

Sterling Highway MP 45–60

Draft SEIS and Draft Section 4(f) Evaluation

Chapter 5

Comments and Coordination



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5 Comments and Coordination

A primary component of the proposed Sterling Highway Milepost (MP) 45–60 Project Supplemental Environmental Impact Statement (SEIS) has been involvement of key stakeholders and the consideration of comments, concerns, and input into the analysis. This chapter summarizes the coordination process, including scoping (see Section 5.1), the integrated program of agency coordination (Section 5.2.1), and public coordination and involvement activities (Section 5.3) conducted during development of the Draft SEIS to assist in determining the issues to be addressed. Tribal consultation under Section 106 of the National Historic Preservation Act (NHPA) is described in Section 5.4. This chapter includes descriptions of meetings with community groups and individuals as well as a summary of key issues and pertinent information received from the public, Alaska Native Tribes, and government agencies.

5.1 Environmental Scoping Process

Project “scoping” is a National Environmental Policy Act (NEPA) requirement in which project planners initiate a dialog with the public, Tribes, and agencies. Scoping solicits participants’ views, informs them about the proposed project, and documents public outreach activities and the input of all participants. Before scoping began, project planners developed a draft scoping plan (HDR 2010e) to specify the proposed scoping activities and to guide the project team throughout the scoping process. The scoping plan laid out the process to obtain input on the project purpose and need, identification of cooperating agencies, input on what technical studies would be undertaken and by whom, and establishment of a project schedule, including dates and locations of scoping meetings. The plan described the anticipated scoping tasks and techniques, specified the scoping work products, and established a schedule of scoping activities.

Purpose of Scoping

- Provide early notification to local, State, and Federal agencies and the public of the NEPA process being undertaken by DOT&PF and FHWA
- Provide an opportunity for agencies and the public to discuss the project with DOT&PF and FHWA staff
- Provide forums and other means to gather input and ideas, answer questions, identify data needs, and understand concerns
- Data gathering from agencies and other entities (e.g., utilities)
- Engage stakeholders in identifying and reviewing the project’s purpose and need and alternatives.

In accordance with the scoping plan (HDR 2010e), the Alaska Department of Transportation and Public Facilities (DOT&PF) and the project team solicited comments from affected communities (Anchorage, Cooper Landing, Kenai/Soldotna) and coordinated with government agencies, members of the public, business representatives, special interest groups, and Alaska Tribes and Native organizations¹. The purpose of this coordination effort was to produce a Draft SEIS based on the best available information and reflective of the input received from interested parties. The information presented in this chapter provides a summary of the public and agency involvement

¹ More detailed information is available in the Scoping Summary Report (HDR and JLA 2006).

process during scoping (March 2001 through May 2003) and post-scoping, including the techniques used and their purposes. The project team obtained public comments and coordinated with agencies primarily through five important processes: public and agency scoping, stakeholder interviews, stakeholder sounding boards, listening posts, and agency coordination (primarily through an Agency Consultation Committee [ACC]). At the completion of scoping, all scoping activities were summarized in the *Scoping Summary Report* (HDR and JLA 2006) that documents the input received from scoping activities.

5.1.1 Notice of Intent

For the Sterling Highway MP 45–60 Project, the Federal Highway Administration (FHWA) (in cooperation with DOT&PF) published a Notice of Intent (NOI) To Prepare a Draft SEIS and Section 4(f) Evaluation in the *Federal Register* on May 19, 2003 (Volume 68, Number 96).² The purpose of the NOI was to notify the public, Tribes, agencies, and local governments of the plan to prepare an SEIS due to the passage of time since the Draft Environmental Impact Statement (EIS) for Sterling Highway MP 37 to 60 Project had originally been formally noticed. The NOI presented the project purpose and invited public comment.

5.1.2 Coordination and Outreach Techniques

Extensive project scoping activities were conducted from July 2000 to May 2003³. Four types of meetings were used because of the range of agencies and stakeholders affected by the Sterling Highway MP 45–60 Project.

- ACC meetings
- Individual stakeholder interviews
- Stakeholder Sounding Board (SSB) meetings
- Public Listening Posts

Additional scoping techniques included small group meetings, public notices, newsletters, formal solicitation of written comments, and the creation of a project Web site.

- Presentations
 - *Small group meetings*: Small group and one-on-one agency meetings were conducted on an as-needed basis at key points during scoping. These meetings were held in the fall of 2002 and the spring of 2003. The meetings gave the project team an opportunity to work more in-depth with particular agencies on issues of particular interest to those agencies. Such meetings included briefings to the Kenai River

²FHWA determined that an SEIS was required because of the amount of time that had passed since the original 1994 Draft EIS. In that span, field conditions had changed, new regulations were passed, new land use plans adopted and new analytical methods developed.

³Agencies, the public, and Alaska Native Tribes had opportunities to comment on the project during a traditional NEPA scoping comment period early in the project, but also through development and analysis of alternatives. For example, project evaluation criteria focused on priority issues to aid in developing a range of reasonable alternatives were developed with input from the agencies, the Tribes, and the public.

Special management Area Board, the Cooper Landing Planning Advisory Council, and Kenai River Center staff meetings.

- Newspapers and newsletters
 - *Media coordination and coverage*⁴: The media were actively involved in the scoping process. The press was notified prior to every Listening Post session and SSB meeting. Display ads were placed in the *Anchorage Daily News*, *Peninsula Clarion*, *Seward Phoenix Log*, and *Homer News* prior to each Listening Post. Reporters were present at numerous scoping meetings, and project team members conducted interviews throughout scoping.
 - *Newsletters*: Newsletters published project planning activities and status. Two newsletters were developed, one in the summer of 2001 and the second in the fall of 2003.
- Additional activities
 - *Mailing lists*: A mailing list of more than 3,000 individuals was developed and maintained. The list included property owners in Cooper Landing, special interest groups, businesses, local and State agencies, seasonal residents, and national organizations.
 - *E-mail distribution lists*: E-mail was used as an efficient method for communicating with stakeholders. The e-mail distribution list contained 266 names.
 - *Web site*: A major element of the public involvement program was the development and maintenance of a project Web site (www.sterlinghighway.net). The Web site functioned as an electronic notice board and library. Project study reports; background information; project status, schedule, and recent activities; route maps of each proposed alternative; contacts and an e-mail address for sending comments and requesting further information; links to the DOT&PF Web site; and other project information were included on the site. A sample page from the Web site is shown in Figure 5.1-1 (see also Appendix C, Project Web site, of the *Scoping Summary Report*).
 - *Internet survey*: An Internet survey was developed and posted in March 2002 to gather input on the alternatives evaluation criteria and the range of alternatives. The survey was advertised through a postcard mailing to more than 2,500 people, through e-mail distribution lists, and through press releases to the local newspapers. More than 230 people participated, and the results were posted on the project Web site (see also Appendix I, Web Survey, of the *Scoping Summary Report*).

⁴Appendix J, Media, of the *Scoping Summary Report* contains newspaper articles related to the Sterling Highway MP 45–60 Project.

