

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Office of the Commissioner



TO: Distribution

DATE: February 19, 2003

TELEPHONE NO: 465-3900

FAX NUMBER: 586-8365

TEXT TELEPHONE: 465-3652

FROM: Mike Barton
Commissioner

SUBJECT: Juneau Access Project
Preferred Alternative

On February 22, 2000 the Department stated by letter to the Federal Highway Administration (FHWA) that we had selected Alternative #2: East Lynn Canal Highway as our preferred alternative for the Juneau Access Project. Our work on the project since has been limited to the ongoing monitoring of habitat in the corridor. On December 17, 2002, Governor Murkowski established the project as a Department priority and directed the Department to recommence work on the project and complete the Environmental Impact Statement (EIS).

Pursuant to the FHWA letter of December 18, 2002 and 23 CFR 771.129, we have completed a reevaluation of the 1997 Draft EIS. The FHWA has since approved the reevaluation determining that a Supplemental Draft Environmental Impact Statement (SDEIS) is needed for the project. After reviewing the reevaluation and the comprehensive information contained in the Draft EIS, I see no reason for a change in the Department's position. Alternative #2: East Lynn Canal Highway continues to be the preferred alternative for the SDEIS.

Further studies as well as public and agency comments during the course of the NEPA process will help guide us in the selection of the preferred alternative for the Final EIS and the Record of Decision.

Distribution:

John Mackinnon, Deputy Commissioner
Michael Downing, P.E., Chief Engineer
Robert Doll, Southeast Region Director
Pat Kemp, P.E., Southeast Preconstruction Engineer

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES OFFICE OF THE COMMISSIONER

8.11.03 *Revised*
FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898

TEXT: (907) 465-3652
FAX: (907) 586-8365
PHONE: (907) 465-3900

August 4, 2003

The Honorable Judith Reid
Minister of Transportation
Province of British Columbia
PO Box 9055 Stn Prov Govt
Victoria BC V8W 9E2
CANADA

Dear Minister Reid:

Governor Murkowski has ordered the resumption of the Juneau Access Improvement Environmental Impact Statement. This project began in 1992 and is a study to consider various alternatives to improve surface access to Juneau, the state's capital, and a community not accessible by road. The environmental process involves re-assessing alternatives that were originally considered in 1992. One of these original alternatives was a road from Juneau through the Taku River Valley to Atlin. This alternative would require 50 miles of new roadway in Alaska from Juneau to the Alaska/British Columbia border and 82 miles of new roadway in British Columbia from the border to Atlin.

In May of 1993, Department of Transportation and Public Facilities (DOT&PF) then Commissioner Campbell requested permission to perform surveys within British Columbia to study the Taku River alternative. On June 16, 1993 Minister Charbonneau indicated that "British Columbia does not support an access through the Taku River drainage." Subsequently the draft Environmental Impact Statement released in 1997 did not evaluate the Taku River route as a reasonable alternative.

In order to update all alternatives considered in the original study, the State of Alaska needs to know whether British Columbia is still opposed to an access route in the Taku River corridor.

Please find enclosed the pertinent 1993 letters mentioned above. Thank you for your attention to this matter and we look forward to your prompt attention to this matter.

Sincerely,

Mike Barton
Mike Barton
Commissioner

Enclosures

cc: Jack Phelps, Special Staff Assistant, Office of the Governor

A-T34LH

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION - DESIGN

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016

September 9, 2003

Re: Juneau Access Improvements
Project No. 71100

Rosita Worl, Executive Director
Sealaska Heritage Institute
One Sealaska Plaza, Suite 201
Juneau, AK 99801

Dear Ms. Worl:

The Alaska Department of Transportation and Public Facilities (DOT&PF) is preparing a supplement to the 1997 Draft Environmental Impact Statement (DEIS) for the Juneau Access project. A supplemental DEIS is needed primarily due to the passage of time, during which some field conditions have changed, new regulations were passed, new land use plans were approved, and new analytical methods were developed. DOT&PF and the Federal Highway Administration determined there are no fundamental changes in the project scope that would require a new DEIS. The current Juneau Access alternatives are attached to this letter for your convenience.

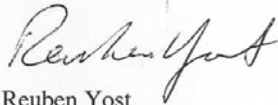
In compliance with the federal laws and regulations regarding cultural resources, most notably the National Historic Preservation Act of 1966 and 2000 revision of 36 CFR Part 800, DOT&PF is considering the effects this undertaking might have on prehistoric and historic properties. We invite your organization to participate in this process.

DOT&PF has contracted with URS Corporation and Cultural Resource Consultants to identify cultural resource concerns. They are making every effort to determine whether there are any previously undocumented cultural properties in the project's study area. These properties could be physical sites such as former villages, clan houses, or fishing camps, or special areas with intangible associations such as sacred sites, places of legend, or areas of traditional cultural activity.

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If your organization is interested in participating in this process, or if you know persons within your organization who might be interested or have specific knowledge, please contact me at the address above or the email, or telephone number below. I will arrange a meeting with your organization and a representative from Cultural Resource Consultants. A member of our project team will call you in a few days to follow up on this letter. If you will be submitting written comments, please send them by October 10, 2003.

Sincerely,



Reuben Yost
Project Manager
Reuben_yost@dot.alaska.ak.us
(907) 465-1774

Attachment

Distribution:

Lee Clayton, President, Chilkoot Indian Association of Haines
Thomas Crandall, President, Klukwan, Inc.
Gary Droubay, President, Goldbelt, Inc.
Jones Hotch, Jr., President, Chilkat Village of Klukwan
Chris McNeil, President, Sealaska Corporation
Norman Sarabia, President, Douglas Indian Association
Edward Thomas, President, Tlingit & Haida Central Council
Lance Twitchell, President, Skagway Traditional Council
Albert Wallace, Aukquan Traditional Council
Rosita Worl, Executive Director, Sealaska Heritage Institute
Frank Wright, Jr., President, Hoonah Indian Association

cc:

Pat Kemp, P.E., Preconstruction Engineer, DOT&PF
Joyce Payne, Project Coordinator, URS
Mike Yarborough, Archaeologist, CRC

Juneau Access Alternatives.

- Alternative 1: No Build. (Includes a Haines-Skagway shuttle developed independent of Juneau Access. All Build alternatives assume this shuttle is in place.)
- Alternative 2: A road from Echo Cove around Berners Bay to Skagway, shuttle ferry between Skagway and Haines would homeport in Haines.
- Alternative 2A: A road from Echo Cove to Sawmill Cove, ferry terminals at Sawmill Cove and Slate Creek, shuttle ferry across Berners Bay from Sawmill Cove to Slate Creek, road from Slate Creek to Skagway. Haines-Skagway shuttle homeport in Haines.
- Alternative 2B: A road from Echo Cove around Berners Bay to Katzechin, Katzechin ferry terminal, and shuttle ferry between Katzechin/Haines/Skagway.
- Alternative 3: A road from Echo Cove to Sawmill Cove, ferry terminals at Sawmill Cove and William Henry Bay, shuttle ferry between Sawmill Cove and William Henry Bay, road from William Henry Bay to Haines via Pyramid Island. Haines-Skagway shuttle ferry homeport in Skagway.
- Alternative 4A: Continue mainline ferry service in Lynn Canal from Auke Bay to Haines/Skagway with a new fast ferry(s) from Auke Bay to Haines/Skagway.
- Alternative 4B: Continue mainline ferry service in Lynn Canal from Auke Bay to Haines/Skagway; a road from Echo Cove to Sawmill Cove, new ferry terminal at Sawmill Cove, and shuttle ferry(s) from Sawmill Cove to Haines/Skagway.
- Alternative C: Only Bellingham mainline ferry service continues; two (or more) new shuttle ferries operating Auke Bay-Haines and Auke Bay-Skagway.
- Alternative 4D: Only Bellingham mainline ferry service continues; a road from Echo Cove to Sawmill Cove, new ferry terminal at Sawmill Cove, and two (or more) new shuttle ferries operating Sawmill Cove-Haines and Sawmill Cove-Skagway.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION - DESIGN

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999

PHONE: (907) 465-1774
FAX: (907) 465-2016

September 16, 2003

Re: Juneau Access Improvements
Project No. 71100

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 W. 7th Ave., Suite 1310
Anchorage, AK 99501-3565

Subject: Area of Potential Effect and Cultural Resources Inventory

Dear Ms. Bittner:

The Department of Transportation and Public Facilities (DOT&PF), with funding from the Federal Highway Administration (FHWA), has restarted a project to improve surface transportation in the Lynn Canal corridor. A draft Environmental Impact Statement (DEIS) was released in December of 1997. We are currently working on a supplemental to that draft. The supplemental DEIS will evaluate road alternatives on both sides of Lynn Canal as well as ferry improvements.

In 1994, an inventory was undertaken for all areas with high probability for cultural resources that could be affected by the Juneau Access alternatives. These areas included: (1) river and stream mouths; (2) shoreline benches below 100 feet in elevations; (3) areas of less than 25 percent slope; and (4) other terrain types that have shown a high potential for past human occupancy. Areas of low potential received a reconnaissance level survey utilizing shoreline survey from a boat and review of aerial photographs. Areas of high potential identified during the course of such reconnaissance were investigated in more detail, utilizing methods prescribed for high probability zones. An Area of Potential Effect (APE) corridor of 100 meters (approximately 164 feet from centerline or a 328 foot corridor) was used to assess effects to cultural resources in the 1994 inventory. This inventory identified seven eligible sites on the east and two on the west.

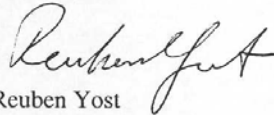
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DOT&PF, on behalf of FHWA, defined the 1994 APE for the Juneau Access project on the basis of informal consultations with SHPO staff and a review of commonly used impact zones for road projects. The current alternative road alignments are not significantly different than those used for the cultural resources fieldwork, with a notable exception. We are investigating alternate routes in to Skagway, which will require further cultural resource analysis. Mike Yarborough (Cultural Resource consultants), through URS, Inc., is under contract to lead the cultural resource efforts for the supplemental DEIS.

We believe that the 1994 APE (100-meter corridor) and basis for determining level of survey are still applicable. On behalf of FHWA, we request your concurrence that the 1994 APE used in the 1997 Juneau Access DEIS is applicable for the current analysis.

Should you need additional information please contact me at (907) 465-1774. Thank you for your consideration of this matter.

Sincerely,



Reuben Yost
Project Manager

Cc:

Tim Haugh, FHWA
Joyce Payne, URS
Mike Yarborough, CRC



10/24/03 CC JAIL
CITY
TINY
ORIG:

OCT 02 2003
Reference: 116278



Mike Barton, Commissioner
Department of Transportation and Public Facilities
3132 Channel Drive
Juneau AK 99801-7898
USA

Dear Mr. Barton:

Re: Access to Juneau

Mike

I am writing in response to your letter of August 4, 2003, regarding your state's study of ways to improve surface access to Juneau and British Columbia's plans in the Taku River corridor. My Deputy Minister, Dan Doyle, and I were glad to have the chance to meet with you during our July trip to Alaska.

The government of British Columbia has no plans to build a public road from Atlin Valley to the border. While it would be possible for us to build a road at some time in the future, it would be very challenging to get the necessary environmental approvals. A private road for mining may be constructed in the near future, but it will be restricted to mine traffic because of the area's environmental sensitivity.

I hope this information proves useful for your study.

Sincerely,

Judith Reid
Minister

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OCT 15 2003

DOT & PF Commissioner

Ministry of
Transportation

Office of the Minister

Mailing Address:
Parliament Buildings
Victoria BC V8V 1X4



100 - 1111 W. Hastings Street
Vancouver, BC V6E 2J3
Main: 604-681-9515
Fax: 604-681-4364
Email: nwca@nwcruiseship.com

October 31st, 2003

Governor Frank Murkowski
State of Alaska
P.O. Box 110001
Juneau, Alaska 99811-0001

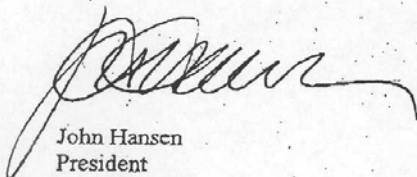
Dear Governor Murkowski:

Thank you for your letter of September 30 and your congratulations for another successful year of cruise tourism in Alaska. Although the start of the 2003 season was slow it did firm up during the summer. We ended up with a slight increase overall in total cruise visitors to Alaska year over year.

I had a chance to meet with Gary Paxton at the Alaska Travel Industry Association meetings in Vancouver last week. Gary gave an excellent overview of the highway projects in SE Alaska, including the planned highway connecting Juneau to Skagway.

We have discussed this project with our member lines with a view to determine if the project would have any impact on cruise itineraries or ports calls. There is no evidence that the project would cause any structural changes in port calls in Juneau and Skagway, or in any way reduce traffic in one port at the expense of the other. We will continue to keep in touch with Gary, and provide feedback as the project plans unfold.

