

SEALT Comments on Juneau Douglas North Crossing PEL Study Preliminary Alternatives

February 3, 2023

The Southeast Alaska Land Trust (SEALT) submits the following comments to the PEL Study to identify our concerns about the study's process and impacts to the Mendenhall Wetlands State Game Refuge and SEALT in-lieu fee mitigation sites.

The long history of the concept of a second crossing to Douglas Island makes clear that the community is interested in this idea. There is also, however, documented community support for the preservation of the Mendenhall Wetlands State Game Refuge (Refuge).

While SEALT does not oppose the establishment of a second crossing, the habitat and recreation values of the Refuge, as well as the necessity of avoiding SEALT's in-lieu fee mitigation sites, should eliminate from consideration all crossing locations within the Refuge's boundaries. Only four of the eight preliminary alternatives appear to be outside of the Refuge and should be advanced for further consideration.

Process

SEALT has engaged in the PEL Study process by participation on the Technical Advisory Committee and provides the following pieces of feedback related to the Study's process.

Technical Advisory Committee Engagement

SEALT continues to be concerned that relevant experts (primarily at resource agencies) are not being properly consulted by the PEL Study team. The Technical Advisory Committee (TAC) meetings since last spring have been exclusively in person, limiting the accessibility of the meetings. Furthermore, materials have not been provided in advance of meetings; it is unreasonable to expect meaningful contributions from committee members without advance time to review materials. Lastly, SEALT provided extensive comments and questions to the study team and TAC on December 20, 2022, requesting a response before Level 1 screening begins or by February 1, 2023. These comments were submitted in response to materials and information presented at the November 17, 2022 TAC meeting, on which the PEL Study team requested feedback. SEALT did not receive a response until close of business on February 2, 2023 (24 hours before closing of the public comment period).

SEALT is perplexed by the purpose of the Technical Advisory Committee, as the process has limited the ability of members to provide substantive contributions, and the PEL Study team has been alternately slow to respond or unresponsive to requests for additional information.

SEALT strongly urges the PEL Study team to meaningfully engage with relevant agencies and experts during the next stages, providing adequate time to review materials and provide feedback. The success of this study, and the project it may enable, will depend on proactive and meaningful collaboration with experts who can ensure that a truly appropriate alternative is selected.

Additional Context Needed

The preliminary second crossing location alternatives have been presented to the public, and comment requested, without context on traffic analyses, crossing design, feasibility, environmental concerns, or legal challenges.

At a minimum, all maps showing the crossing locations should include the boundaries of the Refuge. The community of Juneau has repeatedly demonstrated an interest in seeing the Refuge protected; leaving the Refuge off of the maps is misleading.

SEALT strongly suggests that the data being used to assess each preliminary alternative (relevant traffic studies, environmental resource data, Refuge boundaries, etc.) be shared with the Technical Advisory Committee and the public, so that each alternative can be reviewed in context.

Mitigation Site Protection

SEALT's primary priority is the protection of all of its conservation properties and in-lieu fee mitigation sites potentially impacted by the preliminary second crossing locations.

SEALT is an approved mitigation sponsor with the U.S. Army Corps of Engineers (USACE) and has operated an in-lieu-fee program in Southeast Alaska since 1998, providing compensatory mitigation services to developers seeking permits for projects that result in a loss of aquatic resource functions. SEALT's mitigation services are provided through voluntary transactions with willing landowners.

Mitigation Sites for the Juneau Airport

In 2009, SEALT provided wetland mitigation credits to the City and Borough of Juneau to compensate for the loss of aquatic resource functions resulting from the Juneau International Airport expansion into the Mendenhall Wetlands State Game Refuge. This required compensatory mitigation was outlined in the 2009 Department of the Army permit POA-1981-320-M22 and the April 2007 *Juneau International Airport Final EIS and Section 4(f) Evaluation*). The 2007 EIS summarized the airport expansion's compensatory mitigation plan, stating that CBJ "would establish an in-lieu fee for the mitigation and provide the fee" to SEALT, in order for SEALT to acquire "accreted lands within the original Refuge boundary, with a goal of fully mitigating for direct unavoidable impacts to the Refuge and for unavoidable impacts to wetlands...caused by the Airport projects within the Refuge."

