies of road traffic noise are notably confounded by other variables, the effects of road-associated variables, including noise, measured by occupancy and densities, are consistently negative for most birds. Brotons and Herrando (2001), Forman and Deblinger (2000), and Fernández-Juricic (2001) found lower occupancy of birds near roads and attributed the lower numbers, in part, to traffic noise. (Comment 817)*

*\* Pg. 22 of Response Doc. – One of our previous comments was that light intrusion may affect wildlife and their movement. Upon our review of Sec. 3.22.6, while there is mention that intersection illumination may affect bears and their movement, there is no mention of how artificial lighting will affect bird species.*

*As previously indicated artificial lighting should be used only where necessary to provide for nighttime safety, utility, and or security. Light fixtures must use the lowest wattage of lamp possible to assure safety, utility, and security and shall only function when required to achieve their intended purpose. All lighting installations shall be designed and installed to be fully shielded (full cutoff: emitting no light above the horizontal plane), and shall have maximum lamp wattage of 250 watts high intensity discharge light (or lumen equivalent). Lighting design should eliminate to the extent possible spill lighting that projects beyond the project boundary. (Comment 818)*

#### Chapter 3.27: Cumulative Impacts

##### Sec. 3.27.7.14 Wetlands & Vegetation

*\* Pg. 3-507 – The build alternatives would directly impact between 11 and 38.5 acres of wetlands (see Table 3.27-6). An additional 14 to 130 acres of wetlands would be indirectly impacted due to a reduction in wetland function in areas adjacent to direct wetland impacts. The totality of these impacts represents less than 0.04 percent of the wetlands within the geographic area of analysis. On a smaller scale, the impacted wetlands account for approximately 0.08 percent of the 1,787 acres of wetlands within the project area.*

*Vegetation impacts of the build alternatives range from approximately 188 to 269 acres (see Table 3.27-6). Within the geographic area of analysis, a rough estimate of upland areas is 356,700 acres (total watershed areas minus wetlands and lakes). The impacted area is a fraction of the available vegetative areas. On a smaller scale, approximately 85 percent of the project area is uplands (approximately 4,500 acres). The build alternative impacts represent a loss of approximately 0.06 percent of the total vegetative areas.*

*\* Based on our review of the DSEIS, impacts to wetlands and upland vegetation are not adequately evaluated. The consequences of both direct and indirect impacts to wetlands and vegetation, as well as the loss of productivity from such and how this impacts the fish and wildlife that depend on these attributes should be addressed. The implication that totality of the impacts overall is diminished due to the extent of wetlands and vegetation within the geographic area is at best not relevant to this analysis of impacts.*

*\* Based on the wetland and vegetation impacts by alternative, the Cooper Creek Alternative poses the least direct and indirect impacts to wetlands and vegetation in comparison to the three other build alternatives. By far, the most detrimental, in terms of wetland and vegetation effects, would be either of*

*the Juneau Creek Alternatives with 3.4 - 3.5 times as many direct wetland fill-related impacts; 8.5 - 9.3 times as many indirect impacts, and about 1.4 times as many vegetation impacts. (Comment 819)*

**Sec. 3.27.7.15 Wildlife - Brown Bears**

*\* The brown bear analysis in the cumulative impacts section is not consistent with the more recent information provided in Chapter 3.22. For example, the correct population estimate from Morton et al. (2014) is provided in the former as 582 bears. In the latter, however, the estimate is reported as 624 (from a 2013 report) and incorrectly states “while a formal survey of brown bear population number or density has never been conducted for the Kenai Peninsula, a recent genetic analysis conducted by an ADF&G, USFWS, and National Park Service interagency team estimated the Kenai brown bear population to be approximately 624 (Morton, Bray, et al. 2013).”*

*The population estimate cited is a “formal survey” (i.e., statistically-rigorous study) using a DNA-based mark-recapture technique. This section then also incorrectly states “this same study concluded that genetic diversity is lower in Kenai brown bears than in mainland Alaska brown bears, thereby implying a lack of connectivity between mainland and Kenai brown bear populations and a consequent increased risk to the Kenai brown bear population (Morton, Bray, et al. 2013)”. The information on genetic diversity is not from the Morton et al. study; it is based on data from Jackson et al. (2008).*

*While the DSEIS addresses cumulative effects of the Alternatives and other reasonably foreseeable development activities on brown bears, it should be noted that details of the decision to convey Unit 395 appear contingent on the outcome of this Project. This at least poses questions as to the whether this Project, and in particular the Juneau Creek alternatives, will create impacts from induced development. Regardless, all Build alternatives will establish a second highway and in effect create a second barrier to wildlife movement, and improvements to the existing highway will increase these impacts. The Service believes that the combined effects of construction of either of the two Juneau Creek alternatives and residential development in Unit 395, would have the greatest overall impacts on brown bears (and other wide-ranging wildlife species) of any of the Build Alternatives due increased habitat alteration, fragmentation of movement corridors, and the increased mortality from vehicle collisions and DLP takings. (Comment 820)*

**\* Pg. 30 of Response Doc. – The SEIS indicates that DOT&PF is prepared to establish an appropriate number of crossings based on the results of the wildlife study and a prudent expenditure of public funds. The cost estimates completed for the preliminary engineering include a contingency factor and other items not detailed in the estimates. These contingencies are anticipated to be sufficient to cover the wildlife crossing mitigation. Page 3-415 of the DSEIS describes the expected overall process for final selection of mitigation measures:**

**“The process to be used to make final wildlife mitigation decisions is anticipated to be a continuing cooperative effort and negotiation among ADF&G, USFWS, USFS, DOT&PF, and FHWA. The initial study results will be incorporated into the Final EIS along with refined mitigation measures based on these results and pertinent comments from the public and agencies. Because the costs may be substantial and because this kind of mitigation is relatively new for Federally-funded projects in Alaska, it is expected that senior agency decision makers are likely to be involved. The Final EIS will include as much detail as possible. Confirmation data from the wildlife study (e.g., field verification data) will be incorporated into the Record of Decision to the extent possible so that mitigation is**

identified as specifically as possible in the ROD. A commitment to further refinement during project design also will be included.”

*The Service remains concerned that the results of the Wildlife Study aren't expected to be available until a later date, possibly after release of the Final SEIS, the ROD and a selection of the “Preferred Alternative.” The Service considers the Wildlife Study to be a necessary and critical prerequisite for adequate analyses and evaluation of the Project's direct, indirect and cumulative and long-term impacts to wildlife resources, and to development and evaluation of potential mitigation options. These analyses and a detailed mitigation plan should be included in the Final SEIS. The Service considers these necessary to fulfill our responsibilities as a Cooperating Agency under CEQ regulations and to inform our decisions required under ANILCA Section 1104(g)(2). (Comment 821)*

*Wildlife crossing structures are but one of several potential mitigation measures which may be necessary to avoid or minimize impacts to wildlife resources. A key component of the yet-to-be completed Wildlife Study will be identification of landscape-scale wildlife movement corridors within the Project area. As impacts of the Project and other reasonably foreseeable development activities (including development in Unit 395) to corridors and wildlife movement in the Project Area are expected, and the Service views this information critical to informing final decisions on appropriate and necessary mitigation. (Comment 822)*

*Reasonable estimates of mitigation costs for each of the alternatives should also be included in the Final SEIS. Mitigation costs may be substantive, are likely to vary greatly for the different alternatives, and may ultimately influence the selection of a preferred alternative. It is therefore critical that wildlife mitigation for each alternative should not be constrained initially by expense, as prematurely capping the costs could give the impression that wildlife impacts and their mitigation are similar for each alternative.*

*The DSEIS indicates that contingency funds are 20% of project costs for each alternative; and ultimately, the selection of wildlife mitigation measures will be based, in part, on the “cost and prudent expenditure of public funds”. It is unclear what other costs will be covered by the contingency funds, nor the impact of such on funds available for mitigation. The FSEIS should clearly articulate that sufficient funds from the Surface Transportation Fund, or similar funding source, will be set aside up front for the necessary and agreed upon mitigation measures to minimize impacts to wildlife resources and to offset unavoidable impacts resulting from the preferred alternative. Wildlife crossing structures should be designed, constructed, and maintained as primary components of the new highway, and not as highway enhancements. (Comment 823)*

#### **Chapter 4: Draft Section 4(f) Evaluation**

*\* Section 4.1.1. - This section attempts to explain the application of Section 4(f) to the project and in a foot note explains that some of the information in Chapter 4 is based on a report prepared by DOTP&F for FHWA titled Background for FHWA Determination of Section 4(f) Applicability (Background; (HDR 2008c)). The foot note also states that the document is not available for "general distribution". We were informed during a meeting with FHWA in January 2015 that the document explains FHWA rationale for excluding from 4(f) consideration the section of the Sterling Highway within the Refuge boundary. We requested a copy, as it is not available on the Sterling Highway website, and were assured a copy would be provided. We have not received a copy. W*

*During the January 2015 meeting we questioned why the existing section of the Sterling Highway within the project area is not subject to Section 4(f). We were informed that long standing, but unwritten, FHWA policy is that any transportation use of land within an existing right-of-way located within the boundary of a Section 4(f) property is not a use of a Section 4(f) property. Therefore, 23 U.S.C. 138, 49 U.S.C. 303, and 23 CFR Ch. 1, Part 774 do not apply to the section of the Sterling Highway right-of-way (ROW) within the Refuge.*

*None of the discussion of the application of Section 4(f) in Chapter 4 discloses this policy nor is the exclusion of the existing highway within the Refuge from Section 4(f) explained or disclosed. We question this policy as it does not appear to be derived from or consistent with Section 4(f) statutes and regulations. The definition of a Section 4(f) property in 23 CFR Ch. 1, Part 774.17 is “publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State or local significance...” The land subject to the ROW is owned by the United States and has been part of the Refuge since its creation in 1941. We agree that the ROW establishes a corridor on the land within which the Sterling Highway exists and is maintained and upgraded. This in combination with topography and the geographic extent of the Refuge results in a situation in which there is no feasible and prudent avoidance alternative as defined in 23 CFR Ch. 1, Part 774.17. We believe that it is then appropriate to follow the direction provided in 23 CFR Ch. 1, Part 774.3 (c) (1) and (2) which emphasize least overall harm and mitigation. (Comment 824)*

#### **Sec. 4.2.3.2 Functions, Available Activities, Existing and Planned Facilities**

*\* Pg. 4-11 (Sec. 4.2.3.2) - The trailhead for the Fuller Lakes Trail, the KNWR visitor contact station, and the Russian River Ferry (including Sportsman’s Landing Boat Launch) are given extra consideration because they overlap the highway easement or lie adjacent to the highway easement, and are KNWR-owned recreation facilities.*

#### **Sec. 4.2.3.3 Access & Use Levels**

*\* Pg. 10 of Response Doc. – As mitigation, FHWA and DOT&PF have proposed that no parking signs will be included on the stretches of highway where adjacent land managers have expressed concern. Compliance will be a major issue. Increased enforcement would be required to ensure compliance, and this would add responsibility and costs for law enforcement agencies, including the Service. High levels of public use are already affecting resources and visitor experience on the upper Kenai River; providing for higher levels of use within the Refuge by providing additional parking is not acceptable to the Service. Additional mitigation measures to address this issue will be necessary. (Comment 825)*

#### **Sec. 4.6.3 Kenai National Wildlife Refuge**

*\* Pg. 11 of Response Doc. – While speeds on the highway will be higher than today, by meeting modern standards, safety will be improved.” Given the number of vehicles pulling trailers, people driving large recreational vehicles and the many tourists during the summer months that may be driving this road for the first time, the speed limit should not be increased, especially on the Kenai National Wildlife Refuge. There will be improved road surfaces, better visibility and wider shoulders, but it can be argued that this is what is needed to have a safer highway at the current rate of speed.*

*As previously referenced, there are ample examples of posted speed limits generally being 55 mph or less on highways through National Parks and Refuges. Further, there are numerous references in literature, concluding that reducing posted speed limits on highways through these areas will have a*

*direct effect on the extent of wildlife-vehicle collisions. In the case of this Project, it is unrealistic to assume that if the speed limit is raised that this will automatically be adhered to by all those vehicles that already abuse such. Constructing passing lanes as planned on the Refuge between MP 56.1-57.1, in such close proximity (1.7-1.8 miles) to those being planned on the adjacent MP 58-79 Project, which would allow for significantly higher speeds to occur in this segment, is unacceptable. In recognition of the values the Kenai National Wildlife Refuge is mandated to conserve and protect, consistent with our mission, we object to passing lanes being located between MP 56.1-57.1. (Comment 826)*

*There is nothing that would prevent the “old” highway from being used just as heavily as any new roadway to the north, e.g. Juneau Creek alternatives. Even with turn lanes, having a substantial amount of traffic converge at the busiest section of the Sterling Highway on the Kenai NWR (Sportsman’s Landing), will result in a major bottle-neck and has the potential to create even more congestion. (Comment 827)*

**Draft 4(f) Analysis:**

*\* We do not concur with FHWA’s 4(f) findings regarding noise and visual impacts from the Juneau Creek and Juneau Creek Variant Alternatives. Please see previous comments. (Comment 828)*

**General Access-related Issues:**

*\* There are numerous statements throughout the DSEIS indicating that roadway access rights will be reserved. Yet, other statements reflect the likelihood that “limited access” is a possibility.*

*Pg. 15-16 of Response Doc. – DOT&PF has confirmed its commitment to reserve roadway access rights, with all ingress/egress regulated, for all new segments of all build alternatives. No driveways or side roads would be allowed direct access to either of the two Juneau Creek Alternatives from Unit 395 or CIRI Tract A.*

*Sec. 2.6.2 (Pg. 2-19) - Any new access (e.g., a driveway or approach road) would require a “driveway or approach road permit” that would comply with DOT&PF and FHWA design requirements and environmental evaluation procedures, including a requirement that access be provided via a bridge, and access to the alternative would be accomplished with on- and off-ramps rather than intersections.*

*Sec. 3.2.1.5 (Pg. 3-33) - The Kenai Area Plan indicates that the alternative selection for this project may affect the intent of some management units. The two management units that are listed in the Kenai Area Plan as partially dependent on the proposed Sterling Highway MP 45–60 Project are Units 394B and 395.*

*Sec. 3.2.1.5 (Pg. 3-34) - The Kenai Area Plan lists several provisions in order for conveyance to the Borough and settlement to occur. These provisions include the following: the State must retain a 100-foot scenic buffer, provide access to the Resurrection Pass Trail, and provide “limited access” from any new highway to prevent strip development and proliferation of driveways along the new route.*

*Based on the language in the Kenai Area Plan “limited access” from any new highway remains as one of the provisions for conveyance. It thus appears that access to one of the Juneau Creek Alternatives is likely. Further, according to FHWA during the Cooperating Agency Meeting on September 24, 2014, there is a process in place to change access rights, e.g. to make a change to any access agreement with the State, if a landowner should choose to do so. While it was stated it is a tough and lengthy process, the fact remains, it can be done. So, for DOT&PF/FHWA to claim no driveways or side roads would be*

*allowed direct access to the new highway is unrealistic and this should be noted in all pertinent sections of the Final SEIS. (Comment 829)*

*\* Pg. 16 of Response Doc. – The West Juneau Road area is just east of a westbound passing lane but is not in a passing lane section. If such an intersection were built, it would require a specific traffic analysis to design that intersection, which might necessitate adding new turn lanes or other design features in consultation with DOT&PF. The responsibility for that detailed refinement would be the responsibility of the subdivision developer (KPB or their contractor).*

*Placing the burden on the Borough or their contractor to provide safe ingress/egress at this intersection is problematic from the Service's perspective. As previously stated in our October 17, 2014 comments, Unit 395 is located roughly between MP 51.5 to MP 54. If access were to occur from the current alignment, passing lanes being proposed between MP 53.1 to 54.3 could prove problematic for such access and could result in major public safety issues. Project design should ensure that proposed passing lanes do not create a public safety hazard in this location. (Comment 830)*

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**Comment 781:** See Comment Group #69

**Comment 782:** See Comment Group #68

**Comment 783:** The discussion of improvements in the MP 52-55 area referenced on page 3-176 of the Draft SEIS is a discussion of the Cooper Creek Alternative. The unimproved section of "old highway" under the Cooper Creek Alternative would fall between about MP 48 (Snug Harbor Road, in Cooper Landing) and MP 51.5. In the MP 52-55 area, the Cooper Creek and G South alternatives would use the existing alignment but would improve it, straightening curves and adding shoulder, etc., as described in Chapter 2. The term "old highway" is defined in Section 2.1, Terminology Applicable to the Alternatives, and the maps and figures in Chapter 2 make clear where a "Segment built on existing alignment" would occur and where a "Segment built on new alignment" would occur. Reasonably foreseeable future actions that may occur on "old" sections of highway that are not incorporated into the build alternative are described in Chapter 3.27 Cumulative Impacts.

**Comment 784:** DOT&PF and FHWA considered wildlife crossings on the new and old highway, with priority given to areas where the highway would be reconstructed or built new. However, portions of the "old" highway under each alternative were not "off the table." For example, the design of the G South Alternative allows for a wildlife undercrossing of the "old" highway at its intersection with the new highway, and this has been incorporated in the Final EIS along with other potential wildlife crossings. Additional discussion regarding mitigation has been added to Section 3.22.

**Comment 785:** The comment addresses areas of "steep, soft slopes (that) limit highway modifications in certain areas along the existing alignment" but then discusses tunneling at Gwin's Curve. As explained in Chapter 2 of the EIS, the area of problems with steep slope and unstable soils subject to liquefaction is in the MP 49-50.5 area. Gwin's Curve is at about MP 52.3. Under the Cooper Creek and G South Alternatives, Gwin's Curve would be brought within standards using a cut on the uphill side of the highway. There is no unusual geotechnical issue expected at that location, primarily because the cut is within normal height limits and has not been identified as having the same problem soils.

In the MP 49-50.5 area, the wall requirements and/or soil removal requirements are out of the ordinary and beyond the level considered feasible. The area, including cuts in the soil made for the existing highway, has been examined visually and with field investigations multiple times over about 30 years by DOT&PF geotechnical engineers and consulting geotechnical engineers. In fact, DOT&PF has drilled multiple geotechnical test holes and tested results in a laboratory both along the existing alignment at the base and top of the bluff and along the Cooper Creek alignment farther south on the same bluff top (cited in Section 3.12.2.3 in the EIS). (See the report by Narush 1983, Attachment 1 of the April 2016 Geotechnical Report published on the project website– and the geotechnical reports in the preliminary engineering report for the project these reports contain maps of the hole locations and the sampling logs). This level of effort is greater than the norm for "geo-tech exploration, sampling and testing" for an EIS and was sufficient for the geotechnical engineers to identify and delineate the hazard. Observation of slope failure and mudflow leaching sediment into Cooper Creek just upstream of the Cooper Creek Bridge where the ground had been previously cut and DOT&PF's ongoing maintenance issues (a sloughing, failing cut) at approximately MP 50.5 just east of Cooper Creek also demonstrate practical reasons for concern with the soil stability.

In response to the desire of some public and agency commenters, including USFWS, to keep the upgraded highway entirely on the existing alignment, DOT&PF and FHWA undertook another hard look before publication of the Final EIS in an effort to determine what would be possible in the MP 48 to 51 area (the area the Cooper Creek Alternative would bypass). The highway engineers concluded that the highway would need to remain at the 35 mph speed limit (or lower) with a curb and gutter design through Cooper Landing. Such a road would be in keeping with the USFWS's 2008 letter cited in this comment. DOT&PF and FHWA have determined, based on a nationwide body of engineering knowledge and standards, that this is contrary to the purpose and need for this project. A slow-speed alignment with curb and gutter and a pathway alongside would function well as a local road for access to adjacent property, but it would not meet the need to make the highway satisfy its long-distance function as a critical Principal Arterial link in the National/Interstate Highway System. It would not address the transportation problems of meeting through traffic and local traffic needs safely or efficiently. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the remaining old highway would be reclassified to function as a minor arterial or major collector. With less traffic, and traffic that is primarily destined for local, Cooper Landing destinations, the remaining existing highway through town will safely function to provide access to adjacent properties. This provides opportunities for the community to re-envision and redesign the Old Highway to function more like a main street and provides opportunities to implement projects from the walkable community study.

Regarding tunneling, the DOT&PF and FHWA have considered tunneling in the MP 49.5 to 50.5 area, beneath the area of unstable soils. An explanation has been added in Chapter 2 of the Final EIS. The tunnel would be more than 4,000 feet long and would need to be constructed with a tunnel boring machine. Such machines are rare in the world, especially for large diameter tunnels, and require custom construction or extensive remodeling. Therefore, they are very expensive. At this length, such a tunnel would require massive ventilation and fire suppression systems, and safe houses at intervals with their own dedicated fresh air supply, in case of tunnel fires, another extraordinary expense. DOT&PF and FHWA have found that tunneling would not be reasonable as a matter of sound engineering judgment, and the resulting road still would not function as it should because the portion from MP 48-49.5 would

be very narrow and slow speed with multiple driveway connections, and would not satisfy the project purpose and need.