Sincerely



John Hansen
President

Cc: Mike Barton, Commissioner, DOT/PF
Becky Hultberg, Special Staff Assistant to the Governor
Gary Paxton, Director, Southeast Region, DOT/PF
Dale Anderson

NWCA Member Lines:

Carnival Cruise Lines • Celebrity Cruises • Crystal Cruises • Holland America Line-Westours • Norwegian Cruise Line
Princess Cruises • Radisson Seven Seas Cruises • Royal Caribbean International • World Explorer Cruise

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
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STATEWIDE DESIGN & ENGINEERING SERVICES DIVISION

October 31, 2003

Re: Juneau Access Improvements
Project 71100

Tim Haugh
Federal Highway Administration
P.O. Box 21648
Juneau, AK 99802

Subject: 4(f) status of City of Skagway Dewey Lake parcel

Dear Mr. Haugh:

The Alaska Department of Transportation and Public Facilities (DOT&PF) is preparing a supplement to the 1997 Draft Environmental Impact Statement (DEIS) for Juneau Access Improvements, a project to improve surface transportation in Lynn Canal between Juneau and Haines/Skagway. At present, a State operated ferry system provides the only surface transportation service for the public in this corridor.

DOT&PF is currently evaluating the potential Section 4(f) impacts associated with all alternatives. One alternative under consideration would construct a road passing through, or near, Skagway. Alternative 2, the East Lynn Canal Highway, would connect to the current road system in Skagway via one of two routes. The route described in the 1997 DEIS approached Skagway along the coast, passing across the White Pass and Yukon dock. The dock has been reconstructed and expanded since the 1997 document, and historic resources have been discovered near it; consequently DOT&PF is currently investigating an approach on the perimeter of the city (Dewey Lake Route) that avoids the dock. Both potential routes would pass through a parcel of land owned by the City of Skagway, although the Lower Dewey Lake Route would appear to have more impact on this parcel due to its proximity to accessible features.

The City of Skagway (City) acquired the parcel in question from the State of Alaska in the mid-1990's. The City addressed the future use of this land in the most recent update of its Comprehensive Plan. DOT&PF has reviewed the current City of Skagway Comprehensive Plan (Plan), completed in 1999, a complete copy of which is attached as Exhibit 1. Two maps have been attached to this letter, both taken from the Plan. Exhibit 2 is Plan Figure 7-6, showing existing zoning. Exhibit 3 is Plan Figure 7-8 depicting guidance for future land use. DOT&PF has slightly modified both figures by adding the potential routes and land ownership boundaries.

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Figure 7-6 also shows part of the Lower Dewey Lake trail, a well used trail on City and State land. Exhibit 4 from the Skagway Trail Map shows the complete trail system.

In order to evaluate the status of this parcel, DOT&PF examined the current zoning designation, the future land use designation in the Plan, and the current uses of the land. Currently the City has eight zoning districts. The area in question is in the Residential-Conservation Zone. As described in the Plan:

This zoning district is intended to provide an area for low-density residential development on adequate lot sizes not served by city water and sewer, to allow natural resource development and conservation, and to allow dispersed recreational activities including recreational cabins, lodges, and small seasonal recreational facilities.

Criteria for lands that are included in this zoning district are those that are relatively isolated from city development due to natural features and the lay-of-the-land, and that are presently without any or all of the following: city water, sewer, roads up to standards. (Ex. 1 at 7-14)

This zoning designation allows residential development, natural resource development, and dispersed recreational activities. This combination of allowed uses supports a determination of the land as a multiple use property.

The Plan acknowledges that the zoning districts are not particularly specific, stating that "[i]n the past, virtually all land outside the City townsite was designated for Residential Conservation uses" (Ex. 1 at 7-18). To better plan for the future, the Plan designates "nine general types of future land use." (Ex. 1 at 7-18). Exhibit 3 depicts a large area to the east of downtown Skagway as being "Recreation/Open Space". This includes non-City land owned by the State of Alaska as well as land owned by the United States Forest Service. Recreation/Open Space is described as follows:

This is for land with high recreation values. Some land will be left as undeveloped open space while other land will be actively managed to promote dispersed and more intensive recreation use, including visitor-related activities. Recognizing that the Highway and railroad are major transportation corridors, contained areas of commercial or industrial use along either facility that are sensitively designed and operated are also appropriate. (*the railroad tracks, Dewey Lakes area, Warm Pass Valley area, Dyea Flats and Taiya River Valley/Chilkoot Trail, and Nourse River Valley*). (Ex. 1 at 7-19.) (italics in original.)

Although this future land use designation is more specific in terms of the recommended uses and areas to which it applies, it still allows multiple uses. It identifies undeveloped open space,

dispersed and intensive recreation, and sensitively designed commercial and industrial use in certain areas.

Currently this land is used for a combination of industrial and recreation activities. Alaska Power & Telephone Company, the electrical utility in Skagway, has dams, access roads and large water pipes as part of a Federal Energy Regulatory Commission licensed Power Project. Lower Dewey Lake is dammed at the southern end, creating a large reservoir to supply water to a smaller reservoir at its northern end. The smaller reservoir has a dam at its western end, which feeds penstock pipes supplying water to a hydroelectric plant in town. The power company access roads, as well as other trails in the area, are used as hiking trails to access the lake and other locations within and beyond the parcel. The lake is used for skating in the winter and for swimming/nature viewing in the summer.

With regard to Section 4(f) of the Department of Transportation Act [codified at 49 U.S.C. § 303] the applicable federal regulations explain that in multiple use properties, only certain areas qualify for 4(f) protection:

Where Federal lands or other public land holdings (e.g., State forests) are administered under statutes permitting management for multiple uses, and, in fact, are managed for multiple uses, section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes. The determination as to which lands so function or are so designated, and the significance of those lands, shall be made by the officials having jurisdiction over the lands. The Administration will review this determination to assure its reasonableness. The determination of significance shall apply to the entire area of such park, recreation, or wildlife and waterfowl refuge sites.¹

(Underline added.)

As stated above, the Dewey Lake parcel is currently used for multiple purposes. While some of the facilities within the parcel may be significant for recreation or wildlife purposes, the surrounding land owned by the City has not been "designated or administered, formally or informally" as a park, recreation, wildlife or refuge site.² DOT&PF respectfully submits that the parcel depicted in Exhibits 2 and 3 is a multiple use property, and requests FHWA concurrence. Following FHWA concurrence, DOT&PF will consult with the City and the Alaska Department of Natural Resources (the land manager responsible for State of Alaska trail and wildlife easements within the parcel) and request their determination as to the function, designation and significance of potentially 4(f) protected facilities.

If you have any questions regarding this request, please call me at 465-1774.

¹ See, e.g., 23 C.F.R. § 771.135(d).

² *Mullin v. Skinner*, 756 F.Supp. 904, 924 (E.D. N.C. 1990).

Sincerely,

A handwritten signature in cursive script, appearing to read "Reuben Yost".

Reuben Yost
Project Manager

cc: Pat Kemp, SE Region Preconstruction Engineer
Peter Putzier, Alaska Department of Law

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION OFFICE OF HISTORY AND ARCHAEOLOGY

FRANK H. MURKOWSKI, GOVERNOR

550 W. 7th Ave., SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

November 19, 2003

File No.: 3130-2R DOT

SUBJECT: Juneau Access Improvements
Project No. 71100



ALASKA DOT & PF
SOUTHEAST REGION

NOV 24 2003

PRELIMINARY DESIGN & ENVIRONMENTAL

Reuben Yost
Project Manager
Department of Transportation and Public Facilities
6860 Glacier Highway
Juneau, AK 99801-7999

Dear Mr. Yost,

We have reviewed your correspondence (9/16/2003) and additional documents *Juneau Access Technical Appendix E (1994)*, *Archaeological Survey on the West Coast of Lynn Canal (1994)* and *Cultural Resources Within the APE of Both East & West Lynn Canal Highways* (received 10/21/2003). We have also received a set of maps from your contractor, Michael Yarborough (11/10/2003), showing the proposed highway alignments as defined in the 1996 EIS compared with the 2003 revised alignment. We agree that there is overall correspondence between the 1996 and 2003 routes. In many sections however, the 2003 route is slightly uphill of the 1996 version. Higher elevation and greater distance from the shore generally decreases the potential for prehistoric sites or historic cabins so additional survey may not be needed in these sections. The exception is, as you are aware, near Skagway where the 2003 alignment is uphill of the 1996 route but crosses a terrace with a high potential for historic sites. Also, alignment revisions in the Berner's Bay area (Sheet 2 of 9) and near the Brown USGS marker (Sheet 3 of 9) shift the 2003 route closer to shore and in high potential areas. We recommend therefore, that the alignment revisions in the Berner's Bay and Brown areas be archaeologically surveyed.

Please contact Stefanie Ludwig at 269-8720 if you have any questions or if we can be of further assistance.

Sincerely,

Judith E. Bittner
State Historic Preservation Officer

JEB:sll

Cc: Ed DeCleva, FHWA

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U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

ALASKA DIVISION

709 West Ninth Street, Room 851

P.O. Box 21648

Juneau, Alaska 99802

907-586-7418 | 907-586-7420 FAX

November 25, 2003

REFER TO

HDA-AK

File #: MGS-STP 000S(131)/71100

Mr. Rueben Yost, Project Manager
Alaska Department of Transportation
and Public Facilities
6860 Glacier Hwy.
Juneau, AK 99801

SUBJECT: Applicability of Section 4(f) to Dewey Lake Parcel, Juneau Access Study

Dear Mr. Yost:

In response to your letter of October 31, 2003, we have reviewed the correspondence and documentation provided by your office concerning the City of Skagway Dewey Lake Parcel. The current City of Skagway Comprehensive Plan, adopted May 1999, (Plan) designates the zoning classification for the parcel in question as Residential-Conservation. As described in the Plan:

This zoning district is intended to provide an area for low-density residential development on adequate lot sizes not served by city water and sewer, to allow natural resource development and conservation, and to allow dispersed recreational activities including recreational cabins, lodges, and small seasonal recreational facilities.

Clearly, the current zoning designation provides for uses other than recreation including residential development and natural resource development. The Plan specifies that the area is to allow "dispersed recreational activities". In addition to some trails, the current uses of the parcel include transportation and hydroelectric facilities. The Plan identifies the future land use of the area as Recreation/Open Space. Recreation/Open Space is described as follows:

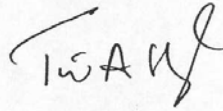
This is for land with high recreation values. Some land will be left as undeveloped open space while other land will be actively managed to promote dispersed and more intensive recreation use, including visitor-related activities. Recognizing that the Highway and railroad are major transportation corridors, contained areas of

commercial or industrial use along either facility that are sensitively designed and operated are also appropriate.

The future designation shows a consistent intent to allow for uses in addition to recreation. In consideration of the factors identified above, the Federal Highway Administration finds that, for the purposes of Section 4(f) [codified at 49 U.S.C. § 303], the Dewey Lake Parcel is considered a Multiple-Use property and that Section 4(f) would not apply to the entire parcel, but may apply to portions of the parcel which function as or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes.

If you have any questions or need to discuss this further, please contact me at (907) 586-7430.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Haugh", with a stylized flourish at the end.

Tim A. Haugh
Environment and Right-of-Way Programs Manager

cc: David Ortiz, FHWA
Pat Kemp, ADOT&PF SE Region Preconstruction Engineer
Peter Putzier, Alaska Department of Law

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
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January 5, 2004

Re: Juneau Access Improvements
Project No: 71100

Subject: Significant Recreation Facilities

Honorable Tim Bourcy, Mayor
City of Skagway
P. O. Box 415
Skagway, AK 99840

Dear Mayor Bourcy,

As you know, the Alaska Department of Transportation and Public Facilities (DOT&PF) is evaluating alternatives for this project. As part of this evaluation we are identifying potential impacts to significant park, recreation, and wildlife/waterfowl refuge land. Under Section 4(f) (codified at 49 U.S.C. 303) regulations, a federal transportation project may not use land from these properties unless there is no feasible and prudent alternative.

Three of the alternatives being evaluated would pass through the City of Skagway (City) owned Lower Dewey Lake parcel. The Federal Highway Administration has determined this parcel is a Multiple Use property and as such Section 4(f) does not apply to the entire parcel, but may apply to portions (see attached letters dated 10/31/03 and 11/25/03). We are aware from previous discussions with you that the City considers the trails in this area to be significant for recreation. It is DOT&PF's intent to avoid Section 4(f) land use on all alternatives and furthermore, to minimize impacts to this area and enhance recreation opportunities where practicable. We would like to discuss this with you on January 21, 2004 before the information workshop to be held at City Hall.

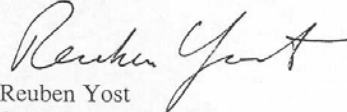
We will also be in discussion with the Department of Natural Resources regarding trails on State land adjoining the Lower Dewey Lake parcel as well as trail easements the State retained when the Lower Dewey Lake parcel was conveyed to the City. Some trails in the parcel are subject to a reservation for Power Project 1051; they were established for power company access and therefore Section 4(f) does not apply. We would like to include them in the discussion, however, so we can put together a comprehensive plan for dealing with trails in this area. We are also investigating the historic aspects of these trails, and if any trails are determined to be eligible for

25A-T34LH

the National Register of Historic Places, mitigation and enhancement would need to be consistent with their historic character.