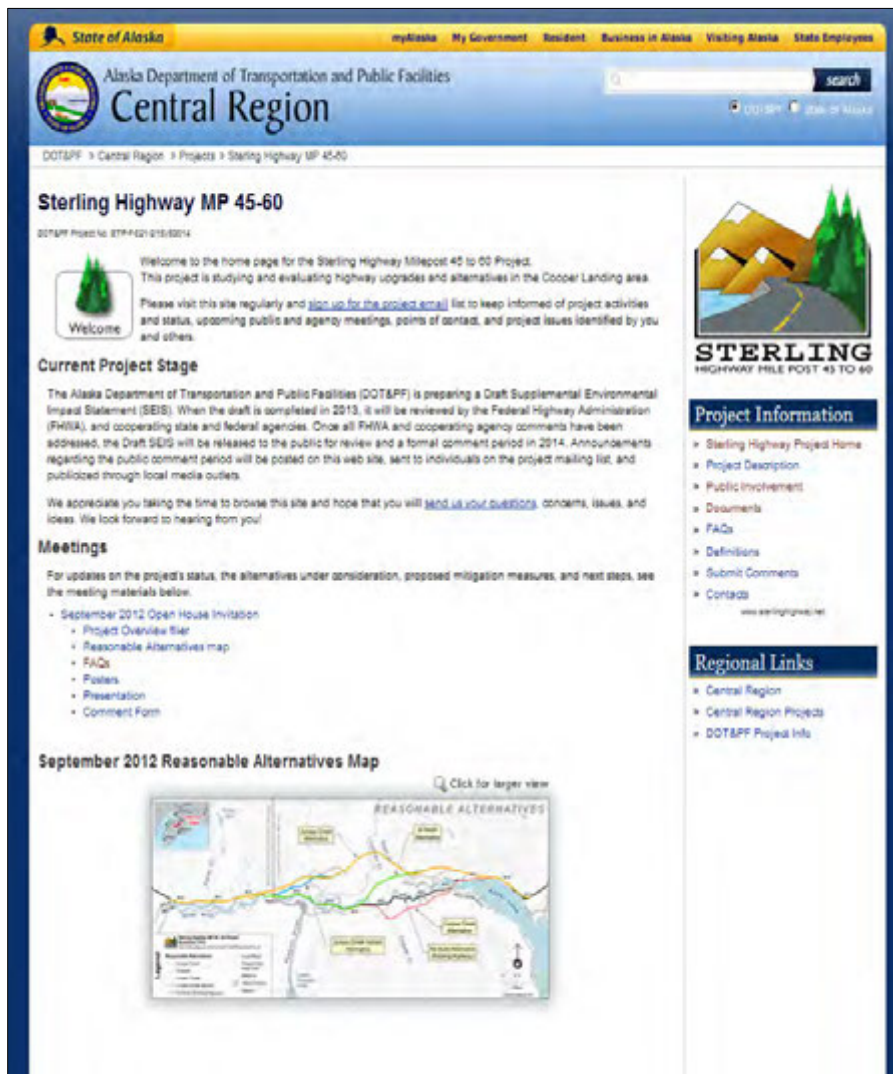


Figure 5.1-1. Sample Web page

5.1.3 Scoping Outcome

Through the scoping process, agencies had the opportunity to provide input on the project's purpose and need, on the criteria for evaluating the alternatives, and on developing and screening of alternatives. The input from affected communities and regulatory agencies resulted in the following project outcomes:

- A defined project scope of study
- Consulted and informed local, State, and Federal agencies and Tribes
- Consulted and informed residents, property owners, businesses, Native corporations, and interest groups
- A variety of forums to discuss issues, develop ideas, and gather input
- Input on the project's purpose and need statement

- Input on development and screening of project alternatives
- A mailing list and e-mail distribution list of interested parties and property owners

Purpose and Need. The purpose and need for the Sterling Highway MP 45 to 60 Project was shared and refined through the agency coordination process, and is as follows:

The DOT&PF has identified a need to improve the Sterling Highway in the Cooper Landing and Kenai River area (MP 45 to 60) to “rural principal arterial” standards. The purpose is to serve through-traffic, local community traffic, and traffic bound for recreation destinations in the area efficiently and safely, now and in the future...

Evaluation Criteria. The evaluation criteria were first introduced to the ACC in December of 2001 and January of 2002, respectively. The criteria presented were developed largely around issues identified in the previous ACC sessions beginning in March 2001, six Listening Posts—local community informational sessions held in March and August 2001, input received through the project Web site, and public/agency comments submitted during the 1994 Draft EIS for the Sterling Highway MP 37 to 60 Project.

The criteria also included elements of the project’s purpose and need and DOT&PF policy on capacity and demand, highway characteristics, and system linkage. The criteria were amended and refined after agency and public meetings in January and February 2002 and public meetings in January 2002. The criteria were made available in draft form on the project Web site survey from January 2002 through March 2002. In total, 236 people participated in the Web site survey and offered their input on the criteria. The criteria were finalized at the April 2002 meetings of the ACC. Complete documentation of the development of evaluation criteria and the application for determining the range of reasonable alternatives can be found in the report entitled Evaluation Criteria and Reasonable Alternatives Analysis (HDR 2003a).

Alternatives’ Development and Preliminary Evaluation. The alternatives for improving MP 45 to 60 of the Sterling Highway were developed through agency and public scoping, technical studies, and engineering analysis that included highway design requirements. The Evaluation Criteria and Alternatives Analysis document (HDR 2003a) was developed to provide a detailed comparison of 10 preliminary build alternatives: Kenai River Walls Alternative, Kenai River Alternative, Cooper Creek Alternative, Russian River Alternative, the “G” Alternatives (two), the Juneau Creek “F” Alternatives (two), and the Juneau Creek Alternatives (two), along with the No Build Alternative.

The evaluation criteria and alternatives analysis were made available for ACC and SSB comment beginning in December 2001 and January 2002, respectively. The criteria were amended and refined after agency and public meetings in January and February 2002 and SSB meetings in January 2002. The criteria were made available to the public through a Web-based survey posted for a four-week period from mid-March through mid-April 2002. From that review, 104 comments (letter, e-mail, comment forms) were received (see Summary of Public Comments, May 2003–June 2003). Concerns were raised about harm to the Kenai and Russian rivers from roadway and bridge construction in or around these waters and from potential spills of hazardous materials from roadway accidents on sections of the existing highway in close proximity to the Kenai River. Other concerns were voiced about potential impacts to wildlife and recreation and designated Wilderness lands. Comments noted that development of new road alignment in

previously undisturbed areas could fragment wildlife habitat, with the brown bear habitat being of special concern, as well as a potential increase in vehicle/wildlife collisions.

The alternatives presented in the SEIS respond to and explore impacts and benefits related to these issues. The Juneau Creek alternatives remove much of the highway and traffic from locations near the Kenai River, the G South Alternative somewhat less, and the Cooper Creek Alternative less still, but each build alternative removes highway traffic from the river corridor. Conversely, the alternatives that remove more traffic from locations near the river are more likely to fragment habitat and disturb existing backcountry recreation. Again, the alternatives present a range from less impact (Cooper Creek Alternative) to relatively greater impact (Juneau Creek alternatives).

Comments specific to alternatives are summarized in the following paragraphs.

Kenai River Walls Alternative. Public and agency input received placed “protection of the Kenai River” as the highest priority criterion. The potential for wall failure and the resulting impacts places the river at risk in the Kenai River Walls Alternative, which the public and agencies indicated was a concern. Public and agency input included concerns about impacts to historical, cultural, and recreational areas along the river; increased travel speed through the community; local access safety issues; and construction impacts during the peak tourist seasons.

Kenai River Alternative. The public and agency input received places “protection of the Kenai River” as the highest priority criteria. The public and agency input received included concerns about visual impacts where the highway traverses the river; potential risks to the river by moving all peninsula traffic closer to and over the river; impacts to historical, cultural, and recreational areas; increased travel speed through the community; local access safety issues; and construction impacts during the peak tourist seasons. There was not support in the community or from the broader public and agencies for moving the highway closer to the river.

Cooper Creek Alternative. Public and agency input received included concerns about visual and private property impacts of a highway south of town. Although the Cooper Creek Alternative addresses some issues of moving through-traffic out of town, there were concerns about the way in which this alternative rejoins the existing alignment and the impacts associated with improving sections of highway that remain close to the river. Agency input indicated some interest in this alternative because part of the new alignment is through a partially built environment, although there are outstanding concerns about the impacts to cultural and recreational resources and to the Kenai River for those sections of improved highway along the river, as well as overall habitat concerns.

Russian River Alternative. Public and agency input received indicated very little support to pursue the Russian River Alternative. Impacts to the Russian River recreational areas seem to be unacceptable in the public’s opinion, and few members of the public gave this alternative further consideration. The public and agencies were most concerned about wildlife, cultural and recreational areas, and the economic impact of moving through-traffic away from town.

G Alternatives. Public and agency input received included concerns about visual impacts, impacts to the Kenai River with additional bridge crossings, and impacts to wildlife habitat. The “G” alternatives address some concerns of moving through-traffic out of town, but public concern was expressed about the ways in which these alternatives rejoin the existing alignment and the ability to improve the road along sections that are close to the river without adversely

affecting water quality and habitat. There was also concern from the community about the potential economic impacts of moving through-traffic away from town. The “G” alternatives resolve the local access and safety issues raised by the community in that through-traffic does not cross the Cooper Landing Bridge, thus minimizing mixing through- and local traffic.

Agency input indicated some interest in these alternatives because part of the new alignment is through a partially built environment. There were concerns about the impacts to cultural and recreational resources, to the Kenai River for those sections of improved highway along the river, and to brown bear habitat. The “G” alternatives came from agency and public input as a way to avoid the Resurrection Pass National Recreation Trail and minimize recreation area and indirect or cumulative impacts.