The additional on-alignment engineering considerations completed for the Final EIS have been summarized in Chapter 2. This analysis has strengthened DOT&PF's and FHWA's thinking, as has been stated in the EIS throughout this process, that an alternative on the existing alignment would not meet the project purpose and need or would not be technically feasible. The overall purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreation destination in the area, both now and in the future. Continuing to route highway traffic through the heart of the community on a slow-speed, curb and gutter facility, with many remaining driveways and access points, will not satisfy the purpose and still has engineering problems due to the unstable soils.

The Final EIS provides more detailed wildlife mitigation measures in Appendix I.

**Comment 786:** See Comment Group #56

**Comment 787:** Alternatives that incorporate more of the existing alignment would not function as well as alternatives that bypass more of the driveways and side streets, but all alternatives have been determined to meet the purpose and need. As already defined in the EIS, any segment of the existing highway that is incorporated into an alternative will be "improved" and will meet the purpose and need. Remaining segments of the old highway that are not incorporated will no longer be part of the National Highway System. They, however, will efficiently and safely serve local traffic, and traffic bound for recreation destinations in the area because the through-traffic (70%) will be removed. And, not being part of the National Highway System, those segments will no longer need to be designed for rural principal arterial standards. In this way, the transportation problems identified in Chapter 1 are resolved for both new and old segments of the Sterling Highway. Additional text has been added to Chapter 2 of the Final EIS to clarify this issue.

**Comment 788:** This comment is focused on a preliminary summary table transmitted to USFWS in their role as a cooperating agency and not on the DSEIS itself. The EIS does not contain this language. Moreover, DOT&PF and FHWA have fully disclosed the visual impacts in the DSEIS—to a much greater degree than in the summary tables. The more detailed discussion of visual impact is in the main body of the EIS, Section 3.16. Based on USFWS input, additional discussion has been added to Section 3.16 to disclose impacts to users of the Surprise Creek Trail who go on to the north side of Russian Mountain in the Andrew Simons Wilderness Unit and see the existing highway and new highway.

**Comment 789:** Section 4.2.3 was a correct cross reference to a section describing the KNWR. The cross reference to Section 4.2.5 has been corrected in the Final EIS to Section 4.2.4. These sections provide background. Additional cross references have been added to Section 4.5, including 4.5.1 (Overview) and specific subsections of 4.5 associated with KNWR and Resurrection Pass Trail under headings for each alternative.

**Comment 790:** Regarding guardrails and the narrowing of the project footprint, these are related topics. Design standards for safety (a primary element of the project purpose and need) require a traversable slope alongside the highway to the edge of the clear zone. This is the preferable way of accommodating vehicles that accidentally leave the roadway and allows them to recover while minimizing the chance of rollover or hitting an immovable object. Moreover, vehicles that hit a

guardrail can careen into oncoming traffic. A traversable slope reduces property damage, bodily injury, and death but in some areas requires a relatively wide fill footprint. To reduce the wide fill or cut area, guardrails are sometimes appropriate (weighing impacts to adjacent resources against the potential impact of an errant vehicle scraping against the guardrail or ricocheting off a guardrail and back into traffic). However, as indicated, guardrails can sometimes effectively "trap" wildlife on the roadway or inhibit wildlife movement across the highway. The EIS already committed to examining opportunities for narrowing the project footprint by various means during project design, particularly for wetland habitats. Guardrails to protect for steepened slopes to avoid or minimize impacts will be examined during design and permitting, but must be balanced with safety for the traveling public.

**Comment 791:** In general, passing lanes are an integral part of this project and enable the alternatives to achieve the stated purpose and need. It is the mission of DOT&PF and FHWA to create safe and efficient transportation system, and professional engineers make the judgments necessary to create appropriate designs. While DOT&PF and FHWA commonly respond to public concerns by refining designs, it is not considered prudent to entirely eliminate passing lanes. The project has been or may be refined in response to comments as indicated in the numbered responses below:

(1) The eastbound passing lane has been removed from crossing in front of the Fuller Lakes Trailhead and has been shortened. The alignment has been shifted north away from the river in the MP 57 area, which has been eroding.

(2) Passing lanes have been modified to avoid wetlands in this area, at approximately station 1340+00. A commitment to providing culverts in areas needed to retain flows across the highway already was in the Draft SEIS. This particular location has been added as a specific example for cross-connection culverts. This is addressed in 3.30.2 under the "issues Applicable to All Alternatives" and "Practicable Measures to Minimize Harm/Mitigation" headings. Such issues likely will be further addressed during wetland permitting.

(3) A commitment has been made in the EIS to examine locations such as this for refinement in final design. At this location, it may be possible to reduce the thickness of fill or to shift the alignment slightly northward. However, the steep slopes on the uphill side of the highway already require walls immediately east and west of this location, and the design already uses guardrail rather than a broad traversable side slope/clear zone on the south side.

(4) Passing lanes are an integral part of meeting the project purpose and need, for safety and for congestion relief. The project would not result in fill in the river at this location. A commitment has been made in the EIS to examine locations that may be near the river for refinement in final design to minimize impacts to waters of the United States.

(5) It appears there is misunderstanding regarding pullouts. In general, where the existing alignment would be used by an alternative, existing pullouts would be eliminated, not retained. Immediately west of Schooner Bend Bridge, at the driveway for the trailhead for Resurrection Pass Trail, a large pullout would be retained and formalized under the Cooper Creek Alternative. The westbound passing lane occurs immediately to the west of this area. This pullout is not planned for retention under the G South Alternative. All issues of public safety will be carefully reviewed during final design.

(6) See #4 response, above.

**Comment 792:** The existing informal pullout/parking area has been included in the Final EIS and in pullout documentation. The location is actually MP 55.6. As requested, the pullout will be retained and formalized, with the existing amount of parking provided, under all alternatives. The Juneau Creek Alternative intersects the existing alignment in this area, and re-routing the old highway to create the physical intersection of the two highways would require relocating the pullout slightly.

**Comment 794:** DOT&PF has reexamined the alignment where it passes through the KNWR, where passing lanes had overlapped, creating a four-lane cross-section. The eastbound and westbound passing lanes have been separated to eliminate the four-lane area. The passing lanes also have been shortened. Overall, this reduces the average and maximum width of pavement in the MP 55-58 portion of the project area and thereby slightly reduces impact to adjacent habitat.

DOT&PF reconsidered eliminating one or both passing lanes in this area, per USFWS request. However, DOT&PF has determined they are important to meeting the overall purpose and need. The passing lanes are important safety and congestion relief improvements, and relieving congestion and improving safety are core elements of the project purpose and need. With the busy Sportsman's Landing located at MP 55, a USFWS requested pullout/parking area retained at MP 56.4, the Fuller Lakes Trailhead located near MP 57.2, the KNWR Visitor Contact Station located near MP 57.8, and Jim's Landing/Skilak Lake Rd. located at MP 58, there are multiple points in this area where recreational vehicles (often large/slow) will be slowing to exit the highway or accelerating onto the highway to get up to speed. Passing lanes allow traffic to sort itself out and relieve congestion under these conditions and they keep people from passing these vehicles at unsafe locations.

The passing lanes have been modified to avoid safety conflicts with these turning movements (e.g. the eastbound passing lane has been moved to avoid the Fuller Lakes trailhead). Also, to minimize impacts in the KNWR area, an emergency alignment shift in an erosion area near MP 57 (a project that will come well ahead of construction for the MP 45-60 project) has been coordinated with this project to ensure the larger project can use (rather than undo or redo) the emergency project's design.

The speed limit in KNWR is expected to remain at 55 mph, and this clarification has been added where appropriate in the Final EIS. This project has never proposed to raise the speed limit in this area.

Passing lanes are not designed to encourage motorists to exceed the speed limit. Rather, they are designed to allow motorists to pass slow vehicles and maintain a reasonably steady speed within the posted speed limit. It is understood that drivers will take chances and drive above the speed limit if they feel there are limited opportunities to pass. Providing passing lanes allows people to pass without taking the additional risk of entering the stream of on-coming traffic.

**Comment 795:** The paragraph has been augmented based on this comment to acknowledge the important characteristics and values of designated Wilderness vs. undeveloped, roadless areas that are not officially designated. A cross reference to Section 3.2.1.1, which provides a much more detailed description under the heading of Wilderness Management, has been included.

**Comment 796:** Section 3.8.2.2 is intended as an overview and to include issues that apply to all the build alternatives. It includes this statement: "These visual and audible effects to recreationists are particularly important in designated Wilderness on either side of the Kenai River in the KNWR, which is specifically managed to preserve these and other wildness values (see Section 3.2.1.1 for more on Wilderness management intent)." The Juneau Creek Alternative subsection has been augmented with

greater clarification of effects to the Wilderness recreation experience and clarification about how much the new highway would be offset from the existing. Visual and Noise effects are addressed in other sections specific to those topics (Sections 3.15 and 3.16), and these sections also have been augmented to better describe impacts to Wilderness. It is reasonably foreseeable that should the Juneau Creek Alternative be selected as the preferred alternative in the ROD, a land exchange between CIRI and DOI would occur that would change the land status of the corner of the KNWR. These impacts are discussed in detail under Cumulative Impacts, Section 3.27

**Comment 797:** The project would include culverts sized and installed to modern standards throughout the length of any build alternative. All existing culverts would be replaced and new culverts would be added on reconstructed portions of the existing highway where hydrology indicated a need. The numbers of culverts indicated in the EIS (Section 3.13) are based on field verification where possible; however, once a final alignment is selected and surveyed, a more thorough verification of drainage would be undertaken, and final culvert numbers, sizing, and placement would be determined during final design. No hydrology improvements are proposed in the "old" section of highway. However, bridge replacements and pavement are anticipated as reasonably foreseeable future actions (See Section 3.27) on the "old" highway and such projects typically include culvert replacements where they are deemed necessary.

**Comment 798:** New sections of road create a bypass whereby the National Highway System goes around local traffic generators in Cooper Landing. The bypass itself is not expected to induce traffic growth, because there are no new origins or destination attractions for the traffic. As stated in the EIS, general traffic growth is forecasted to match population growth and would be the same under all alternatives. Changes do occur over time, such as market changes that currently may be increasing truck traffic through the project area. But those changes are occurring with or without the project and are the same for all alternatives. In fact, areas where the local traffic and through traffic are split (two roads), the level of pollutants at any one receptor would be lower in those areas being bypassed because there would be less traffic passing by the receptor than if the traffic were concentrated on one roadway. Moreover, by reducing congestion, traffic will be moving more smoothly and pollution will be reduced as compared to the No Build Alternative. Traffic in stop and go conditions, idling while waiting for traffic to make a left turn for instance, creates more air pollution than traffic moving through in a steady, uncongested condition. Where the new roadway moves traffic closer to a receptor, that can create air pollution, and that effect has been disclosed in the EIS.

The issue of air quality near designated Wilderness already is addressed in the EIS. The existing highway and its traffic and emissions are part of the existing affected environment. Congress set the Wilderness boundary at the existing highway right-of-way in this area. Any changes attributed to the project build alternatives relative to the No Build Alternative are expected to be very small, because the traffic forecast is the same under the No Build and the "build" alternatives. Impacts of shifting mobile sources of pollutants (vehicles) are noted as negligible under the Juneau Creek Alternative (the only alternative that would use land currently designated as Wilderness). This is based on anticipated changes mandated by law to improve overall vehicle efficiency over time, which would be expected to offset any minor changes associated with shifting the road alignment at the corner of the Mystery Creek Wilderness.

Section 3.14.2.2 has been augmented to better explain why modeling was not warranted for this project, with its relatively low traffic volumes compared to urban highways where air quality can be a serious concern.

**Comment 799:** The two citations that you provide (from our previous responses to you and from the executive summary) are both correct. “*All build alternatives would create noise that would substantially increase noise levels and/or exceed noise abatement criteria.*” However, these substantial increases would occur only in certain areas to certain receptors, not along the entire length of the alternatives, and not in designated Wilderness.

DOT&PF and FHWA's primary approach to minimizing noise and other impacts to KNWR and the Kenai Wilderness is to route the alternatives within the existing right-of-way and to retain use of the existing alignment. Within the KNWR portion of the project area, the highway speed limit is expected to remain the same, and the grades will remain the same. The overall average traffic speed may increase slightly because of improved road conditions, which mostly will allow for higher average speeds during summer weekends when current conditions are likely to be congested (platoons of cars stuck behind slower-moving trucks or RVs). During most conditions, however, traffic is expected to pass through the KNWR at the same general speed it does today. The highway is not expected to be substantially elevated within the Refuge boundary. Noise conditions modeling indicates little or no perceptible change in noise levels between 2012 conditions and 2043 conditions attributable to the build alternatives.

The only exception (disclosed in the EIS) is with the Juneau Creek Alternative, which would use a new alignment and cross a corner of the KNWR outside the existing right-of-way. As discussed in the EIS, this would create multiple impacts to KNWR, Wilderness, and wildlife in that portion of the KNWR. DOT&PF and FHWA publicly stated within the Draft SEIS that it was not their intention to select the Juneau Creek Alternative (in part because of impacts such as these), and carried the alternative for full evaluation only because of the requests by CIRI and KIT. DOI informed FHWA in summer 2017 that it intends to execute a land exchange with CIRI regarding this portion of KNWR if the Juneau Creek Alternative is selected. This would effectively change the land status from designated federal Wilderness to private land. Based on this new information, FHWA now considers the trade to be reasonably foreseeable, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS).

DOT&PF and FHWA believe that USFWS has consistently overstated the effects of traffic noise on the KNWR that can be attributed to the Cooper Creek, G South, and Juneau Creek Variant Alternatives (which all involve limited road widening within the existing right of way along the existing alignment). The EIS discloses current sound levels and additional sounds levels that would be expected in the future. The noise changes from widening lanes by 1 foot and adding limited passing opportunities will not result in substantial noise impacts. Most of the effect is from the existing highway and increasing traffic, which will occur even without building any of the alternatives.

In addition to reporting the analytical results, the EIS has been revised in Sections 3.15 (Noise) and 3.22 (Wildlife) to better clarify noise effects of all alternatives in this area and on wildlife throughout the area to disclose USFWS concerns. Specific subheadings in Section 3.15 devoted to KNWR and Wilderness and Noise and Wildlife have been added. Impacts are fully disclosed.

**Comment 800:** The FHWA Traffic Noise Model (TNM) does not have a specific category for Wilderness that is separate from vacant land areas. The model is designed for impacts to humans in the built environment but provides good information that aids in determining all kinds of noise impacts. The Final EIS adds further discussion to put the model results in context for Wilderness and has been augmented in Section 3.15 for this purpose, with discussion under subheadings for "KNWR and Wilderness" and the new "Noise and Wildlife." The EIS addresses Wilderness character and qualities, and the Noise section includes appropriate reference to these qualities of Wilderness. The language about "large recreation area" is a specific established term used in FHWA's noise analysis and is used in the context of mitigation and the difficulty of addressing noise impacts over large areas and is not intended to characterize the specific qualities of the Kenai Wilderness. Also, the TNM uses fixed locations as noise receptors. It is not practical to use mobile animals as noise receptors. However, it is possible to extrapolate from the TNM results to determine where average sound levels are expected to be high and where they are not and how much change is expected. That is what the EIS does. Based on your concerns, it has been augmented to present additional research and impact discussion regarding impacts to wildlife, both in the Noise section (3.15.1 and 3.15.2) and in the Wildlife section (3.22).

**Comment 801:** The FHWA Transportation Noise Model result is an approved, quantitative tool for evaluating traffic noise impacts for FHWA projects. The model data show predicted sound levels based on the traffic, speeds, and topography and are specific to each alternative. All alternatives were modeled to reflect the proposed design (including any shifts to alignment and addition of passing lanes) and traffic forecast. Four receptor locations were modeled in the Kenai National Wildlife Refuge, including one close to the proposed alignment along the Juneau Creek Alternative where it traverses designated Wilderness. None of the sound levels projected for these four KNWR noise receptors is at a level (defined in Section 3.15 the EIS and technical report in Appendix D) that would "approach or exceed" the Noise Abatement Criteria.

While wider dispersal of traffic noise (including splitting the traffic volume between two roads) would increase noise in some areas, it would decrease average hourly sound levels in other locations (because there would be less traffic near a receptor on the old highway, for example). The change in grades in proximity to the Refuge only applies to the Juneau Creek alternatives. For the G South and Cooper Creek alternatives, the split between the old highway and new highway segments and the change in grades occurs much further east. The term "substantially" is a defined term in FHWA's noise analysis regulations, see 23 CFR 772.5. None of the alternatives are predicted to have a "substantial" noise increase on receptors in the Refuge per that definition. The EIS discloses—in a separate discussion from the noise model analysis—that traffic noise would be dispersed differently and would have adverse noise effects in backcountry and Wilderness environments, as well as noise impacts on wildlife. Additional information has been added in 3.15 Noise and in 3.22 Wildlife to better address wildlife impacts and Wilderness impacts.

**Comment 802:** The model validation process measures sound levels in the field in multiple environments and locations within the project area, and is used to make sure that the modeled roadway and terrain is sufficiently detailed to replicate the existing environment. For this project, residential areas, campgrounds, and undeveloped areas remote from the highway were all used to make sure that the model, using traffic data associated with the validation dates, can replicate these sound levels and ensure an FHWA-acceptable level of accuracy. There are established FHWA procedures for taking the measurements and validating the model, which are used nationwide and have proven sufficient to

predict actual increases in traffic noise. The highway configuration and characteristics have not changed since 2001 to warrant new measurements. Once the model can accurately replicate noise levels that were measured in the field, it is considered validated.

Comparing proposed conditions to expected "no build" conditions is standard NEPA practice. Traffic noise existed in this area since at least 1950, when the highway officially opened and before Congress designated Wilderness to within about 150 feet of the highway centerline in 1980. This does not discount the impacts but indicates that Wilderness was established with the impacts as an existing condition.

DOT&PF and FHWA have acknowledged that the FHWA noise policy primarily covers human impacts. DOT&PF and FHWA believe the FHWA noise model is a useful tool in assessing impacts to Wilderness and wildlife, but does not tell the whole story. For that reason, the EIS was previously revised to add further discussion about wildlife and Wilderness impacts. The Final EIS Noise chapter (3.15) now includes separate subsections for both KNWR and Wilderness (3.15.12.4) for Noise and Wildlife (3.15.1.5) to better highlight and specifically address the concerns expressed in the comment. These subheadings and relevant discussion appear for each alternative in Section 3.15.2. The new wildlife discussions are based on the literature, informed by the noise model but not depending on the noise model. Similarly, the KNWR and Wilderness subsections use the model results but do not depend on the DOT&PF Noise Policy to characterize impact. Impacts are acknowledged from the existing highway and from planned improvements.

**Comment 803:** The noise modeling conducted for the project takes into account USFWS concerns about grades, where the highway splits, travel speeds, and traffic levels. FHWA is required to evaluate the build conditions against the future no build condition. Traffic volume is expected to increase with or without the project. As traffic grows, even without the project, the noise will increase. Changes to the highway within the existing right-of-way through the Refuge are not sufficient to create substantial changes to the sound environment at the time the project would be built or at the end of the project design life (2043). Each build alternative is modeled using the validated traffic noise model, and takes into account the various features that would change the traffic noise environment for each alternative. The modeling takes into account the exact alignment, roadway width, changed travel speeds, and topography to predict future noise levels. In addition, where the build alternatives bypass sections of the existing highway two roadways are modeled (70% of traffic volume is assumed to follow the new segment, 30% remaining on the existing highway section). See Appendix D for specific details on methods, traffic volumes, directional traffic, and other characteristics used in the traffic model. The EIS presents the forecasted changes in the noise levels for all noise abatement categories and includes several receptors in the Refuge, which are used to gauge the effects to the KNWR and Wilderness.

As discussed in previous responses, additional information has been added to the EIS to address your concerns. The Final EIS Noise chapter (3.15) now includes separate subsections for both KNWR and Wilderness (3.15.12.4) for Noise and Wildlife (3.15.1.5). These subheadings and relevant discussion appear for each alternative in Section 3.15.2. The new wildlife discussions are based on the literature, informed by the noise model but not depending on the noise model. Similarly, the KNWR and Wilderness subsections use the model results but do not depend on the FHWA noise policy to describe impact. Impacts are acknowledged from the existing highway and from planned improvements.

DOT&PF and FHWA agree that impacts of increased traffic noise to the Kenai Wilderness and wildlife resources would be greatest from the Juneau Creek alternatives because these alternatives move the highway into (for the Juneau Creek Alternative) or closer to (for the Juneau Creek Variant Alternative) the Refuge and its designated Wilderness area. This effect, and USFWS comments on noise concerns, weighed heavily into FHWA's identification of the preferred alternative.

**Comment 804:** The quoted material from page 3-274 is under the section discussing the No Build Alternative. By definition, the No Build Alternative is based on a continuation of existing conditions and programmed improvements only. The quoted material indicates that DOT&PF does not participate in the voluntary program and therefore mitigation is not proposed for the No Build Alternative. In accordance with CEQ, DOT&PF and FHWA have considered mitigation for noise impacts to wildlife, including noise barriers (walls or berms) along the highway and "quiet pavement" for the build alternatives.

