

# SEALT Comments and Questions on Juneau Douglas North Crossing PEL Study Materials

December 20, 2022

The Southeast Alaska Land Trust (SEALT) has several pieces of feedback for the PEL Study's Purpose & Need Statement, Recommended Alternative Selection Criteria, and Preliminary Alternatives Map. As we have communicated before, SEALT is primarily concerned about impacts to the Mendenhall Wetlands State Game Refuge and protected areas (such as SEALT mitigation sites).

In this document, we have provided feedback and recommendations in five categories. We also have questions for the study team in each category and are requesting that responses to these questions be shared with the Technical Advisory Committee before Level 1 screening begins and no later than February 1, 2023.

## Consultation with Resource Agencies

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Consultation with the relevant resource agencies (e.g., USFWS, ADF&G, NOAA), is essential for conducting a high-quality study. The Technical Advisory Committee meetings are insufficient for achieving this purpose; aside from the fact that agency representatives located outside of Juneau could not attend the exclusively in-person meetings, the materials were not shared ahead of time, or in a format that would allow for thoughtful consideration and useful, expert input. The study team must consult directly and individually with each agency regarding the preliminary alternatives and screening criteria.

### SEALT recommends:

- 1) The study should engage in direct consultation with agencies who maintain datasets and technical expertise that should inform this study, including, at minimum: USFWS, ADF&G, ADEC, DNR, USFS, and NOAA Fisheries.
- 2) Consultations should be scheduled to allow agency representatives located outside of Juneau to attend and materials should be provided beforehand to facilitate meaningful engagement and feedback.
- 3) These consultations should include discussion of important resources likely to be impacted by each alternative location and the availability of the best data sources for understanding and evaluating those impacts.
  - For example, the Level 2 analysis outlined in the Recommended Alternative Selection Criteria relies heavily on GIS analysis. State and federal resource agencies are the subject matter experts and should be consulted regarding the best available data.
- 4) Consultation steps should be identified in the Recommended Alternative Selection Criteria document.
  - Page 7 of the Recommended Alternative Selection Criteria document states "The decision of which alternatives ultimately advance to detailed alternative development will be based on professional judgement." This must include the professional judgment of the resource agencies.

Additionally, one of the Level 2 screening criteria is "Level of Technical Advisory Committee support: supportive vs. opposing comments received." **Please provide additional information regarding how and**

**when during the PEL study process these comments will be solicited.** The TAC meetings are insufficient for collecting these comments as no materials were provided ahead of time, preventing meaningful engagement by the committee members. It is unreasonable to expect on-the-spot comments.

### Questions:

- 1) **At what point in the PEL study will you be engaging in direct consultation with relevant agencies?**
- 2) **How and when will you be soliciting supportive/opposing comments for review in Level 2 screening?**

## Consultation with Tribes

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The Recommended Alternative Selection Criteria should include direct consultation with local Tribal governments. The Stakeholder Advisory Committee meetings are insufficient for engaging with the appropriate representatives on the impacts of the proposed alternatives. Consultation with the traditional landowners and stewards is essential, particularly to identify and avoid impacts to sacred cultural sites that may not be a part of publicly-available data sets.

SEALT recommends, at minimum, a consultation with the Central Council of Tlingit and Haida Indian Tribes of Alaska and with Douglas Indian Association, who both have traditional and documented claims within the study area. We suggest the following points of contact:

- Raymond Paddock, [rpaddock@cchita-nsn.gov](mailto:rpaddock@cchita-nsn.gov)
- Heather Gatti, [hgatti@cchita-nsn.gov](mailto:hgatti@cchita-nsn.gov)
- Sarah Dybdahl, [sdybdahl@cchita-nsn.gov](mailto:sdybdahl@cchita-nsn.gov)
- Andrea Cadiante-Laiti, [alaiti@diataku.com](mailto:alaiti@diataku.com)

### Question:

- 1) **At what point in the PEL study will you be engaging in direct consultation with local Tribal governments?**

## Data Transparency

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The PEL study should provide the Technical Advisory Committee members and consulting resource agencies additional transparency regarding the data used in screening the preliminary alternatives.

### Areas requiring explanation of data use:

- 1) Additional information about how past studies have been or will be incorporated into this analysis is necessary. Either Level 1 or Level 2 screening should include criteria based on past study and consideration.
  - For instance, if a materially similar alternative was considered in a past study, provide the outcome of that study and the rationale for including it in this PEL study.
- 2) The Recommended Alternative Selection Criteria Appendix B references an “Environmental Setting Report” (DOWL 2022). This does not appear to be included on the PEL Study website; this should be made available for review by the Technical Advisory Committee and consulting resource agencies.
- 3) A list of the specific GIS data that will be used in the Level 2 screening criteria should be published.
- 4) The Purpose and Need Statement references traffic analyses; these traffic analyses should be cited and made publicly available.

Additionally, and perhaps most importantly, the results of the Level 1 and Level 2 screening for the final alternatives identified by the PEL study should be shared with the Technical Advisory Committee (relevant resource agencies). The federal and state agencies are the subject matter experts on the criteria being considered and should review the results to ensure that data is interpreted correctly. For example, in Level 1 screening, one of the criteria is “contaminated sites directly affected: yes/no”. The Alaska Department of Environmental Conservation should have the opportunity to review the results of the screening to verify that their data has been interpreted correctly.