Juneau Creek “F” Alternatives. Public and agency input received regarding the Juneau Creek “F” alternatives included concerns about construction in a relatively undisturbed area, wildlife impacts, visual impacts, potential impacts to the Resurrection Pass Trail, and potential indirect and cumulative impacts associated with Kenai Peninsula Borough (Borough) land selections. In addition, there were concerns about how the “F” Forest Alternative would rejoin the existing alignment at Sportsman’s Landing (MP 54.5) and the potentially unsafe conditions that could result during the seasonal peak time. There also was concern from the community about the potential economic impacts of moving through-traffic away from town. The Juneau Creek “F” alternatives do resolve local access and safety issues raised by the community because through-traffic does not cross the Cooper Landing Bridge, thereby minimizing mixing through- and local traffic. Agencies highlighted habitat concerns (particularly brown bear), impacts to the Resurrection Pass National Recreation Trail, and impacts of a new transportation system being built through the area. The Juneau Creek “F” alternatives were developed from agency and public input as an alternative to the Juneau Creek alternatives to move the road away from the Juneau Creek Falls and reduce recreation area impacts.

Juneau Creek Alternatives. Public and agency input received regarding the Juneau Creek alternatives included concerns about impacting a relatively undisturbed area, wildlife impacts, visual impacts, potential impact to the Resurrection Pass Trail and the potential for secondary and cumulative impacts from both the Borough land selections and the potential ease of access to the Juneau Creek Falls area. There were concerns from the public and agencies about how the Juneau Creek Alternatives would rejoin the existing alignment at Sportsman’s Landing (MP 54.5) and the potential traffic that could result during the seasonal peak time. There was also concern from the community about the potential economic impacts of moving through-traffic away from town. Agency input highlighted habitat concerns, particularly for the Kenai Peninsula brown bear, the impact to the Resurrection Pass Trail, and the impacts of a new transportation system being created through the undisturbed area.

No Build Alternative. Based on public input received, the community of Cooper Landing and through-travelers from other parts of the region feel that the No Build Alternative does not improve the road to address their identified concerns of improved traffic flow, pedestrian safety, reducing traffic speed in town, and fixing identified problem areas such as tight curves and intersections. Concerns about the efficient and safe movement of freight through Cooper Landing would not be addressed. Freight movements would be impacted over time by increasing congestion.

Screening Results. The 10 preliminary build alternatives and the No Build Alternative were developed and screened as a result of the comments received, technical studies, and engineering analysis. Each was evaluated for 1) consistency with the purpose of and need for the project, 2) potential physical and social environmental effects, 3) transportation-related effects, and 4) life cycle costs. Details of the Alternatives Development and Screening Process can be found on the project Web site at:

- Analysis: http://www.sterlinghighway.net/Documents/1008/Alt_Analysis.pdf.
- Recommendations: http://www.sterlinghighway.net/Documents/1008/Alt_Memo.pdf

The above documents contain the project team’s evaluation of alternatives. Based on these analyses, DOT&PF in consultation with FHWA identified three reasonable build alternatives (Cooper Creek, G South, and Juneau Creek) plus the No Build Alternative (existing highway without reconstruction) for consideration in the Draft SEIS.

Following this study, DOT&PF developed a variant to the Juneau Creek Alternative in an effort to avoid the Mystery Creek Wilderness in the Kenai National Wildlife Refuge (KNWR). This fourth build alternative, the Juneau Creek Variant Alternative, has been added for further study to the Draft SEIS.

5.2 Agency Coordination

This section presents coordination and outreach completed with regulatory agencies to understand agency concerns related to impacts on the reasonable alternatives and avoidance, minimization, and mitigation of key issues for those alternatives.

5.2.1 Cooperating Agencies

The FHWA is the lead Federal agency for NEPA compliance on the Sterling Highway MP 45–60 Project. Following the Council on Environmental Quality’s (CEQ) NEPA guidelines, in 40 CFR § 1501.7, FHWA and DOT&PF invited cooperation on the project from Federal and State agencies having jurisdiction by law or special expertise related to environmental issues addressed in the Draft SEIS. Coordination activities included one-on-one and small group meetings and briefings, participation on the ACC, and agency review of study documents and the Draft SEIS.

In a December 19, 2005, letter from FHWA, the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), and U.S. Forest Service (USFS) were invited to serve as cooperating agencies in accordance with FHWA regulation 23 CFR § 771.111(d). A letter dated December 21, 2005 with the same invitation was sent to the Alaska Department of Natural Resources (DNR) and U.S. Coast Guard (USCG). USFWS declined the invitation in a January 13, 2006, letter, while confirmation of acceptance was received from USACE and DNR on February 7 and June 16, 2006, respectively. A second request to participate as a cooperating agency was sent by FHWA to USFS and USCG on October 12, 2006; USCG accepted the invitation on the same day. FHWA requested USFS participation as a cooperating agency again in a June 2011 letter, and USFS accepted the invitation on June 21, 2011. FHWA again invited USFWS to participate as a cooperating agency in a July 22, 2011 letter, and acceptance was received in a USFWS letter dated August 9, 2011.

Cooperating agencies are listed in Table 5.2-1. As cooperating agencies, CEQ regulations allow a cooperating agency to adopt (without recirculating) the EIS of a lead agency when the cooperating agency concludes that its comments and suggestions have been satisfied. This provision is particularly important to permitting agencies, such as the USACE.

Table 5.2-1. Cooperating agencies and their areas of jurisdiction/expertise

Cooperating agency	Jurisdiction/Expertise
USCG	Approves the location and plans of bridges and causeways constructed across navigable waters of the United States.
USFS	Approves special use permits in National Forest Service units, and manages land in the Chugach National Forest that may be needed for right-of-way.
USFWS	Administers the Endangered Species Act, manages migratory bird populations, and manages land in the Kenai National Wildlife Refuge that may be needed for right-of-way.
USACE	Issues permits under Section 404(b)1 of the Clean Water Act for impacts to wetlands or waters of the United States and under Section 10 of the Rivers and Harbors Act of 1899, for areas subject to the ebb and flow of the tides.
DNR, including: <ul style="list-style-type: none"> • Office of History & Archaeology/SHPO • State Parks 	Manages and permits activities on State land and manages many natural resources: <ul style="list-style-type: none"> • SHPO is consulted during the National Historic Preservation Act Section 106 process. • State Parks manages State park land.
ADF&G, including: <ul style="list-style-type: none"> • Division of Wildlife Conservation • Division of Habitat 	Manages the use and development of fish, game, and aquatic plant resources in the State.

Note: SHPO = State Historic Preservation Officer; USCG = U.S. Coast Guard; USFS = U.S. Forest Service; USFWS = U.S. Fish and Wildlife Service; USACE = U.S. Army Corps of Engineers

5.2.2 Agency Scoping Summary

Agency comments were provided through stakeholder interviews, through participation in ACC meetings in 2001 and 2002, individual agency meetings in 2002 and 2003, and through agency letters received. Details of the scoping process are included in the Scoping Summary Report available on the project Web site at:

http://www.sterlinghighway.net/Documents/SSRFinal/10.06_SSR.pdf

5.2.3 Agency Interviews

Between July and October 2001, the project team interviewed the agency representatives listed in Table 5.2-2. The purpose of the interviews was to assess expectations for their agency’s involvement in the SEIS process and to begin identifying issues and concerns regarding the project.

Table 5.2-2. Agency interviews

Date	Name	Title	Affiliation, Location
July 18, 2000	Brian Anderson	Wildlife Biologist	USFWS, Anchorage
July 19, 2000	Max Best	Planning Director	Borough, Soldotna
July 19, 2000	John Czarnezki	Planner	Borough, Soldotna
July 19, 2000	Christina Degernes	Superintendent	DNR-DPOR, Kenai Peninsula Area, Soldotna
July 19, 2000	Susan Fisler	Ranger	DNR-DPOR, Kenai Peninsula Area, Soldotna
July 21, 2000	Chuck Frey	Planning Officer	USFS, Anchorage
July 19, 2000	Dean Hughes	Habitat Biologist	ADF&G, Habitat and Restoration Division, Soldotna
July 19, 2000	John Mohorcich	Resource Planner	Borough, Soldotna
August 15, 2000	Phil North	Biologist	EPA
July 21, 2000	Don Rivers	Engineering, Fire and Lands Staff Officer	USFS, Anchorage
July 18, 2000	Bill Schuster	Ranger, Biologist	USFS, Seward
July 21, 2000	Doug Stockdale	Public Affairs Officer	USFS, Anchorage
July 19, 2000	Lance Trasky	Regional Supervisor, Division of Habitat	ADF&G, Anchorage
(via e-mail)	Ken Vaughan	Natural Resource Manager	USFS

A full account of the interview questions and summary responses can be found in the Stakeholder Interview Summary (HDR 2001) - <http://www.sterlinghighway.net/Documents/SSRFinal/Appendix%20D%20Stakeholder.pdf>

Note: ADF&G = Alaska Department of Fish and Game; Borough = Kenai Peninsula Borough; DNR = Alaska Department of Natural Resources; DPOR = Alaska Department of Park and Outdoor Recreation; EPA = U.S. Environmental Protection Agency; USFS = U.S. Forest Service; USFWS = U.S. Fish and Wildlife Service

5.2.4 Agency Consultation Committee

Fourteen agencies and Native entities were invited to participate in an ACC as part of scoping. The purpose of the ACC was to foster communication and coordination between and among the agencies, Native groups, and DOT&PF/FHWA. Members of the ACC are shown in Table 5.2-3. The DOT&PF met with the ACC six times between 2001 and 2006. A summary of these meetings is included in Table 5.2-4.