Regarding pavement types, text has been added to the Mitigation discussion under Section 3.15.2.2 to explain that "quiet pavement" is a term that refers to techniques for reducing tire noise on concrete. Asphalt pavements (used on Alaska highways) are already quieter than concrete pavements. 23 CFR 772 does not allow for the use of pavement type or surface texture as a specific noise abatement measure. Noise reduction properties of pavements over time deteriorate, and therefore the abatement measure no longer fulfills its intended commitment and requires frequent replacement. While FHWA cannot allow the use of quiet pavement as a specific noise abatement measure, the agency allows states to research and construct these pavements when appropriate. The State of Alaska has been testing a rubberized asphalt for its potential to resist wear from studded tires, and which may provide a small tire noise reduction benefit in the 2-4 dB range. The technique for applying it in Alaska, however, has not been perfected and therefore it is not used in Alaska. The Final EIS text indicates DOT&PF will consider using rubberized asphalt if the current moratorium on its use is lifted by the time this project is under construction.

See [www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/pavement\\_guidance.cfm](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/pavement_guidance.cfm) for more detail.

FHWA and DOT&PF do not currently have a reasonable method of reducing noise impacts over broad areas or to wildlife. Regarding noise barriers, the construction and maintenance of walls is considered most appropriate for mitigating noise impacts immediately behind the wall or close to it. The cost of constructing them to try to mitigate noise impacts over large, undeveloped areas is prohibitive and not particularly effective, because sound levels drop off quickly with distance from the source. In the project area, the steep valley walls would make barriers even less effective. Moreover, the effectiveness of walls is substantially reduced if they do not extend to the ground. In particular if they were to allow passage of moose underneath, there would be a 14-foot gap at the bottom of the wall, rendering them ineffective.

NEPA and CEQ require a Federal agency to provide mitigation for the impacts of the undertaking (not to the no build condition). The comment presented here appears principally to be requesting mitigation for existing noise impacts and impacts under the No Build Alternative. If the No Build Alternative were selected, it would mean continuation of the status quo and of current trends. The highway would be maintained by DOT&PF, but it would not be a Federal undertaking and would not include any mitigation under this EIS.

DOT&PF and FHWA, recognize that growing traffic under the no build condition will increase noise levels. The build alternatives through the refuge are forecast to have the same amount of traffic as the No Build Alternative. Each of the alternatives are modeled with the proposed alignment, footprint, topography, and travel speeds. Within the Refuge, the primary change in noise will result from roadway widening (lanes going from 11 feet wide to 12 feet wide which moves the noise source 1 foot closer to the refuge) and from the proposed passing lanes (which move the traffic noise source 12 feet closer to the refuge). These noise changes between the build and no build alternatives are not substantial.

**Comment 805:** The phrase "all feasible and reasonable" quoted above in the comment appears in the "Background" section of the Federal Register (vol. 75, No. 133) discussion of the Final Rule; it is not language from the regulation itself. Nonetheless, DOT&PF and FHWA take seriously their commitments to consider noise abatement measures and to implement them when feasible and reasonable. It is important to note that the regulations (and the EIS) define "Traffic Noise Impact" and that the regulations require consideration of abatement only when a Traffic Noise Impact is identified (772.13(a)). No Traffic Noise Impact has been identified in KNWR by any of the alternatives. FHWA recognizes that, without many identifiable sites of human use, there is no clear method for identifying noise receptors in Wilderness. However, FHWA modeled a receptor on the Fuller Lakes Trail just inside the Wilderness boundary and one in an area that was known to be affected by the Juneau Creek Alternative (i.e. approximating the edge of the expected highway right-of-way close to the realigned highway in the southeast corner of the Mystery Creek Wilderness).

Sound levels at any given location are, in part, a function of distance between the noise source (highway) and the receptor, and people or animals closer to the noise source will experience greater sound energy than those farther away. DOT&PF and FHWA believe the receptors used were reasonably placed. The regulations also state "in abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs" (772.13(b)); Wilderness by definition and as understood during consultation during this project is not a place where frequent human use is expected to occur. These are among DOT&PF's and FHWA's considerations. Section 3.15 Noise, has been revised to better explain Traffic Noise Impact and associated abatement considerations and to better address USFWS concerns.

Regarding pavement types, as stated in the previous response, text has been added to Section 3.15.2.2 to explain that "quiet pavement" is a term that refers to techniques for reducing tire noise on concrete. Asphalt pavements (used on Alaska highways) are already quieter than concrete pavements. The text now addresses the potential for rubberized asphalt, which could reduce tire noise (along with potentially increasing resistance to wear from studded tires). However, 23 CFR 772 does not allow for the use of pavement type or surface texture as a noise abatement measure.

FHWA and DOT&PF do not currently have a reasonable method of reducing noise impacts over broad areas or to wildlife. Regarding noise barriers, the construction and maintenance of walls is considered most appropriate for mitigating noise impacts immediately behind the wall or close to it. The cost of constructing them to try to mitigate noise impacts over large, undeveloped areas is prohibitive and not particularly effective, because sound levels drop off quickly with distance from the source. As stated in the previous response, the steep topography of the valley would reduce the effectiveness of barriers. In addition, the effectiveness of walls is substantially reduced if they do not extend to the ground.

**Comment 806:** The comment appears to refer to a response provided by FHWA to USFWS on a preliminary, cooperating agency version of the DSEIS. The text in the EIS has been reviewed for the concerns expressed in this comment and the concerns are already disclosed.

Note that Key Views identified and analyzed in the visual technical report (and summarized in the EIS) were based on locations where people congregate and where views are important. No Key Views were identified within Wilderness areas in the technical report. However, the EIS does address visual impacts to Wilderness, and especially from high vantage points in Wilderness (the primary description is in 3.16.2 under the Juneau Creek Alternative, with cross reference under the Juneau Creek Variant Alternative).

DOT&PF and FHWA agree with USFWS on this point. The EIS already indicates that the greatest visual impacts from the Wilderness areas would result from the two Juneau Creek alternatives. These impacts, and the expressed concerns, were among the Wilderness impact issues considered in identifying the preferred alternative.

Regarding intersection illumination, the number of intersections proposed to be lighted has been reduced to two for each alternative: where the alternative would intersect with the "old" highway – one at the eastern connection and one at the western connection. For the two Juneau Creek alternatives, the western intersection would be at the KNWR boundary (MP 55) or inside the boundary (MP 55.8). For the other alternatives, the nearest lighted intersections would be 3-4 miles to the east of the KNWR boundary, near MP 51.5. Commitments have been added to indicate light fixtures would be shielded, directional, and of the minimum lumens necessary to safely light the intersections.

**Comment 807:** DOT&PF is addressing the Alaska Highway system as a vector for the spread of invasive plants via the Maintenance & Operations (M&O) BMPs being implemented, construction BMPs being implemented during project work, the use of weed-free products, coordination with local weeds groups, and the DOT&PF Integrated Vegetation Management Plan (IVMP), which is usable by DOT&PF and other agencies on state-owned airports and highway ROWs. However, maintaining the proposed project area to prevent the long-term spread of invasive species goes beyond the timeline of the project and is part of a DOT&PF system-wide maintenance effort which increases tools and awareness as time progresses. Once a FHWA-funded project is constructed, the State-funded DOT&PF M&O section becomes responsible for all aspects of the project area, including vegetation control. Monitoring and working to prevent the spread of invasive species has been increasing in priority for DOT&PF M&O, and M&O will continue to work to address the preservation of natural vegetation on this highway segment, as well as adjoining segments.

DOT&PF will also provide funding to the USFWS and/or Forest Service for five years of post-construction monitoring and control of invasive species, similar to the approach being used to address this issue on the adjacent Sterling Highway MP 58–79 Project. Weed-free material sites are evaluated annually for recertification. DOT&PF cannot commit now to use a resource that may or may not be available or may not contain the amount of suitable material required at the time it is needed for this project.

**Comment 808:** The Conservation Fund temporarily suspended their mitigation program in order to address a backlog of released credits. The Conservation Fund has stated it would consider selling credits within Southcentral Alaska on a case-by-case basis, and a mechanism for in-lieu fees is anticipated to be available for permitting this project. For that reason, the Final EIS and attached

404(b)(1) analysis have proceeded with determining functions of impacted wetlands and calculating debits and credits for an in-lieu fee payment. At the same time, the project has explored potential projects that would preserve wetlands and waterbodies slated for development in the project area or restore wetland functions. The ultimate resolution is part of the Section 404 permitting process. Under that process, DOT&PF and FHWA will be required to mitigate for impacts and fully intend to do so. If the in-lieu fee option is not available at the time it is needed, DOT&PF and FHWA will work with the Corps of Engineers to determine a suitable project or projects for mitigation.

**Comment 809:** DOT&PF and FHWA have considered noise mitigation and found it would not be effective or practicable over wide areas to erect sound barriers. Based on USFWS comments, DOT&PF and FHWA have also considered "quiet pavement" options. Details are below, and included in the response to Comment 804.

Regarding pavement types, text has been added to the Mitigation discussion under Section 3.15.2.2 to explain that "quiet pavement" is a term that refers to techniques for reducing tire noise on concrete. Asphalt pavements (used on Alaska highways) are already quieter than concrete pavements. 23 CFR 772 does not allow for the use of pavement type or surface texture as a specific noise abatement measure. Noise reduction properties of pavements over time deteriorate, and therefore the abatement measure no longer fulfills its intended commitment and requires frequent replacement. While FHWA cannot allow the use of quiet pavement as a specific noise abatement measure, the agency allows states to research and construct these pavements when appropriate. The State of Alaska has been testing a rubberized asphalt for its potential to resist wear from studded tires, and which may provide a small tire noise reduction benefit in the 2-4 dB range. The technique for applying it in Alaska, however, has not been perfected and therefore it is not used in Alaska. The Final EIS text indicates DOT&PF will consider using rubberized asphalt if the current moratorium on its use is lifted by the time this project is under construction.

See [www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/pavement\\_guidance.cfm](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/pavement_guidance.cfm) for more detail.

FHWA and DOT&PF do not currently have a reasonable method of reducing noise impacts over broad areas or to wildlife. Regarding noise barriers, the construction and maintenance of walls is considered most appropriate for mitigating noise impacts immediately behind the wall or close to it. The cost of constructing them to try to mitigate noise impacts over large, undeveloped areas is prohibitive and not particularly effective, because sound levels drop off quickly with distance from the source. In the project area, the steep valley walls would make barriers even less effective. Moreover, the effectiveness of walls is substantially reduced if they do not extend to the ground. In particular if they were to allow passage of moose underneath, there would be a 14-foot gap at the bottom of the wall, rendering them ineffective.

**Comment 810:** The existing Cooper Creek Bridge is not part of any of the build alternatives for this project. However, as a State-owned highway bridge, its integrity is monitored regularly for public safety, and it would be replaced when necessary. As stated in this EIS, such replacements are likely to occur within the life of this project (by the year 2043) under any of the alternatives. Any replacement project would be a separate project from this MP 45-60 project and, if federally funded, would require a separate environmental document. The EIS discusses potential bridge replacements and their impacts under Cumulative Impacts in Section 3.27.

**Comment 811:** Section 3.22.1.3 of the Draft SEIS stated, "Proximity to roads has been positively correlated with risk of skeletal abnormalities in Alaskan wood frogs, possibly due to chemical contamination of their habitat, or by facilitating introduction of predators, parasites, or pathogens (Reeves et al. 2008). Abnormality prevalence (up to 20 percent of frogs sampled) at road-accessible sites in the KNWR is among the highest reported in the published literature (Reeves, et al. 2008). The text has been augmented to more clearly communicate the chytrid fungus issue.

**Comment 812:** See Comment Group #70

**Comment 813:** See Comment Group #69

**Comment 814:** The page cited discusses Mitigation measures. There is a cross-reference to the Noise section (3.15) followed by an indication of why noise barriers are not proposed for wildlife. The cross reference to Section 3.15 has been rewritten for greater accuracy to read: "Section 3.15 addresses FHWA's noise abatement policies" rather than implying the Noise section said something different about proposed mitigation.

**Comment 815:** Thank you for the data regarding speed limit and operating speed with respect to wildlife-vehicle collisions. The project purpose remains focused on relieving congestion, improving safety, and upgrading design standards. The project purpose is not to increase speed per se, although DOT&PF acknowledges that such improvements are likely to increase average speeds during times of peak traffic volumes. The project does not propose to change the posted speed limit in the KNWR. Most of the MP 51-58 area already is posted at 55 mph, and this would not change. The design standards for rural principal arterial roads relate the highway design to the travel speed to create the safest possible highway. These design standards have been created over decades and are used across the country. DOT&PF and FHWA anticipate that the highway's safety related to wildlife-vehicle crashes will be improved, as compared to existing conditions, given improvements in sight distance, shoulders, and lane widths; especially considering the proposed wildlife crossing structures detailed in Appendix I.

**Comment 816:** The EIS acknowledges in Section 3.22 the impacts to wildlife and wildlife habitat. As stated earlier in responses to other comments, DOT&PF and FHWA originally proposed the wildlife mitigation study as mitigation and to refine wildlife crossing locations after selection of a preferred alternative. At the urging of USFWS and other wildlife agencies, DOT&PF and FHWA undertook the wildlife mitigation study earlier, so that preliminary results could be used in the Final EIS and Record of Decision. The USFWS has been instrumental in the design of the wildlife study, and had been informed in September 2014 that the wildlife modeling data would not be available to be incorporated into the Draft SEIS. DOT&PF and FHWA committed to providing wildlife movement mitigation, and proposed crossing information has been included as part of the Final EIS in Section 3.22 and detailed in Appendix I. When the final wildlife crossing modeling report is complete, its results will be used during final project design to refine the locations of the proposed mitigation, if necessary.

**Comment 817:** Additional discussion of impacts of highway noise on wildlife (including birds) has been added to Section 3.15, Noise, notably 3.15.1.5. Subsections under each alternative in 3.15.2 discuss Wildlife and Noise, describing specific locations of noise impact for each alternative. New impacts are associated almost entirely with segments of each alternative that would be built on a new alignment. Changes in traffic noise along the existing alignment would be small where the alternatives would rebuild the existing alignment. Sections of the old highway that are bypassed would experience noise reductions because through-traffic would no longer be using the old highway.

**Comment 818:** The effects of lighting on birds and wildlife have been added to Section 3.22. DOT&PF concurs that artificial lighting would be used only where necessary to provide for nighttime safety, utility, or security. The design of the build alternatives had tentatively identified several intersections and turn lanes that would likely warrant lighting during the project design life (up to year 2043). DOT&PF has since refined its evaluation and has removed several of these locations from each build alternative. At this time, lights would only be installed at the intersections of the "old" highway and the new highway alignments. Where artificial lighting is used, the lighting design would be directed downward and include shielding. Specific light color and intensity for lights near KNWR will be coordinated with USFWS during the final design process. These measures have been added to Chapter 3.22 Mitigation discussion and are intended to minimize bird and wildlife impacts.

**Comment 819:** The comment refers to the discussion of wetlands and vegetation in Section 3.27, Cumulative Impacts. The EIS presents its primary discussion of direct and indirect wetland and vegetation impacts in Section 3.20, Wetlands and Vegetation, which addresses the impacts of functions and values of wetlands. Similarly, the EIS sections on fish (3.21) and wildlife (3.22) also address impacts to habitat linked with wetlands and vegetation changes. Section 3.27 does not intend to diminish the impact of fill into wetlands and waters of the U.S by comparing the acreage totals to the extent of wetlands within the geographic area of analysis. The information is presented to provide context for the cumulative analysis. This context assists in assessing how individual impacts collectively increment and can contribute to significant impacts in the study area. The assessment concludes that the impacts of past, present and reasonably foreseeable future actions, in combination with the impacts of the build alternatives, would not have a substantial cumulative adverse effect on wetlands and vegetation. Additional detail of the unavoidable impacts to waters of the U.S. and discussion of mitigation has been added to the EIS (see Section 3.20). Additional details on impacts and proposed mitigation for wetlands have been included in the final EIS (See the 404(b)(1) analysis in Appendix G).

**Comment 820:** The population estimate and the characterization of the study has been updated in Section 3.27.5.15 of the EIS. The conveyance of Unit 395 from the State (DNR) to the Borough is waiting for an alternative to be selected to ensure that any necessary right of way for either of the Juneau Creek alternatives remains under State ownership. Under the Cooper Creek, G South, or No Build alternatives, the entire parcel could be conveyed. FHWA and DOT&PF do not concur that this project would induce development. None of the alternatives provide access to the parcel, and the same challenges to develop the lands remain. The EIS text has been updated to clarify that the Juneau Creek alternatives in combination with Unit 395 development would have the greatest overall impacts on brown bears. DOT&PF and FHWA agree with your assessment and weighed these comments in the least overall harm evaluation process identifying the preferred alternative and the development of mitigation proposals for each alternative.

**Comment 821:** See Comment Group #69

**Comment 822:** See Comment Group #68

**Comment 823:** See Comment Group #70

**Comment 824:** FHWA maintains written policy that addresses many instances of Section 4(f) applicability. It is from this policy, FHWA regulations, and Federal law, that FHWA makes its

determinations of whether Section 4(f) will apply to a property and whether a Section 4(f) use would occur.

As previously discussed with USFWS, the State of Alaska does not agree that "the land subject to the ROW is owned by the United States and has been part of the Refuge since its creation in 1941." The State contends that the ROW passed from the United States to the State of Alaska with the Omnibus Act Quitclaim Deed shortly after statehood in 1959.

However, from a Section 4(f) standpoint, whether (1) DOT&PF owns all land rights or (2) USFWS owns the underlying land rights and DOT&PF owns sufficient interest in the lands for maintenance, operation, and improvement of the highway, a Section 4(f) approval would not be required for the proposed improvements. In the first instance the land within the right of way would not be considered Section 4(f) property; in the second instance the proposed improvements would not constitute a use under Section 4(f). Federal law states that FHWA generally may approve a project "requiring the use of any publicly owned land from a public park, recreation area or wildlife and waterfowl refuge...only if...there is no feasible and prudent alternative..." (49 USC 303, emphasis added). FHWA's Section 4(f) regulations (23 CFR 774.17) define "use" as occurring "when land is permanently incorporated into a transportation facility." Regarding Section 4(f) "use," FHWA's Section 4(f) Policy Paper (2012) states:

"The most common form of use is when land is permanently incorporated into a transportation facility. This occurs when land from a Section 4(f) property is either purchased outright as transportation right-of-way or when the applicant for Federal-aid funds has acquired a property interest that allows permanent access on to the property such as a permanent easement for maintenance of other transportation-related purpose." [Section 4(f) Policy Paper, Section 3.2]

The Policy Paper also states, "Generally, the requirements of Section 4(f) do not apply to the ... use of (a) reserved area for its intended transportation purpose" (p. 56). Therefore, by law, regulatory definition, and long-standing policy, a transportation improvement within a permanent easement for transportation purposes does not result in a Section 4(f) use.

To help clarify this topic in the Final EIS, similar information has been included in Section 4.2.3.5, under the subheading "Other Factors," to replace existing text in the EIS.

The 2008 applicability 'Background' document was not developed by the FHWA. The 'Background' document was created to provide background information on each potential Section 4(f) property, for FHWA to consider in making decisions about where Section 4(f) applies. It is not available for general public distribution because it contains locational information on protected cultural resources. The document does not provide more information relative to the rationale for determining that Section 4(f) does not apply within the ROW within the Refuge than what is presented in the EIS. The EIS is the best source of up-to-date information regarding Section 4(f) applicability and related issues, and it is the instrument that the FHWA is using to document decisions. Nonetheless, in the interest of full disclosure, the 'Background' document was provided to USFWS by email on January 8, 2016.

FHWA agrees that it is necessary to select the alternative that has the least overall harm. This includes consideration of seven factors required in FHWA regulations, including effects to all Section 4(f) properties and effects not associated with Section 4(f). All possible planning to minimize harm also is necessary for any alternative selected, because all alternatives would use Section 4(f) property.

DOT&PF, FHWA, and USFWS have been in consultation regarding mitigation for many years on this project. As stated in the January 20, 2015 meeting on these topics, whether Section 4(f) applies to the land within the ROW through the refuge or not is immaterial to FHWA's commitment to mitigate adverse impacts whether inside the refuge boundaries or outside the boundaries. Despite the determination that no Section 4(f) use of refuge property would occur under the Cooper Creek, G South, and Juneau Creek Variant alternatives, FHWA and DOT&PF have realigned the highway to avoid impacts to the visitor contact station traffic circulation area, have ensured no impact to the Fuller Lakes Trail parking area, have provided for replacement parking near MP 55.6 at USFWS's request, have worked with officials to avoid adverse impact to the Russian River Ferry/Sportsman's Landing entrance, have minimized intersection lighting on all alternatives and identified shielded and directional lighting to minimize impacts, have shortened and separated passing lanes within the KNWR boundaries to narrow the road width and eliminate an area with 4-lanes, will consider use of rubberized asphalt pavement to reduce noise, and have provided for wildlife crossings of the highway corridor and other wildlife impact mitigation throughout the corridor, with on-going USFWS consultation through a wildlife mitigation study, among other mitigation efforts. We have considered the USFWS concerns (e.g., fish and wildlife, noise, wilderness values, and habitat) with respect to the Juneau Creek alternatives in the process of identifying a preferred alternative. In consideration of DOI's stated intent to execute a land exchange with CIRI on the corner of the refuge crossed by the Juneau Creek Alternative, thus changing the land status from designated federal Wilderness to private land, FHWA now considers the trade as reasonably foreseeable, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS). The least overall harm analysis within the Section 4(f) evaluation considers the Juneau Creek Alternative under this land status scenario, which is reflected in Chapters 2 and 4 of the Final EIS. As such, FHWA determined the Juneau Creek Alternative to be the alternative with the least overall harm and therefore the preferred alternative for the project.