I look forward to discussing this with you further at our meeting.

Sincerely,



Reuben Yost
Special Projects Manager

Enclosure

cc: Pat Kemp Preconstruction Engineer
Tim Haugh, FHWA Environment & Right-of-Way



CITY OF SKAGWAY

GATEWAY TO THE GOLD RUSH OF "98"
P.O. BOX 415, SKAGWAY, ALASKA 99840
(PHONE) (907) 983-2297
(FAX) (907) 983-2151

February 19, 2004

Reuben Yost, Special Projects Manager
Alaska Department of Transportation and Public Facilities
Southeast Region
6860 Glacier Highway
Juneau, Alaska 99801-7999

Re: Juneau Access Improvements: Project No. 71100

Dear Mr. Yost:

This is our written position on mitigation projects to be included in the overall project documents for the potential road construction between Skagway and Juneau, through the Lower Dewey Lake bench. By forwarding these mitigation projects, we are in no way moving from our stated preference for Juneau Access, that being improved Alaska Marine Highway System service.

The projects would need to be implemented as part of this plan are:

- Improvements of trail from Icy Lake to Upper Reid Falls
- Trail connection from Upper Reid Falls to Gold Rush Cemetery
- Any overpass or underpass necessary for crossing the highway
- Trail from Devil's Punchbowl to the south end of Lower Dewey Lakes
- Improvements to the trail along the back, or east side of Lower Dewey Lake
- Recreational trail access up Paradise Valley (This is Tongass land, so may not be viable)
- Improvements to the Upper Dewey Lakes Trail
- Adequate vehicle pull outs and parking along with day use facilities, trash receptacles, etc.
- A bike/pedestrian lane from 23rd Avenue to the Lower Dewey Lake parking area

Thanks for your consideration of these projects. We look forward to their inclusion in the project documents.

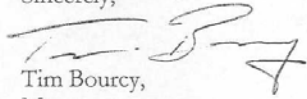
Additionally, we will need for the State to consider the long term impacts to our emergency response functions. While most of this road would be within other jurisdictions, we would be compelled to respond to any emergency north of the point that is half way between the Glacier Valley Fire Department and Skagway. We may also be faced with the delivery of

*Jack
Pat
Reuben*



accident victims to Bartlett Regional Hospital rather than return to the Skagway Clinic. All of these considerations must be deliberated during the analysis of the impacts of this project on the various affected municipalities.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Bourcy', written in a cursive style.

Tim Bourcy,
Mayor

Cc: Council
Recreation Advisory Board
Skagway Fire Department

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016

February 27, 2004

Re: Juneau Access Improvements
Project No. 71100

Subject: Mitigation Projects & Draft
Resolution 04-04R

Honorable Tim Bourcy, Mayor
City of Skagway
P. O. Box 415
Skagway, AK 99840

Dear Mayor Bourcy,

Thank you for your February 19, 2004 letter detailing trail mitigation the City of Skagway would like to see added to the Juneau Access Improvements Project alternatives that would pass through the Lower Dewey Lake area. The identified trail improvements on City land will be added to the document as Alaska Department of Transportation and Public Facilities (DOT&PF) commitments to fund the trail improvements if a Skagway highway alternative is selected. We will talk to the appropriate land managers about the potential trails on State land. With regard to a Paradise Valley trail, we will discuss the possibility with the Forest Service, but be advised it is not on their list of potential trails at this time. Pullouts, parking and over/underpasses would be designed and built as part of the project. If an east Lynn Canal alternative is ultimately selected, DOT&PF would coordinate with the City during design as to specific location and layout.

Your letter did not specifically address the existing trail from the lake up to a cliff overlooking the boat harbor. We will include a commitment to make safety improvements at the end of the trail, as we believe the trail would receive increased use with improved access. With regard to a bike/pedestrian lane from 23rd Avenue to a Lower Dewey Lake parking area, the current design includes four-foot wide shoulders on both sides of the road. The topography is not conducive to a separate path, but during design we would investigate the feasibility of widened shoulders.

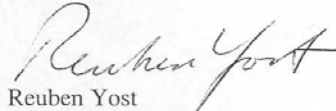
Thank you for a copy of draft Resolution 04-04R. You stated at our January 26, 2004 meeting that the purpose of a resolution to make the Dewey Lake area a park is not to block alternatives that would enter Skagway via this alignment. Rather the purpose is to insure that adequate mitigation would be provided if the area was impacted. As written the resolution does not reflect this purpose. The only mention of a potential road is with regard to the pressure for development that access could create. We recommend you add language establishing a transportation corridor

25A-T34LH

centered on the alignment provide to the City on January 27, 2004 and specifying that if a highway is constructed it must include the mitigation identified by the City on February 19, 2004. This would make clear that although the City opposes a highway into Skagway, the resolution is to insure adequate mitigation if such a highway alternative is selected.

You have mentioned that pro-road advocates as well as pro-ferry supporters support a resolution protecting and promoting the area's resources. The change suggested would also capture this common concern. Thank you for your letter and the opportunity to comment on the draft resolution.

Sincerely,



Reuben Yost
Special Projects Manager

cc: Tim Haugh, FHWA Environment & Right-of-Way Programs manager
Pat Kemp, DOT&PF Preconstruction Engineer
Gary Paxton, DOT&PF Southeast Region Director



United States
Department of
Agriculture

Forest
Service

Alaska Region

P.O. Box 21628
Juneau, AK 99802-1628

File Code: 1950-4

Date: MAR 25 2004

Mr. Reuben Yost
Southeast Region
Department of Transportation and Public Facilities
6860 Glacier Highway
Juneau, AK 99801

Dear Mr. Yost:

Thank you for the opportunity to address potential enhancement opportunities as well as an early preliminary list of locations where the Forest Service expects to reserve rights to access to the highway in the future.

East Side of Lynn Canal Alternative

The 1997 plan indicated a day use area with picnic facilities at the Sawmill Creek area. Land exchanges have resolved the ownership in the vicinity of this stream. The current intent would be to provide a trailhead and scenic overlook. Future access and development opportunities are possible.

The relocation of the Berners Bay cabin is not desired if there is a final alignment that can preserve it and the experience of the cabin with reasonable separation. A small trail and parking are needed to access and service the cabin if it remains. If the cabin is practical in the final alignment, and is relocated to an alternate location, a scenic overlook should be created. The alternative relocation of the cabin is a site located at Young Bay on Admiralty Island. We look forward for further discussions concerning the cabin. The Forest Service does not consider the cabin a "4(f) property".

There is seeking the opportunity for a trailhead at the location of the Antler Bluff overlook. The proposal is for a new trail along the west side of the Berners River. The overlook would include interpretive signage. This would be in addition to the overlook on the shoreline side that provides wildlife viewing opportunities.

A multi-purpose interpretive trail (interpreting the areas rich mining history) from Slate Creek Cove to Comet Cove (where the State is considering a maintenance facility with restrooms) and then continuing to a point along the proposed alignment approximately two miles north of Comet Cove is proposed. The route is northwest through the Sweeney Creek drainage and then north parallel to the proposed road alignment towards Independence Lake. At each point identified above there would be a small trailhead or parking (accommodating 5-10 vehicles) and scenic overlooks should be developed in the vicinity. The route proposed has not been checked for land ownership encumbrances and there are potential mining claims, native allotments and the potential for the Cape Fox Land Exchange that may alter the feasibility of the proposed route.



Caring for the Land and Serving People



Eldred Rock would consist of a scenic overlook as proposed in 1997.

The Yeldagalga Creek site would consist of an overlook and trailhead; there would not be a day use area at this time unless the State agrees to provide maintenance for the site. The valley located approximately 4 miles south of Katzechin River would have a trailhead, with day use as a future opportunity. A trail could be constructed to the east, up the valley.

The Katzechin River flats area is suitable for a future recreation site. The logistics and cost of operations presently suggest it is not practical to construct at this time.

There is an existing cabin included in the Forest Service database at the Katzechin River that was not earlier identified to you. The database indicates that it is not currently maintained and is to be abandoned. Part of the reason for the lack of maintenance is because of limited access. With the construction of the road this access issue would be resolved. The demand for a cabin is anticipated to increase. A replacement cabin to the east up the Katzechin river drainage is an alternative.

The Katzechin River Development proposal includes a trailhead, a scenic overlook and a shoreline access trail. The trail between the road and the cabin would be hand construction and not be included as a recreational enhancement for this project.

The Dayebas Creek day use site would only consist of a trailhead and scenic overlook at this time.

A scenic overlook at Long Falls should be considered.

Sturgills Landing appears not to be impacted with the current alignment; however, a trailhead with sanitary facilities and extension of the existing spur trail should be considered where the existing trail from Skagway past Dewey Lakes is in close proximity to the road and the main trail.

West Side of Lynn Canal Alternative

The terminal located in William Henry Bay should include day use facilities for travelers arriving early for the ferry. A trailhead would be constructed with parking to provide for access south to Saint James Bay.

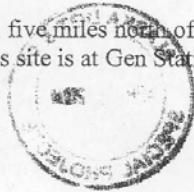
A scenic overlook would be constructed on the shoreline side of the road in the vicinity of Lance Point.

A trailhead would be constructed at the Endicott River on the mainland side of the road, but no trail at this time.

A scenic overlook would be constructed north of the Endicott River at approximately Cant.

The Sullivan River would include a trailhead and trail to both the east to saltwater and to the west to an arm of Davidson Glacier. There would also be a scenic overlook constructed in this area.

Approximately, five miles north of the Sullivan River another scenic overlook would be developed. This site is at Gen Station across the channel from northern Sullivan Island.



The last enhancement on the west side would be located just south of the National Forest boundary, approximately three miles south of Glacier River. This site would consist of trailhead and a trail to the east and one to the west. The trail to the east would end at saltwater and the one to the west would end at an arm of the Davidson Glacier. The glacier access provided here and at Sullivan River would provide an opportunity for dispersing visitors and an enhanced opportunity for hiking.

While some developments originally included in the DEIS have not been carried forward, those ideas have not been excluded, but are being deferred for the reasonable foreseeable future.

Reserved Right of Access (Road Junctions)

The Forest Service intends to stipulate the reservation of rights of access, subject to reasonable safety considerations, in our stipulations to the highway easement. Because the rights of way are a perpetual grant, these reservations are an effort to provide a future outlook beyond the foreseeable future of the current environmental analysis. The following is a list of locations that have been identified to date. We anticipate that the locations can be identified during the road design and identified in the drawings to assist in providing safe and effective access to and from the highway.

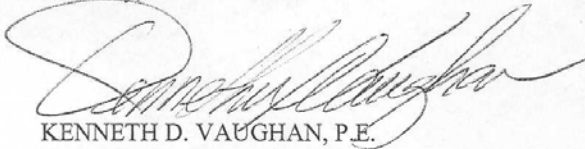
Juneau Access Right of Access to the Highway Reservation Locations Proposed	
East Side Alternative	West Side Alternative
Sawmill Creek	William Henry Bay Headlands – mainland
Berners Bay Cabin - shoreline	River at William Henry Bay Ferry Terminal - mainland
Antler Bluff Overlook	Lance Point – shoreline
Gilkey River	Endicott River
Lace/Antler River	Endicott River flats and upriver
Berners River & Deltas	Cant Station River
Slate Creek Cove	Sullivan River
Comet Cove	Sullivan River flats and upriver
Independence Lake	Gen Station River
Pt. St. Marys	River 1 mile south of Forest Boundary
Sweeny Creek	River valley and flats of river approximately 6 miles north of the Sullivan River. (Not mentioned above but possible area of future development).
Brown Station	River valley and flats 5 miles south of Glacier River
Eldred Rock - shoreline	
Yeldagalya Creek	
River 4 miles S. of Katzechin	
River 1 mile S. of Katzechin	
Katzechin River	
Dayehas Creek	
Long Falls - mainland	
Sturgills Landing	

Mr. Ruben Yost

4

The team working on this task was led by Eric Ouderkirk (907) 228-6301; please contact Eric or me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth D. Vaughan", written over a horizontal line.

KENNETH D. VAUGHAN, P.E.
Forest Service Representative

cc: Peter M Griffin, Susan Marthaller, Eric Ouderkirk, Matt M Phillips, Ron Marvin

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES SOUTHEAST REGION

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, AK 99801-7999
PHONE: 907-465-1763
FAX: 907-465-2016
TTY/TDD: 907-465-4647

April 16, 2004

Honorable Tim Bourcy, Mayor
City of Skagway
P.O. Box 415
Skagway, AK 99840

Dear Mayor Bourcy:

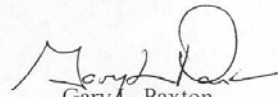
I am writing regarding two issues, the mitigation the City of Skagway would like for the Juneau Access Improvements alternatives that would traverse the Lower Dewey Lake area and the City's Resolution 04-04R that recommends the Dewey Lakes Trail System be designated as a special management area.