Table 5.2-3. Members of the Agency Consultation Committee

ADEC	ADF&G
Alaska Division of Governmental Coordination	Cook Inlet Region, Inc.
DNR/SHPO	EPA
Kenai Peninsula Borough	Kenaitze Indian Tribe
Kenai Native Association, Inc.	National Marine Fisheries Service
Salamatof Native Association, Inc.	USACE
USFS	USFWS

ADEC = Alaska Department of Environmental Conservation; ADF&G = Alaska Department of Fish and Game; DNR = Alaska Department of Natural Resources; EPA= U.S. Environmental Protection Agency; SHPO = State Historic Preservation Officer; USACE = U.S. Army Corps of Engineers; USFS = U.S. Forest Service; USFWS = U.S. Fish and Wildlife Service

Table 5.2-4. Agency Consultation Committee meetings

ACC Meeting Date	Purpose
Meeting 1: March 30, 2001	The meeting was held in Anchorage with 27 agency representatives in attendance. The purpose of the meeting was to provide an overview of the project process and schedule and begin to develop a list of issues.
Meeting 2: May 31, 2001	The meeting was held in Cooper Landing with 21 agency representatives in attendance. The purpose of the meeting was to focus on identifying constraints and opportunities.
Meeting 3: September 13, 2001	The meeting was held in Soldotna with 21 agency representatives in attendance. The purpose of the meeting was to begin developing evaluation criteria and discuss the emerging range of alternatives.
Meeting 4: October 29, 2001	The meeting was held in Anchorage with 24 agency representatives in attendance. The purpose of the meeting was to discuss the evaluation criteria and the range of alternatives and to present associated technical information.
Meeting 5: April 17, 2002	The meeting was held in Cooper Landing with 15 agency representatives in attendance. The purpose of the meeting was to finalize the evaluation criteria and the range of alternatives.
Meeting 6: December 13–14, 2004	The meeting was held in two locations: Soldotna on December 13 and Anchorage on December 14. There were a total of 28 agency representatives in attendance. The meeting covered updates on the rapid assessment process (wildlife impacts/ crossings), technical analysis, fish report, refining alternatives, mitigation measures. Question topics included road grade; wildlife and visual considerations; rock, soil, and groundwater characteristics; bridge details; level of service; 3R alternative; costs; fill, gravel, and disposal sites.

5.2.5 Summary of Agency Issues Identified During Scoping

The following is a summary of important issues identified by agency participants during the scoping process:

- Minimize impacts to identified archeological sites and cultural resources
- Minimize impact on the Kenai River fishery
 - Direct/indirect impact of bridges—roads (abutments, etc.)
- Assess/resolve water quality issues:
 - Construction impacts
 - Maintenance impacts
 - Impact on flood plain
 - Impact on main stem of the Kenai
 - Impact on tributaries
 - Management of run-off—spills as well as storm water runoff
 - Spill risk analysis
 - Wetland impacts
 - Hydrology—recharge/discharge
 - Extent of cut and fill/disposal of material
- Vegetation impacts:
 - Impacts on plants—invasive species; noxious weeds
 - Disturbance regimes on plant species
- Fish and wildlife impacts - assess level of impact on:
 - Eagles
 - Sheep
 - Moose
 - Fish
 - Bears
 - Vegetation
 - Overall issue of habitat fragmentation
 - Overall issue of wildlife crossings—likelihood of collisions
 - Overall issue of displacement effects
- Minimize/manage secondary impacts—induced development
 - Impact on land ownership patterns
 - Minimization of the developed footprint
 - Direction from adopted plans
- Assess/address range of recreation impacts:
 - Trails—Resurrection Trail, Bean Creek Trail, skiing and hiking
 - Fishing
 - Camping
 - Hunting
 - Create a balance of access opportunities
 - Assess number of new areas open for access
 - Effect on existing recreation patterns
 - Extent of impact to sensitive areas
 - Impact to the Cooper Landing boat launch
 - Opportunities to enhance existing facilities
 - Alaska National Interest Lands Conservation Act implications
- Assess/minimize viewshed impacts
 - Issues associated with opening new viewsheds
- Maintain/promote landscape ecology integrity
- Cost—stewardship of public funds
- Socioeconomic impacts:
 - Local businesses
 - Water supply
 - Tax base
 - Quality of life
 - Mining claims
 - Community impacts
 - Private property
 - Business property
 - Community property (i.e., schools, library, etc.)
 - Noise

5.2.6 Topic Specific Consultation

DOT&PF and FHWA engaged in a number of more detailed consultation efforts with individual agencies and subgroups of agencies to develop a more thorough understanding of the issues, potential impacts, opportunities to avoid and minimize impacts, and to identify potential mitigation related to the reasonable build alternatives. This section discusses key topics of specific consultation.

5.2.6.1 Agency Consultation Efforts

A summary of these agency meetings is included below in Table 5.2-5.

Table 5.2-5. Agency meetings with DOT&PF from 2002 to 2015, excluding meetings focused on National Historic Preservation Act Section 106 topics

Date	Topics
September 24, 2002 (Anchorage)	Project alternatives, process and preliminary technical findings, outstanding questions, issues and information needs
September 24, 2002 (KNWR)	Project alternatives, process and preliminary technical findings, outstanding questions, issues and information needs
September 25, 2002	Project alternatives, process and preliminary technical findings, outstanding questions, issues and information needs
September 26, 2002	Project alternatives, process and preliminary technical findings, outstanding questions, issues and information needs
March 20, 2003	Brown bear use of the project area and the cumulative effects model
October 16, 2003	Project update to KRSMA Board
April 15, 2004	Regulatory issues decision meeting, clarify agency authority, assure process requirements are met, elements of a memorandum of understanding
June 21-23, 2004	Workshop with Bill Ruediger (USFS) to discuss “Rapid Assessment” approach relating to wildlife crossings and other impacts to sensitive habitat, and ways to mitigate impacts to brown bears and other wildlife; list of “species of concern” and “areas of concern” for project generated
February 9, 2005	LOS calculated for SEIS alternatives.
November 29, 2005	USACE effort to re-map the 100-year floodplain on the Kenai River near Cooper Landing
May 23, 2006	Reasonably foreseeable future actions and potential developments, including potential subdivision right-of-way acquisitions
May 9, 2007	NEPA process, technical findings, and engineering options, and outstanding questions and information needs from agencies
September 25, 2007	Wildlife issues workshop, species of most concern, brown bear impacts, mitigation, indirect impacts
November 28, 2007	Resurrection Pass National Recreation Trail, Juneau Falls Recreation Area, Kenai River Recreation Area Chugach Forest Plan consistency
April 8, 2009	USFS recreational Section 4(f) resources, and potential mitigation measures, including Slaughter Gulch Trail, Bean Creek Trail, Stetson Creek Trail, Resurrection Pass National Recreation Trail, Juneau Falls Recreation Area, ANILCA Title XI, and Kenai River Recreation Area