**Comment 825:** The project is not providing for higher levels of use within the Refuge. DOT&PF and FHWA are removing informal, uncontrolled parking within the highway right-of-way as part of this project and are only providing parking where it has been requested by USFWS or USFS. Providing shoulders is not intended to provide space for parking but rather is for improving safety and improving driver comfort. The EIS recognizes that the public sometimes uses highway shoulders for parking, especially where there are adjacent recreational attractions. Where parking creates a hazard, DOT&PF uses signs to prohibit parking along the shoulder. DOT&PF and FHWA have committed to placing "no parking" signs along the highway at areas of concern. DOT&PF has no control over the adjacent land. Land managers can manage the attractions through the use of licensing or registrations. This is common practice at popular trails and National Parks in the Lower 48 states. The EIS has been revised in Section 3.8.2 (Parks and Recreation) to indicate where formal parking will be retained at USFWS and USFS request. The potential impact to USFWS, USFS, and Alaska State Troopers of monitoring KNWR and National Forest parking and providing enforcement already was described in Section 3.8.2.

**Comment 826:** The EIS text has been revised to clarify that the speed limit within KNWR is not expected to change and would remain at 55 mph. Note that the design speed should not be confused with the posted speed. The design speed is 60 mph while the posted speed is typically about 5 mph below the design speed.

Passing lanes allow more traffic to maintain a more constant speed; and while they may contribute to increased average speed (especially during peak traffic conditions), they are not expected to result in traffic routinely breaking the speed limit. DOT&PF and FHWA have disclosed the effects that higher speeds are anticipated to have relative to wildlife-vehicle crashes in Section 3.22.

DOT&PF has reexamined the alignment where it passes through the KNWR, where passing lanes had overlapped creating a four-lane cross-section. The eastbound and westbound passing lanes have been separated to eliminate the four-lane area. The passing lanes also have been shortened. See response to Group 73 comments for additional discussion.

**Comment 827:** The comment appears to refer primarily to the Juneau Creek Variant Alternative and its intersection with the "old" Sterling Highway located adjacent to Sportsman's Landing. The project studied actual traffic behavior in the project area to determine how much traffic is through traffic that does not stop in the project area and traffic that is headed for project area destinations and makes a substantial stopover. The result was the 70%/30% split (through traffic/local traffic or new highway/old highway) that is the estimate of use presented in the EIS. As stated in the EIS, the total traffic volume is not expected to differ between the No Build Alternative and the build alternatives. While there is nothing that physically would prevent equal numbers of drivers using the old highway and new highway, the EIS estimate is based on measured traffic data and accepted traffic modeling methods used nationwide and is considered a reasonable estimate. It is the professional judgment of the traffic engineers who stamped the 2014 Traffic Study Update (available on the project web site) that the intersection of the two highways will operate smoothly and will not result in a major bottleneck or create more congestion than occurs today. As disclosed in the EIS, the Sportsman's Landing/Russian River Ferry driveway would be located off the "old" highway under this alternative, not off the new highway. The old highway is projected to carry 30% of the total traffic.

**Comment 828:** FHWA does not make Section 4(f) "findings regarding noise and visual impacts", and the Section 4(f) Evaluation does not contain such findings. However, noise and visual impacts are part of the assessment associated with the use of KNWR land by the Juneau Creek Alternatives, and this is indicated in Section 4.5.4. In response to other comments on the DSEIS by the USFWS and others, the Final EIS includes additional text to address both noise and visual impacts to KNWR, Wilderness, and wildlife in Chapters 3.15 (Noise) and 3.16 (Visual) and Section 3.22 (Wildlife). Cross references to this new material has been added to Chapter 4. DOT&PF and FHWA relied on the USFWS noise and visual concerns to both of the Juneau Creek Alternatives in identifying a preferred alternative.

**Comment 829:** DOT&PF and FHWA have made a commitment in the EIS to reserve access rights on highway segments built on new alignment and that commitment is a binding environmental commitment under NEPA. Specifically, DOT&PF and FHWA have committed to purchase access rights along those highway segments that would be built on new alignment and record the access limitation on official plats. Controlling access is commonly done in Alaska and throughout the nation. DOT&PF controls access on a number of its highways (e.g. Seward Highway, Glenn Highway, and Minnesota Drive in Anchorage). Change to an access plan committed to under NEPA would require an environmental document. Commitments made in a federal agency's EIS can be undone by a future project, which would have to have its own NEPA documentation and its own mitigation commitments. However, that outcome is not generally expected and is not anticipated in this instance.

The Kenai Area Plan indicates "limited access" to ensure the same goals DOT&PF is undertaking today: to keep driveways and roadside development from occurring, in keeping with local desires. It was an assumption at the time the Kenai Area Plan was written that access might come from the new highway, but it was not a mandate. Based on comments from, and consultation with, the Forest Service regarding access to future residential development within Unit 395 from the Juneau Creek alternatives, FHWA and DOT&PF are including a potential access that could be developed by the Kenai Peninsula Borough using ramps off the highway. A connection would also be reserved for the CIRCI Tract A development near the connection of the old and proposed highway segments under the Juneau Creek Alternative, per the agreement outlined within the Russian River Land Act (2002). However, the controlled access plan will not allow additional access in order to avoid commercial sprawl and the introduction of unplanned intersections.

Section 3.27.7.3, under the Community Character heading, includes additional discussion to further clarify the reservation of access rights and expected 100-foot buffers outside the 300-foot highway right-of-way that would further prevent roadside development. Other minor clarifications have also been inserted in other subsections of Section 3.27.

**Comment 830:** Development of Unit 395 is a reasonably foreseeable future action and is evaluated as a cumulative impact. If/when the Borough gets around to developing the subdivision, they will need to secure legal access. That will require coordination with the Forest Service and DOT&PF. When any entity requests a driveway or road connection to a highway, the plan is reviewed and modified if necessary in consultation with DOT&PF to ensure it is safe and meets standards. It is common for the proponent to fund the design and construction under permit by DOT&PF. If a turn pocket or acceleration or deceleration lane is needed, it would be the responsibility of the project proponent, in this case the Borough. At such time as an access proposal to Unit 395 is made by the Borough, DOT&PF will review the design plans and work with the Borough and USFS to ensure there is not a public safety hazard created in this location. As stated with respect to Comment #829, DOT&PF and FHWA have agreed to include a potential access connection from the new alignment segments of the Juneau Creek alternatives to Unit 395.

**Comment 1453:** See Comment Group #68

**Comment 1455:** See Comment Group #73

**Comment 1479:** See Comment Group #69

**Comment 1480:** Additional discussion has been added to the Final EIS to address noise and visual effects of the project alternatives (Sections 3.15 and 3.16), including better descriptions of impacts to Wilderness and wilderness character. Information provided by the USFWS and requested by the USFWS in subsequent comments within their comment letter has been included. Specific subheadings in 3.15 devoted to KNWR and Wilderness and Noise and Wildlife have been added.

**Comment 1481:** See Comment Group #69

**Comment 1482:** As outlined in the Draft SEIS, the Final EIS includes detailed descriptions and cost estimates for wildlife mitigation measures for each alternative (See Appendix I). Text in Section 3.27.7.15 of the Draft SEIS discusses that the Wildlife Mitigation Study would aid in the design of one or more wildlife crossings and other measures to accommodate wildlife movement. The phrasing was not intending to suggest that mitigation would only be developed for a preferred alternative. Text

additions to Sections 3.2.3 and 3.27.7.15 have been made to discuss more specific mitigation measures for each alternative.

**Comment 1483:** See Comment Group #69

**Comment 1484:** See Comment Group #70

**Comment 1485:** See Comment Group #73

**Comment 1490:** Direct and indirect impacts to brown bears are discussed in Section 3.22.3, including discussion of habitat fragmentation. The EIS discloses that impacts include habitat loss, habitat alteration, noise effect, modification of behavior and use of habitat, and increased mortality through vehicle collisions and increased human-wildlife interactions and defense of life and property kills. The Draft SEIS acknowledged that increases in traffic volume and speed have the potential to increase wildlife-vehicle collisions (p. 3-424, 3-431, and 3-410), but DOT&PF also anticipates that providing improved visibility and line of sight around curves will improve ability for drivers to avoid bear (and moose) on the roadway. The results of the project-funded wildlife mitigation study have been incorporated into specific brown bear mitigation crossing proposals and locations. The modeling includes brown bear movement corridors by season and crossing structures have been proposed accordingly. Details are now provided in the EIS within Section 3.22.3.2 and Appendix I.

**Comment 1491:** Stopping and breaking distances are an integral consideration in establishing the design standards. The authoritative source for information is the document “A Policy on Geometric Design of Highways” by the American Association of State Highway and Transportation Officials. This is also the source document for the design standards used for this project. The design standards relate travel speed to such factors as roadway geometry and sight distance to provide safe driver decision making and adequate stopping ability for the speeds. Smoothing curves, lengthening the sight distances (both vertical and horizontal), and providing shoulders and clear zones will provide additional reaction time and safe space (on the roadway and embankments) to react. DOT&PF and FHWA anticipate that the highway’s safety, including those concerns related to wildlife-vehicle crashes, will be improved compared to existing conditions, especially considering the proposed wildlife crossing structures detailed in Appendix I.

**Comment 1492:** The Draft SEIS and Final EIS describe that the build alternatives would result in additional barriers to wildlife movement across the landscape, with the Juneau Creek alternatives adding the most additional highway length within the project area. See Section 3.22.2. Unit 395 development would add additional impacts, which are discussed under Cumulative Impacts in Section 3.27. Please note that your comments above regarding the percentage change of noise effects compared to the Cooper Creek alternative actually reflect the percent change over the additional acreage impacted with the Cooper Creek alternative. The total acreage (including the existing highway) impacted by the G South Alternative is only 9.5% greater than Cooper Creek alternative. However, the amount of new acreage impacted (1,600 acres) under G South is 2.5 times greater than the new acreage impacted under Cooper Creek (640 acres). The Juneau Creek alternatives are similarly presented, however your percentages seem incorrectly calculated. Using the same methodology as USFWS applied under G South, Juneau Creek would impact an additional 3,060 acres (5.8 times greater) and 2,860 acres (5.5 times greater) over the Cooper Creek alternative.

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### **Communication ID: 1050**

*I have property in Cooper Landing and also looking through the Summary of this project, going on Cooper Creek Alternative is one of the most costly and has most impact on public and native land. THE most likely route seems to be the Juneau Creek Alternative. (Comment 1276)*

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**Comment 1276:** Thank you for your comment. It is helpful to see the reasoning behind the stated preference.

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### **Communication ID: 1052**

*By looking through the 'impacts and benefits table', the differences in impacts to humans and animals and the costs of proposals; the Juneau Creek Alternative seems to be the best route. (Comment 1272)*

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**Comment 1272:** Thank you for your comment.

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### **Communication ID: 1053**

The River... the River... the Kenai River!

*The Kenai River is the main consideration to have as we address its health and its life. The present route of the Sterling Highway, particularly between mp 44 and mp 55, is dangerously narrow as it closely follows the River's bank on the South side and unstable hills on the North side. Its location precludes widening. (Comment 833)*

*Living at mp 49.8, we have witnessed the ever-increasing traffic and recent truck-trailer traffic with petroleum products. Traffic is fast! (Comment 831) This project has been well studied over years. Action is critical. It is an accident ready to happen that will kill the Kenai River for years. (Comment 832)*

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**Comment 831:** DOT&PF and FHWA recognize the traffic growth and safety issues in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed.

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Each of the Build Alternatives has been designed to meet current highway standards, including 12-foot lanes, 8-foot shoulders, reducing curves, and developing clear zones, and as such, would create a safe facility for vehicles traveling at highway speeds.

**Comment 832:** DOT&PF and FHWA recognize the traffic and safety issues related to the outdated 1950 road design in the project area. Chapter 1 of the EIS documents these issues, which are primary reasons the project is being proposed.

**Comment 833:** Thank you for your comment. In analyzing the existing alignment, DOT&PF found that it was unable to widen and straighten the existing alignment along its full length to design standards (see Section 2.5.3). Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. The further the highway is away from the river, the larger the range of options to address cleanup should such a spill occur. In areas where the build alignments do follow the river, upgrading to current design standards for a rural arterial highway would widen lanes, smooth curves, improve visibility around curves, and provide for a recovery area for vehicles who run off the roadway. These features should reduce the risk of crashes along the length of the highway and reduce the risk of pollutants entering the river. DOT&PF and FHWA understand the importance of a healthy watershed to the lifestyle and economy of the Kenai Peninsula communities, and are including these issues in their decision making process.

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### **Communication ID: 1054**

*I have been told that: "At the present time, ADOT shows the road going up the hill to the north some 1/2 mile East of the Sunrise. Once completed the traffic to and from the Kenai Peninsula will be going 55+ mph and will be less likely to stop." Is this true? (Comment 1373) Thank you. Mary Louise Molenda, 907-598-1222.*

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**Comment 1373:** See Comment Group #61

## **Communication ID: 1055**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
OFFICE OF ECOSYSTEMS, TRIBAL AND PUBLIC AFFAIRS  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

Mr. John Lohrey  
ADOT&PF Central Region  
Sterling Highway MP 45-60 Project  
PO Box 196900  
Anchorage, Alaska 99519-6900

May 26, 2015

Dear Mr. Lohrey:

Thank you for the opportunity to review the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project in and near Cooper Landing, Alaska (EPA Project# 15-0028-FHW). We have reviewed the Draft SEIS in accordance with our responsibilities under the National Environmental Policy Act, as well as Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we also evaluate the document's adequacy in meeting NEPA requirements. A copy of our rating system is enclosed (Enclosure 2).

According to the SEIS, this project is intended to address a travel area that ranks high for safety and congestion concerns along the only road route between Anchorage and the communities of the western Kenai Peninsula, including Homer, Kenai and Soldotna. The current highway has limited shoulders, steep inclines, low speed limits, numerous pedestrian crossings and driveway connections, as well as non-existent or limited line of sight around curves. The design has not been substantially upgraded since original construction in the mid-twentieth century. The Federal Highway Administration and the Alaska Department of Transportation and Public Facilities previously completed draft EISs for a larger project (Milepost 37-60) in 1982 and 1994. The project was then redefined and the MP 37-45 Project was separately evaluated and constructed.

In agency discussions and in our formal comments on the previous EISs, we expressed our concerns and objections to various alternatives and alternative components. These concerns primarily stemmed from potential impacts to water quality, aquatic resources, brown bear habitat and habitat connectivity, recreation and designated wilderness. We also identified the need for clear mitigation and monitoring goals as well as a robust cumulative effects analysis in our June 27, 1994, letter from Joan Cabreza to Hank Wilson, State of Alaska DOT. We previously indicated that we preferred Alternative 3R, an alternative that essentially upgraded the existing alignment. We recognize that more recent engineering

studies concluded that this is not feasible given the instability of rocks and soils throughout the alignment. Therefore, an existing alignment alternative was not fully analyzed in this analysis.

This most recent Draft SEIS identifies a No Build alternative and four build alternatives (Cooper Creek, G South, Juneau Creek and Juneau Creek Variant) that meet the project's purposes of improving safety, meeting design standards and reducing congestion to varying degrees. A preferred alternative is not identified. The Draft SEIS indicates that the Juneau Creek alternative will not be selected.

*Overall we appreciate the inclusion of additional build alternatives in the Draft SEIS, as well as the additional analysis regarding bear habitat. We commend the document authors for a very reader-friendly document that incorporates useful maps, tables, photos and text boxes. We also believe the document considers a reasonable range of alternatives given the topographic and numerous other limitations presented by the project area. We believe the analysis of direct, indirect and cumulative impacts is quite thorough and addresses many issues that we have raised in our comments on previous EISs for this project.*

*However, we continue to have concerns and objections regarding the potential impacts associated with all build alternatives. Since a preferred alternative has not been identified, we have rated each alternative in the table below. (Comment 1374)*

**Alternative / Impact Rating / Justification**

*Cooper Creek EO Utilizes existing alignment heavily; requires 2 replacement bridges (Kenai River) and 1 new bridge (Cooper Creek); highest impacts to private property; high impacts to recreation; high impacts to cultural/archeological resources; highest number of noise recipients; highest risk of impacts due to spills; may require comprehensive plan amendment; highest impacts to essential fish habitat and flooded wetlands (Comment 1375)*

*G South EO Utilizes existing alignment heavily; requires 1 replacement bridge (Kenai River Schooner Bend) and 2 new bridges (Kenai River and Juneau Creek); high impacts to private property; high impacts to recreation; high impacts to cultural/archeological resources; highest number of drainage crossings; highest impacts to mapped floodplain; high impacts to essential fish habitat and flooded wetlands; highest impacts to brown bear habitat (Comment 1376)*

*Juneau Creek EC Requires construction of 1 new bridge (Juneau Creek); high impacts to recreation resources; highest impacts to inventoried roadless area; highest impacts to brown bear and moose habitat; highest impacts to wetlands and vegetation; highest habitat avoidance area; highest impacts to public lands, including Mystery Creek Wilderness (Comment 1377)*

*Juneau Creek Variant EC Requires construction of 1 new bridge (Juneau Creek); highest impacts to recreation resources; highest impacts to brown bear and moose habitat; high impacts to wetlands and vegetation (Comment 1378)*

*No Build EC Most existing impacts increase with time and increased traffic (Comment 1379)*

EO = Environmental Objections

EC = Environmental Concerns

*For the Cooper Creek and G South alternatives, we believe the potential impacts to the Kenai River and associated floodplain are likely serious and should be avoided, either through design changes, if*

*possible, or mitigation, should either of these alternatives be selected. (Comment 1380) We have assigned an overall adequacy rating of "1" (Adequate) but request that additional information regarding the issues we have identified within this letter be considered for the Final SEIS. (Comment 1381)*

*While we support FHWA and ADOT in their goal to address serious public safety and traffic issues on this stretch of road, our primary environmental concern is with potential impacts to water quality and aquatic resources in the Kenai River and its floodplain. Given that the Juneau Creek and Juneau Creek Variant move impacts away from the Kenai River and its associated floodplain, we have identified these alternatives as environmentally preferable to the other build alternatives. These alternatives also align with the goal of the Kenai River Comprehensive Management Plan to move the road corridor away from the river. (Comment 1382)*

*In addition, although the detailed analysis for the determination of the Least Environmentally Damaging Practicable Alternative (LEDPA) has yet to be undertaken, based on the information presented in the Draft SEIS, it appears that one of the Juneau Creek alternatives, or a variation of the two, may be the LEDPA. This conclusion is based not only on the total wetland acreage and functions in the alternative impact areas, but also impacts to the Kenai River and its floodplain. We note that although NEPA does not require lead agencies to select the environmentally preferable alternative, only the LEDPA can be permitted by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. We encourage the applicant to work closely with the Corps and the EPA Region 10 Aquatic Resources Unit on the development of the draft 404(b)(1) analysis. We also request that FHWA and ADOT consider including the draft analysis in the Final SEIS. (Comment 1383)*

Please refer to Enclosure I for additional comments regarding climate change and greenhouse gases; the disposition of Unit 395; and wildlife crossings.

We appreciate the opportunity to review the Draft SEIS. Should you have any questions regarding our comments please contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or by electronic mail at [curtis.jennifer@epa.gov](mailto:curtis.jennifer@epa.gov).

