



United States Department of the Interior



U.S. FISH AND WILDLIFE SERVICE
Southern Alaska Fish and Wildlife Field Office
4700 BLM Road
Anchorage, Alaska 99507

In Reply Refer to:
FWS/R7/SAFWFO

Mr. Steve Noble
Project Manager
DOWL Engineers
9085 Glacier Highway, Suite 102
Juneau, Alaska 99801

Subject: U.S. Fish and Wildlife Service Comments on the Juneau-Douglas North Crossing Planning and Environmental Linkages Study Level 2 Screening Process (Consultation Number 2023-0041600)

Dear Mr. Noble:

Thank you for the opportunity to comment on the Level 2 screening process for the Juneau-Douglas North Crossing (JDNC) Planning and Environmental Linkages (PEL) Study. The purpose of the JDNC PEL Study is to identify ways to improve the connection between Douglas Island and Juneau, as well as transportation for non-motorized users, and to reduce transportation-related energy consumption. An improved connection between Douglas Island and Juneau should provide alternate access and transportation infrastructure resiliency and decrease traffic pressure on the existing Douglas Island Bridge and its intersections. The Level 2 screening is intended to evaluate the detailed alternatives using a broad range of criteria and considers the estimated costs and impacts to compare and rank the detailed alternatives. It is expected that analyses conducted for the PEL Study and the resulting recommended alternatives will be incorporated into a future National Environmental Policy Act (NEPA) process.

The U.S. Fish and Wildlife Service (Service) has jurisdiction over trust resources in the proposed project area. These include species protected under the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Fish and Wildlife Coordination Act. The proposed project could impact migratory birds, bald eagles (*Haliaeetus leucocephalus*), wetland-dependent species, and their respective habitats. We offer the following questions, concerns, and recommendations to maximize conservation outcomes.

Level 2 Screening Process

We offer the following comments on the Level 2 Screening process.

- We recommend weighting the criteria used in Level 2 Screening based on the level of significance to the overall category. We recognize this could be challenging, given weights would be based on value judgements, but it is an important consideration, nonetheless.

- This could be done by convening small teams of experts for some of the categories to spend time discussing and assigning weights based on their experience and expertise. Alternatively, a survey could be sent out to experts so that weighting recommendations are kept anonymous.
- If weighting were utilized, it may be more appropriate to avoid calculating total scores for each alternative and instead calculate scores for each category for comparison purposes.
- In general, it may make more sense not to make this a wholly quantitative effort. More description and narratives would be useful to fully understand the context and potential impact of each criterion.
- We note that some of the methods used to develop the current scoring table result in misleading scores. Specifically:
 - The categories with more questions are weighted more heavily in the overall score, which shouldn't necessarily be the case.
 - Some criteria have scores between -2 and 2, while others have scores between 0 and 2 or 0 and -2. This discrepancy automatically increases the weight of criteria with the wider range. All criteria should use the same scoring scale.
 - If these discrepancies cannot be rectified, at a minimum they should be clearly described in the document and thoroughly considered in the decision-making process.
- For each alternative, please tally and include the total score for each screening category (e.g., "Natural", "Social", etc.) as a separate column to clarify how each alternative ranks by category.
- The "Public Support" category is represented as a percentage for the "No-Build" alternative and rankings for others. The same scoring rationale should be used for this category under all alternatives.
- It was stated during the most recent Advisory Committee meeting that scores would not necessarily be the only thing used to decide which alternatives move forward. If this is the case, how will the decision be made? This process should be documented clearly and shared with the Advisory Committee and the public.
- In general, the Service requests additional clarity regarding the inclusion of PEL Study outcomes in future NEPA processes. How will the data and comments gathered during the PEL Study be used to inform NEPA decision-making?

Preliminary Alternatives

General Comments

- The Service recommends not eliminating any of the remaining alternatives prior to NEPA, given the current paucity and uncertainty of environmental data and the associated difficulty assessing impacts.
 - We especially want to emphasize the continued inclusion of the Salmon Creek crossing alternative beyond the Level 2 Screening process. Given what we do know about the baseline environmental condition of each crossing alternative, we expect the Salmon Creek alternative will have the smallest impact on the Mendenhall Wetlands State Game Refuge (Refuge) and the wildlife that rely on it for important life history needs.