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Date	Topics
April 9, 2009	Section 4(f) Resources under management of Alaska DPOR, KRSMA, Cooper Landing boat launch, Bean Creek Trail, and construction staging and timing, and temporary facility closure considerations
April 30, 2009	Section 4(f) Resources, KNWR, Sportsman’s Landing, Wilderness impacts, ANILCA Title XI, CIRI land selection, KRSMA, brown bears
April 30, 2009	Section 4(f) Resources under ADF&G jurisdiction, Sportsman’s Landing access and facilities, Cooper Landing boat launch, construction timing and considerations
June 2, 2009	Recreational resources impacts, and potential mitigation measures (Stetson Creek Trailhead, Cooper Creek Campground, Bean Creek Trailhead, Resurrection Pass National Recreation Trail, ski and snowmachine access, Juneau Falls Recreation Area, Snow River bridge/Iditarod National Historic Trail, Kenai River Recreation Area)
August 19, 2010	Kelly Petersen and Alvin Talbert as new members of the DOT&PF project team as of September 2009, potential Section 4(f) mitigation options for project alternatives, Least Overall Harm Analysis, IRAs, Juneau Falls Recreation Area and compelling need document, Snow River bridge, Resurrection Pass National Recreation Trail, Unit 395, ANILCA Title XI, visual impact analysis
September 9, 2010	Project updated for new staff at the KNWR
September 27, 2010	Section 4(f) properties under USFWS management, right-of-way and compatibility determination, ANILCA Title XI, brown bears, wildlife study, Sportsman’s Landing, No Build or variant preference
February 9, 2011	Potential project mitigation for alternatives, Section 4(f), Resurrection Pass National Recreation Trail and new trailhead, Kenai River Recreation Area, Juneau Falls Recreation Area, Geotechnical Report, Juneau Creek bridge, right-of-way easement, Compelling Need Document, Travel Analysis Process, IRAs, Russian River Lands Act Tract A, and ANILCA Title XI (Standard Form 299)
September 1, 2011	Juneau Creek bridge, Resurrection Pass National Recreation Trail impacts, Juneau Falls Recreation Area, Kenai River Recreation Area, Compelling Need Document, and potential mitigation for Stetson Creek Trail
April 10, 2012	Potential mitigation for trail impacts
August 6, 2012	Project updates, new Variant Alternative, controlled access, grade separations for trails and USFS roads, Units 394B and 395, Compelling Need Document, Roadless Rule, Russian River Lands Act CIRI Tract A access, trail mitigation, recreational use, Chugach National Forest Plan consistency, and SF 299
August 27, 2012	Project updates, new Variant Alternative
August 30, 2012	Project alternatives and new Variant Alternative, ANILCA, and KNWR Compatibility Determination
September 6, 2012	Waterbody and Section 404 permit meeting, project alternatives and new Variant Alternative, water quality topics and requirements
September 27, 2012	Project history, involvement of various wildlife agencies, project updates including the present alternatives and proposed mitigation for impacts to wildlife resources
November 29, 2012	Project alternatives, ANILCA Title XI procedures and agency roles, SF 299, next steps
November 30, 2012	Project status, Borough land selections, land use plans, and development plans

Date	Topics
January 22, 2013	Presented the project alternatives to the Borough Assembly, Resolution 2013-006 discussed (establishing borough priorities for Federal legislation and funding for the year 2013)
February 6, 2013	Briefed agencies on the SEIS development, reviewed and discussed agency issues to date, project-related impacts and benefits, identification of outstanding issues, confirm important procedural and content important to or required by each agency, and reviewed proposed mitigation.
April 16, 2013	Project team discussion on ANILCA Title XI, agency concerns, agency roles and responsibilities, and further actions
June 5, 2013	Project status, major milestones, schedule of public review of Draft SEIS, locations of future formal public hearings
February 12, 2014	Project status, consultation process, alternative updates, key outstanding issues, mitigation efforts, project schedule and release of the Draft SEIS
September 25, 2014	Meeting with cooperating agencies during the cooperating agency review period of preliminary draft SEIS to discuss agency concerns and assist agencies in their review of the preliminary draft document.
October 4, 2014	Project presentation to the USFS Chugach National Forest management team during the cooperating agency review period of preliminary draft SEIS to discuss their concerns and assist in their review of the preliminary draft document.
January 20, 2015	Discussion of Section 4(f) applicability, wildlife impacts, and indirect impacts to KNWR with USFS and USFWS.

ANILCA = Alaska National Interest Lands Conservation Act; Borough = Kenai Peninsula Borough; CIRI = Cook Inlet Region, Incorporated; DOT&PF = Alaska Department of Transportation and Public Facilities; DPOR = Department of Parks and Outdoor Recreation; IRA = Inventoried Roadless Area; LOS = Level of Service; KNWR = Kenai National Wildlife Refuge; KRSMA = Kenai River Special Management Area; NEPA = National Environmental Policy Act; SEIS = Supplemental Environmental Impact Statement; SF = Special Use Form; USACE = U.S. Army Corps of Engineers; USFS = U.S. Forest Service; USFWS = U.S. Fish and Wildlife Service.

Wildlife Consultation. Potential impacts to wildlife, particularly brown bears, have been discussed at multiple meetings with USFWS, USFS, and Alaska Department of Fish and Game (ADF&G). The project team held workshops in June and December of 2004 regarding wildlife crossings and potential project impacts to sensitive habitat, as well as ways to mitigate impacts to brown bears and other wildlife.

A Rapid Assessment Meeting was held between June 21 and 23, 2004 in Anchorage and Cooper Landing (HDR 2004a). The purpose of the meeting was to bring natural resource agencies together to work with Bill Ruediger, USFS, to discuss a “Rapid Assessment” approach relating to wildlife crossings and other impacts to sensitive habitat in relation to the Sterling Highway MP 45–60 alternatives. Attendees represented natural resource agencies with jurisdiction on the Kenai Peninsula and discussed innovative ways to mitigate impacts to brown bear populations

In September 2007, a wildlife issues workshop was held with USFS, USFWS, FHWA and DOT&PF. The meeting was designed to gather wildlife specialists from agencies with regulatory responsibility in the project area and engage them on project specific issues and mitigation. Attendees worked together to outline commitments related to wildlife and habitat connectivity that could be conducted before final design and construction and post-construction monitoring.

Consistently, agencies have requested a more detailed field study of wildlife movement be conducted to understand potential effects and develop appropriate design measures (e.g., underpasses). As a result of the consultation effort, DOT&PF committed to initiating a study during the Draft SEIS process and will use the result to design appropriate wildlife mitigation into the project design.

A Wildlife Study Team, headed by Northern Ecologic, began meeting in February 2013 to create a Wildlife Study Implementation Plan for the project. The Wildlife Study Team consists of biologists from the following agencies: USFS, ADF&G, USFWS, and representatives from DOT&PF. As a result of the team's efforts, a draft plan to study six species was devised and later accepted by DOT&PF. The study is being implemented by Northern Ecologic in consultation with the Wildlife Study Team. The results of this study will be used for identifying wildlife mitigation efforts during the design phase of the project. Results from the study, to the extent they are available, will be used to inform the final SEIS and Record of Decision.

Alaska National Interest Lands Conservation Act. Title XI of ANILCA addresses "Transportation and Utility Systems in and Across, and Access Into, Conservation System Units." Conservation system units (CSUs) in the project area include KNWR and the Resurrection Pass National Recreation Trail. The project team has held multiple consultation meetings to understand potential impacts to these CSUs, discuss potential mitigation, and understand ANILCA's procedural requirements.

As a result of the consultation, DOT&PF has developed mitigation measures for the crossing of the Resurrection Pass National Recreation Trail and development of a trailhead parking area. In addition, DOT&PF will provide summer pedestrian walkways on the Snow River bridges on the Seward Highway and allow the USFS to construct trail segments in the highway right-of-way. DOT&PF will provide such accommodations in the future when the Snow River bridges are replaced. This mitigation will create a connection to another long-distance trail in the National Trails System in the Kenai River Watershed to offset impacts to the Resurrection Pass National Recreation Trail resulting from this project.

Due to procedural constraints associated with impacting Mystery Creek Wilderness, DOT&PF and FHWA have determined they would not pursue the Juneau Creek Alternative as the preferred alternative if the Wilderness designation remains intact.

Section 4(f). The project area includes a considerable number of parks, refuges, recreational areas, and cultural and historic properties that have been determined to be protected by Section 4(f) of the U.S. Department of Transportation Act. DOT&PF and FHWA consulted with managing entities to develop an understanding of the location and boundaries of Section 4(f) sites, to understand the management direction governing those sites, and to discuss potential avoidance and measures to minimize harm to Section 4(f) resources.

Indirect and Cumulative Impacts. Agencies expressed concern regarding indirect and cumulative growth effects that could result from the project's reasonable alternatives. In particular, indirect growth on large State and Borough land selections were of concern to wildlife management agencies due to the projected defense of life and property kills of brown bears. Additionally, Cooper Landing businesses noted concern about a second business district forming and competing with existing businesses. Based on the goal of preserving the function of this National Highway System route, DOT&PF made a decision to implement controlled access on

new sections of highway. Controlled access will reduce indirect growth impacts associated with the project and is consistent with addressing concerns expressed to the project team. DOT&PF and FHWA met with the Borough and DNR to develop an understanding of their respective land selection plans and to identify reasonably foreseeable future actions. As a result, project alternatives were designed to minimize adverse affects to those land management plans.