Sincerely,  
R. David Allnutt, Director  
Office of Ecosystems, Tribal and Public Affairs

Enclosures

1. EPA Region I 0 Additional Comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project Statement
2. U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action

ENCLOSURE 1

EPA Region 10 Additional Comments on the Draft Supplemental Environmental Impact Statement for the Sterling Highway Mile Post 45-60 Project Statement

*Disposition of Unit 395*

*We request that the document authors confirm the disposition of Unit 395. In particular, if management could remain with the State of Alaska instead of being transferred to the Kenai Peninsula Borough, conclusions regarding long-term development of the area may need to be revised (3.27.4.2 Present Actions). (Comment 1384)*

#### *Climate Change and Greenhouse Gas Emissions*

*While we recognize this document is a (second) SEIS, we recommend that climate change issues be analyzed consistent with the Council on Environmental Quality's (CEQ) December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts. Accordingly, we recommend the Final SEIS include an estimate of the GHG emissions associated with the project, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. More specifics on those elements are provided below. In addition, we recommend that the analysis address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. The Final SEIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts. (Comment 1385)*

**More specifically, we suggest the following:**

#### *"Affected Environment" Section*

*\* Include in the "Affected Environment" section of the Final SEIS a summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the project, based on U.S. Global Change Research Program<sup>1</sup> assessments, to assist with identification of potential project impacts that may be exacerbated by climate change and to inform consideration of measures to adapt to climate change impacts. (Among other things, this will assist in identifying resilience-related changes to the proposal that should be considered).*

*1 <http://www.globalchange.gov/> (Comment 1386)*

#### *"Environmental Consequences" Section*

*\* Estimate the GHG emissions associated with the proposal and its alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website<sup>2</sup>. For actions which are likely to have less than 25,000 metric tons of CO<sub>2</sub>-e emissions/year, provide a qualitative estimate unless quantification is easily accomplished.*

*2 [https://ceq.doe.gov/current\\_developments/GHG\\_accounting\\_methods\\_7Jan2015.html](https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html)*

*\* The estimated GHG emissions can serve as a reasonable proxy for climate change impacts when comparing the proposal and alternatives. (Comment 1387) In disclosing the potential impacts of the proposal and reasonable alternatives, consideration should be given to whether and to what extent the impacts may be exacerbated by expected climate change in the action area, as discussed in the "affected environment" section. (Comment 1388)*

*\* Describe measures to reduce GHG emissions associated with the project, including practicable mitigation opportunities, and disclose the estimated GHG reductions associated with such measures. For example, consider if modifications to the inclines and speeds of each alternative. Alternatives could appreciably reduce the amount of GHG emissions while maintaining comparable level of service. The*

*Final SEIS alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. We further recommend that the Record of Decision commit to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions. (Comment 1389)*

#### *Wildlife Crossings*

*We previously identified impacts to brown bear habitat and habitat connectivity as a serious concern in past comments. We are particularly concerned with the potential impacts to the estimated eleven individuals that are known to utilize the "linkage zone" associated with the Juneau Creek alternatives. We appreciate the additional analysis that has been completed regarding this topic in the Draft SEIS. We believe, however, that this information should be utilized in detailed design to determine appropriate and adequate wildlife crossings for brown bear, especially in the "linkage zone" should FHW A and ADOT select one of the Juneau Creek alternatives. We encourage FWH A and ADOT to work closely with the Alaska Department of Fish and Game and the US Fish and Wildlife Service, Kenai National Wildlife Refuge to develop and incorporate these crossings into the design of the Juneau Creek alternatives. We also recommend that appropriate monitoring efforts to determine the adequacy of the crossings, and the agency responsible for those monitoring efforts, be identified in the Final SEIS. (Comment 1390)*

## ENCLOSURE 2

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements Definitions and Follow-Up Action\*

\*From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

Environmental Impact of the Action

### LO - Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

### EC - Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

### EO - Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the

preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### EU - Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

#### Adequacy of the Impact Statement

##### Category I – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

##### Category 2 - Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

##### Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

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**Comment 1374:** Thank you for your comment. FHWA and DOT&PF appreciate your evaluation and ranking of each alternative. It is helpful to understand the resources your agency prioritizes, and how each alternative was evaluated based on these resources. FHWA and DOT&PF used your evaluations in their deliberations and development of the least overall harm analysis.

Please see the updated discussion in the Executive Summary and Chapter 4 (Section 4(f)) for more detail on the process to identify a preferred alternative. In addition, DOT&PF and FHWA have prepared a Draft Clean Water Act Section 404(b)(1) Guidelines Analysis that you may find useful in your evaluation. The results of the 404(b)(1) analysis are summarized in Sections 2.7 and 2.8 and

detailed in Appendix G. Finally, additional mitigation measures have been refined that we hope will be considered in your evaluation of the Final EIS.

**Comment 1375:** FHWA and DOT&PF concur with your list of concerns regarding the Cooper Creek Alternative. We understand from this letter, that the EPA considers the proximity of the roadway to be a considerable risk to the Kenai River and its water quality. In addition to the impacts you summarize, when compared to G South, the Cooper Creek Alternative does not solve the transportation problems as well.

**Comment 1376:** FHWA and DOT&PF concur with your list of concerns regarding the G South Alternative, other than the characterization of private property impacts being ‘high.’ No residential relocations would be required under the G South alternative, and only four partial acquisitions would be required. We understand from this letter, that the EPA considers the proximity of the roadway to be a considerable risk to the Kenai River and its water quality. FHWA and DOT&PF used this evaluation in their deliberations and development of the least overall harm analysis to identify a preferred alternative.

**Comment 1377:** Concerns regarding the Juneau Creek Alternative are identified in your own evaluation of the alternative. FHWA and DOT&PF understand that your agency prioritizes water and water quality issues, and these issues weighed heavily in FHWA and DOT&PF’s evaluation in the least overall harm analysis.

**Comment 1378:** FHWA and DOT&PF understand that your agency prioritizes water and water quality issues, however the lands impacts associated with the Juneau Creek Variant Alternative outweighed these issues - in particular the cultural impacts associated with CIRI’s selected parcel in the heart of the Confluence Traditional Cultural Property (which tribes and the Forest Service have indicated is unmitigatable), and impacts an area the Forest Service manages as an ANILCA protected conservation system unit (Resurrection Pass Trail) and a designated recreation area (Juneau Falls Recreation Area). The Juneau Creek Variant impacts 80% more bear habitat than G South Alternative and 41% more wetlands.

**Comment 1379:** FHWA and DOT&PF concur with this summary. Note also that the No Build Alternative does not solve the identified transportation problems.

**Comment 1380:** DOT&PF and FHWA have disclosed anticipated floodplain impacts, which include some impacts within the Kenai River floodplain. Floodplain impacts have been minimized; however, due to the narrowness of the valley and close proximity of the river and its floodplain to much of the existing highway alignment, it is not possible to avoid all floodplain impacts. FHWA and DOT&PF will continue to pursue opportunities to avoid, minimize, and mitigate for floodplain impacts during design. The Final EIS has been revised in Section Chapter 3.19 to further document that additional studies would occur during design to better characterize the Kenai River floodplain to provide improved data to bridge and roadway engineers during design to further reduce floodplain impacts where possible.

**Comment 1381:** DOT&PF and FHWA appreciate the EPA review and rating.

**Comment 1382:** Thank you for clearly outlining the reasons for your ratings and preferences. FHWA weighed these issues heavily in the Least Overall Harm Analysis (Section 4.8).

**Comment 1383:** As requested, a Draft 404(b)(1) Analysis has been completed and is included as Appendix G to the Final EIS. This document provides DOT&PF and FHWA's evaluation of the alternatives relative to Section 404 of the Clean Water Act. DOT&PF will continue to work closely with the USACE and EPA during permitting.

**Comment 1384:** The status of the disposition of Unit 395 as described in the EIS is accurate as of the writing of the document. DOT&PF and FHWA have based the cumulative impact analysis (Section 3.27 of the EIS) on the best available information, which indicates that Unit 395 will be transferred to the Kenai Peninsula Borough to be developed as a rural residential subdivision.

**Comment 1385:** Estimated GHG emissions and changes in emissions were included in the DSEIS under Section 3.27.7.10 (Cumulative Impacts). Additional discussions on the topics of GHG emissions and climate change have been added to the Final EIS in both Section 3.27 and Section 3.14 (now titled Air Quality and Climate Change).

All of the build alternatives have sections of new alignment that have higher grades than the existing highway. The presence of historic and cultural properties, as well as other protected resources throughout the project area limit the options for further reducing grades. However, options to further reduce grades along the proposed alignments are considered desirable from an engineering perspective and will be further considered when design level information is available in the next phase of project development.

Threats to project infrastructure are most likely related to changes in precipitation patterns and flooding issues. Hydrology and Hydraulic studies during the design phase would address how the project design needs to adapt to anticipated climate change impacts. The project will be designed to comply with the Executive Order 13690.

**Comment 1386:** A summary discussion of climate change and ongoing and reasonably foreseeable climate change impacts relevant to the project has been added to Section 3.14 (now titled Air Quality and Climate Change) and Section 3.27 (Cumulative Impacts).

**Comment 1387:** Estimated GHG emissions and changes in emissions were included in the DSEIS under Section 3.27.7.10 (Cumulative Impacts). This section was modified to qualitatively discuss CO<sub>2</sub> emissions, as the previous efforts to quantify were not very meaningful to the discussion. As suggested, this project is anticipated to have less than 25,000 metric tons of CO<sub>2</sub> emissions per year. Based on the small scale of the project changes to GHG emissions, it is not meaningful or useful to compare GHG emissions among alternatives.

**Comment 1388:** As discussed above, additional text has been added to Section 3.14 and Section 3.27.7.10 to discuss the potential impacts climate change may have on the project and project infrastructure.

**Comment 1389:** Decreasing speed is not evaluated in terms of GHG emissions, since it generally conflicts with the project purpose and need. Designing the roadway to match driver expectations and the driving experience of adjoining segments are an important aspect of improving safety. Reducing design speed in this stretch would create a break in the continuity that is trying to be maintained across the highway. The posted speed of 55 mph, is already an efficient highway speed for optimizing gas mileage and thereby minimizing greenhouse gases.

All of the build alternatives have sections of new alignment that have higher grades than the existing highway. The presence of historic and cultural properties, as well as other protected resources throughout the project area limit the options for further reducing grades. However, options to further reduce grades along the proposed alignments are considered desirable from an engineering perspective and will be further considered when design level information is available in the next phase of project development. Threats to project infrastructure are most likely related to changes in precipitation patterns and flooding issues.

Mitigation for GHG emissions is discussed in Section 3.27.7.10.

**Comment 1390:** FHWA and DOT&PF conducted a comprehensive wildlife mitigation study for the project area which includes modeling of movement corridors and corresponding habitat for brown bear, black bear, moose, wolverine, Canadian lynx, and Dall sheep. FHWA and DOT&PF have committed to building wildlife crossings, and DOT&PF is prepared to establish an appropriate number of crossings based on the results of the wildlife study and a prudent expenditure of public funds. Section 3.22 and 4.6 describe DOT&PF and FHWA commitments to wildlife mitigation and the ongoing process to refine precisely where the mitigation measures (crossings, fencing, etc.) would be located. The Final EIS refines the mitigation proposal, with additional details and cost estimates.

Biologists from ADF&G, USFWS and Forest Service have contributed to the study design, and will continue to be involved as the final recommendations are published. The study includes a modeling effort, and field verification using cameras. The results of the modeling have been incorporated into the proposed mitigation plan (the new information has been used to refine placement and structure design) and the mitigation may still be refined during design based on agency consultation.

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## **Communication ID: 1056**

I sent an email yesterday, and *I need to know if traffic is going to be 55mpr in front of Sunrise Inn. I have an offer of sale and the buyer is attempting to reduce the price by 400,000 because of this factor. Is it true?* (Comment 1392) Thank you for any response.

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**Comment 1392:** See Comment Group #61

**Communication ID: 1057**

*About 25-30 years ago The government started studies on rebuilding this very dangerous stretch of highway and here they are still studying it. My representative told me about 10 yrs ago that the eis was finally completed and that it set a record for taking the longest time on record. Now it seems that we have to have more EIS studies. Meanwhile we can expect more fatalities occurring like last summer.*

*Yet we are spending the big bucks to rebuild stretches of highway that are in good shape and safe! i.e MPH 58 to 79. If any other than the Cooper Landing highway could use widening it would be between Sterling and Soldotna. Who picks these projects anyway? The tourist businesses in Cooper Landing? I for one don't like meeting semis on a dark night with no shoulders or fog lines, it really puckers me up.  
(Comment 1486)*

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**Comment 1486:** The State of Alaska has been examining Sterling Highway improvements around Cooper Landing since the early 1980s. At that time, the project was referred to as the Sterling Highway MP 37-60 Project, extending from MP 37 (Seward Highway junction to Skilak Lake Road. Due to the complexities of the project and project area environment, DOT&PF and FHWA decided to split it into two separate project areas. The project between MP 37 and MP 45 was covered under a separate document in 2001. The purpose of the project is to reduce congestion, improve crash safety and upgrade to current design standards. Your comments are understood to be supporting the purpose and need for the MP 45-60 project. The proposed build alternatives include longer sight distances, wider travel lanes and shoulders. Project priorities and funding are addressed in a wide-scale planning process, which results in a State Transportation Improvement Plan (STIP) that gets updated regularly. You can reference the overall State plan from the DOT&PF website at <http://dot.alaska.gov/stwdplng/cip/stip/index.shtml>.

**Communications Submitted  
Following the Comment Period (to December 15, 2017)**

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**Communication ID: 1061**

*Not a good choice...it's the worst alternative... Most expensive... Doesn't do the job... Too many bridges... What's wrong with showing Juneau falls to people who can't hike there...the river suffers...the people of Cooper Landing suffer...and it's the most expensive! (Comment 1460)*

Sent from my iPhone

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**Comment 1460:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative. Some of the issues that the commenter identified, such as the importance of the river, were important components of the revision of FHWA’s Least Overall Harm Analysis in Chapter 4.

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**Communication ID: 1062**

*The only question I have at this time is which Alternative is the Cheapest in COST and the SAFEST one to build to build (Comment 1461) ?*

Thank you

Don Goforth

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**Comment 1461:** An email was initially sent to the commenter responding, “The cheapest alternative is the Juneau Creek Alternative (\$205 million). All the alternatives would improve safety by bringing the highway up to current standards. For more information on the alternatives, their benefits and impacts, please visit our website [www.sterlinghighway.net](http://www.sterlinghighway.net).”

Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The

decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative. The cost differences among the alternatives were not considered substantial and did not influence the FHWA decision in the Least Overall Harm Analysis (See Chapter 4).

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### **Communication ID: 1063**

Thank you. *I think the reroute is an excellent idea.* (Comment 1462)

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**Comment 1462:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative, which may or may not be considered in the same fashion by the commenter.

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### **Communication ID: 1064**

*Thanks for the update on the G South Alternative, wasn't my first choice, however will provide the needed by-pass for Cooper Landing, and a widening of the existing highway to improve safety with shoulders, turning lanes while minimizing impact on wilderness areas.*

*Good job, now let's get it built!* (Comment 1464)

Glenn & Cheryl Flothe  
Cooper Landing Resident  
907-595-1305

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**Comment 1464:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative, which also provides a bypass around Cooper Landing and would improve safety in the corridor.

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### **Communication ID: 1065**

*I just read the good news in today's ADN.com about the selection of the "G" South route around Cooper Landing.*

*I hope this new route will be built before any more people are injured or killed on the existing dangerous road, and before the priceless Kenai River is impacted by spilled fuel from accidents on the narrow, curving road just meters away.*

*Go for it and get 'er done! (Comment 1463)*

Sincerely,  
Carol Griswold  
Seward, Alaska

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**Comment 1463:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative.

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### **Communication ID: 1066**

*As an 18 year resident of Cooper Landing and a fishing guide on the upper river for the last 15 years I have spent a lot of time on this section of the highway. It has needed a solution for the congestion for a very long time.*

*I have not been for the project since I first heard about it from local community members in 1998. The real solution to the big problem is a bridge over the Turnagain Arm, creating an alternate route to and from the peninsula. Which would land on the peninsula some where north of where Mystery Creek rd intersects with the Sterling hwy. perhaps. I'm sure that is not on the radar.*

*As far as the bypass is concerned, I can somewhat get on board with the most northern route which runs from Sunrise Inn to roughly mile 58. Without going all the way to mile 58 you are not getting around the Russian River ferry area which as I am sure you are aware is one of the most dangerous parts of the Sterling Hwy. in my opinion. The frequent bear viewing at the Guardrail corner is a disaster waiting to happen.*

*Another major oversight is not including a separated path in the project. If Johnson Pass area has one with virtually no one living in the area to use it, then Cooper Landing deserves one.*

*I appreciate your time reading my comments. If someone would acknowledge reading this, I would appreciate it. (Comment 1465)*

Thanks,

Alec Lamberson

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**Comment 1465:** (A) We appreciate your comment and support for a solution to the congestion in the Cooper Landing area. An alternate route from Anchorage across Turnagain Arm to connect to the Kenai Peninsula near Chickaloon River (such as you described) would have an entirely different purpose and need as this project. However, the concept of alternative regional highways that avoid this project area is addressed in the EIS in Section 4.4.2 in the context of Section 4(f).

(B) Thank you for explaining that the reason behind your support of the Juneau Creek Alternative (that it is the only alternative that would route the majority of traffic away from the Russian River ferry area at MP 55).

(C) Each of the build alternatives will have an 8-foot shoulder, which meets the requirements for safety for bicycles and pedestrians along a rural principle arterial highway. Given the level of bike and pedestrian activity on the highway outside of Cooper Landing, DOT&PF believes the wider lanes and shoulders would sufficiently increase safety for pedestrians and bicyclists along the new highway segments. DOT&PF anticipates that the new highway will draw 70% of the traffic off of the old highway and that the old highway would be reclassified to function as a minor arterial or major collector. This provides opportunities for the community to implement the Walkable Community Project on the old highway. Each of the new or replaced bridges by the selected alternative will be designed with sidewalks so that if a separated pathway project is developed in the future, the bridges will be able to accommodate it.

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## **Communication ID: 1067**

*I'm all for it! I've lived in Soldotna for 50 years. Since Alaska invited the world to our wonderful state, tourists have plugged the highways, and with that, the rubber-neckers have caused many accidents. Bypassing Cooper Landing with this new route provides a level of increased road safety as a result of less traffic in an already dangerous stretch of highway. And those who want to visit this quiet little place have the opportunity to do so without any trouble or worry that someone gawking at an eagle*

*sitting in a tree will rear-end the vehicle in front of them or hit an on coming vehicle. Not to say that couldn't still happen. But it's less likely with fewer vehicles on that stretch of road.*

*I also noticed while driving through there, the recent resurfacing job actually narrowed the road. I can't remember a time when traveling through that area that I haven't had to almost get in the ditch because of a semi truck. The recent road "improvement" was not even close to improving the road. It made it even more unsafe due to the narrowing of the highway. That's incompetence on some engineer's part, and the rest of the review team. It illustrates the fact that not one of them actually was at the location to determine if narrowing the highway was safe. I hope you do a better job of determining the value of building a road that's wide enough for semi trucks to travel safely through the bypass than was done for the resurfacing of that short stretch just south of Cooper Landing. (Comment 1466)*

Regards,

Andy Lovett

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**Comment 1466:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative.

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## **Communication ID: 1068**

*While there are some issues with Juneau Creek F plan, it makes far more sense to take that length of work, swing it up to continue on and link on into Sterling Highway further South.*

*That gets past ALL the fishing, campground etc.*

*If the Forrest Service and make roads to cut trees in the Chugach, we can build a road that works right.*

*Its not like we are lacking wilderness up here for crying out loud. That's as stupid as people complaining about cutting a bit of rock out of the Chugach along the Seward highway. Intruding, really? Everything is blown out of proportion, they try to blow it up as if we are going to do Pebble Mine in the middle of it.*

*After how many yeas this is the best we can do? (Comment 1467)*

Greg Schmitz  
1503 Turpin St.  
Anchorage AK

**Comment 1467:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative.

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### **Communication ID: 1069**

*Hopefully, the G route will be finalized, it restores my faith that "government" really does listen! To save the Trail and minimize the impact on wilderness is a big step forward! (Comment 1468)* Again, thank you.

Chris Siva

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**Comment 1468:** An email was initially sent to the commenter responding, “Thanks for sharing your thoughts on the G South Alternative and the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.”

At the time of this Final EIS, the identified preferred alternative has been revised to be the Juneau Creek Alternative. The evaluation of the impacts to the Resurrection Pass Trail, designated Wilderness and other resources is documented in the Least Overall Harm Analysis in Chapter 4.

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### **Communication ID: 1070**

*Remember the original purpose of this project was to keep commercial traffic away from the river. (Comment 1487)*

Thank you.

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**Comment 1487:** DOT&PF and FHWA do recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and have incorporated this issue in its project purpose and need statement (Section 1.2.1). The EIS discusses hazardous waste,

spills and contaminants as well as the risk of spills as part of Section 3.17. Each of the four build alternatives shifts a segment (ranging from 3.5 miles to 10 miles) away from the Kenai River. The further away from the river, the larger the range of options to address cleanup should such a spill occur.

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## **Communication ID: 1071**

*As this summer comes to a close, more accidents have occurred in this section of the road. Currently, there are two cars (rollovers) in the ditch along this section of the road... one at MP 48.5 (pickup with toppler) just past Alaska Troutfitters and another between 57 and 58 (Dodge Durango). A death this summer occurred at MP 45.*

*The Cooper Creek Alternative does not solve the issues from MP 51 to MP 53 of folks accessing the river (lots of pedestrians use the bridge at Schooner Bend), keeps the double tractor trailers of fuel along the river corridor, impacts more public properties, and is higher cost (\$290M vs. \$250 to \$257M) than the Juneau Creek Alternatives.*

*I'd be interested in how the final alternative will be chosen, and if additional meetings are planned. I am fairly active in Cooper Landing and I have heard that many of the residents will "believe it when they see it." Therefore they have not attended the meetings. Land in Cooper Landing is difficult to come by, and I believe that there will be a substantial public outcry if the route that impacts the most private properties is chosen. (Comment 1488)*

Looking forward to making Cooper Landing a better place for drivers and residents.

Brad Melocik

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**Comment 1488:** An email was initially sent to the commenter responding, "Thank you for your comments. It is helpful to see the reasoning behind your objections to the Cooper Creek Alternative. Highway safety is at the core of the project's purpose and need. Upgrading the highway to current design standards and reducing crash rates are discussed in detail in Chapter 1.

Section 4(f) of the Federal Department of Transportation Act prohibits use of certain parks, recreation areas, wildlife refuges, or historic properties for transportation projects unless there is "no prudent and feasible alternative" or the impacts are "de minimis." All build alternatives impact Section 4(f) protected resources in this project, and FHWA is required to select the alternative that has the least overall harm. This least overall harm analysis process accounts for Section 4(f) protected resources, but also includes all other resources in the social, biological and physical environment (e.g., private property impacts, wetlands, water bodies, etc.). FHWA included the public and agency comments into their analysis as well. Chapter 4 of the EIS is devoted to describing Section 4(f) resources, impacts, and the least overall harm analysis process.