## Questions

- 1) How will the Environmental Setting Report, GIS screening data, and traffic analyses be made available for review by the Technical Advisory Committee?**
- 2) How and when will the results of the Level 1 and Level 2 screening for the final alternatives be shared with the relevant resource agencies?**

## Process and Engagement

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ADOT should clarify the role of the PEL study in fulfilling its National Environmental Policy Act (NEPA) obligations and whether the agency is planning for project alternatives to be studied in an environmental impact statement (EIS) or environmental assessment (EA). It is important that the public, stakeholders, and consulted entities understand the process with which they are engaging in order to be able to do so effectively. Moreover, the decision about whether to complete an EA or EIS should be made in consultation with the entities described above.

### SEALT Recommends:

Regardless of how ADOT plans to fulfill NEPA obligations, a no-build alternative must be considered. At a minimum, the Recommended Alternative Selection Criteria document should clearly outline why the no-build alternative is not being included in Level 1 and Level 2 screening. Additionally, the data supporting the PEL’s draft purpose and need sections should be disclosed. Without understanding why alternate access and decreased traffic pressure on the existing bridge are needed, it is impossible to develop alternatives to address the purpose of improving connection between Juneau and Douglas Island. The public, stakeholders and consulted entities should be given an opportunity to engage with that data and help develop the needs statement.

## Questions

- 1) What is the role of the PEL study in fulfilling NEPA obligations?**
- 2) What part of this PEL study replaces or substitutes for components of scoping?**
- 3) Will there be a full EIS, or does this PEL study prevent the need for an EIS?**
- 4) What data (traffic analyses) exist to support the concept that there is a “need” for decreasing traffic pressure on the existing bridge?**

## Refuge Integrity

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It is essential that the integrity of the Mendenhall Wetlands State Game Refuge be thoroughly considered and that impacts to the Refuge be fully disclosed to the public. The screening criteria, as currently drafted, only captures discrete, direct impacts to the natural resources (e.g., “wetlands directly affected: acreage impacted by construction”).

## Preconditions for construction within the Refuge

AS 16.20.034(i) permits the establishment of a transportation corridor only if it can be demonstrated that there is a significant public need for the corridor which cannot reasonably be met off-refuge. In accordance with this statute, the screening criteria must note that construction within the Refuge boundaries should be considered only after significant need has been established, and all other options are exhausted.

### The Refuge is greater than the sum of its parts, in the following ways:

- 1) Building a crossing within the boundaries of the Refuge would likely effectively create two Refuges by fragmenting the habitat, viewshed, hydrodynamics, recreation opportunities, and other services and functions provided by the Refuge.
- 2) A second crossing through the Refuge would irreversibly change the ability of recreational and subsistence users to use the area.
  - For example, a second crossing within the boundaries of the Refuge is likely to lead to the prohibition of waterfowl hunting within the Refuge, due to regulations regarding hunting and firearm discharge within certain distances of roadways. Such a prohibition would eliminate access to the most accessible and heavily used waterfowl hunting area in Southeast Alaska.
  - Additionally, the location of a crossing alignment may affect or restrict access to the wetlands from established public access points used by local residents for hiking, walking, birding, fishing, and cultural activities.
- 3) The hydrodynamic connectivity of the Refuge is essential to its continued function as an estuary and wetland preserve. The wetlands of Gastineau Channel are supported by both freshwater inputs and tidal flows from both ends of the channel. The location and method of crossing construction will significantly impact on the area's continued functionality as a wetland.
  - SEALT is especially concerned with crossing alignments adjacent to our conservation properties. As previously discussed, many of these properties are mitigation sites, providing compensatory mitigation through the USACE's In-Lieu Fee Program. Most of them were identified in the 2008 Juneau International Airport Large Project Mitigation Plan as selected in-kind mitigation sites, and were conserved for the purpose of offsetting the impacts of the airport's expansion. A crossing through the Refuge could be designed to avoid construction on these specific conservation properties. However, if the hydrodynamics are not thoroughly understood and accounted for, these mitigation sites could be isolated from their sustaining freshwater and tidal inputs, resulting in their transition from wetland to upland. Any outcome that drains those wetland mitigation sites, or alters freshwater and tidal inputs to the wetland mitigation sites resulting in reduced function, would be in direct conflict with the aforementioned 2008 mitigation plan and the mitigation plans for SEALT's mitigation sites.
  - Likewise, a second crossing's impacts to the hydrodynamic connectivity of the entire Refuge and Mendenhall Wetlands complex must be thoroughly accounted for in order to prevent the drying-out of this globally significant estuarine resource.
- 4) The view across the Mendenhall Wetlands is iconic – after the glacier view, it is the second most important viewshed in the community and was identified as a scenic corridor/viewshed by CBJ's 2008 Comprehensive Plan. The integrity of this viewshed should be considered in addition to its rare, unique, and irreplaceable environmental values.

- 5) Establishing a crossing through the Refuge would alter the soundscape, impacting residential communities, wildlife, hunters, and recreational users of the Refuge.

## Questions

- 1) **How will the integrity of the Refuge be considered by the screening criteria?**
- 2) **How will the hydrodynamics of the Mendenhall Wetlands complex and Gastineau Channel be analyzed in relation to each potential crossing location?**
- 3) **How is the PEL study accounting for the fact that AS 16.20.034(i) only allows for establishment of a transportation corridor within the Refuge if the need cannot be met off-refuge?**
- 4) **Will the Refuge boundary be added to all future maps showing the proposed alternatives?**

## Conclusion

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SEALT is sharing these comments and questions for the PEL Study Team with the Technical Advisory Committee. We request the responses and answers be shared with the Technical Advisory Committee before Level 1 screening begins and no later than February 1, 2023.