EFH Consultation. In accordance with the Magnuson-Stevens Fisheries Conservation and Management Act, which directs Federal agencies to consult with the National Marine Fisheries Service (NMFS) when any of their activities may have an adverse effect on essential fish habitat (EFH), DOT&PF, in cooperation with FHWA, submitted an EFH Assessment to NMFS to initiate consultation in February 2013. The EFH report assesses the likely effects of each project alternative on EFH within the Kenai River watershed (Kenai Lake, Kenai River, Bean Creek, Juneau Creek, Cooper Creek, Russian River, and Fuller Creek) and includes a description of the project, a summary of EFH in the project area, an assessment of the EFH, and proposed conservation measures.

DOT&PF received a response from NMFS stating that the described project actions will have no more than a minimal impact and will not result in any substantive adverse effect to EFH; therefore, no further EFH consultation or assessment is required. NMFS did not offer additional EFH Conservation Recommendations beyond those proposed in the EFH Report, and stated they have no objections to the project.

Wetlands and Water Bodies. Primary jurisdiction of the USACE related to the project includes Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act of 1899, and ANILCA. Section 404 of the Clean Water Act requires permit authorization to discharge dredged or fill material into the waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act requires approval prior to the initiation of any work in, over, or under navigable waters of the United States, or which affects the course, location, condition or capacity of such waters.

DOT&PF has consulted with USACE on numerous occasions both in writing and in person since 2001. USACE representatives have attended nine agency meetings between 2001 and 2013 that addressed various topics including project purpose and need, evaluation criteria, project alternatives, level of service, information needs, remapping of the 100-year floodplain on the Kenai River, the NEPA process, engineering options, outstanding agency questions, waterbody and wetland permitting, and ANILCA.

DOT&PF conducted detailed field work and wetland mapping along each of the reasonable alternatives to identify wetlands under USACE jurisdiction. DOT&PF completed draft jurisdictional determinations and draft functional assessments along each of the reasonable alternatives which were reviewed and approved by the USACE. Final copies of these documents were published on the project Web site: <http://www.sterlinghighway.net/documents.html>. A meeting was held on September 6, 2012 to discuss effects to water bodies and Section 404 of the Clean Water Act, the ANILCA process, as well as various water quality topics and requirements.

5.3 Public Coordination

This section presents specific coordination and outreach completed with the public, including a summary of key issues identified for development of reasonable alternatives.

5.3.1 Stakeholder Interviews

Stakeholder interviews conducted in 2000 provided an early, informal opportunity to meet with community representatives to assess their expectations for involvement and to begin identifying issues and concerns regarding the project. Individual public stakeholders are listed in Table 5.3-1; agency stakeholders were listed previously in Table 5.2-1. Following the interviews, input received from the stakeholders was summarized in the *Stakeholder Interview Summary* (HDR 2001b).

Table 5.3-1. Individual stakeholders interviewed

Date	Name	Title	Affiliation, location
July 21, 2000	Candace Beery	Land Manager	CIRI, Anchorage
July 19, 2000	Mona Painter	Chair, resident	Cooper Landing Community Club, Cooper Landing
July 19, 2000	Jim and Pinky Richardson	Residents	Cooper Landing
July 19, 2000	George Siter	Business owner, resident	Cooper Landing
July 19, 2000	Dodie Wilson	Chair, business owner, resident	Cooper Landing Advisory Council, Cooper Landing

Note: CIRI = Cook Inlet Region, Incorporated

5.3.2 Stakeholder Sounding Board

The SSB was an open advisory committee of community members and local or regional interest group representatives.

Table 5.3-2 presents stakeholder groups invited to participate in the SSB. The purpose of the SSB was to provide the project team with a regular forum to discuss the development of the SEIS with the community and other interested stakeholders. Anyone interested was able to participate. A set of participation rules allowed new participants to join anytime, yet enabled the group to build on work completed at previous meetings. Meetings were facilitated and conducted in a workshop format with presentations from the project team and hands-on work with participants. The role of the group was to review technical information, provide advice and direction, and develop recommendations for potential impacts associated with the project.

Table 5.3-2. Groups invited to participate in the Stakeholder Sounding Board

Alaska Bowhunters Association, Inc.	ADF&G, Kachemak Bay National Estuarine Reserve
Alaska Center for the Environment	Alaska Commercial Fishermen
Alaska Flyfishers Association	Alaska Miners Association, Inc.
Alaska Truckers Association	Alaska Waterfowl Association
Alaska Wildlife Alliance	Alaska Wildlife Society
Anchorage Audubon Society	Anchorage Daily News

Caribou Hills Snowmachine Club	Carlisle Trucking
Chamber of Commerce, Anchor Point	Chamber of Commerce, Funny River
Chamber of Commerce, Homer	Chamber of Commerce, Ninilchik
Chamber of Commerce, Seldovia	Chamber of Commerce, Soldotna
Chase Trucking	Cheechako Ski Benders
City of Homer	City of Soldotna
CIRI	Cooper Landing Community Club
Cooper Landing Homeowner's Association	Cooper Landing Parent Advisory Committee
Cooper Landing property owners, residents, and businesses	Eastern Kenai Environmental Action Association
Friends of Cooper Landing	Grouse Creek Village Corporation
Homer News	Homer Nordic Ski Club
Kachemak Nordic Ski Club	Kenai Peninsula Borough
Kenai Peninsula Borough Assembly	Kenai Peninsula Borough Cooper Landing Advisory Planning Committee
Kenai Peninsula Borough Kachemak Bay Advisory Planning Committee	Kenai Peninsula Borough Trails Commission
Kenai Peninsula Borough SD Trails Commission	Kenai Peninsula Fishermen's Association
Kenai Peninsula Tourism Marketing Council	Kenai River Property Owners Association
Kenai River Sportfishing Association	Kenai Watershed Forum
Knik Canoers and Kayakers	Kenai River Special Management Area Advisory Board
Lynden Transport	Mountaineering Club of Alaska
National Audubon Society	Natural Resources Conservation Service
Ninilchik Native Association, Inc.	Nordic Skiing Association
National Park Service, Division of Environmental Quality	Office of Representative Pete Kelly
Osprey Alaska, Inc.	Pristine Products
Quartz Creek Homeowners Association	Republican Party of Alaska
Shep Air Services	Sierra Club, Alaska Chapter
Sierra Club, Knik Group	Snomads Snowmachine
South Central Sportsmen Association	Soil and Water Conservation District, Homer
Soil and Water Conservation Board	Sportsman Club
The Milepost	The Nature Conservancy
The Wilderness Society	Trout Unlimited
United Fishermen of Alaska	Volunteer Fire Dept./Ambulance of Cooper Landing
West Side Development Task Force	Wildlife Federation of Alaska

Note: ADF&G = Alaska Department of Fish and Game; CIRI = Cook Inlet Region, Incorporated

The SSB met five times between May 2001 and April 2002 as discussed below and summarized in Table 5.3-3. All meetings were held in Cooper Landing and included an “Open House” for one hour preceding the meeting. The Open House had displays of information and project team members were available to answer questions. The purpose of the Open House prior to each meeting was to help new participants prepare to participate in the meeting and to remind participants of the previous information reviewed. The Open House time also served as an informal opportunity to talk one-on-one with area residents who did not feel comfortable speaking in a large group.

Table 5.3-3. Stakeholder Sounding Board meetings

Meeting Number and Date	Purpose
Meeting 1: May 30, 2001	The meeting was attended by 43 people. The project team presented the process and schedule and discussed the project’s purpose and need.
Meeting 2: September 11, 2001	Forty-six people signed in as attending the meeting with more than 60 actual participants. Participants discussed data collected to date and evaluation criteria and looked at the emerging range of alternatives. The world events that day made it difficult to accomplish the planned agenda.
Meeting 3: October 30, 2001	Forty-four people signed in as attending the meeting with more than 55 actual participants. Draft evaluation criteria were developed and alternatives discussed at the meeting.
Meeting 4: January 16, 2002	Forty-eight people signed in as attending the meeting with more than 60 individuals actually participating. The purpose of the meeting was to refine the draft evaluation criteria, hear a technical work update and begin talking about how the range of alternatives could be modified to address issues/criteria.
Meeting 5: April 16, 2002	Fifty-one people signed-in with more than 65 actual participants. Participants discussed how to reach a reasonable array of alternatives and the outcome of the Web survey. “Priority” criteria were identified.