FHWA and DOT&PF published a public notice on the identification of a preferred alternative. Final EIS meetings are not planned, however, comments are always welcome. Chapter 5 of the EIS outlines the outreach and coordination efforts throughout the EIS process."

Since that email, FHWA has re-evaluated the Least Overall Harm Analysis as part of the Section 4(f) evaluation and has no longer identified the G South Alternative as the preferred alternative as published in 2015. Details of that process are outlined in the Executive Summary, Chapter 2, and Section 4.8 of the Final EIS. However, until the final Record of Decision is signed, there remains no final decision.

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### **Communication ID: 1072**

*I am still a lot disappointed on the Rout that has been chosen the only rout that should be used is the Juneau Creek Alternative I am going to look onto a way to STOP the G South Alternative or any other rout even if it takes a LAWSUIT! (Comment 1489)*

Don Goforth

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**Comment 1489:** We appreciate your comment and reasons behind your preferences.

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### **Communication ID: 1074**

Hello, Thank you for all your hard work on this important project. *Although I don't live in the cooper landing area, I spent some days alongside a resident who lives in this area while we helped fight the recent Stetson creek fire. I learned from him that the priority concern when considering the options needs to be the health of the Kenai river. Without this incredibly important fishery, the entire area would be extremely different. It is the cornerstone for all the communities in the area. Put a highway next to it that carries necessary hazardous chemicals for these communities and it just a matter of time before the health of this resource is negatively impacted or even destroyed. Although all of the improvements seem to reduce this risk from the current alignment and standards, I am in favor of the alternative that reduces the risk of the health Kenai river the most. I know there are wilderness and recreation areas that are to be considered, but they need to take second priority to the health of the Kenai river. (Comment 1470)* Thank you, Eric Steinfort PO Box 762 Girdwood, AK 99587 Goombay78@aol.com

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**Comment 1470:** Thanks for sharing your thoughts on the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.

## **Communication ID: 1075**

*Our driveway is at mile 46.2. Between the widening of the road and the planned bypass of the road at mile mile 46.3 this will greatly impact our property which is currently for sale. We expect that this will affect our sale price. We would like to know what is the planned compensation to landowners who will be affected by this proposal. (Comment 1474) Thank you, Bill & Anne Kutchera*

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**Comment 1474:** Thank you for your inquiry. At this time, we anticipate that construction on the project will begin, at the earliest, in 2018. Once the project design is more than half complete (approximately 2017), the project team will have a good sense of what properties will ultimately be necessary. It is at that point that we begin contacting property owners individually.

While I understand your interest in knowing what will happen with your property, it will be some time, likely more than a year, before DOT&PF will be prepared to begin discussions with impacted property owners.

If a property is determined to be necessary for construction of the project, DOT&PF follows a comprehensive, prescribed process to acquire property. You can read more about this process on the DOT&PF ROW resources website: <http://www.dot.state.ak.us/stwddes/dcsrow/resources.shtml>

This ROW pamphlet provides an overview of the state's ROW process: [http://www.dot.state.ak.us/stwddes/dcsrow/assets/pdf/ROW\\_UniformAct1.pdf](http://www.dot.state.ak.us/stwddes/dcsrow/assets/pdf/ROW_UniformAct1.pdf)

This ROW manual explains in more detail the DOT&PF ROW property appraisal process in sections 4 and 5. [http://www.dot.state.ak.us/stwddes/dcsrow/pop\\_rowmanual.shtml](http://www.dot.state.ak.us/stwddes/dcsrow/pop_rowmanual.shtml)

Thank you again for reaching out to the project team. Please let us know if you have additional questions.

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## **Communication ID: 1076**

*The whole problem would be solved by putting a bridge from Anchorage to Fire Island, then from fire island to Chickaloon flats. It would eliminate so much traffic from the dangerous Seward highway as well. At the same time give North Kenai a shot in the arm with tourists and Anchorage travelers that are just wanting to go to Kenai, Soldotna or Homer. Cooper Landing is to narrow a valley for a bypass. This would completely destroy the most beautiful place in our great state. (Comment 1471) Sincerely, Barbara Atkinson Cooper Landing resident since 1978*

**Comment 1471:** Such a regional highway would have an entirely different purpose and need than this project. However, the concept was considered and is addressed in the EIS in Section 4.4.2 in the context of Section 4(f) in trying to find alternatives that avoid park, recreation area, refuges and other protected properties. Such an alternatives was found to not be prudent and feasible.

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## **Communication ID: 1079**

Kelly Peterson

I have a question. *Does Princess Lodge in Cooper Landing intend to place an access road off the new main highway (route G) to their lodge and if so, what mile post would be their turn-off? (Comment 1472)*

Chris Rhodes---Cooper Landing Resident

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**Comment 1472:** An email was initially sent to the commenter responding, “No public roads or private driveways would be connected directly to the build alternatives in the segments of the build alternatives that are built on a new alignment. The topic of controlled access is discussed in greater detail in Section 2.6.2 of the EIS, an excerpt of which states,

“DOT&PF proposes to reserve roadway access rights, with all ingress/egress regulated, in areas where any build alternative is completely separate from the existing Sterling Highway (segment built on a new alignment). Controlling access means that access to the National highway System will only be allowed at selected public roads or by interchanges as shown on Right-of Way-Plans. DOT&PF would purchase land access rights where needed and plat and record the restrictions on access. No public roads or private driveways would be connected directly to the build alternatives in these segments. Pullouts or rest areas developed as part of the project would be the only driveways connected to these segments of the alternatives. Any existing roads would be grade separated (i.e., routed under or over the highway) where they crossed a segment built on a new alignment but would not be connected to the new highway. Because of the commitment to control access, a new access (e.g., a driveway or approach road) were requested it would require a “driveway or approach road permit” and would need to comply with the design requirements for access to a controlled access facility and would need to be considered in a new NEPA process.”

Since that response email was sent, DOT&PF has consulted with Forest Service, USFWS, and CIRI and agreed to modify the controlled access plan for the project area. The proposed plan will continue to prohibit private driveways on segments of any alternative built on a new alignment. For each build alternative, Chapter 2 outlines proposed connections for trailheads. For the Juneau Creek alternatives, DOT&PF has agreed to reserve access for a future connection to the rural residential development on Unit 395. The USFS requested this consideration to manage their lands and maintain their ability to identify the least environmentally damaging access across national forestlands. A connection would

also be reserved for the CIRI Tract A development near the connection of the old and proposed highway segments under the Juneau Creek Alternative. No road or driveway connection would be provided to the Princess Lodge.

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### **Communication ID: 1082**

Kelly Peterson & John McPherson. Thank you for attending the Cooper Landing Community Club meeting last night. I appreciate the effort by DOT to involve the community and move this project forward. There are lots of supporters (myself included) of the project, but are quiet because of the divisiveness of the issue. *Most believe a bypass has to be built to elevate the traffic danger the current road has. The G South alternative may not be perfect, but it will accomplish the goals of updating this section of road and creating a safer community for Cooper Landing. (Comment 1473)* I am a 25 year resident and have served on the Cooper Landing Advisory Planning Commission. Sincerely, Jon James

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**Comment 1473:** Thanks for sharing your thoughts on the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward.

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### **Communication ID: 1083**

Hi John,

*Thank you very much for taking the time to meet with me Thursday. It was greatly appreciated. Of course I didn't think I would absorb all your knowledge in one brief meeting, so would beg your indulgence for some clarifying questions.*

*You mentioned a proposal that was considered at one time and then abandoned that would have improved some problem areas but would have kept the current path of the highway. I think you referred to it as R3. Is that also the one that included the Kenai Walls option? Can you tell me when this project was considered, if a budget estimate was created, what information is available for it, and when/how/who nixed that project?*

*You also mentioned SHIPO. Not sure if I got the acronym right. And that they are led by Judy Bittner and are working on a preservation plan for the entire area that would include possible construction of an education facility. Could you provide me contact information for that agency and perhaps a reminder of what the acronym stands for?*

*I appreciate any guidance you can offer. (Comment 1475)*

Sincerely,

Vince Beltrami

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**Comment 1475:** Thank you for visiting last Thursday. Feel free to stop in again when you are in Juneau.

To clarify your questions below: Improving the existing highway has been considered many times over the years (called the 3R alternative). The Kenai Walls option was one of those alternatives considered that used the existing alignment. Since the walls were not technically feasible, other improvements that stayed on the existing alignment were considered that did not use walls. Details of these alternatives are included in documents posted on the Sterling Highway 45 - 60 web page here [http://www.sterlinghighway.net/technical\\_reports.html#alternatives](http://www.sterlinghighway.net/technical_reports.html#alternatives)

The most pertinent documents would be the May 2003 "Evaluation Criteria and Alternatives Analysis" and November 2013 "Existing Alignment Report." Based on comments received on the Supplemental Draft EIS, additional study was done on making improvements to the existing highway in 2015. A summary of that study will be included in the Final EIS, it is not posted on the web site yet. The bottom line, though, is that improvements along the existing alignment cannot meet the project's purpose and need. There would continue to be safety and congestion issues and the highway could not meet rural principal arterial design standards.

The decision that improvements to the existing alignment cannot meet the project purpose and need was made by the project team of FHWA and Alaska DOT, with input from the consultant HDR. There is not a current cost estimate for the 3R alternative because the alternative is considered "not reasonable."

The project team is now working with the SHPO (the State Historic Preservation Officer, Judy Bittner) as well as other Federal Agencies and the Tribes to develop a programmatic agreement to mitigate the project impacts to archaeological and historic properties. We expect that the agreement will include development of a preservation plan for the area and development of training materials for an education program on the history of the area. (This does not include construction of an education facility). The development of the programmatic agreement is in the early stages and will probably take a few months to complete.

This project has a long history and many complicated issues. Please let me know if you would like further clarification or any additional information.

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## **Communication ID: 1086**

*WHERE MAY I VIEW THE DOT PROJECT BID DATES AND RESULTS? (WITHOUT PAYING FOR INFO ie. PLANS ROOM) (Comment 1476)*

**Comment 1476:** Thank you for your inquiry. The Sterling Highway MP 45-60 project has not yet been put out to bid and is not anticipated to be bid until 2018 at the earliest. We are still in the environmental review process and plan to begin design next year. You can look up current DOT&PF projects that are out for bid on this website: <http://dot.alaska.gov/procurement/bidding/calendar/index.shtml>

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## **Communication ID: 1087**

Hello Mrs. Petersen--

My name is Christine and I am a student and employee at the University of Alaska Anchorage. *I am working on some GIS for EPSCoR, we are trying to put some scenario maps together to project what the Kenai Peninsula may look like in the future. I was hoping that you maybe able to share the "G Rote" road file that you may have with me. I would like to have the updated road in my maps since they are future focused. (Comment 1477)*

I found this map on the project website and was basing the GIS file of the road that I was looking for based off of the map:

[MAP ATTACHED TO EMAIL]

Any assistance you could provide would be very appreciated!

Christine Brummer

**Christine Brummer**  
Research Technician  
EPSCoR

University of Alaska Anchorage  
3211 Providence Drive, BMH#113  
Anchorage, Alaska 99508  
[cebrummer@alaska.edu](mailto:cebrummer@alaska.edu)

(907) 786-6388 (No Voice Mail, Sorry)

(907) 677-6349 (Voicemail)- It is my home landline but please feel free to call the number

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**Comment 1477:** Attached is the GIS file you requested. Please note this is a preliminary alignment which may change during future engineering efforts. Good luck on your project.

[FILE ATTACHED TO EMAIL TO COMMENTER]

## Communication ID: 1092

Hello,

*Is there a current project status that you could share? Do you have an estimated release date for the FEIS and ROD? Are there any alternatives under consideration that were not analyzed in the DEIS, or for any reason any further field work occurring this summer? (Comment 1478)* Thank you for any updates you can provide, and feel free to give me a call if it's easier to respond that way.

**Patrick Lavin**

Alaska Representative

Defenders of Wildlife

441 West 5th Avenue, Suite 302, Anchorage, Alaska

**Tel:** 907-276-9410 | **Fax:** 907-276-9454

[plavin@defenders.org](mailto:plavin@defenders.org) | [www.defenders.org](http://www.defenders.org)

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**Comment 1478:** An email was initially sent to the commenter responding, “Thanks for reaching out to us. DOT&PF and FHWA are working through comments received on the Draft SEIS and preparing a Final EIS, including suggestions related to new or improved alternatives. Implementation (modeling and field work) to refine mitigation for wildlife is continuing. The Final EIS and Record of Decision are anticipated in 2016.”

The project schedule has since been revised and the Final EIS is anticipated in 2018.

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## Communication ID: 1101

*Thanks Kelly. Would you be able to refine the estimated release date for the FEIS/ROD a bit? Even a ballpark estimate and/or “not before” date would help. (Comment 1493)*

Thanks,

Pat

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**Comment 1493:** An email was initially sent to the commenter responding, “The release date for the Final EIS/ROD is still by the end of the year 2016.”

The project schedule has since been revised and the Final EIS is anticipated in 2018.

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## **Communication ID: 1102**

Hello,

*The link to the Stakeholder Interview Summary on p.5-10 of the Section 4(f) evaluation appears to be no longer active – could you either send a working link or send the Summary? (Comment 1494)*

Thanks,

Pat

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**Comment 1494:** We received your request for the 2001 Stakeholder Interview Summary link on page 5-10 of the Supplemental EIS; thanks for the correction, we will fix that in the Final EIS. The correct web link is:

<http://www.sterlinghighway.net/Documents/Appendix%20D%20Stakeholder.pdf>.

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## **Communication ID: 1104**

HDR,

*Can you give me an estimated timeline on when the FSEIS will be issued for the Sterling highway project?*

*Also, can you please send a link, or attach as documents the agency comments submitted by FWS and USFS - I can't find those on your website. (Comment 1497)*

Thanks,

Andy

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**Comment 1497:** An email was initially sent to the commenter responding, “Thanks for your inquiry. The release date for the FSEIS and Record of Decision is still by the end of the year 2016. All comments submitted by agencies will be published with the Final SEIS. We are adding you to the project email list so you can receive updates when they are released.”

The project schedule has since been revised and the Final EIS is anticipated in 2018.

## **Communication ID: 1105**

Hello. *When do you expect to release the final EIS and ROD? (Comment 1496)*

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**Comment 1496:** An email was initially sent to the commenter responding, “Thanks for contacting us. The release date for the FEIS/ROD is still by the end of the year 2016. We are adding you to the project email list so you can receive updates when they are released.”

The project schedule has since been revised and the Final EIS is anticipated in 2018.

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## **Communication ID: 1106**

Thanks Kelly,

I appreciate being added to the mailing list. *Would you mind sending me the agency comments, which have already been submitted in final form, or at least connecting me with the federal agency contact for the project, so I don't have to FOIA the comments from each agency individually? (Comment 1498)*

Thanks,

Andy

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**Comment 1498:** FHWA would be happy to send you the agency comments, but you will have to send them a FOIA request. Please contact John Lohrey, FHWA, at 907-586-7428 if you have questions about making a FOIA request.

## **Communication ID: 1108**

*Would it be possible to get an updated shapefile of alternative G south centerline? (Comment 1499)*

Thanks,  
Chris

Chris Clough  
GIS Manager  
Kenai Peninsula Borough  
907 714-2223  
cclough@kpb.us

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**Comment 1499:** Attached is a zipped shapefile that includes the conceptual G South centerline for Sterling Highway.

## **Communication ID: 1109**

*I was able to find, in the FAQ section of the Sterling Highway MP 45-60 website, information that supported the selection of the preferred alternate on this project. That information was very useful. However, I was wondering if there is an official written document that supports the preferred alternate. If so, can you email that to me? (Comment 1500)*

Bruce Wall, AICP  
Planner  
Kenai Peninsula Borough  
907-714-2206

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**Comment 1500:** An email was initially sent to the commenter responding, “Thanks for your interest in the Sterling Highway MP 45-60 project. Supporting documentation for the preferred alternative will be published in the Final EIS, which is anticipated by the end of the year 2016. We will make sure you are on the email list and receive an email when it is available.”

The schedule for the Final EIS has been adjusted to be distributed in 2018.

## **Communication ID: 1111**

Hello,

*Are the comments on the draft EIS available online? If not, then I request copies of them. Electronic or hard copies would be fine, whatever is easier for you.*

*Also, is there a hard copy of the DEIS available? If so, please send to me at the address below.  
(Comment 1501)*

Thank you –  
Patrick Lavin  
Alaska Representative  
Defenders of Wildlife  
441 West 5<sup>th</sup> Avenue, Suite 302  
Anchorage, Alaska  
Tel: 907-276-9410 / Fax: 907-276-9454  
[playin@defenders.org](mailto:playin@defenders.org) / [www.defenders.org](http://www.defenders.org)

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**Comment 1501:** FHWA would be happy to send you the comments on the Draft SEIS, but you will have to send them a FOIA request. Please contact John Lohrey, FHWA, at 907-586-7428 if you have questions about making a FOIA request.

Per your request, we will send you a hard copy of the Draft SEIS at the address you provided.

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## **Communication ID: 1112**

Attn: Mr. Kelly Peterson, PE. Project Manager, Ak DOT Mr. John Lohrey, Draft SEIS Ak Team Leader, Federal Highway Administration *I live at mile 46.5, near the epicenter of the proposed mile 46.3 connection from the new bypass to the old Sterling Highway noted in the public Sterling Highway rebuild documents. A close up schematic of the proposed turnoff is not provided in your online overview documents and drawings. I have owned property at mile 46.5 for over 30 years and have lived here the past 16 years as my primary residence. I contacted Mr. Kelly Peterson awhile back by letter but did not get a response concerning being able to see the proposed turnoff drawings for mile 46.3. If you can assist me in obtaining a copy (similar to the one shown in the public documents for the Russian River boat launch turnoff) it would be greatly appreciated. (Comment 1502)* Thank you, Glenn Flothe Mile 46.5 Sterling Highway Cooper Landing Ak. 1-907-595-1305 Gflothe@gmail.com Sent from my iPad

**Comment 1502:** An email was initially sent to the commenter responding, “Thanks for your inquiry. This set of drawings (<http://www.sterlinghighway.net/Documents/Appendix-A-PER-plan-sheets-G-South-4-23-14-FLAT.pdf>) shows the currently identified preferred alternative, G South, and how the proposed turnoff may be developed. Please refer to sheet F27 or page 33 of the PDF. Please be aware that these sheets are not construction drawings, are preliminary in nature, and subject to change.

If you have further questions, please contact the DOT&PF Right of Way Section Supervising Project Coordinator, Al Burton at 269-0647. Thank you for your interest in the Sterling Highway MP45-60 Project.”

FHWA has since revised its Least Overall Harm Analysis, resulting in the identification of the Juneau Creek Alternative as the preferred alternative. However, the engineering drawings of the road connection near MP 46 would remain the same.

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## **Communication ID: 1117**

*Thank you for responding to my inquiry. I found the proposed drawings very informative. As proposed we will have access to our property on Kenai Lake off what will become the Old Sterling Hwy rather than the new proposed by-pass. This will make it much safer for those property owners living on the lake as the existing winding shoulderless highway has become increasingly dangerous with each passing year. A semi went off the road just above our home two years ago, the crash was so loud it shook our house. A year ago a young girl was sadly killed just down the road when the vehicle she was in veered off the shoulderless highway above Kenai Lake and hit a tree. Your highway design will greatly improve safety for those traveling on the highway through the Cooper Landing and allow those recreating in the area safe access to Kenai Lake and the Kenai River. Thank you and your team for all your hard work. Without your years of dedicated effort this project would have never gotten off the ground.*

*If we can be of any help with regards to lending support to your project please let us know. (Comment 1518)*

With best regards,

Glenn & Cheryl Flothe  
Mile 46.5 Sterling Hwy  
PO Box 850  
Cooper Landing, AK 99572  
1-907-595-1305 home  
1-907-240-4086 cell

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**Comment 1518:** Thank you for your comment.

## **Communication ID: 1118**

July 22, 2016

John Lohrey  
Statewide Programs Team Leader Federal Highway Administration  
P.O. Box 21648  
Juneau, AK 99802-1648

Dear Mr. Lohrey;

Re: Sterling Highway M. P. 45-60, Cooper Landing, Alaska

This letter is to follow up on the June 1, 2016, meeting with you and Karen Pinell, Assistant Division Administrator, and the Kenaitze Indian Tribe's Executive Council for the purpose of government to government consultation. The Council asked for justification for the selection of the G South Route as the preferred route. The Council listened to you and after further discussion and deliberation remains in support of the Juneau Creek Route as the preferred route. Your willingness to consult with the Tribe is appreciated.

According to the project website, there are three major needs the project addresses: to reduce highway congestion, to meet current highway design standards and to improve highway safety. Factors considered in selecting a preferred route include the ability to mitigate adverse impacts to 4F properties, the severity of remaining harm, the significance of affected properties, the view of the official with jurisdiction over the resource, the degree to which the preferred route meets project needs, the adverse impact to other resources not considered 4F resources, and the substantial difference in cost.