- In particular, prior to eliminating additional alternatives, we feel that the following data/metrics used in the screening should be updated or improved:
 - Wetland delineation – we recommend inclusion of the Southeast Alaska Land Trust’s (SEALT) recent functional assessments.
 - Impacts to anadromous streams – currently, this measurement only includes an assessment of the number of streams, but should also consider stream miles, habitat quality/type, number of species, etc.
 - Migratory bird habitat impacts – currently, the PEL study only considers the number of nests as a metric, but to fully understand impacts, additional information is needed for rearing, staging, overwintering, etc.
- The wetland habitats within the study area support a wide variety of fish and wildlife because the Refuge (and adjacent public areas and access corridors managed by the CBJ, State of Alaska, and SEALT) is intact as a protected area. Fragmentation of the wetland habitats, streams, riparian areas, forested areas, and buffers by a second crossing could have serious impacts to trust resources and the ecological services that this intact Refuge provides.
- Hydrologic connectivity is essential to the Refuge’s continued function as an estuary and as important bird and fish habitat. Therefore, it is imperative that the PEL Study carefully documents and considers all potential direct and indirect impacts of each of the potential crossings on connectivity not just within the Refuge but also among the adjacent mitigation sites. We recommend close coordination with the Alaska Department of Fish and Game and SEALT to ensure that the most up-to-date information is included in the study.

Avoidance, Minimization, and Mitigation for Service Trust Resources

- The study area, and especially the alternatives located within the Refuge, support a diverse assemblage of bird species. This designated Important Bird Area is already threatened by adjacent urban development (international airport, sewage treatment plant, landfill, aquaculture facility, etc.), and additional impacts could have a significant negative impact on remaining bird habitat. Several birds of conservation concern occur within the boundaries of the study area, including the marbled murrelet (*Brachyramphus marmoratus*), black oystercatcher (*Haematopus bachmani*), rock sandpiper (*Calidris ptilocnemis*), short-billed dowitcher (*Limnodromus griseus*), lesser yellowlegs (*Tringa flavipes*), red knot (*Calidris canutus*), California gull (*Larus californicus*), olive-sided flycatcher (*Contopus cooperi*), rufous hummingbird (*Selasphorus rufus*), chestnut-backed chickadee (*Poecile rufescens*), varied thrush (*Ixoreus naevius*), and Vaux’s swift (*Chaetura vauxi*). The Alaska Shorebird Conservation Plan III summarizes the importance of the area well: “The Mendenhall Wetlands State Game Refuge, in southeastern Alaska, is widely acknowledged to be a key migratory shorebird stopover location in the region.” We recommend that screening prioritizes protection of these environmental conditions and species of concern, and that crossing locations within these important areas be avoided to the maximum extent possible. A second bridge that bisects the Refuge could cause irreparable damage to the habitat available for migratory and resident birds and reduce the supply of nutrients for birds whose populations depend on this area. A crossing through the Refuge may also be subject to additional environmental reviews, including evaluation under the Migratory Bird Treaty Act.

- Eagles and their nests are protected under the Bald and Golden Eagle Protection Act (BGEPA). Amongst other protections, BGEPA prevents take of eagles and their nests either directly (such as by removing a nest) or indirectly (such as by disturbance of nesting eagles without a permit). The most recent eagle surveys for this area (as noted in the Environmental Setting Report) occurred in 2005. Patterns of use have likely changed since then, and we recommend conducting eagle nest surveys prior to the NEPA process (ideally in early spring, when nest location and status can be determined), using a qualified biologist. The information from these surveys, together with guidance from the Service, will help determine 1) which crossings may be most detrimental to eagles, 2) what avoidance and minimization measures may be appropriate for each crossing, and 3) whether permits may be needed for each crossing.
- The rivers and streams in the study area support Pacific salmon and other fish that contribute to the richness and functionality of the greater ecosystem. We recommend that any of the crossing alternatives that are selected for further consideration have minimal impact on the viability of these fish species and the overall hydrologic integrity of the systems in which they occur. The Wildlife and Fish Resources Technical Memorandum developed for the PEL specifically noted that the Refuge provides an important nursery rearing area for juvenile salmon and other marine fishes, which is an important consideration for all crossing alternatives located within Refuge boundaries.
- Section 4(f) of the National Transportation Act of 1966 requires that transportation projects avoid and minimize impacts to protected public lands like the Refuge, City and Borough of Juneau (CBJ) conservation areas and parks/trails, State recreation areas/trails, and mitigation sites. This is of interest to the Service in that these 4(f) lands support trust resources and important habitat connectivity. This law and associated regulation instruct that transportation projects must consider all feasible and prudent alternatives and prefer alternatives that do not impact protected 4(f) resources. After avoidance and minimization, if impacts to 4(f) resources are necessary, they must be mitigated. Mitigation would account for impacts to the functions and uses of those resources in addition to direct impacts such as fill and construction.

Based on the habitats likely to be affected under each alternative, we anticipate the need for compensatory mitigation. Have you identified potential mitigation lands available to offset adverse impacts of development for each of the alternatives?

Thank you for the opportunity to provide technical assistance on this project. If you have any questions or concerns, please contact Sarah Markegard, Fish and Wildlife Biologist, at 907-231-5850 or sarah_markegard@fws.gov and reference Consultation Number 2023-0041600.

Sincerely,

Douglass M. Cooper
Branch Chief, Ecological Services