After reading in the minutes of a recent Skagway City Council meeting and in the Skagway News your comments that a right-of-way corridor has been established for a highway in this area, I want to clarify that a right-of-way has not been established. Acquisition of right-of-way required for the selected alternative will take place after the Record of Decision (ROD) for the project (anticipated in January of '05) is issued. Nevertheless, the preliminary alignment for East Lynn Canal Highway alternatives (2, 2A, 2C) provided to the City on January 27, 2004 is based on a detailed aerial survey and is suitable for establishing a corridor for planning purposes. I am enclosing a proposed Joint Planning Agreement that establishes the corridor through which the highway would be built if the ROD contains an East Lynn Canal Highway alternative. The document also formalizes our agreement to provide the City's requested mitigation. The agreement in no way alters the City's stated opposition to a road, and retains the City's right to compensation for any right-of-way eventually conveyed to the State.

25A-T34LH

I have signed two copies of the agreement on behalf of the State. If the agreement is acceptable to the City, please sign both and return one original to my office. Thank you for your consideration of this agreement.

Sincerely,



Gary L. Paxton
Southeast Region Director

Enclosure

cc: Mike Barton, Commissioner DOT&PF
Bob Ward, Skagway City Manager
Skagway City Council
Rob Murphy, ROW Chief
Reuben Yost, Project Manager
Tim Haugh, FHWA Environment & Right-of-Way Programs Manager

JOINT PLANNING AGREEMENT
FOR
LOWER DEWEY LAKE AREA
BETWEEN
THE CITY OF SKAGWAY
AND
THE STATE OF ALASKA

WHEREAS, the Department of Transportation and Public Facilities (DOT&PF) is currently preparing a supplement to the 1997 Draft Environmental Impact Statement (DEIS) for the Juneau Access improvements Project.

WHEREAS, the supplemental DEIS contains East Lynn Canal Highway alternatives that would pass through City of Skagway (City) owned lands west of Lower Dewey Lake.

WHEREAS, the City has passed a resolution recommending the Dewey Lakes Trail System be designated a special management area.

WHEREAS, the City has indicated the need for trail enhancements and new remote recreational trails to mitigate impacts to the Dewey Lake area if an alternative passing through it is selected for construction.

WHEREAS, DOT&PF has agreed to incorporate improvements to the Upper Dewey Lake, Icy Lake to Upper Reid Falls and East Lower Dewey Lake Trails and creation of new trails on City land into the appropriate supplemental DEIS alternative discussions.

WHEREAS, DOT&PF has agreed to investigate the feasibility of other trail enhancements on State and Federal land, and to work with the City on final design elements if an alternative through the Lower Dewey Lake area is selected.

THEREFORE, DOT&PF and the City do hereby agree to Joint Planning as follows:

1. If DOT&PF selects an alternative that passes through the City-owned Dewey Lakes parcel, the highway will be constructed within the 300-foot wide corridor reservation depicted in exhibit A.
2. Only the actual right-of-way required for construction and maintenance of the highway would be transferred to the State of Alaska. Remaining land within the corridor would be retained by the City and would be managed as part of the special management area if created.
3. If an alternative through the Dewey Lakes parcel is selected, DOT&PF will provide funding for the trail improvements identified above. Furthermore, DOT&PF will consult with the City during final design regarding trail overpasses and/or underpasses, vehicle pullouts, parking areas, day use areas and pedestrian/bicycle facilities.

4. Nothing in this agreement removes the City's right to compensation at fair market value for the land required for right-of-way.
5. This agreement shall not be construed as changing the City's stated position of preferring improved ferry service rather than highway access.
6. This agreement is effective upon approval by both parties.

State of Alaska
Department of Transportation
& Public Facilities

By: Mary L. Nelson

Title: Director SE Region

Date: 16 April 2004

City
of
Skagway

By: _____

Title: _____

Date: _____

6/4/04 P. 01

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

3132 CHANNEL DRIVE
JUNEAU, ALASKA 99801-7898TEXT: (907) 465-3852
FAX: (907) 586-8365
PHONE: (907) 465-3800

June 4, 2004

Friends of the Earth
1717 Massachusetts Ave NW 600
Washington DC 20036-2002

Dear Friends of the Earth:

I read with interest your June 2nd news release regarding the 27 most wasteful road projects in America. I had particular interest in your discussions of the Juneau Access Project. I am sure that had you had all of the facts in hand you would have seen the benefits of this project to Alaska and the nation. Instead, the news release implies Friends of the Earth support for:

1. Using more fossil fuel in one year to transport 30,000 vehicles by ferry than 200,000 vehicles would consume annually on the proposed highway.
2. Stifling the seven-fold demand to travel between Juneau and the continental highway system. (Juneau is the largest community on the North American continent not connected by a highway.)
3. Requiring the public to plan trips months in advance to travel a distance of less than 100 miles.
4. Retain an annual state cost of over \$5 million dollars to transport 81 vehicles per day 100 miles.
5. Forcing users to spend \$250 one-way to travel between Juneau and the continental highway system.
6. Denying access to public lands to anyone not physically capable of strenuous hiking, kayaking or other physically-demanding activities.

I doubt that Friends of the Earth actually does support such things but the News Release certainly leads one to conclude that they do.

I hope that you were better informed about the other 26 projects that you have maligned. The millions of people that will benefit from these projects deserve better treatment.

Sincerely,

Mike Barton
Commissioner

cc: The Honorable Donald E. Young, United State Congress
The Honorable Lisa Murkowski, United State Senate
The Honorable Ted Stevens, United State Senate
John W. Katz, State/Federal Relations, Office of the Governor
John Horsley, Executive Director, American Association of State Highway & Transportation Officials

25A-T34LH

"Providing for the movement of people and goods and the delivery of state services."



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

ALASKA DIVISION

709 West Ninth Street, Room 851

P.O. Box 21648

Juneau, Alaska 99802

907-586-7418 | 907-586-7420 FAX

August 9, 2004



REFER TO
HDA-AK

File #: MGS-STP-000S(131)/71100

Ms. Rosita Worl, Executive Director
Sealaska Heritage Institute
One Sealaska Plaza, Suite 201
Juneau, Alaska 99801

SUBJECT: Juneau Access Improvements Project. Determinations of eligibility and finding of No Adverse Effect pursuant to 36 CFR 800.4(c) and 800.5(b)

Dear Ms. Worl:

The Alaska Department of Transportation and Public Facilities (AKDOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve surface transportation to and from Juneau within the Lynn Canal corridor. The AKDOT&PF, with consultant assistance, is preparing an environmental impact statement (EIS) for FHWA.

There are ten project alternatives under consideration. Alternative 1 is the No Action Alternative. Alternative 2 (East Lynn Canal Highway with Katzeihin Terminal) would construct the East Lynn Canal Highway from Echo Cove to Skagway, with a shuttle ferry from the Katzeihin delta to Haines. Alternative 2A (East Lynn Canal Highway with Berners Bay Shuttle) is the same as Alternative 2, with the exception that shuttle ferries would cross Berners Bay from Sawmill Cove to Slate Cove. Alternative 2B (East Lynn Canal Highway to Katzeihin, shuttles to Haines and Skagway) would construct the East Lynn Canal Highway from Echo Cove to the Katzeihin delta, with shuttle ferries providing service to both Haines and Skagway. Alternative 2C (East Lynn Canal Highway with shuttle to Haines from Skagway) would construct the East Lynn Canal Highway from Echo Cove to Skagway, with shuttle ferry service from Haines to Skagway. (See enclosed map.)

Alternative 3 (West Lynn Canal Highway) would extend Glacier Highway to Sawmill Cove, which would be connected by shuttle ferry service to William Henry Bay. A highway would be constructed from William Henry Bay to Haines via Pyramid Island. Alternatives 4A through 4D would provide additional ferry service in Lynn Canal. Two of these alternatives, 4B and 4D, would include a five-mile long extension of Glacier Highway and a ferry terminal at Sawmill Cove in Berners Bay.

The area of potential effect (APE) for this project is a 100-meter (m) wide corridor that includes the actual road footprint of each highway alternative and approximately 35 m wide buffer zones to either side of the roads. The APE also includes potential ferry terminals. The likely presence of historic properties within the APE for each alternative has been established through background research, consultations, and field investigations. The level of effort has been commensurate with the likely effects of the undertaking and the views of the State Historic Preservation Officer, the U.S. Forest Service (USFS), and National Park Service (NPS).

In September 2003, the AKDOT&PF sent formal tribal consultation letters to you and the other native organizations on the distribution list below. The letters were followed by an October 2003 meeting with

the executive director of the Sealaska Heritage Institute and follow-up telephone calls to the other organizations. From the information available to us, it appears that the only potential traditional cultural property in the general project area is near Point Sherman. Identified during ethnographic research for the Kensington Gold Project SEIS, this site is outside the project's APE.

Seven historic properties in the APE have previously been determined eligible for the National Register: the Berners Bay Historic Mining District (JUN-928), Jualin Historic Mining District (JUN-022), Comet/Bear/Kensington Historic Mining District (JUN-945), Jualin Mine Tram (JUN-932), Comet/Bear/Kensington Railroad (JUN-946), Dayebas Creek Sawmill (SKG-139), and Skagway & White Pass District (SKG-013).

Six additional sites and one historic district within the APE were identified in 2003 and 2004: a cabin near Lower Dewey Lake Creek (SKG-196), Sturgill's Landing Trail (SKG-207), Skagway Hydroelectric Complex District (SKG-189), Lower Dewey Lake Trail (SKG 203), Icy Lake/Reid Falls Trail (SKG-208), Dalton Trail (SKG-052), and culturally modified trees (CMTs) comprising JUN-993. The attached summary table lists these sites and FHWA's determination of eligibility.

The cabin near Lower Dewey Lake Creek probably dates to the early twentieth century and was possibly built by Garland Sturgill as part of his wood cutting business. Although the early woodcutting industry in Skagway is historically significant, this cabin is badly deteriorated and lacks associated artifacts. For these reasons, it is not considered eligible for the National Register.

Local citizens constructed the Sturgill's Landing Trail from the southern end of Lower Dewey Lake to Sturgill's Landing fairly recently. Although this hiking trail does follow older logging trails in places, it is by and large a modern route. It is not considered eligible for the National Register.

Contributing elements of the Skagway Hydroelectric Complex District (SKG-189) include the Lower Dewey Lake Dam (SKG-190) at the southern end of the lake, the Reservoir and Dam (SKG-191), Pipelines (SKG-192), Power Plant (SKG-193), a Tramway (SKG-194) northwest of the northern end of the lake, and a Hoist Building (SKG-198). The district is eligible for the National Register under criterion (a) because of its early date of construction and long-term service to residents of Skagway.

The Lower Dewey Lake Trail, from the trailhead to the junction where it splits into three other trails, is a historic route. The trail is visible in a 1903 photo of Skagway and older rockwork supports some of the switchbacks. The portion of the trail from the trailhead to the junction is eligible for the National Register under criterion (a).

The exact date that the Icy Lake/Reid Falls Trail was constructed is unknown. However, it is a relatively recent route that allows larger vehicles access to the Lower Dewey Lake bench. This trail is not considered eligible for the National Register.

The Dalton Trail is eligible for the National Register under criteria (a) and (b) because of its association with a number of historical events and its association with its namesake, builder, and chief promoter, Jack Dalton.

JUN-993 is a cluster of 259 culturally modified trees (CMTs) in the hemlock forest above the western shore of the Lace River. These trees are distinguished only by the fact that they are along a surveyed half-mile section of the alignment. With an average density of approximately 14.5 per acre in the surveyed area, CMTs are abundant along this shore. All of these CMTs are hemlock with predominantly oval or irregular scars, probably reflecting use of the inner bark for food. Although their presence demonstrates early use of the project area, these CMTs along the bank of the Lace River are not eligible for listing in the National Register.

The project could affect historic properties in the APE, but these effects would not be adverse. The project would not result in the physical destruction of any of the historic properties in the APE.

Construction would introduce visual elements that over the short term would diminish the integrity of some of the properties' setting, but these would be primarily temporary.

Alternatives 1 and 4A-D would have no effect on cultural resources. Alternatives 2, 2A, 2B, and 2C would pass through portions of the Berners Bay, Jualin, and/or Comet/Bear/Kensington Historic Mining Districts. These alternatives would affect the districts, but the effects would not be adverse. Alternatives 2, 2A, 2B, and 2C would cross the Comet/Bear/Kensington Railroad in a forested area where both the rail sections and supporting pilings are missing. These alternatives would cross the original alignment of the railroad. This affect would not be adverse because the route bridges over the railroad, and because there is no physical integrity of the railroad in this crossing location. Alternatives 2, 2B, and 2C would cross the Jualin Mine Tram just inshore from Berners Bay, in Section 25. This affect would not be adverse because the route bridges over the tram at the crossing point.

The Dayebas Creek Sawmill is in the APE for Alternatives 2, 2A, 2B, and 2C, but would not be affected by the road.