*This letter addresses our comments and concerns within the context of the project needs and selection criteria. There are two safety issues. The first is the safety of the travelers and the second is the safety of the Kenai River. The G South Route incorporates one of the most dangerous sections of the highway, the curve near Gwin's Lodge at Milepost 52. The Juneau Creek Route has four less curves that meet the minimum standard of 60 mph speed and nine less intersections and driveways than the G South Route.*

*The safety of the Kenai River is equally important. The G South Route provides the most potential for a multitude of events that could be catastrophic to the river and the life it supports both during and after construction. The Juneau Creek Route moves through traffic away from the Kenai River, also lessening congestion when the bypass is open, as at least 70 percent of those traveling the highway are forecasted to use the bypass.*

*Many members of the Council travel throughout the Lower 48. During our travels we have noted that the highway system is designed to make scenic and recreational opportunities accessible to travelers. The Juneau Creek Route does this by providing access to Juneau Creek Falls to those who may not be physically able to use the current Resurrection Pass Trail or have the time to do so. Those who want to experience the Resurrection Trail while hiking or backpacking may still do so, as the Juneau Creek Route affects only the first 10 percent of the trail. We acknowledge the history and use of the Resurrection Trail as a premier backcountry experience but ask that consideration be paid to the numbers of those who hike the trail as opposed to the number who depend on the health of the Kenai River for subsistence and recreational use. The Kenai River offers premier recreational opportunities and the number people who utilize this as compared to the Resurrection Trail is significantly higher.*

*We acknowledge that the Juneau Creek Route will impact wetlands and possibly wildlife movement. However, we also acknowledge that the health of the land and waters, specifically the health of the Kenai River, supports and nurtures wildlife of the region that are highly dependent on the river. A route that is a known risk to the Kenai River is not a viable choice.*

*Kenaitze-Dena'ina values, traditions and culture are based on a world view that does not acknowledge a difference between cultural and natural resources. The term "4F properties" is incompatible with our holistic approach to serving as stewards of our ancestral lands and the voice of the fish, animals, and our past and future generations.*

*Should you have questions or concerns or need additional information or clarification, please do not hesitate to contact Alexandra "Sasha" Lindgren. Her phone number is 907-398-3181 and her e-mail address is chudashla@outlook.com or alindgren@kenaitze.org.*

*In closing, the Kenaitze Indian Tribe opposes the G South Route as the preferred route and encourages Federal Highways to reconsider the selection. The Kenaitze Indian Tribe is committed to protecting the Kenai River and all life that it supports, which is the primary reason we favor the Juneau Creek Route. (Comment 1505)*

Sincerely,

Rosalie A. Tepp  
Chairperson  
Kenaitze Indian Tribe

---

**Comment 1505:**

FHWA would like to acknowledge that your comments regarding the importance of the Kenai River were considered, and factored into the Least Overall Harm Analysis (see Section 4.8 of the Final EIS). In addition, since our meeting, CIRI informed DOI of their desire and willingness to engage the DOI on a land exchange that would include the area of the Kenai National Wildlife Refuge that the Juneau Creek alignment crosses, and DOI subsequently informed the FHWA indicated it intends to execute the trade if

the Juneau Creek Alternative is selected. This would effectively change the land status from designated federal Wilderness to private land. Based in part on these changes, FHWA has now identified the Juneau Creek Alternative as the preferred alternative.

While your letter advocated for such a change, FHWA would like to acknowledge and respond to other components of your letter.

With respect to traveler safety concerns, all build alternatives fulfill the project purpose and need outlined in Chapter 1 of the EIS; bringing the highway up to current standards and improving safety. The G South (and Cooper Creek) alternatives would reconstruct the highway near the MP 52 curve referenced in your letter. As part of the proposed design, this curve would be substantially straightened. It is true that the preliminary design of the Juneau Creek Alternative has fewer curves and intersections than G South; however, as I explained at our June 1 meeting, each alternative will be improved over the existing highway.

Regarding river safety, DOT&PF and FHWA recognize the importance of the health of the Kenai River watershed to the economy and lifestyle of the Kenai Peninsula communities, and we have incorporated this issue in the project purpose and need statement. We appreciate that your comments advocating for the Juneau Creek alternatives are driven by desire to protect the river.

Upgrading the highway to current design standards for a rural principal arterial highway would widen lanes, smooth curves, improve visibility around curves, provide shoulders, and add vehicle turn pockets all which help to decrease the likelihood of crashes, and provide a recovery area for vehicles that run off the roadway. These features would reduce the risk of crashes along the length of the highway and reduce the risk of pollutants entering the river for any of the alternatives.

In general, the risk of a spill entering the Kenai River diminishes the farther away from the Kenai River the spill occurs. The greater distance allows more time for responders to contain the spilled material and prevent it from reaching the river. Related to this issue, additional information has been added in Section 3.17. Tributaries, riparian areas, and wetlands are all also areas of special concern. Each of the four build alternatives presented in the EIS has a segment, ranging from 3.5 miles to 10 miles, that is shifted away from the Kenai River. No alternative, even the Juneau Creek alternatives, is able to completely distance the highway from the Kenai River, and a spill along any of the alternatives could result in contamination within the watershed. Additionally, the existing highway will continue to exist and could be used, especially for local fuel and other deliveries.

We appreciate that your world view does not recognize resources in the same fashion as outlined in the EIS and Section 4(f) evaluation. However, in the end, FHWA must follow the process as outlined by law. Based on the information and comments we have to date, we have identified the Juneau Creek Alternative as the preferred alternative, as we believe it to have the least overall harm. We appreciate the KIT's input into the decision making process, and welcome future contributions to the process.

## **Communication ID: 1124**

To whom it may concern. *The biggest problem with G-south route through Cooper Landing is the additional bridge over the Kenai River will result in a negative impact to land AND river. The G-south route does not reduce the presence of the road next to the river between Gwins Lodge and Russian River Campground where we've already had a truck spill. The Juneau Creek Alternative route is the less expensive option, and dangers to the river would be avoided. There would be more land lost to habitat but wildlife corridors will mitigate this issue as much as the G-route. Please reconsider your options. The wait for the reroute has been 40 years. It doesn't need to be done incorrectly in the next 5 years if the preferred way may take a little longer with the extra red tape. (Comment 1512) Jeff Perschbacher*

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**Comment 1512:** Thanks for sharing your thoughts on the Sterling Highway MP 45-60 Project. We have received them and are sharing them with the project team at DOT and FHWA. The decision on which alternative will be selected is not final until the Record of Decision. We will continue to share updates as the project moves forward, and we've added you to the mailing list.

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## **Communication ID: 1125**

Southcentral Alaska Subsistence Regional Advisory Council  
U.S. Fish & Wildlife Service  
c/o Office of Subsistence Management  
1011 East Tudor Road M/S 121  
Anchorage, Alaska 99503

RAC SC15086.DM

Kelly Peterson, PE  
Project Manager  
Alaska Department of Transportation and Public Facilities  
P.O Box 196900  
Anchorage, Alaska 99519-6900

RE: SCRAC comments on the Sterling Highway Milepost 45-60 Project

Dear Ms. Peterson:

*The Southcentral Alaska Subsistence Regional Advisory Council (Council) is authorized by the Alaska National Interest Lands Conservation Act and chartered under the Federal Advisory Committee Act. ANILCA Title VIII Section 805 and the Council’s charter establish the Council’s authority to initiate, review, and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife on public lands within the region and to provide a forum for the expression of opinions and recommendations on any matter related to the subsistence uses of fish and wildlife on public lands within the region.*

*The Council held its annual fall meeting in Anchorage, October 17-18, 2016, to review fishery proposals, identify priority information needs for the Fishery Resource Monitoring Project, and other subsistence related issues. The Regional Advisory Councils has permissive authority under ANILCA Title VIII Sec. 805 (a)(3)(A) to review and evaluate proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife within the region.*

*The Council had the opportunity to review and comment on Alaska Department of Transportation and Public Facilities (DOT & PF) and the Federal Highway Administration (FHWA) on the issue of the Cooper Landing / Kenai River Bypass on the Sterling Highway MP 45-60 Project.*

*The ecological health and well being of the Kenai River has a direct impact on the access and opportunity for Federally qualified subsistence users to fish and hunt in their customary and traditional use rural areas on Federal public lands of the Kenai Peninsula. Additionally, the Kenai River supports many uses by other key user groups that also depend on healthy populations of fish and wildlife.*

*The Council voted unanimously to request a reconsideration of the selection of G South Alternative as the preferred alternative on the Sterling Highway MP45-60 project. The Council requests that this selection be reevaluated in consideration of the following comments in opposition to the preferred alternative of G South, which fails to provide necessary long-term protections for a healthy Kenai River. We support the more Kenai River friendly Juneau Creek Alternative.*

*The Council has grave concerns that the assessment of alternatives did not fully consider the impacts and environmental threats to the Kenai River, and the relative lack of weight given to these impacts in the selection of a preferred alternative. While we recognize the complexity of this process, and are aware of the impacts each alternative will have on important habitat and recreational opportunities, the Council is concerned that the sustained and potential catastrophic impacts to the Kenai River were shown less emphasis in the selection process than impacts to the Mystery Creek Wilderness Area, the Resurrection Pass Trail, and the Juneau Falls Recreation Area. Our particular area of concern is the failure to remove potential for a hazardous spill into the Kenai River, which would seriously harm the subsistence and other important fisheries.*

*Forty-five percent of the G South Alternative remains within 500 feet of the Kenai River or other Tier 1 Waterbodies, compared to 25% of the Juneau Creek Alternative. The separation provided by the Juneau Creek Alternative, which moves 75% of the route more than 500 feet away from a Tier 1 waterbody, provides responders with extra time to protect the Kenai River in the event of a hazardous spill. This difference is acknowledged within the DSEIS; however, these risks are minimized citing that “the highway would be reconstructed throughout to meet current standards and improve safety.”*

*Improved safety along a Kenai River corridor – while decreasing the likelihood of an accident – does not eliminate the risk nor does it mitigate the impact a spill will have if it occurs. In order to mitigate the impact a hazardous spill will have, the road must be moved away from the Kenai River corridor to the maximum degree reasonably possible. The Sterling Highway is the sole highway transportation corridor between the western Kenai Peninsula and the rest of the state, including Anchorage which serves as the primary trucking destination for the region. Double trailer trucks are becoming much more common on the Sterling Highway, raising the level of concern of a major spill. It is infinitely wiser to move the highway itself away from the river corridor, thereby removing the immediate risk of a major spill into the Kenai River.*

*We maintain that by selecting G South as the preferred alternative, DOT&PF and FHWA have highlighted the Juneau Creek Alternatives' impact on wetlands and human recreation, while showing much less emphasis for substantial encroachments and major environmental spill hazards to the Kenai River.*

*Limited regional capability to respond to significant spills in this area, due to both the capacity of local volunteer agencies and the geographic limitations of the area, considerably increase the risk posed by failing to move the majority of traffic off of the Kenai River Corridor. Due to the constraints of the area, and the likelihood of a delayed response to a spill, the improved response time that the Juneau Creek Alternative gives local responding agencies is a crucial consideration and should be given high priority in the analysis.*

*Protecting the Kenai – a resource crucial to the environmental, cultural, recreational, and economic health of this region – should receive as much, if not more, weight in the decision making process than an administrative boundary such as the Mystery Creek Wilderness Area. The Mystery Creek Wilderness Area is an extremely small portion of this project, yet seems to carry an outsized weight due to the administratively complex process needed to build in the area.*

*Conversely, moving the road away from the Kenai River – an invaluable resource heavily impacted by a large portion of the project area – is not being given the highest priority consideration in this project. Should a major accident due to an unwise choice of highway routing, such as the G South Alternative negatively impact the health of the Kenai River, the environmental damage could be extensive, the impacts to subsistence fisheries could be devastating, and the news about this avoidable catastrophe would be far-reaching and harsh.*

*Although the impacts of the Juneau Creek Alternative route are worth mentioning, they in no way outweigh the opportunity to prevent a major spill, along with the chance to dramatically decrease in general highway traffic adjacent to one of Alaska's crown jewels, the Kenai River. As the economic and corresponding transportation activity along the Sterling Highway grows in future years, the threat posed by increasing general traffic through the river corridor route of the G South Alternative, especially by double trailer trucks, is unacceptable.*

*The Council recognizes there are numerous impacts of all alternatives that need to be addressed. We request awareness of those issues and that mitigating steps be taken to minimize impacts on wildlife and recreation for all of the alternatives. The mitigation steps that could be utilized on the Juneau Creek Alternative have been implemented successfully over the past twenty plus years to minimize impacts on wildlife and recreation along the nearby Seward Scenic Highway (much of which falls within or in close proximity to the Chugach National Forest), where principal sections of the route*

*have been and are continuing to be scheduled for upgrades to modern highway safety and design standards.*

*The Council therefore strongly opposes the selection of any alternative that fails to protect the Kenai River and believes the protection of such a crucial resource should receive the highest priority in the decision making process. After forty years of deliberation, the ability to reroute the largest existing section of highway traffic directly adjacent to the Kenai River will never occur again in anyone's lifetime.*

*In light of this, we support the only other existing alternative, the Juneau Creek Alternative, as the best route to bypass both Cooper Landing and the Kenai River. We strongly encourage DOT & PF and FHWA to consider our heartfelt concern in your reconsideration of the alternatives. Thank you for your time and consideration in this matter of utmost importance. (Comment 1514)*

If you have any questions, please contact me or our regional council coordinator, Donald Mike, at (907) 786-3629.

Thank you for your time and consideration.

Sincerely,

Richard Greg Encelewski, Chair

cc: Interagency Staff Committee

Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management

Southcentral Alaska Subsistence RAC members

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**Comment 1514:**

Thank you for your comment. It is helpful to see the reasoning behind the stated preference. FHWA considered these comments in their Least Overall Harm Analysis (See Section 4.8 of the Final EIS), and impacts to Kenai River, among many other issues, were important considerations in identification of the preferred alternative.

## **Communication ID: 1128**

### **KENAI PENINSULA BOROUGH**

144 North Binkley Street

Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441 Ext. 2150

PHONE: (907) 714-2150. FAX: (907) 714-2377

www.mayor.kenai.ak.us

Mike Navarre

Borough Mayor

October 11, 2016

Kelly Peterson, PE

Project Manager

Alaska Department of Transportation and Public Facilities

P.O Box 196900

Anchorage, AK 99519-6900

RE: Sterling Highway Milepost 45-60 Project

Dear Ms. Peterson:

*We are writing this letter to request a delay of Record of Decision (ROD) on the Sterling Highway MP45-60 project until a determination is made on the prospective land exchange between the Cook Inlet Region Inc. and the Kenai Wildlife Refuge. This exchange, authorized in the Russian River Land Act (1), is currently under consideration and would result in a change in land status of the potentially impacted portion of the Mystery Creek Wilderness Area.*

*1 Russian River Land Act, Pub. L. No. 107-362, 116 Stat. 3021*

*Upon this determination, we request a reconsideration of the selection of G South Alternative as the preferred alternative. We ask that this selection is reevaluated in consideration of both the land exchange and the following comments in opposition to the selection of G South.*

*We have significant concerns regarding the analysis that led to the selection of the G South alternative. There are three areas of concern this letter discusses.*

- 1. Purpose and need: The DSEIS fails to recognize the long term protection of the Kenai River as a key element of the purpose and need for this project.*
- 2. Impacts of the G South alternative to the Kenai River: We have concerns that the assessment does not fully consider the impacts to the Kenai River, and have concerns with the relative lack of weight that these impacts were given in the selection of a preferred alternative.*

*3. Lack of input on G South Alternative: A number of historical factors, including the previous selection of different preferred alternatives and the length of time this project has been ongoing, create a unique situation where stakeholders and the public were unlikely to provide input specific to G South. As such, ADOT&PF and the FHWA should formally solicit, consider, and respond to, comments on their selection prior to the ROD.*

*If the Kenai River were given the proper weight in the analysis and if the protection of the Kenai River were recognized as part of the purpose and need for this project, we believe a different preferred alternative would have been selected.*

#### *1. Purpose and need*

*Draft SEIS 1.2.1 Project Purpose (Comment 1513) "The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreational destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River Corridor"*

*Although DOT&PF and the FHWA recognize the importance of protecting the Kenai River Corridor in the overview of project purpose, this importance is not carried through to any of the three listed needs. We believe that - although not explicitly stated as a need in this DSEIS - protection of the Kenai River Corridor has historically been understood by the public and stakeholders as an important reason for this project. Failing to move a substantial amount of traffic away from the river and accepting the risk of a catastrophic hazardous spill in the Kenai fails to realize a fundamental benefit of this project. We believe that an alternative that does not move the highway off of the Kenai River Corridor does not meet the purpose and need of this project. As such, regardless of the 4(f) analysis, G South should not be selected.*

*In addition to inadequately protecting the Kenai River Corridor, G South Alternative does not meet the stated purpose and need as well as the Juneau Creek Alternatives. While G South does bypass Cooper Landing proper, it fails to bypass Segment 5 (MP 51.3 - 55.09), the section of the project with the highest crash rate cited in the DSEIS. This area, particularly the segment between the Russian River Ferry Entrance and Russian River Campground, is a frequently congested area with multiple parked vehicles and pedestrians along the road during peak summer fishing season.*

*Bringing the highway up to current design standards but failing to bypass this segment does not improve safety for recreational users and pedestrians as well as moving the majority of traffic away from the area. Many fishermen will continue to travel along and cross this section of the road, and the higher traffic speeds may increase the potential severity of an accident if it does occur.*

#### *II. Impacts to the Kenai River*

*We believe that, in the analysis that lead to the selection of G South as the preferred alternative, impacts to the Kenai River were not given adequate weight. While we recognize the complexity of this process, and are aware of the impacts each alternative will have on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area.*

*Failure to Avoid Impacts of Potential Spills*

*Draft SEIS 3.17.2.4 G South Alternative P 2 Spill Risk*

*“Approximately 6.4 miles of the alignments (45 percent) would be within 500 feet of the Kenai River and other Tier 1 streams, of which about 4.7 miles (33 percent of the total) would be within 300 feet. The G South Alternative has moderate exposure to Tier II streams and wetlands that are hydrologically connected to the Kenai River. A substantial portion of this alternative would be built on the existing alignment near the Kenai River”*

*Draft SEIS 3.17.2.5 Juneau Creek and Juneau Creek Variant Alternatives*

*“Both of these alternatives have moderate exposure to steep side slopes and high exposure to wetlands. However, these alternatives provide separation from the Kenai River and other streams over the longest distance, likely providing responders more time to protect the Kenai River in the event of a spill.”*

*Forty-five percent of the G South Alternative remains within 500ft of the Kenai River or other Tier 1 Waterbodies, compared to 25% of the Juneau Creek Alternative. 33% of G South is within 300 feet of a Tier 1 stream, compared to 15% of Juneau Creek. The separation provided by the Juneau Creek Alternative, which moves 75% of the route more than 500ft away from a Tier 1 waterbody, provides responders with extra time to protect the Kenai River in the event of a hazardous spill. This difference is acknowledged within the DSEIS; however, these risks are minimized citing that “the highway would be reconstructed throughout to meet current standards and improve safety”. Improved safety along the corridor - while marginally decreasing the likelihood of an accident - does not eliminate the risk nor does it mitigate the impact a spill will have when it occurs. In order to mitigate the impact a hazardous spill will have, the road must be moved away from the river to the maximum degree reasonably possible.*

*Limitations of Emergency Response and Cleanup Capabilities*

*Emergency Response Assessment Hazardous Materials Spills (HDR 2003b)*

*3.4 Constraints to Emergency Response and Cleanup*

*“The distance over which some emergency response teams would have to travel to reach a hazardous materials spill along the Sterling Highway between MP 45 and MP 60 can increase the risk of release to resources within the spill migration pathways. In addition, the ability of regional responders to respond to and clean up an accidental spill can be impaired by weather conditions and the accessibility of the spill. Temperatures along this section of the Sterling Highway are often near freezing, which frequently causes “black ice” on the roadway surface, which creates hazardous driving conditions. Snow on the roads can slow travel to the spill site, as well as hinder spill control activities. Steep slopes can make access to the spill difficult and impair the ability to set up spill control equipment.”*

*Limited regional capability to respond to significant spills in this area, due to both the capacity of local volunteer agencies and the geographic imitations of the area, considerably increase the risk posed by failing to move the majority of traffic off of the Kenai River Corridor. The 2003 risk evaluation, Emergency Response Assessment and Hazardous Material Spill Control lays out these limitations in detail. Due to the constraints of the area, and the likelihood of a delayed response to a spill, the*

*additional response time that the Juneau Creek Alternative gives local responding agencies is a crucial consideration and should be given high priority in the analysis.*

#### *Sustained impacts on the Kenai River and other Tier I Waterbodies*

*In addition to the potential impact of hazardous spills, G South also sustains or increases a number of existing impacts to the Kenai River and riparian habitat. G South not only fails to move the majority of traffic away from the corridor – maintaining current general runoff impacts due to heavy traffic immediately adjacent to a Tier I waterbody – but also requires additional river crossings. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend. Additionally, several more small stream and drainage crossings are required under the G South alternative. We maintain that, by selecting G South as the preferred alternative, DOT&PF and FHWA have highlighted the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for these substantial encroachments on the Kenai River.*