To encourage participation of interested parties in the SSB, notices of meetings were sent to all Cooper Landing property owners, business owners, and residents, as well as the project mailing list. Figure 5.3-1 provides an example of the meeting notice. While participation on the SSB was open to anyone who was interested, DOT&PF made sure to invite organizations,

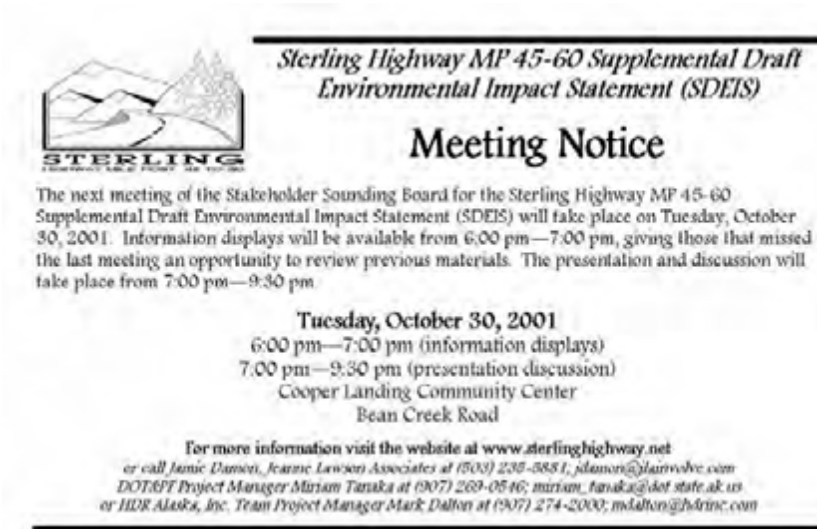


Figure 5.3-1. SSB meeting invitation

agencies, interest groups, and others who might be impacted by the project to ensure that they were informed about the project and encouraged to participate in the process.

5.3.3 Listening Posts

Project “Listening Posts” were conducted during the scoping period to identify issues, define the project purpose and need, develop options for alternatives, and identify reasonable alternatives. The purpose of the Listening Posts was to provide information directly to the communities that would be affected by the project.



Figure 5.3-2. July 12, 2002 Cooper Landing Listening Post

The distances between communities that are affected by the project required a “take it to the people” approach to public meetings. Listening Posts were held in Anchorage, Cooper Landing, Soldotna, and Kenai over 2- to 3-day periods with the same information presented at each location.

The events were announced through the project update mailers, display ads, and the project Web site. Comments were taken on comment forms and by written notes from conversations. Nine Listening Posts were held between March 2001 and May 2003, with more than 300 people participating in total. Table 5.3-4 provides a summary of Listening Posts held during scoping.

Table 5.3-4. Listening Posts held during Scoping

	Date	Location	Purpose
Round 1	March 28, 2001	Cooper Landing Community Center	Ideas for NEPA process. Issues identification.
	March 28, 2001	Soldotna Peninsula Center Mall	
	March 29, 2001	Anchorage DOT&PF	
Round 2	August 20, 2001	Anchorage DOT&PF	Issues identification from seasonal residents and travelers. Ideas for alternatives.
	August 21, 2001	Soldotna Visitors Center	
	August 22, 2001	Cooper Landing Boat Launch	
Round 3	June 2002	Kenai River Festival	Range of alternatives. Prioritization of evaluation criteria.
Round 4	May 21, 2003	Cooper Landing Princess Lodge	Preliminary assessment of alternatives based on evaluation criteria to determine range of reasonable alternatives.
	May 22, 2003	Anchorage DOT&PF	

Note: DOT&PF = Alaska Department of Transportation and Public Facilities; NEPA = National Environmental Policy Act

5.3.4 Public Scoping Comments

Public comments were largely divided into two groups—for and against an alternative removed from the Kenai River and Cooper Landing city center. The comments received in favor of a removed alternative most frequently cited protection of the Kenai River and community livability as the top reasons for their opinion. The comments received against such an alternative frequently cited economic and environmental impacts as reasons for their opinion. Many of those who commented stated that the Kenai River should be protected, but there was disagreement over how best to provide protection. Those who commented from the communities south of Cooper Landing most often highlighted the need for safe, efficient travel on the Kenai Peninsula and were supportive of an alternative that served through-traffic by bypassing the city center. Those who lived in Anchorage, other parts of Alaska, or out of state voiced their concerns about the environment and were more in favor of exploring options along the existing highway. The community of Cooper Landing was divided about what is the best for their community and for the traveling public.

The following issue areas were identified by the public during the process:

- Minimize impact on the Kenai River Fishery
 - Remove existing bridge
 - Spills from road
 - Proximity of road to river
 - Impediments to fish migration
- Assess/resolve water quality issues
 - Flooding
 - Number of river crossings
 - Impacts to wells, springs
 - Water table
- Assess level of impact on fish and wildlife
 - Bears
 - Sheep
 - Moose
 - Eagles
 - Fish
- Assess/address range of recreation impacts
 - Size of curve at Resurrection Pass National Recreation Trail
 - Access to Quartz Creek
 - Impacts to boat launch
 - Mix of tourist/local traffic
 - Foot traffic
 - Access to Resurrection Trail
 - Access to campgrounds
 - Parking
- Maintain/Promote landscape ecology integrity
 - Impacts to wilderness
 - Avalanche danger
 - Mud slides
 - Access to developable land
 - Avoid roadless areas and eligible wilderness
 - Avoid habitat fragmentation
- Minimize/Manage secondary impacts—induced development
 - Blind driveways
 - Pulling away from pull-outs
 - Safety at school bus stops
 - Future road capacity (beyond 2025)
 - Affect of natural disaster
 - Maintenance costs
 - Future development along new roadway(s)
 - Logging
 - Hunting access
 - Construction access/staging
 - Gravel pit development
- Determine cost—stewardship of public funds
 - Cost of Canyon Creek Bridge
 - Cost to retrofit Juneau Creek Bridge
 - Maintenance costs, particularly if multiple roads

- Impacts to trail areas (hiking/skiing)
- Waste collection at pull-outs
- Roadside enhancements and improvements for public use
- ANILCA implications
- Bike trails
- Motorized use
- Slaughter Gulch trail crossing
- Cooper Creek campground
- Trout Lake
- Juneau Lake
- Assess/Minimize view shed impacts
 - Scenic qualities
 - Light pollution
 - Landscape design
 - Impacts to Juneau Falls
- Assess socioeconomic impacts
 - Noise
 - Traffic speed and road crossings
 - Pedestrian/bike parking
 - Property values
 - Access
 - Impacts to businesses
 - Accident rates
 - Enforceability (of speed limits)
 - Coordinate with Kenai area plan, other land use plans
 - Community isolation
 - Privacy
- Other
 - Soil conditions
 - Weather conditions
 - Sun/shade on road

5.3.5 Ongoing Public Outreach

Festival of the Forest. In August 2004 and August 2005, a project booth was established and staffed at the third and fourth annual Chugach Days Festival of the Forest at the Pioneer Village in Cooper Landing. The purpose of the booths was to present up-to-date information about the project and NEPA process. More than 100 people stopped by the booth to ask questions and offer their input. A number of individuals expressed frustration at the length of the review process and the desire to have the project completed. The following is a list of additional comments heard:

- Which alternative has the least environmental impact?
- Which alternative is best for habitat?
- Check with the Borough about the planning for the shooting range.
- Gwin’s corner is where all of the problems are in the winter—regardless of the alternative this will need to be fixed.
- Partial bypasses are a waste of time.
- Cooper Creek affects too many people.
- What about moving the north side option closer to the mountain and away from the housing developments.
- Keep a 35 mph speed limit through town and double the fines in town to slow people down.
- There will be grid lock in Cooper Landing in five years. Stop wasting time and fix the problem now.
- Concerned about the impact of the “F” Alternative on cross country skiing.
- Which alternative costs the most?
- Which alternative has the most road cuts?
- What does the business community think? Which alternative do they support?

Public Meetings. In 2012, additional public outreach efforts were made to inform surrounding communities of the project’s progress. Public Open Houses were held on March 29 at the Cooper Landing Community Center, September 12 at the Cooper Landing Community Center and on September 18 in Anchorage at the DOT&PF main conference room. These Open Houses provided an informal opportunity for the public to meet project staff, learn about the project’s status and next steps, and provide feedback on alternatives and proposed mitigation. At each meeting, members of the project team gave detailed presentations followed by question and answer sessions. Advertisements included various print publications, residential postcards, e-mails, online public notices, project distribution lists, and the project Web site. Approximately 70 people signed in to attend these two meetings.