Alternatives 2, 2A, and 2C would pass through the Skagway Hydroelectric Complex District, crossing the pipelines and tramway west of the dam and reservoir. These alternatives would affect the district, but this effect would not be adverse. The route would bridge over the pipelines and tramway as it crosses Dewey Creek. The Hoist building, on the bench north of Lower Dewey Lake, is in the APE, but would not be impacted by the road.

Alternatives 2, 2A, and 2C would cross the Lower Dewey Lake Trail near the northern end of Lower Dewey Lake. However, only the lower portion of the trail, from the trailhead at Pullen Creek to the junction with the Upper Dewey Lake Trail, is historic. These alternatives would have an effect on the trail, but because the route would bridge over the trail and visual effects would be minimized, the effect would not be adverse.

The proposed highway alignment for Alternatives 2, 2A and 2C would end in the Skagway and White Pass Historic District National Historic Landmark (NHL). Northeast of Lower Dewey Lake, the road route into Skagway would run diagonally down the intermittently vegetated, irregular rock bluff east of town and cross over the railroad tracks to connect with 23rd Avenue (the Klondike Highway). The alignment runs east and north of the Skagway unit of the Klondike Gold Rush National Historic Park (Park), but enters the NHL as it starts down the bluff.

The proposed alignment would not result in the physical destruction of any Park or NHL contributing buildings, structures, or sites. The alignment would bridge over the White Pass & Yukon railroad tracks, a contributing element of the NHL. The nearest other NHL contributing structures are at the corner of Main Street and 22nd Avenue.

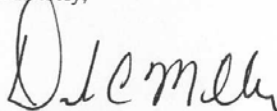
The proposed alignment would have visual impacts on the Park and NHL, but many of these would be temporary. Construction would introduce visual elements that over the short term would diminish the integrity of the property's setting, but these would last only until natural or designed mitigation measures took effect (e.g., weathering of the rock and revegetation). Cumulatively, the effect would not be adverse. The AKDOT&PF and FHWA propose that the final appearance of the road cut and bridges over Lower Dewey Lake Trail and the railroad tracks would be developed during design with input from the City of Skagway and National Park Service (NPS) to fit into the historic physical setting and cultural landscape of Skagway.

The Dalton Trail is the only site within the APE of Alternative 3 that would be affected. The route would cross the Dalton Trail just north of Pyramid Harbor. This alternative would have an effect on the trail, but because the route would bridge over the trail and visual impacts would not be an issue, the effect would not be adverse.

The FHWA has determined that the Skagway Hydroelectric Complex District (SKG-189), Lower Dewey Lake Trail (SKG-203), and Dalton Trail (SKG-052) are eligible for the National Register. Conversely, the cabin near Lower Dewey Lake Creek (SKG-196), Sturgill's Landing Trail (SKG-207), Icy Lake/Reid Falls Trail (SKG-208), and the CMTs comprising JUN-993 are not eligible for the National Register. The FHWA has also determined that no project alternative would have an adverse effect on historic properties.

If you wish to comment on these determinations, I can be reached at the above contact information. In addition, Mr. Tim Haugh, Environmental & Right of Way Programs Manager, is available at the same address above, by telephone at 907-586-7430, or by e-mail at Tim.Haugh@fhwa.dot.gov. However, please note that to receive consideration, your comments must be received within thirty days of your receipt of this correspondence.

Sincerely,



David C. Miller
Division Administrator

Enclosure: Alternatives map
Distribution List

cc w/o enclosures:

Reuben Yost, AKDOT&PF Southeast Region, Project Manager
Laurie Mulcahy, AKDOT&PF HQ, Environmental Program Manager

AHRS No.	AHRS Site Name	Agency Determination of Eligibility
JUN-993	Lace River CMTs	Not Eligible
SKG-196	Cabin near Lower Dewey Lake Creek	Not Eligible
SKG-207	Sturgill's Landing Trail	Not Eligible
SKG-199	Cabin on Sturgill's Landing Trail	Not Eligible
SKG-200	Cabin on Sturgill's Landing Trail	Not Eligible
SKG-189	Skagway Hydroelectric Complex District	Eligible under criterion (a)
SKG-190	Lower Dewey Lake Dam	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-191	Reservoir and Dam	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-192	Pipelines	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-193	Power Plant	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-194	Tramway	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-198	Hoist Building	Eligible under criterion (a) as part of the Hydroelectric Complex District
SKG-203	Lower Dewey Lake Trail	Eligible under criterion (a)
SKG-208	Icy Lake/Reid Falls Trail	Not Eligible
SKG-052	Dalton Trail	Eligible under criteria (a) and (b)

**Juneau Access
Native Organization Contacts**

Contact Name	Title	Group	Address	City	State	Zip	Phone
Lee Clayton	President	Chilkoot Indian Association of Haines	P.O. Box 490	Haines	AK	99827	766-2323
Thomas Cundall	President or CEO	Kukwan, Inc.	P.O. Box 209	Haines	AK	99827	766-2211
Gary Droubay	President or CEO	Goldbell, Inc.	5007 Glacier Hwy., Suite 200	Juneau	AK	99801	793-4990
Jonas Hotch, Jr.	President	Chilkot Village of Kukwan	P.O. Box 201	Haines	AK	99827	767-6505
Chris McNeil	President or CEO	Sitka Alaska Corporation	One Sealsika Plaza, Suite 400	Juneau	AK	99801	588-1512
Norman Samba	President	Douglas Indian Association	P.O. Box 240541	Hoonah	AK	99829	845-3545
Edward Thomas	President	Tlingit & Haida Central Council	320 W. Willoughby Ave., Suite 300	Juneau	AK	99801	588-1432
Lance Twichell	President	Seagway Traditional Council	P.O. Box 1157	Skagway	AK	99840	893-4000
Albert Wallace	Chief	Aleutian Traditional Council	8285 Stephen Richards Memorial Drive	Juneau	AK	99801	789-0532
Rosita Wolf	Executive Director	Sitka Alaska Heritage Institute	One Sealsika Plaza, Suite 201	Juneau	AK	99801	463-4044
Frank Wright, Jr.	President	Hoonah Indian Association	P.O. Box 602	Hoonah	AK	99829	583-4058

9/25/2003

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016

SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

August 11, 2004

Re: Juneau Access Improvements
Project No. 71100

Myra Gilliam
Archaeologist
U. S. Department of Agriculture, Forest Service
Tongass National Forest
Juneau Ranger District
8465 Old Dairy Road
Juneau, AK 99801

Subject: Section 106 Consultation

Dear Ms. Gilliam,

The Alaska Department of Transportation and Public Facilities (DOT&PF) has completed the cultural resources studies initiated as part of preparation of a supplemental draft environmental impact statement (EIS) for the Juneau Access Improvements project. Enclosed are three documents for your review. The first is the Cultural Resources Summary and Compilation of Data. This report summarizes the research, fieldwork, and determinations for the 1997 Draft EIS as well as the additional fieldwork completed in 2003 and 2004. The second document is a memo (including a map) proposing boundaries for the four historic mining districts in Berners Bay. Boundaries were not delineated as part of the Forest Service eligibility determinations for the Kensington Gold Project, but are required by the Federal Highway Administration (FHWA) for the purpose of determining potential impacts under Section 106 of the National Historic Preservation Act and Section 4(f) of the Transportation Act. The third document enclosed is a draft letter to the State Historic Preservation Officer (SHPO) with FHWA's proposed determinations of eligibility for additional properties identified in 2003 and 2004, and FHWA's proposed determination of effect for the project's build alternatives.

The enclosed documents are being sent for your review as part of the Section 106 consultation process prior to submittal to the SHPO. The proposed boundaries for the historic mining districts and the proposed determinations of eligibility and effect for historic properties on Forest Service land are based on existing Forest Service determinations and additional fieldwork by Cultural Resource Consultants.

25A-T34LH

I will be contacting you soon to see if you would like to meet to discuss any of these documents, or if you have any questions. FHWA anticipates sending a determination letter to the SHPO at the end of August. Thank you for your ongoing cooperation on this project.

Sincerely,



Reuben Yost
Special Projects Manager

Enclosures:

cc: Tim Haugh, FHWA
Ken Vaughan, USFS

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

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SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

August 11, 2004

Re: Juneau Access Improvements
Project No. 71100

Marcia Blaszak
Regional Director, Alaska
National Park Service
240 West 5th Avenue, Room 114
Anchorage, AK 99501

Subject: Section 106 Consultation

Dear Ms. Blaszak,

The Alaska Department of Transportation and Public Facilities (DOT&PF) has completed the cultural resources studies initiated as part of preparation of a supplemental draft environmental impact statement (EIS) for the Juneau Access Improvements project. Enclosed are three documents for your review. The first is the Cultural Resources Summary and Compilation of Data, prepared by Cultural Resource Consultants (CRC). This report summarizes the research, fieldwork, and determinations for the 1997 Draft EIS as well as the additional fieldwork completed in 2003 and 2004. The second document, Juneau Access Road 2003 Cultural Resource Studies, prepared by Northern Land Use Research (NLUR), is a report on the additional fieldwork completed in 2003, including the field work in Skagway. The third document is a draft letter to the State Historic Preservation Officer (SHPO) with FHWA's proposed determinations of eligibility for additional properties identified in 2003 and 2004, and FHWA's proposed determination of effect for the project's build alternatives.

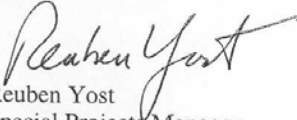
The NLUR report includes information on additional historic properties identified in Skagway. This includes two properties within the Skagway & White Pass District National Historic Landmark: the Lower Dewey Lake Trail and the Skagway Hydroelectric Complex. The CRC summary report and FHWA's draft letter explain that highway for three of the alternatives under consideration would have an effect on the landmark and the Klondike Gold Rush National Historic Park. The highway would pass above the park and through a portion of the landmark. No contributing buildings, structures or sites would be impacted, and no land would be required from a contributing element. The effect would be limited to visual impacts, primarily to the landmark at the north end of Skagway. Views from the park would be limited by topography and buildings.

25A-T34LH

An aerial photograph and several simulations are enclosed. These materials were prepared to help evaluate the potential visual impact. As explained in the report and draft letter to SHPO, FHWA does not believe the effect on the park and landmark would be adverse, based in part on the commitment to coordinate with the National Park Service during design in order to incorporate measures to reduce the visual impact.

The enclosed documents are being sent for your review as part of the Section 106 consultation process prior to submittal to the SHPO. I will be contacting you soon to see if you would like to meet to discuss these documents, or if you have any questions. FHWA anticipates sending a determination letter to the SHPO at the end of August. Thank you for your ongoing cooperation on this project.

Sincerely,


Reuben Yost
Special Projects Manager

Enclosures:

cc: Tim Haugh, FHWA
Nancy Swanton, NPS, KLGO

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016

August 11, 2004

Re: Juneau Access Improvements
Project No. 71100

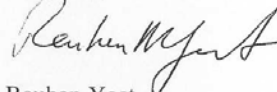
Richard Enriquez
U.S. Fish and Wildlife Service
300 Vintage Blvd., Suite 201
Juneau, AK 99801-7100

Dear Mr. Enriquez,

Enclosed is the Preliminary Supplemental Draft Environmental Impact Statement for the Juneau Access Improvements project. The Alaska Department of Transportation and Public Facilities is circulating the preliminary draft to Cooperating Agencies for review and comment at this time. Our intention is to evaluate comments from Cooperating Agencies, make changes to the document if necessary, and include comments and a response in the draft document released to the public no later than October 4, 2004.

Please submit your comments by September 11. Contact me at 465-1774 if you have any questions. Thank you.

Sincerely,



Reuben Yost
Special Projects Manager

Enclosure

Distribution:

Jim Helfinstine, USCG
John Leeds, ACOE
Chris Meade, USEPA
Ken Vaughan, USDA-FS
Susan Walker, NMFS

cc: Tim Haugh, FHWA
Pat Kemp, DOT&PF

25A-T34LH

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
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PHONE (907) 465-1774
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FAX: (907) 465-2016

August 13, 2004

Re: Significant Recreation Facilities
Juneau Access Improvements
Project No. 71100

Pete Griffin, District Ranger
Juneau Ranger District
United States Forest Service
U. S. Department of Agriculture
8465 Old Dairy Road
Juneau AK 99801

Dear Mr Griffin,

As you know, the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Federal Highway Administration (FHWA) are preparing a Supplemental Draft Environmental Impact Statement for this project. As part of the evaluation of reasonable alternatives we are identifying potential impacts to significant park, recreation, and wildlife/waterfowl refuge land. Under Section 4(f) (codified at 49 U.S.C. 303) regulations, a federal transportation project may not use land from these properties unless there is no feasible and prudent alternative and the project includes all possible planning to minimize harm to the property resulting from such use.