#### *Relative weight of the Kenai River compared to other elements*

*Protecting the Kenai - a resource crucial to the environmental, cultural, recreational, and economic health of this region - should receive as much, if not more, weight in the decision making process as an administrative boundary such as the Mystery Creek Wilderness Area. The Mystery Creek wilderness area is an extremely small portion of this project, yet carries an outsized weight due to the administratively complex process needed to build in the area. Conversely, moving the road away from the Kenai River - an important resource heavily impacted by a large portion of the project area - is not being given high priority consideration in this project.*

*Additionally, we recognize that the Juneau Creek Alternative will bisect the south end of the Resurrection Pass Trail and the Juneau Falls Recreation area. We recognize that planning efforts and restraint in development are necessary to mitigate the impacts of the Juneau Creek Alternative to this area. However, we are confident that, were the Kenai River given the appropriate consideration in this analysis, the value of long term protection of the Kenai River would outweigh the impacts of shortening the trail.*

*Should an accident due to the location of the road negatively impact the health of the Kenai River, the environmental impacts would be extensive and the economic wellbeing and livelihood of borough residents would be significantly impacted. Although the impacts of the Juneau Creek routes are concerning, they do not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.*

#### *III. Lack of Agency and Public Comments on G South Alternative*

*This project has been ongoing in some form since the early 1980's. There have been multiple DEISs, scoping periods, and public comment periods. It is not practical to assume continuous extensive public engagement with the process over such a long time period. Upon DOT&PF and FHWA making a noteworthy announcement about the preferred route, numerous stakeholders that were otherwise disengaged voiced significant concerns. Given that it failed to meet a perceived need of the project, many of these stakeholders did not consider G South a likely option and therefore, did not submit comments specifically regarding this alternative. As such, comments focused on the impacts of the other options and the necessity for further study and mitigation of those impacts. Given the unique history*

*and the likelihood of public disengagement over such a lengthy project period, we believe that ADOT&PF and the FHWA should solicit and respond to comments on their preferred alternative before a final decision is made.*

*We recognize there are numerous concerns regarding impacts of all alternatives that need to be addressed. We request awareness of those issues and that mitigating steps are taken to minimize impacts on wildlife for all of the alternatives. However, we strongly oppose the selection of any alternative that fails to protect the Kenai River and believe that the protection of such a crucial resource should receive the highest priority in the decision making process.*

*Please see attachments for additional signatories, signature pages, and resolutions from local municipalities opposing the selection of G South.*

*Please consider these comments in your reconsideration of the alternative. (Comment 1513)*

Sincerely,

Kenai Peninsula Borough;  
City of Kenai;  
City of Homer;  
Cook Inlet Aquiculture;  
Cook Inlet Keeper;  
Kenai Watershed Forum;  
Kenai Peninsula Fishermen's Association (KPFA);  
Kenai River Sportfishing Association (KRSA);  
United Cook Inlet Drift Association (UCIDA);  
Cooper Landing Advisory Planning Commission;  
Kenai River Special Management Area (KRSMA) Board;  
City of Soldotna;  
Kenai River Professional Guide Association (KRPGA);  
Soldotna Chamber of Commerce;  
Kenai Chamber of Commerce;  
Kenai River Keys Property Owners Association;  
Kenaitze Indian Tribe;  
Salamatof Native Association, Inc.;  
Ninilchik Traditional Council

Letter approved and signed by:

Mike Navarre  
Mayor, Kenai Peninsula Borough

Pat Porter  
Mayor, City of Kenai

Bryan Zak  
Mayor, City of Homer

Gary Fandrei  
Executive Director, Cook Inlet Aquiculture

Bob Shavelson  
Executive Director, Cook Inlet Keeper

Jack Sinclair  
Executive Director, Kenai Watershed Forum

Andy Hall  
President, Kenai Peninsula Fishermen's Association (KPFA)

Rick Gease  
Executive Director, Kenai River Sportfishing Association (KRSA)

Erik Huebsch  
Vice President, United Cook Inlet Drift Association (UCIDA)

Janette Cadieux  
Chair, Cooper Landing Advisory Planning Commission

Ted Wellman  
President, KRSMA Board

Peter Sprague  
Mayor, City of Soldotna

Steve McClure  
President, Kenai River Professional Guide Association

Tami Murray  
Executive Director, Soldotna Chamber of Commerce

Johna Beech  
President/COO, Kenai Chamber of Commerce

William T. Bailey, Jr.  
President, Kenai River Keys Property Owners Association

Jaylene Peterson-Nyren  
Executive Director, Kenaitze Indian Tribe

Chris Monfor  
President/CEO, Salamatof Native Association, Inc.

Ivan Z. Encelewski  
Executive Director, Ninilchik Traditional Council

ATTACHED: KENAI PENINSULA BOROUGH RESOLUTION 2016-049 A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE

ATTACHED: CITY OF KENAI RESOLUTION NO. 2016-43 A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, OPPOSING THE SELECTION OF G-SOUTH AS THE

PREFERRED ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE

ATTACHED: CITY OF SOLDOTNA RESOLUTION 2016-039 A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE

ATTACHED: KENAITZE INDIAN TRIBE

P.O. BOX 988, KENAI, ALASKA 99611-0988

RESOLUTION NO. 2016-38

A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND SUPPORTING THE JUNEAU CREEK ALTERNATIVE

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**Comment 1513:** Thank you for your letter dated October 11, 2016, and signed by all parties through October 27, 2016, with resolutions attached from Kenaitze Indian Tribe, City of Soldotna, City of Kenai, and Kenai Peninsula Borough. Such unity of organizations is relatively rare, and FHWA took your communication seriously. At the time of receipt, despite continual contact with USFWS and CIRI, DOT&PF and FHWA had no notice – informal or formal – that a land exchange was “currently under consideration.” However, during the summer of 2017, CIRI informed DOI of their desire and willingness to engage the DOI on a land exchange that would include the area of the Kenai National Wildlife Refuge that the Juneau Creek alignment crosses, and DOI subsequently informed the FHWA indicated it intends to execute the trade if the Juneau Creek Alternative is selected. This would effectively change the land status from designated federal Wilderness to private land. Based on this new information, FHWA now considers the trade to be a reasonably foreseeable future action, and has evaluated the effects of the trade as a cumulative impact (See Section 3.27.4.3 of the Final EIS). FHWA has reconsidered the least overall harm analysis (Section 4.8 of the Final EIS), and has now identified the Juneau Creek Alternative as the preferred alternative in the Final EIS.

Your letter addresses several specific impact issues associated with the G South Alternative and the Juneau Creek Alternative. The intent of the letter was to convince FHWA to re-evaluate the preferred alternative; however, we feel obliged to respond to several other issues to clarify the process:

#### Purpose and Need

Purpose and need in an environmental impact statement is meant primarily to express transportation needs, not broader societal needs. A purpose and need statement based on protection of resources could state a need to protect not only the Kenai River but the cultural sites, private property, campgrounds, trails, KNWR, wildlife, views, and others. Our intent with the EIS is to provide information that decision makers must weigh between meeting the transportation need and creating other impacts and benefits to the natural, social, and economic environment. Protection of the Kenai River is inherent in Section 4(f) law, Section 404 of the Clean Water Act, and state law, and it certainly is DOT&PF’s and FHWA’s intention to avoid damage to the river.

Your letter states “Bringing the highway up to current design standard but failing to bypass this segment does not improve safety for recreational users and pedestrians as well as moving the majority of traffic away from the area.” As stated in the EIS, the Juneau Creek Alternative is better for preserving the existing recreational corridor between Cooper Creek Campground and Russian River Ferry and removes traffic from the river over a longer distance. But the G South and Cooper Creek alternatives are better for preserving wetlands, forest, wildlife habitat, Federal Wilderness, the visual environment, and other values. All of the alternatives, however, would meet the standards designed to create safe and efficient highway transportation and would be an improvement over current conditions for pedestrians as well as for drivers.

Under the Purpose and Need discussion, your letter states a belief that, “regardless of the 4(f) analysis, G South should not be selected.” While we understand the sentiment about protecting the Kenai River, FHWA cannot disregard Section 4(f) of the US DOT Act. Section 4(f) stipulates that FHWA may not approve a project that uses protected properties unless there is no feasible and prudent avoidance alternative. When there is no way to avoid Section 4(f) properties, as is the case for this project (see Section 4.4), FHWA is required by law to select the alternative that has the least overall harm. The Final EIS will present a full discussion of the least overall harm conclusion.

#### Impacts of G South Alternative to the Kenai River

We have reviewed your sentiment that “sustained impacts to the Kenai River were shown less concern in the selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area.” However, the Kenai River Special Management Area is listed in the Section 4(f) Evaluation (chapter 4 of the EIS, Table 4.8-7) as one of the most important Section 4(f) properties in the project area, along with the Kenai National Wildlife Refuge, Sqilantnu Archaeological District, Confluence Traditional Cultural Property, and Resurrection Pass Trail. The Juneau Falls Recreation Area is a tier lower, as moderately important. The Kenai River has always been at the forefront of discussions.

River impact issues resulted in the abandonment of several alternatives, including use of the existing alignment throughout (“3R” and the Kenai River Walls alternatives) and an alternative that would have bridged oxbow bends in the river four times in close succession (Kenai River Alternative). See discussion in Chapter 2.

DOT&PF and FHWA must weigh many impacts and benefits to multiple resources, so it is not a matter of directly comparing one impact to another. DOT&PF and FHWA weighed adjacency to the river against not only impacts to the Resurrection Pass Trail but impacts to the community of Cooper Landing, to wildlife, to cultural resources, to wetlands, and to a host of other issues.

Regarding your comments about Failure to Avoid Impacts of Potential Spills, Limitation of Emergency Response and Cleanup Capabilities, and Sustained Impact on the Kenai River and Other Tier I Waterbodies: The comments cite data in the EIS regarding proximity of the G South Alternative to the Kenai River/Tier I streams and regarding ability to respond to spills. These issues were addressed in the EIS, including a specific report on spill response, precisely because of concern over the Kenai River. The information is disclosed and was weighed in identifying the preferred alternative. We understand that the concern is real. Again, DOT&PF must weigh many factors. The chances of a large spill occurring directly into the river or into a tributary are low, but the consequences of such a spill could be high. This must be weighed against permanent and known impacts to habitat, cultural sites, and other

recreational areas, among other resources. However, upgrading to current design standards for a rural principal arterial highway would widen lanes, smooth curves, improve visibility around curves, improve sight distances for drivers, provide shoulders, add vehicle turn pockets to decrease the likelihood of crashes, and provide a recovery area for vehicles that run off the roadway. These features would reduce the risk of crashes along the length of the highway and reduce the risk of pollutants entering the river.

Regarding Relative Weight of the Kenai River Compared to Other Elements, the letter states that the “Mystery Creek wilderness area is an extremely small portion of the project, yet carries an outsized weight...” We understand the concern. However, FHWA and DOT&PF follow federal law. KNWR is protected under the Alaska National Interest Lands Conservation Act (ANILCA) as a “conservation system unit” (as is the Resurrection Pass Trail). It also is protected under Section 4(f) of the U.S. Department of Transportation Act. The Mystery Creek Wilderness within KNWR is further protected under the Wilderness Act, and ANILCA adds an extra approval layer for crossing Wilderness that makes it difficult to imagine approval when other reasonable alternatives exist that avoid the Wilderness. The Kenai River Special Management Area is protected exactly the same as KNWR under Section 4(f) but is not protected under the other laws. In both cases, where DOT&PF already has a highway right-of-way that overlaps KNWR or KRSMA, within which Section 4(f) protections do not apply. FHWA must balance the protections amongst these laws in making a decision. But it does not mean the Kenai River was given less weight than any other property in the project area.

#### Lack of input on G South Alternative

While “comment fatigue” by the public may be real, and is especially understandable among the general public, we appreciate having these comments now and to know that people care about the outcome of the project. FHWA and DOT&PF weighed these comments along with the hundreds of other received on the Draft SEIS, some of them like yours advocating for the Juneau Creek Alternative and protection of the Kenai River but others advocating from many other points of view, including detailed letters regarding impacts to wildlife, Wilderness, recreation, trails, cultural resources, and community impacts.

Please note that the identification of the preferred alternative is not a final decision until a Record of Decision is signed and that another alternative could be the final selection.

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## **Communication ID: 1151**

Good evening,

*I am a student at UAA conducting a researched project on the Sterling HWY realignment for my Transportation and Highway engineering class. I was wondering if it was possible getting some figures on the estimated cost of the project. Also, any information going into depth with the design will help such as traffic counts and/or crash reports form mile post 45-60. I have been on your website so far and it has great information. Any additional information would be greatly appreciated. (Comment 1517)*

Sincerely,

Michael Quinonez

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**Comment 1517:** Thank you for your interest in the project. Estimated costs of the project are outlined in Section 3.5 of the Final EIS. Discussions of traffic and safety can be found in Chapter 1, as well as Appendix A. Preliminary engineering design information can be found in the Preliminary Engineering Report. All of these documents can be found on the project website.

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## **Communication ID: 1248**

Hi Kelly and John,

Resending the message below that I sent last week. Could you please provide any information you have regarding the reconsideration of alternatives for this project?

Thank you,

Pat

Hi Kelly and John,

*We noticed the recent request from the Alaska Congressional delegation and Governor Walker for FHWA and ADOT to reconsider the alternatives for this project, specifically referencing their preference for the Juneau Creek option. Secretary Chao then appeared to order that reconsideration, or state that it would occur, when she was in Alaska recently.*

*Could you please provide any information you have about any reconsideration that is or will be taking place on this project?*

*The letter states that one reason there is more support for the Juneau Creek alternative than G South is that the former moves traffic farther away from the Kenai River, presumably reducing the risk of oil or other hazardous materials spilling into the river in the event of a truck accident. As you know, reducing hazardous spill risks or other threats of water pollution into the Kenai River was not identified as a main project purpose in the DSEIS and the various alternatives were not closely examined to determine their relative risks in terms of trucking accidents or hazardous substance spills or releases into the environment. If any additional review of alternatives is planned, we strongly encourage you to add this component to the analysis, as it has emerged as one of the most, if not the most, important project purpose for many stakeholders. We would also encourage the addition of the state Department of Environmental Conservation as a cooperating agency.*

*Based on existing information in the DSEIS, it is not clear that any alternative is convincingly preferable to another in terms of spill prevention and response. (Comment 1515) It does appear that the Juneau Creek alternative results in virtually the same percentage of roadway located within 500 feet of*

*the Kenai River and tributaries as the other options, so by this measure it does not reduce much risk (DEIS p.3-317). Additionally, the draft EIS notes that due to the much higher design speed for the bypass, any accidents or crashes would likely occur at greater speeds and could result in greater spill volumes (DEIS p.3-315).*

*There is no convincing evidence in the draft EIS that the overall risk of environmental harm from a hazardous spill is substantially better or worse among the various alternatives, but perhaps some additional work done with that specific metric in mind might produce additional relevant information. For example, there may be opportunities to reduce travel speeds for larger trucks in some areas that were not previously explored, or considerations involving less-obvious potential sources of water pollution that would be relevant if reducing water pollution vectors related to the roadway is a project purpose. At minimum, existing and expected truck spill prevention and response assets, deployment times and effectiveness, etc., for each alternative becomes important to examine if protecting the Kenai River from spills is the driving force behind the support for the project or for a particular alternative.*

*Finally, we want to underscore the argument made in our comments on the DSEIS that that document failed to analyze in detail an alternative that improves safety while remaining within the existing right-of-way to the greatest extent possible. (Neither the No Action nor the “Kenai Walls” alternative would be substantively similar.) Given the section 4(f) properties implicated by the various alternatives, we consider this assessment necessary to fulfill the agency’s responsibilities under section 4(f). If you are taking time to reconsider alternatives, then we strongly encourage you fully develop an alternative that accomplishes as much of the project purpose as possible while deviating from the existing right-of-way as minimally as possible, particularly so as to avoid or minimize impacts to section 4(f) properties.*

*Please contact me with any questions you may have, and I look forward to hearing back from you. (Comment 1515)*

Thanks, Pat

Pat Lavin

Alaska Representative

Defenders of Wildlife

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**Comment 1515:** Thank you for your interest and email. Following publication of the Draft EIS and the 30-day comment period, we received many comments from agencies and the public. The project has been covered in the national news, as you are aware. We are currently evaluating all the information and comments we received from agencies and the public. Right now, we are drafting responses to comments, updating the Final EIS, and reviewing it with Cooperating Agencies. A Final EIS and Record of Decision are still anticipated in 2018, and those will include any additional analysis that is merited in response to comments. When that is available, we will provide public notice, and share news via our project website.

**Communication ID: 1278**

October 5, 2017

State of Alaska Department of Transportation and Public Facilities

Kelly Summers, Project Manager

Brian Elliott, Environmental Manager

RE: Cooper Landing Walkable Community Project - Sterling Highway MP 45-60 Mitigation

Dear Ms. Summers and Mr. Elliot:

*I am writing to express to you my support for having the Cooper Landing Walkable Community Project (CLWCP) built as mitigation if a bypass alternative is constructed for the Sterling Highway MP 45-60 Project.*

*The CLWCP represents real economic opportunity for the community of the Kenai Peninsula and specifically for Cooper Landing. The partners of the CLWCP, including the federal land agencies of US Fish and Wildlife Service and US Forest Service, both participated in the initial drafting of the CLWCP Plan and have since supported it further as a means to meet their goals of connecting trails to trails and campground to campground while enhancing access to federal lands and facilities.*

*The impacts of the Sterling Hwy MP 45-60 Project are clearly stated in the SEIS. Mitigation for these impacts could be at least partially accomplished by the protections incorporated into the CLWCP. Opportunities to highlight and interpret cultural and historical sites along the route of the CLWCP exist and align with intended methods of mitigation for historic districts such as the Cooper Creek Campground and Stetson Creek Trail outlined by mitigation measures in the SEIS. The Cooper Creek bridge exemplifies the many sections of roadway that are not safe for non-motorized travelers regardless of the speeds of motorized traffic and which are not addressed by mitigation efforts outlined in the SEIS.*

*I strongly urge ADOT&PF to consider this request. Constructing the CLWCP in the Sterling Highway corridor through Cooper Landing will move pedestrians and bikers safely, improve the economic viability of the community, and allow more efficient movement of motorized traffic through an area that will continue to serve significant amounts of traffic. (Comment 1516)*

Sincerely,

Mike Navarre Mayor

Cc: John Lohrey, Federal Highway Administration

Francisco Sanchez, District Ranger, Seward Ranger District

Jeff Anderson, Field Supervisor, Kenai Fish and Wildlife Office

**Comment 1516:** Most of the project’s build alternatives do not pass through the Cooper Landing community or alter the existing highway in and near the community. Except for the Cooper Creek Alternative, the build alternatives would skirt the community, and the principal effect would be the reduction in traffic on the “old” highway by about 70 percent. This provides opportunities for the Borough to undertake the elements of the Walkable Community Project. There are not effects of the MP 45-60 Project that would be mitigated by the Walkable Community Project; rather, the project as proposed would generally improve conditions within the community and along the “old” highway by reducing traffic. In any case, the Walkable Community Project(s) would be a completely separate project with separate purpose and need.

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### **Communication ID: 1305**

To Whom It May Concern:

I realize my comments are being submitted may be past the comment period of the Draft EIS. I would however, like to provide comments on the EIS alternatives as follows:

To Whom it may concern,

I was raised in Alaska since 1963, and have traveled the Sterling Highway since 1965 I am keenly aware of the need to improve this section of highway which essentially has not been upgraded significantly in over 50 years I have travelled it. Now, I live in Homer, and travel frequently to Anchorage and points on the Kenai Peninsula. During our move process from Anchorage in 2016-2017 I was driving the Sterling Highway on average twice a month. I have had time to observe the fact that this stretch of the highway is unsafe and direly needs modernizing. I am continually amazed that this stretch of the Sterling Highway, which is a popular zone for recreation not to mention general traffic, has been neglected for so long.

*I prefer **Alternative G south** for these reasons:*

*Less costly construction*

*Avoidance of impacts to the Resurrection Pass Trail and Juneau Creek Falls area.*

*Improved bridges and roadway. Improved roadway and bridges will be a major improvement. We need this improvement given the volume of traffic and age of infrastructure in this area.*

*Safety: Reducing potential accidents and conflicts in the core Cooper landing community area*

*Large, expensive road projects e.g. Juneau alternative, is not warranted especially given federal and state budget constraints in these times, and they simply are not needed. All of the North options would*

*have negative impacts on the trail system, and habitat; and be challenging and costly to construct from an engineering perspective..*

*I would like to see the highway modernized and widened as part of Alternative G. In particular, shoulders should be upgraded, and if possible parallel bike/pedestrian trails provided, particularly since this is a popular recreational area in southcentral Alaska. Perhaps expanded and improved access to trails such as Resurrection would be part of Alternative G. (Comment 1520)*

Thank You for the opportunity to comment.

Charles E. Barnwell  
410 Crestwood Circle  
Homer, AK.. 99603  
907-602-1213

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**Comment 1520:** Thank you for your interest and email. We appreciate the explanation for your support of the G South Alternative. Following publication of the Draft EIS and the 30-day comment period, we received many comments from agencies and the public. The project has been covered in the national news, as you are aware. We are currently evaluating all the information and comments we received from agencies and the public. Right now, we are drafting responses to comments, updating the Final EIS, and reviewing it with Cooperating Agencies. A Final EIS and Record of Decision are still anticipated in 2018, and those will include any additional analysis that is merited in response to comments. When that is available, we will provide public notice, and share news via our project website.

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