Figure 5.3-3. Cooper Landing Public Meeting September 12, 2012

5.4 Section 106 Consultation

This section describes the process of ongoing consultation and the results with Tribal entities and other groups identified in Section 106 of the NHPA as consulting parties. There were two primary areas under which FHWA and DOT&PF engaged Tribes in the project:

- **Government-to-Government Consultation.** As Federal agencies and departments undertake activities affecting Tribal rights and/or trust resources, they must recognize Tribal sovereignty and conduct consultation with respect to the Government-to-Government relationship with Federally recognized Tribal governments (pursuant to EO 13175). FHWA sent letters to Federally recognized Tribes within the project area (Kenaitze Indian Tribe and Salamatof Native Association, Inc.) to initiate consultation for Section 106 consultation under the Government-to-Government relationship.
- **NHPA Section 106 Consultation.** Between 2000 and 2013, numerous meetings were held with agencies and Tribal government representatives focused on cultural resources and historic properties, following Section 106 of the NHPA. FHWA and DOT&PF coordinated with State and Federal agencies, Tribes, and other identified consulting parties to identify and evaluate potential impacts to identified cultural resources, and to work toward resolving identified adverse effects⁵. FHWA has continually coordinated with the Advisory Council on Historic Preservation (ACHP) regarding the EIS and Section 106 processes, the area of potential effect, the eligibility of properties for the National Register, and findings of effect. In particular, FHWA has notified ACHP of the potential for adverse effects. To date, the ACHP has determined that its participation is not necessary. FHWA will continue to consult throughout the EIS process.

⁵Specific concerns and suggestions regarding cultural sites are only generally summarized, as information on the location of archaeological sites is kept confidential in accordance with State and Federal law.

5.4.1 Section 106 Initiation

On April 7, 2005, FHWA sent a letter initiating consultation (pursuant to 36 CFR § 800) for the project to Federally recognized Tribal governments and other Native groups (such as Native Corporations and Associations), inviting them to participate in the Draft SEIS process and to consult in the process of identifying historic properties (prehistoric, historic and traditional cultural resources) and determining the effects of the alternatives on such properties. A follow-up phone call was made to each letter recipient, and interviews were held with entities that expressed interest in further participation. Tribal entities contacted were:

- Kenaitze Indian Tribe
- Salamatof Native Association Tribal Council
- Kenai Native Association
- CIRI

5.4.2 Tribal Participation

A series of meetings were held between September 2002 and November 2013 related to cultural resources and Section 106. Consultation meetings addressed the identification of historic properties, fieldwork methodologies, area of potential effect (APE), eligibility of properties for listing in the National Register of Historic Places (NRHP), findings of effect, and potential mitigation. Table 5.4-1 presents a summary of these meetings.

Table 5.4-1. Section 106 consultation meetings

Meeting Date	Purpose
September 26, 2002	The meeting was held in Kenai with representatives from DOT&PF, HDR, Kenaitze Indian Tribe and Salamatof Native Association present. The purpose of the meeting was to update the participants about the process and preliminary technical findings and hear their outstanding questions, issues and information needs.
November 17, 2004	The meeting was held in Anchorage in the USFS Conference Room with representatives from DOT&PF, the Kenaitze Indian Tribe, the Salamatof Native Association, OHA, USFWS, CIRI, USFS, FHWA, CRC, and HDR in attendance. The purpose of the meeting was to provide an overview of the project and the Section 106 process. Participants identified potential gaps in information regarding historic properties in the area and discussed preferred methods of consultation.
May 25, 2005	The meeting was held in Anchorage with representatives from DOT&PF, Kenaitze Indian Tribe, CIRI, OHA, FHWA, USFS, CRC, and HDR in attendance. Participants reviewed the potential impacts to historic properties for each alternative and identified additional field survey work needed. Participants discussed the next steps of the Section 106 process.

Meeting Date	Purpose
November 2, 2005	The meeting was held with representatives from DOT&PF, CIRI, OHA, USFS, CRC, Reger Archaeological, USFWS, and HDR present. The purpose of this meeting was to review preliminary findings of impacts for each alternative and discuss DOT&PF's initial recommendations on the eligibility of sites for listing in the National Register of Historic Places. DOT&PF addressed the timing of plans to move forward in the Section 106 process with the development of Determinations of Eligibility and the Finding of Effect documents.
November 2, 2007	This meeting was held in Anchorage with representatives from DOT&PF, CIRI, and HDR. The purpose of this meeting was to inform CIRI about the status of the SEIS process and for DOT&PF to learn more about plans for CIRI-owned land within the project area.
September 5, 2008	The meeting was held in Anchorage with representatives from DOT&PF, USFS, FHWA, USFWS, OHA, CIRI, CRC, and HDR in attendance. Participants were updated on the potential impacts to historic properties for each of the project alternatives and discussed the potential indirect impacts to eligible sites. Participants agreed that an agreement document would be developed to resolve adverse effects. Discussion regarding APE was included.
July 30, 2009	The meeting was held in Kenai with representatives from the DOT&PF, Kenaitze Indian Tribe, CRC, and HDR in attendance. DOT&PF presented proposed variants of the Juneau Creek Alternative for avoidance of historic properties. Kenaitze Indian Tribe members articulated concerns regarding potential impacts to historic properties and posed questions regarding future field survey and evaluation efforts. Kenaitze Indian Tribe members agreed to discuss the variants and provide recommendations to DOT&PF.
April 2, 2010	The meeting was held in Kenai with representatives of the Kenaitze Indian Tribe and DOT&PF. The purpose of the meeting was to update the Kenaitze Indian Tribe on the proposed Juneau Creek Alternative variants and potential impacts on historic properties. DOT&PF and the Kenaitze Indian Tribe agreed to drop Variants 1 and 2 from further consideration due to impacts to historic properties and technical infeasibility, and carry Variant 3 forward through the EIS.
October 13, 2010	The meeting was held in Anchorage with representatives of DOT&PF, CIRI, USFWS, USFS, and Kenaitze Indian Tribe to discuss the Russian River Lands Act MOU. The Act grants CIRI the authority to exchange land that lies within the titled archeological resource "limited estate" that lies partially within the KNWR. There is interest in pursuing the exchange, and USFWS was agreeable to discussion. CIRI was to provide a graphic showing the parcels to be transferred and expressed intent to write a letter of support for the Juneau Creek Alternative to demonstrate their commitment to the exchange.
November 14, 2011	The meeting was held in Anchorage with members the following organizations present: DOT&PF, FHWA, CIRI, USFS, USFWS, and OHA. DOT&PF and FHWA were invited to the Russian River MOU Meeting to discuss the group response received to the Finding of Adverse Effect letter for the project sent from FHWA on May 23, 2011.

Meeting Date	Purpose
September 28, 2012	The meeting was held in Anchorage with representatives of USFWS, USFS, DOT&PF, FHWA, CIRI, OHA, HDR and Kenaitze Indian Tribe. The purpose of the meeting was to discuss the Russian River Land Act MOU Group Letter and follow-up on the Kenaitze consultation. The Section 106 Eligibility Evaluation for identified TCPs was also discussed.
January 24, 2013	The Consulting Parties Meeting was held in Kenai with representatives invited from USFWS, USFS, OHA, DNR, Salamatof Native Association, Kenaitze Indian Tribe, CIRI, FHWA, DOT&PF and HDR. The project team gave an overview of the Section 106 process. The group discussed the ANILCA Title XI Process Letter (DOT&PF to USFWS), the draft evaluation of the Sqilantnu Archaeological District and identified TCPs and Findings of Effect.
November 26, 2013	DOT&PF, FHWA, and SHPO met with the Russian River Land Act MOU Group (Kenaitze Indian Tribe, CIRI, USFWS, and USFS) in Kenai and all other consulting parties were invited to attend. DOT&PF and FHWA presented answers to comments and questions some entities had posed in writing. There was no disagreement on FHWA's findings of adverse effects, and attendees agreed the process could move ahead to discussion of an agreement to mitigate impacts.

APE = Area of potential effect; CIRI = Cook Inlet Region, Incorporated; CRC = Cultural Resource Consultants; DOT&PF = Alaska Department of Transportation and Public Facilities; FHWA = Federal Highway Administration; HDR = HDR Alaska, Incorporated; KNWR = Kenai National Wildlife Refuge; MOU = Memorandum of Understanding; OHA = Alaska Office of History and Archaeology; SEIS = Supplemental Environmental Impact Statement; SHPO = State Historic Preservation Officer; TCP = Traditional Cultural Property; USFS = U.S. Forest Service; USFWS = U.S. Fish and Wildlife Service

Following consultation, DOT&PF and FHWA received concurrence from the Kenaitze Indian Tribe, CIRI, the State Historic Preservation Officer, and other consulting parties on the APE, identified eligibility of properties within the APE (including archaeological and historic districts, and traditional cultural properties) and effects on identified historic properties. FHWA determined the project would have adverse effects on properties that are eligible for the listing in the NRHP. At this time, consulting parties are expecting to move into discussion of mitigation of impacts with an agreement intended before the final EIS is published.

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