Much of the land traversed by the alternatives under consideration is federally owned land managed by your agency. As indicated in the 1997 Tongass Land and Resource Management Plan (TLMP), alternatives on the east side of Lynn Canal would pass through the following land use designations: Semi-Remote Recreation, Congressionally Designated LUD II, Old-Growth Habitat, and Modified Landscape. The alternative on the west side of Lynn Canal would pass through Semi-Remote Recreation, Scenic Viewshed, and Modified Landscape designations. Based on a review of the applicable management prescriptions for these land use designations in the latest Forest Service management plan, as well as past discussions with Forest Service personnel, this land is managed for multiple uses. In the case of multiple use public land, FHWA regulations [23CFR 771.135(d)] state that "section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes". FHWA guidance stresses that Section 4(f) does not apply to areas of incidental, secondary, occasional or dispersed recreational activities.

Discussions with Eric Ouderkirk and Ken Vaughan have indicated that the only specific significant recreational facilities on Forest Service land in the project vicinity are the Berners Bay Cabin, the Sturgill's Landing Day Use Area, and the Sturgill's Landing Trail. They have

5A-T34LH

indicated that all other areas, including the areas on the TLMP Recreation Places Inventory, are used for dispersed recreational activities.

As indicated in the March 25, 2004 letter from Ken Vaughan, the Forest Service would like to make the Berners Bay Cabin handicap accessible if an alternative is selected that would pass behind the cabin. DOT&PF has agreed to include a parking area and handicap accessible trail in the applicable alternatives (2, 2B, 2C). DOT&PF has surveyed the area and identified the use areas in relation to the cabin and the proposed alignment. We have determined that the highway centerline would be approximately 400 feet from the cabin, and the nearest point of disturbance would be approximately 200 feet from the closest use area (a short trail past the outhouse). For purposes of defining the recreational property, we have established a boundary 100 feet from the closest use area. This boundary therefore includes a buffer of vegetation. Our intention is to maintain an additional 100-foot wide buffer. A greater separation would force the alignment onto steep terrain, which would make construction more difficult and lengthen the handicap access trail.

The alternatives that include a highway to Skagway (2, 2A, 2C) would pass approximately 680 feet east of the Sturgill's Landing Day Use Area. The trail to the day use area would not be crossed or affected on Forest Service land. As requested by the Forest Service, a parking area would be provided in the vicinity of a spur trail that connects to the main trail.

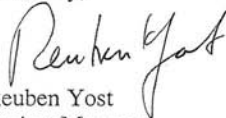
No designated wildlife or waterfowl refuges have been identified on Forest Service land in the project vicinity.

By this letter we are requesting your concurrence on the following points:

1. The only specific (non-dispersed) significant recreation areas in the project vicinity are the Berners Bay Cabin, the Sturgill's Landing Day Use Area, and the Sturgill's Landing Trail. All other recreational activity is dispersed, with no defined facilities.
2. The alternatives, as described in reference to the Berners Bay Cabin and the Sturgill's Landing Day Use Area, would not take land from a significant recreation area.
3. There are no significant wildlife or waterfowl refuges on Forest Service land in the project vicinity.

Please concur on the line provided, or respond by separate letter. Thank you for your assistance in this matter.

Sincerely,


Reuben Yost
Project Manager

Enclosures: Map of Berners Bay Cabin Area
Map of Sturgill's Landing Day Use Area and Trail

Juneau Access Improvements
Project No. 71100
Significant Recreation Facilities

3

8/13/04

cc: Tim Haugh, FHWA Environment & Right-of-Way
Eric Ouder Kirk, Forest Service
Ken Vaughan, Forest Service

Concurrence:

Concur: _____ (date)
Pete Griffin, District Ranger
Juneau Ranger District
United States Forest Service

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016

August 13, 2004

Re: Significant Recreation Facilities
Juneau Access Improvements
Project No. 71100

Tom Irwin, Commissioner
Alaska Department of Natural Resources
400 Willoughby Avenue
Juneau, AK 99801

Dear Commissioner Irwin,

As you know, the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Federal Highway Administration (FHWA) are preparing a Supplemental Draft Environmental Impact Statement for this project. As part of the evaluation of reasonable alternatives we are identifying potential impacts to significant park, recreation, and wildlife/waterfowl refuge land. Under Section 4(f) (codified at 49 U.S.C. 303) regulations, a federal transportation project may not use land from these properties unless there is no feasible and prudent alternative and the project includes all possible planning to minimize harm to the property resulting from such use.

Some of the land traversed by the alternatives under consideration is state owned land managed by the Department of Natural Resources (DNR). Alternatives 2, 2A, and 2C would pass through State of Alaska land near Skagway, Parcel S-23, south of the Dewey Lake. DNR administers this land under the Northern Southeast Area Plan. Parcel S-23 is designated General Use; the management plan allows for potential development while maintaining habitat, scenic and recreation values. Based on the land designation and management guidelines, this land is managed and functions for multiple use. In the case of multiple use public land, FHWA regulations state that Section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes. FHWA guidance also explains that Section 4(f) does not apply to areas of incidental, secondary, occasional, or dispersed recreational activities.

Based on our studies and discussion with the previous Regional Manager, the only portion of the parcel designated and/or functioning for recreation (excluding dispersed activities) is the Sturgill's Landing Trail. Alternatives 2, 2A, and 2C would avoid use of land from this trail by bridging over the trail, maintaining trail continuity. Roadside parking and a connection to the trail would be provided as a trail enhancement.

IA-T34LH

Alternative 3 would pass through a land management unit of the Haines State Forest, Unit 6. Unit 6 is classified as Public Recreation Land. The Haines State Forest Plan states that this land will primarily be managed for public recreational uses. However, the plan also states that the Haines State Forest will be managed for multiple use, and specifically allows personal timber harvest in sub-unit 6a and salvage timber harvest in both sub-units a and b. Also, mineral extraction is allowed under certain circumstances. Based on the language in the plan, this land functions and is managed for multiple use. Our studies and discussion with the Area Forester indicate the unit is used for dispersed recreation; the only specific significant recreation facility is a trail, under construction, from the shore to the Davidson Glacier Lake. Alternative 3 would avoid use of land from this trail by bridging over the trail. A parking area and trail connection would be provided. The management plan recommends a cabin or shelter be constructed along the trail, but our understanding is that no site has been designated.

Alternative 3 would also pass through three parcels in the Northern Southeast Area Plan: LT02, H28, and HT11. Parcel LT02 is a large tract of intertidal and submerged land in William Henry Bay, designated as land for Shoreline Use and Habitat. HT11 is the intertidal area around Pyramid Island in Chilkat Inlet, designated as land for Transportation and Habitat use. H28 is a parcel of uplands north of William Henry Bay (Figure 3-2); designated for General use. To our knowledge none of these lands are designated for or function for recreation other than dispersed activities.

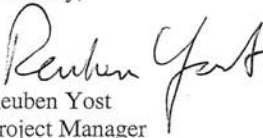
No designated wildlife or waterfowl refuges have been identified on state land in the project vicinity.

By this letter we are requesting your concurrence on the following points:

1. The only specific (non-dispersed) significant recreation areas on state land in the project vicinity are the Sturgill's Landing Trail, and the Davidson Glacier Lake Trail. All other recreational activity is dispersed, with no defined facilities.
2. The alternatives, as described in reference to the Sturgill's Landing Trail and the Davidson Glacier Trail, would not take land from a significant recreation area.
3. There are no significant waterfowl or wildlife refuges on state land in the project vicinity.

Please concur on the line provided, or respond by separate letter. Thank you for your assistance in this matter.

Sincerely,


Reuben Yost
Project Manager

Enclosures: Map of Davidson Glacier Area
Map of Sturgill's Landing Trail

Juneau Access Improvements
Project No. 71100
Significant Recreation Facilities

3

8/13/04

cc: Tim Haugh, FHWA Environment & Right-of-Way
Ed Cohazzi, Regional Manager, SERO
Roy Josephson, Haines Area Forester

Concurrence:

Concur: _____ (date)
Tom Irwin, Commissioner
Alaska Department of Resources

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
TEXT: (907) 465-4647
FAX: (907) 465-2016



August 13, 2004

Re: Significant Recreation Facilities
Juneau Access Improvements
Project No. 71100

Tom Irwin, Commissioner
Alaska Department of Natural Resources
400 Willoughby Avenue
Juneau, AK 99801

Commissioner's Office
Juneau

AUG 18 2004

Department of
Natural Resources

Dear Commissioner Irwin,

As you know, the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Federal Highway Administration (FHWA) are preparing a Supplemental Draft Environmental Impact Statement for this project. As part of the evaluation of reasonable alternatives we are identifying potential impacts to significant park, recreation, and wildlife/waterfowl refuge land. Under Section 4(f) (codified at 49 U.S.C. 303) regulations, a federal transportation project may not use land from these properties unless there is no feasible and prudent alternative and the project includes all possible planning to minimize harm to the property resulting from such use.

Some of the land traversed by the alternatives under consideration is state owned land managed by the Department of Natural Resources (DNR). Alternatives 2, 2A, and 2C would pass through State of Alaska land near Skagway, Parcel S-23, south of the Dewey Lake. DNR administers this land under the Northern Southeast Area Plan. Parcel S-23 is designated General Use; the management plan allows for potential development while maintaining habitat, scenic and recreation values. Based on the land designation and management guidelines, this land is managed and functions for multiple use. In the case of multiple use public land, FHWA regulations state that Section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes. FHWA guidance also explains that Section 4(f) does not apply to areas of incidental, secondary, occasional, or dispersed recreational activities.

Based on our studies and discussion with the previous Regional Manager, the only portion of the parcel designated and/or functioning for recreation (excluding dispersed activities) is the Sturgill's Landing Trail. Alternatives 2, 2A, and 2C would avoid use of land from this trail by bridging over the trail, maintaining trail continuity. Roadside parking and a connection to the trail would be provided as a trail enhancement.

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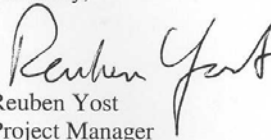
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2. The alternatives, as described in reference to the Sturgill's Landing Trail and the Davidson Glacier Trail, would not take land from a significant recreation area.
3. There are no significant waterfowl or wildlife refuges on state land in the project vicinity.

Please concur on the line provided, or respond by separate letter. Thank you for your assistance in this matter.

Sincerely,


Reuben Yost
Project Manager

Enclosures: Map of Davidson Glacier Area
Map of Sturgill's Landing Trail


The Department of Natural Resources generally concurs to the three points identified on page 2 of this letter subject to the following:

Under point #2, while we concur that a road would not physically occupy a large portion of Unit 6 in the Haines State Forest Plan; a road developed using the alignment depicted as Alternative #3 could have a potential impact on the heavily used summer recreation area at Davidson Lake. DOT/PF should consult with the Division of Mining, Land and Water Southeast Regional Office when considering any decision on preferred alignments in order to mitigate impacts to the recreation activities.

Under point #3, while there are no significant wildlife refuges on state land in the immediate vicinity, the area of the Chilkat River, situated to the east of this road alignment, contains a significant seasonal waterfowl concentration, which should also be taken into consideration in a decision on preferred routes. DOT/PF should consult with the Office of Habitat Management and Permitting to mitigate any potential impacts.

Concurrence:

Concur:


Thomas E. Irwin
Commissioner

Date

Aug. 23, 2004



Cc: Tim Haugh, FHWA Environment & Right-of-Way
Ed Cohazzi, Regional Manager, SERO
Roy Josephson, Haines Area Forester

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

STATEWIDE DESIGN & ENGINEERING SERVICES
SOUTHEAST REGION PRECONSTRUCTION – SPECIAL PROJECTS

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999
PHONE (907) 465-1774
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FAX: (907) 465-2016

August 13, 2004

Re: Significant Recreation Facilities
Juneau Access Improvements
Project No. 71100



Pete Griffin, District Ranger
Juneau Ranger District
United States Forest Service
U. S. Department of Agriculture
8465 Old Dairy Road
Juneau AK 99801

Dear Mr Griffin,

As you know, the Alaska Department of Transportation and Public Facilities (DOT&PF) and the Federal Highway Administration (FHWA) are preparing a Supplemental Draft Environmental Impact Statement for this project. As part of the evaluation of reasonable alternatives we are identifying potential impacts to significant park, recreation, and wildlife/waterfowl refuge land. Under Section 4(f) (codified at 49 U.S.C. 303) regulations, a federal transportation project may not use land from these properties unless there is no feasible and prudent alternative and the project includes all possible planning to minimize harm to the property resulting from such use.

Much of the land traversed by the alternatives under consideration is federally owned land managed by your agency. As indicated in the 1997 Tongass Land and Resource Management Plan (TLMP), alternatives on the east side of Lynn Canal would pass through the following land use designations: Semi-Remote Recreation, Congressionally Designated LUD II, Old-Growth Habitat, and Modified Landscape. The alternative on the west side of Lynn Canal would pass through Semi-Remote Recreation, Scenic Viewshed, and Modified Landscape designations. Based on a review of the applicable management prescriptions for these land use designations in the latest Forest Service management plan, as well as past discussions with Forest Service personnel, this land is managed for multiple uses. In the case of multiple use public land, FHWA regulations [23CFR 771.135(d)] state that "section 4(f) applies only to those portions of such lands which function for, or are designated in the plans of the administering agency as being for, significant park, recreation, or wildlife and waterfowl purposes". FHWA guidance stresses that Section 4(f) does not apply to areas of incidental, secondary, occasional or dispersed recreational activities.