Since 2009, SEALT has used the in-lieu fee generated by the Juneau Airport expansion project to acquire 22 private parcels adjacent to the Mendenhall Wetlands State Game Refuge as wetland mitigation sites, in accordance with our in-lieu-fee program agreement with the USACE and the 2007 EIS. The SEALT mitigation sites around the Refuge were chosen for the Juneau Airport expansion's impacts specifically because they were the most appropriate in-kind mitigation, as their proximity and function matched the impacted aquatic resources.

Impacts to these mitigation sites would irreparably harm the Mendenhall Wetlands ecosystem and negate the in-kind compensatory mitigation completed for the Juneau Airport expansion. There are very few properties adjacent to the Refuge that would match the aquatic resource functions of the existing mitigation sites. For this reason, impacts to SEALT's mitigation sites would be nearly impossible to adequately mitigate.

Critical Wetland Continuity

In addition to avoidance of direct impacts to mitigation sites (e.g., construction within the legal boundaries of a mitigation site), off-site construction could lead to a significant or complete loss of aquatic resource function on SEALT's mitigation sites.

The construction of a bridge or causeway through the wetlands complex at any location will alter the hydrodynamics and could isolate mitigation sites from sustaining freshwater and tidal inputs, resulting in mitigation sites converting from wetland habitat to uplands. This would have the same result on the function of the in-lieu fee mitigation sites as construction on the site itself. 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 intent of the Juneau Airport's mitigation plan and the mitigation plans for SEALT's mitigation sites.

The PEL Study should remove from consideration all alternatives 1) that pass through SEALT's 22 in-lieu fee mitigation sites or 2) are proximal to mitigation sites and constructed such that significant impacts to the hydrologic inputs are expected (i.e., a causeway).

Refuge Avoidance

Consistent with our 21-year effort to protect the boundaries of the Refuge through in-lieu fee mitigation sites, it is SEALT's priority to ensure the integrity of the Refuge and its habitat, recreation, and ecosystem services. Any crossing structure through the Refuge will irrevocably damage its functionality as a wildlife refuge, recreation destination, and scenic viewshed.

Off-Refuge Construction

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. The PEL Study has already identified several crossing locations outside of the Refuge's boundaries that would satisfy the Purpose and Need Statement as presented in November 2022. Therefore, in accordance with this statute, all other preliminary second crossing alternatives should be removed from consideration.

Fragmentation Concerns

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. Examples of the impacts of fragmentation include:

Refuge Users: A second crossing through the Refuge would irreversibly change the ability of recreational and subsistence users to use the area.

- 1) 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. Perpetuating access to waterfowl hunting was a key reason for the establishment of the Refuge, and loss of this use would eliminate access to the most accessible and heavily used waterfowl hunting area in Southeast Alaska.
- 2) 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, hunting, birding, fishing, and cultural activities.

Hydrodynamics: 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 hydrodynamic connectivity and continued functionality as a globally significant estuarine wetland.

Viewshed: 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. This viewshed should be preserved in addition to its rare, unique, and irreplaceable environmental values.

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

Avoiding Additional Impacts

Over 35-40% of the greater Mendenhall Wetlands complex has been filled by development. The PEL Study has already identified crossing locations outside of the Refuge’s boundaries that meet the identified needs. There is ample opportunity to study potential second crossing locations that meet the communities needs and do not impact the Refuge’s essential and diminishing resources.

The PEL Study should remove from consideration all alternatives that pass through the Mendenhall Wetlands State Game Refuge.

Conclusion

The Southeast Alaska Land Trust cannot support the PEL Study’s preliminary alternatives that impact SEALT mitigation sites and/or the Mendenhall Wetlands State Game Refuge, including: “North Airport”, “Sunny Point Area A”, “Sunny Point Area B”, and “Vanderbilt”. These alternatives should be removed from consideration.

SEALT encourages the PEL Study to focus on preliminary alternatives that do not impact the Refuge, including: “Salmon Creek”, “Eagle Creek”, and “Downtown”.

With careful study and design, the “Mendenhall Peninsula” alternative could be located and constructed in a way that would not impact mitigation sites or the Refuge.

SEALT is available for consultation on any alternatives, proposals, and concepts as necessary to develop a successful project that meets the needs of the community.