Discussions with Eric Ouderkirk and Ken Vaughan have indicated that the only specific significant recreational facilities on Forest Service land in the project vicinity are the Berners Bay Cabin, the Sturgill's Landing Day Use Area, and the Sturgill's Landing Trail. They have

25A-T34LH

indicated that all other areas, including the areas on the TLMP Recreation Places Inventory, are used for dispersed recreational activities.

As indicated in the March 25, 2004 letter from Ken Vaughan, the Forest Service would like to make the Berners Bay Cabin handicap accessible if an alternative is selected that would pass behind the cabin. DOT&PF has agreed to include a parking area and handicap accessible trail in the applicable alternatives (2, 2B, 2C). DOT&PF has surveyed the area and identified the use areas in relation to the cabin and the proposed alignment. We have determined that the highway centerline would be approximately 400 feet from the cabin, and the nearest point of disturbance would be approximately 200 feet from the closest use area (a short trail past the outhouse). For purposes of defining the recreational property, we have established a boundary 100 feet from the closest use area. This boundary therefore includes a buffer of vegetation. Our intention is to maintain an additional 100-foot wide buffer. A greater separation would force the alignment onto steep terrain, which would make construction more difficult and lengthen the handicap access trail.

The alternatives that include a highway to Skagway (2, 2A, 2C) would pass approximately 680 feet east of the Sturgill's Landing Day Use Area. The trail to the day use area would not be crossed or affected on Forest Service land. As requested by the Forest Service, a parking area would be provided in the vicinity of a spur trail that connects to the main trail.

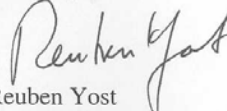
No designated wildlife or waterfowl refuges have been identified on Forest Service land in the project vicinity.

By this letter we are requesting your concurrence on the following points:

1. The only specific (non-dispersed) significant recreation areas in the project vicinity are the Berners Bay Cabin, the Sturgill's Landing Day Use Area, and the Sturgill's Landing Trail. All other recreational activity is dispersed, with no defined facilities.
2. The alternatives, as described in reference to the Berners Bay Cabin and the Sturgill's Landing Day Use Area, would not take land from a significant recreation area.
3. There are no significant wildlife or waterfowl refuges on Forest Service land in the project vicinity.

Please concur on the line provided, or respond by separate letter. Thank you for your assistance in this matter.

Sincerely,



Reuben Yost
Project Manager

Enclosures: Map of Berners Bay Cabin Area
Map of Sturgill's Landing Day Use Area and Trail

Juneau Access Improvements
Project No. 71100
Significant Recreation Facilities

3

8/13/04

cc: Tim Haugh, FHWA Environment & Right-of-Way
Eric Ouderkirk, Forest Service
Ken Vaughan, Forest Service

Concurrence:

Concur: Pete Griffin
Pete Griffin, District Ranger
Juneau Ranger District
United States Forest Service

8-27-04 (date)



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Juneau Fish & Wildlife Field Office
3000 Vintage Blvd., Suite 201
Juneau, Alaska 99801-7100
(907) 586-7240



August 27, 2004

Reuben Yost
Special Projects Manager
Department of Transportation and Public Facilities
Southeast Region
6860 Glacier Highway
Juneau, Alaska 99801-7999

RE: Juneau Access Preliminary Supplemental Draft Environmental Impact Statement
State Project No. 71100, Federal Project No. STP - 000S - (131)

Dear Mr. Yost:

The Juneau Fish and Wildlife Field Office (JFWFO) has reviewed the Juneau Access Improvements Preliminary Supplemental Draft Environmental Impact Statement (PSDEIS). The JFWFO, as a cooperating agency in the development of this National Environmental Policy Act (NEPA) document, submits the following general comments, as well as comments specific to the PSDEIS referenced by section and page number.

Of greatest concern are the cumulative and secondary impacts associated with providing a road access to Skagway and its transportation infrastructure. In addition to mortality, there are other impacts from highways such as disruption of natural movements and habitat fragmentation (Mansergh and Scotts 1989, Beier 1993), habitat loss (Adams and Geis 1983, Mader 1984), a sensory disturbance (Edge and Marcum 1987, Mattson et al. 1992, Paquet 1993). Alternatives 2, 2B, and 2C would impact the most productive and sensitive habitats, such as the major estuaries and inland habitats at the head of Berners Bay (confluence of the Antler, Lace, and Berners River). These areas support diverse and very high quality fish and wildlife habitats. The influence of the proposed transportation system on fish and wildlife ecology and the remedial actions to offset negative influences should be fully disclosed in the Supplemental Draft Environmental Impact Statement (SDEIS). This will assist in promoting a safe and sustainable transport infrastructure through recommending measures and planning procedures to conserve biodiversity.

Other Species

Page 3-56, paragraph 3. This paragraph includes a narrative stating that the Kittlitz's murrelet was petitioned for Endangered Species Act (ESA) listing in 2001. **Note:** The U.S. Fish and

Wildlife Service (Service), in its 2004 Candidate Notice of Review, published in the Federal Register on May 4, 2004 (attached), designated the Kittlitz's murrelet as a candidate species. The Service placed this species on the candidate list because it has sufficient information on the biological vulnerability and threats to the species to warrant listing as threatened or endangered under the ESA of 1973, as amended. Candidate species are not subject to the regulatory protections of the ESA, and human activities that may affect candidate species are not restricted. Candidate status signals that there are conservation concerns about a species. The Service encourages agencies, organizations, and individuals to participate in research and conservation activities that may preclude the need to list the species. We recommend that this note be included in the SDEIS for species recognition and potential future analysis.

3.3.3 Terrestrial Habitat

Page 3-51, paragraph 6 describes the landscape in Lynn Canal as "intensely glaciated, and the mountains are primarily densely forested with a typically undisturbed coniferous closed canopy system, interrupted in a few areas by river valleys and glacial outwash plains." Page 3-57, paragraph 3, fourth sentence states that "Kittlitz's murrelets nest at scattered sites located high on recently deglaciated rocky slopes." We recommend that the following statement be added: *Kittlitz's murrelets forage in glacially-fed waters during the breeding season.* Identification of habitats used by this species can assist in environmental planning efforts to alleviate threats and thereby possibly remove the need to list the species as threatened or endangered.

Page 3-57, fourth paragraph. This paragraph includes statements that describe the beach and estuary fringe as important wildlife habitat for black and brown bear, river otters, bald eagles, and Sitka black-tailed deer. Figure 3 (SEAWEAD, 2004), depicts the importance of this habitat as related to the primary bear travel corridors in the Antler and Lace River estuaries and nearby lowlands. We recommend that the travel corridor route information provided in the SEAWEAD report be included in the discussion of the terrestrial habitat use section in Section 3 of the SDEIS. This will add scientific evidence to support the important bear use areas found in the project area, and provide the basis for recommending mitigation/compensation measures to offset the negative influences resulting from conflicts between nature and the transportation infrastructure associated with the build alternatives (2, 2B, and 2C).

The impacts of invasive species on the environment are casually mentioned under the **Terrestrial Habitat** sections found on pages 4-66, 4-106, and 4-150 of the PSDEIS. The first paragraph found in **6.7.17, Other Biological Environmental Issues, Public Comments** states that an organization requested that the SDEIS detail the pests and plants that could potentially spread to Southeast Alaska as a result of building a road along Lynn Canal. We are concerned that the construction and maintenance of roads can facilitate the invasion of non-native species that flourish in disturbed environments. Roads enable invasive species to hitchhike on vehicles and livestock into otherwise remote landscapes (Bjurlin and Cypher 2003). We recommend that the Affected Environment section of the SDEIS describe in more detail the impacts of invasive species on the environment.

5.7 Wildlife

Figure 3 (SEAWEAD, 2004) identifies brown bear travel corridors in the Berners Bay area. The proposed road alignment in Alternatives 2, 2B, and 2C (PSDEIS, Figures 2-3, 2-6, and 2-7) will bisect four of the primary travel corridors (1, 2, 4, and 5) shown in Figure 3 of the SEAWEAD Report. Page 5-3 of the **PROPOSED MITIGATION AND COMMITMENTS** section, does not include mitigation measures for disrupting natural movements of wildlife at known crossings. Mitigation for wildlife disruptions should be included in SDEIS. A bridge construction design that provides for connectivity for the broadest spectrum of species from invertebrates to ungulates should be included as a mitigation measure. Bridges with an open span design (similar to the one shown on attachment 1) would minimize the disruption of wildlife movements while providing connectivity across the road. Species having wide ranging territories (brown bear) would be hindered less by wider gaps in the corridor than species with more limited territories. Acknowledging the spatial needs of wildlife and incorporating them into a planning document can minimize the impacts to a healthy and sustainable ecosystem by including positive physical structures, ecological functions, and change.

We appreciate the opportunity to review and provide comments on the PSDEIS. Please keep this office informed if additional information relevant to this project becomes available. If you have any questions, please contact me at (907) 586-7240.

Sincerely,

Bruce G. Halstead
Field Supervisor

Attachments - 2

cc: DNR, OHMP, Juneau, AK
DNR, OPMP, Juneau, AK
NMFS, Juneau, AK
COE, Juneau, AK
ADF&G, Douglas, AK

Literature Cited

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ATTACHMENT 1: BRIDGE DESIGN FOR WILDLIFE – NOTE THAT ONE BAY OF THE
BRIDGE ALLOWS FOR A CONTINUOUS TERRESTRIAL OR AQUATIC
CORRIDOR.



(Dramstead)



United States
Department of
Agriculture

Forest
Service

Alaska Region

P.O. Box 21628
Juneau, AK 99802-1628

File Code: 1950-4

Date: September 13, 2004

Mr. Ruben Yost
Project Manager, Juneau Access Project
Alaska Department of Transportation and Public Facilities
Southeast Region
6860 Glacier Highway
Juneau, AK 99801-7999

Dear Mr. Yost:

Thank you for the opportunity to comment on the Agency Review Draft of the Supplemental Draft Environmental Impact Statement (RD-SDEIS) for the proposed Juneau Access highway construction. The Forest Service understands that extensive review and revision are likely and that the SDEIS produced for public review may be substantially different in part. The Forest Service is expecting to comment on the public review SDEIS also.

During the review period for the Agency Review Draft, there has been ongoing work in several resource areas including plants, visual quality, and heritage resources. Because of the ongoing work, the Forest Service will not comment on these sections of the draft document, expecting extensive revisions.

The Forest Service is expecting that the rights-of-way (ROW) authorized across National Forest System lands will be closely approximated by the extent of the highway construction. The ROW will be essentially for the construction limits (clearing limit to clearing limit) of the constructed highway. The Forest Service will work with the Alaska Department of Transportation and Public Facilities (ADOT&PF) to develop special use permits for any additional occupancy such as that needed for road maintenance facilities. The Forest Service expect to work cooperatively to manage any temporary access needs during construction along with mitigation and decommissioning of any temporary facilities.

The RD-SDEIS includes discussion on page 4-10 that the National Marine Fisheries Service sought a commitment from ADOT&PF that no boat launches would be constructed anywhere along East Lynn Canal Highway. The Forest Service has no objection to ADOT&PF agreeing to that stipulation, during construction of for the future, for the land within the construction limits of any ROW issued for the proposed East Side Lynn Canal alternative. It would not be appropriate for such a commitment for future activity to be made outside of the construction limits on the unencumbered Forest Service lands managed as part of the Tongass National Forest.

The RD-SDEIS discloses that approximately 6 million cubic yards of rock in excess of construction needs will produced during the construction. The RD-SDEIS is not clear on how this excess rock will be treated. Similarly, the Forest Service is concerned that construction administration could be permissive to severe effects to National Forest resources outside the construction limits. Such actions as excessive blasting charges overshooting rock and having



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significant damage to vegetation need to be avoided and curtailed when encountered. Proactive measure to protect vegetation along any highway corridor is expected.

The RD-SDEIS presents an expected effect of implementation of a highway alternative to be a substantial increase in the number of recreation vehicles (RVs) visiting Juneau. The numbers projected exceed the current capacity for RV parking available in Juneau under current policies. The Forest Service encourages ADOT&PF to facilitate proactive solutions for increased capacity in advance of the arrival of the increased RV traffics forecast. The effects of a shortage of RV parking space with the implementation of a highway alternative is likely to be heaviest on the City and Borough of Juneau, the Department of Natural Resources, and the Forest Service.

A Forest Service SDEIS would normally include a significant focus on significant issues developed during scoping. Not finding any significant discussion of scoping and the outcome from scoping was different. You may want to consider the development of a summary of the "significant issues" that were derived from scoping.

Recreation Access and Use

The Forest Service expects a change in access with the construction of any of the highway alternatives. This construction will generate traffics that result in increased land use, especially where pullouts and/or trailheads are constructed. These people effects are an inevitable effect of the action.

The Forest Service would appreciate increased discussion of the people effects, and the costs responsibility associated with the increased access. Litter containers and maintenance at pullouts and viewpoints, maintenance and operations of rest areas are implied, but should be specific commitments in Section 8.

Mapping showing Recreation Opportunity Spectrum classes and definitions should be available at the website if not included in the SDEIS.

The description of proposed recreation enhancements (page 4-15 and page 4-73) does not include the trailheads that were identified in the March 25th letter from Ken Vaughan to Ruben Yost, ADOT&PF (included as pages 6-34 to 6-37). These actions would seem to be necessary to include if for no other reason than as foreseeable future actions as part of the cumulative effects analysis rather than as a one liner at the end of the 1st paragraph at the top of page 4-16.

Particularly with the East Side Lynn Canal alternative, there are likely to be sites along this route that develop incidental recreational use for technical rock climbing, ice climbing, kayak launching, etc. Provision to provide safe parking for these uses will be important if the alternative is constructed.

Recreation Enhancements

The description of the scenic pullouts and overlooks (page 4-15 and 4-73) does not fully represent the proposed transportation enhancements that were provided by the Forest Service in March 2004. These items should be specifically identified in the document.

The Forest Service has found that vague descriptions and lack of specificity leads to future difficulties during project implementation. The Forest Service may propose some of the identified developments as recreation enhancements during project implementation or at a later date when the Juneau Ranger District is prepared to pursue those developments and incur the associated operations and maintenance costs.

Wildlife Connectivity

While the RD-SDEIS makes reference to wildlife connectivity as creating likely problems, Section 8 does not propose any mitigation or avoidance measures. The techniques for assessing connectivity issues is not fully mature, but there are enough indicators to include constructed measure for wildlife crossings, especially for moose and brown bear. The RD-SDEIS does predict changes in brown bear populations, but effective measures are available during design to minimize the effects. While vehicle-moose interactions are almost always fatal to the moose, they normally result in high property damage and some human fatalities also. Avoidance is a prudent design philosophy.

Sincerely,

/s/ Kenneth D. Vaughan
KENNETH D. VAUGHAN, P.E.
Forest Service Representative

Pete Griffin, District Ranger, Juneau Ranger District
Ron Marvin, Juneau Ranger District
Eric Ouder Kirk, Tongass National Forest, Ketchikan
Larry Lunde, Tongass National Forest, Ketchikan
Larry Dunham, Tongass National Forest, Petersburg
Scott Fitzwilliams, Tongass National Forest, Sitka



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
JUNEAU REGULATORY FIELD OFFICE
JORDAN CREEK CENTER
8800 GLACIER HIGHWAY, SUITE 106
JUNEAU, ALASKA 99801-8079

September 15, 2004

Regulatory Branch
East Section
POA-1994-242-9

Mr. Reuben Yost
Alaska Department of Transportation
and Public Facilities
6860 Glacier Highway
Juneau, Alaska 99801-7999

Dear Mr. Yost:

This is in response to your August 10, 2004, letter requesting our comments on the Preliminary Supplemental Draft Environmental Impact Statement (PSDEIS) on the Juneau Access Improvement project prepared by the Alaska Department of Transportation and Public Facilities (ADOT/PF). We reviewed the PSDEIS pursuant to the U.S. Army Corps of Engineers (Corps) authority under Section 404 of the Federal Clean Water Act and Section 10 of the Rivers and Harbors Act. Please note, work such as dredging and placement of pilings and other structural components associated with bridges or pile-supported causeways in or over navigable (tidal) waters are not under the Corps jurisdiction. The Department of Transportation Act of 1966 placed such work under the jurisdiction of the U.S. Coast Guard (USCG). Any discharge of fill or dredged fill material into waters and navigable waters of the United States in association with USCG regulated bridges or causeways would still be subject to Section 404 and Corps permit requirements.

The Corps previously provided substantial comments on the DEIS on November 20, 1997, and March 18, 1997. The following comments are provided for your review and incorporation into any future EIS and your Department of the Army (DA) permit application.

Terrestrial Habitat: Total wetland impacts shall be accurately described and accounted for. The "Terrestrial Habitat" sections in the preface and each of the alternatives includes impact acreages to "muskeg" areas and other wetland impacts. Muskeg is a type of wetland, as section 3.3.1.1 correctly describes, so muskeg impacts belong in the "Wetlands" section and not this section. There appears to be a lack of definitions as to what these land class terms mean so this needs to be clarified and the different habitat types found in the project area should be listed for each land class. The Corps defines terrestrial habitat as upland areas only, such as upland forest, alpine meadow, etc. All areas meeting the wetland criteria in the Corps 1987 Wetland Delineation Manual need to be placed in the "Wetlands" section and all impacts to upland areas only need to be placed in the "Terrestrial" section so that an accurate impact analysis can be completed. For example, table 4-21 (page 4-65) on terrestrial impacts includes muskeg and forested wetlands so it is unclear as to whether these impacts are being accounted for on table 4-20 (page 4-61) with wetland impacts. This is also the case for the terrestrial habitat sections for alternative 3 (section 4.4.15) and table 4-39 and alternative 4 (section 4.6.15) and table 4-70.

-2-

Essential Fish Habitat: The summary table on page S-16 shows this term being used for submerged lands. However, it is unclear as to whether this term includes all submerged lands or areas that are intermittently exposed, such as non-anadromous streambeds and mudflats. Therefore, we suggest an alternate land class term be used, such as "Other Waters of the U.S." or a similar term. Please note that our Section 404 jurisdiction extends to all waters of the U.S., including mudflats, and extends to the ordinary high water (OHW) mark of freshwaters. The Corps regulations at 33 CFR 328.3e defines the OHW as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." The Corps will need to know what method ADOT/PF used to establish the OHW line in freshwater areas.

In tidal waters, the Corps Section 404 jurisdiction extends to the high tide line (HTL), which is defined in the Corps regulations as "the line of intersection of the land with the water's surface at the maximum height reached by a rising tide." The Corps Section 10 jurisdiction extends to the mean high water (MHW) line in coastal areas. The Alaska District has defined the HTL and MHW for the following areas in the project area (the MHW and HTL are in feet above sea level of 0.0 feet):

LOCATION	MHW	HTL
Berners Bay	15.25	19.7
Lynn Canal	14.79	19.7
Chilkat Inlet (Haines)	15.48	20.8
Taiya Inlet (Skagway)	15.74	21.2

The DA application will require that all work in the above areas and other coastal areas have elevations taken to determine if the work would be within the Corps jurisdiction. The elevations at the nearest locations listed above would be used to establish the Corps jurisdictional boundaries. The baseline elevation of the term "mean lower low water" as referenced in Section 3.2.2.4 (page 3-34) needs to be further defined (in feet) and compare those tidal ranges with those above.

Alternatives Analysis: It is incumbent upon an applicant to provide a thorough and detailed alternatives analysis to clearly show that their preferred build alternative would have the least environmentally damaging impact. A Corps/EPA memo (Attachment A) on this issue states, "the applicant is required in every case (irrespective of whether the discharge site is a special aquatic site or whether the activity associated with the discharge is water dependent) to evaluate opportunities for use of non-aquatic areas and other aquatic sites that would result in less adverse impact on the aquatic environment." Such analysis needs to include cost comparisons and a detailed cost analysis breakdown, impact analysis, feasibility determination, and other relevant issues. This analysis is the key to the Clean Water Act 404(b)(1) guidelines, which are the guiding principles the Corps must follow in reaching its permit decision. The Corps has determined that the following areas require a more detailed analysis:

- 1) Echo Cove to Slate Creek: address the feasibility of constructing portions of the highway on an open-pile causeway to further minimize impacts in the "ecologically diverse" Berners Bay region; address whether an open-pile causeway would be feasible in lieu of tidal fill areas on other portions of the project;
- 2) Slate Creek to Sherman Point: address the feasibility of moving the alignment to the upland area east of wetland complex B-3 to further minimize or avoid the largest wetland impact area on the project;

-3-

this would require further coordination with the U.S. Forest Service (USFS) if the road is placed on USFS upland areas and with private parties and the State Historic Preservation Office to determine the feasibility of routing the highway on existing and proposed transportation corridors through the Berners Bay Historic Mining District;

- 3) Taiya Inlet: address the feasibility of hauling the excess rock waste to upland disposal areas; EPA-approved ocean disposal areas should also be considered.

Navigable Waters: The Corps has not determined federal navigability status for the entire reach of the waterways listed in Section 3.1.7 (page 3-26). These waters are the Antler, Gilkey, Lace, Berners, Katzeihin, Endicott, Sullivan, 'Unnamed' (north of Sullivan Island), North Glacier, and Chilkat rivers. However, the Corps considers all tidal waters to be navigable and subject to Section 10 jurisdiction up to the mean high water elevations stated above. It appears the downstream portions of all or most of these waters and other smaller coastal streams would be considered navigable up to the mean high water elevations stated above.

Water Quality: Please substantiate your findings in Section 3.2.2 (page 3-32) that "water quality in the project area is high." Typically, such statements are substantiated by taking water quality readings of Total Suspended Solids (TSS), Dissolved Oxygen (DO), and other relevant parameters and comparing it to other readings in other areas and/or used in a water quality index. An additional water quality mitigative measure of directing all water off bridge ends into sedimentation ponds should also be addressed.

Wild and Scenic Rivers (WSR): Please clarify how much of the Katzeihin River is being considered for WSR status. Section 3.2.4 (page 3-34) states the lower two miles of the Katzeihin River is not within the WSR recommended area, but Section 3.1.1.1 (page 3-3) states the lower three miles are not a WSR.

Noise: Section 3.2.6 should explain why the Stellar sea lion critical habitat at Gran Point is not within the activity category A for "lands on which serenity and quiet are of extraordinary significance and serve an important public need." This section also states, "the Glacier Highway from downtown to Auke Bay is densely developed" which would appear to be highly questionable given the large amount of undeveloped land that is along this highway.

Bald Eagles: Please explain in Section 3.3.6 whether other impacts to wetlands or other sensitive resources would result from changing the alignment to avoid eagle nests. It is also unclear as to whether any eagle nest trees would be removed and if so, how many such trees would be removed.

Wetlands: Section 3.3.1 needs to address, in more detail, the criteria used to determine when field work was deemed needed to determine wetland boundaries, and how much (percentage) of the total wetland impacts were field verified. Also describe, in detail, any areas that are a "checkerboard" of upland and wetlands and how much of these areas contain upland islands (e.g. palustrine forested wetland with 3% upland inclusions).

After reviewing the September 2004 Wetland Technical Report (WTR), the Corps still requires all original field data sheets with any field-drawn maps. It is unclear whether the legend on the wetland maps in the WTR (figures 3 through 34) are intended to show the actual field "plot ID" points. If this is not the case, the Corps requires such maps that clearly show the plot ID locations. We also still need to review the original functional assessment data sheets. High quality photocopies, copied to actual size, may be substituted for original data sheets.

-4-

Wetland Functions: Section 3.3.1.3 of the PSDEIS should explain why forested wetlands have only moderate to low wildlife habitat function. This is despite the section stating that these wetlands "provide forage and cover for several species"; please identify which species.

Wetland Classification Maps: A wetland map showing the Skagway area from the north end of figure 3-18 north to the end of the project needs to be included. Close-up conceptual drawings of the proposed ferry terminals should also be included in this section of the PSDEIS.

Marine Habitat: Section 4.3.14 states that the project would involve rock sidelaying of "4.4 million cubic yards in Taiya Inlet and 2 million cubic yards in Lynn Canal." The Corps needs additional detailed description regarding the expected coverage area and depth of rock in these marine areas and the area of marine habitat that would be converted to fast land and expected elevations. This section (page 4-62) also states, "Shallow subtidal areas may have sparse to dense (=25 percent) vegetative cover..." The Corps requires an accurate description of all vegetation at disposal sites so an accurate impact analysis can be completed. Please determine whether 4.3 or 4.5 acres of tidal habitat would be filled for the Katzebin terminal, as both are stated on page 4-62. The Corps also needs accurate figures on the amount of intertidal habitat (between mean high water and high tide line elevations) and subtidal habitat (below mean high water level) that would be impacted by the project and ferry terminals. Finally, please describe the methods considered for compensatory mitigation of the marine habitat impacts, as you reference at the end of this section on page 4-65.

Cumulative Impacts: A more thorough detailed description needs to be provided on the past environmental impacts (wetland and marine impacts) from the existing infrastructure (i.e. ferry terminals) for the three cities involved in the project.

Wetland Mitigation: We have attached a list of typical conditions that we typically require to avoid and minimize wetland impacts (Attachment B). The Corps needs to know if fill slopes in wetland areas could be constructed to a 3:1 (horizontal: vertical) or steeper slope to further minimize wetland impacts. If safety is a limiting factor in such design, then could the use of guardrails satisfy this concern. The Corps strongly recommends against constructing drainage ditches in wetlands, as sections 4.3.13 and 4.6.13 describe. Such ditches would likely result in greater wetland impacts by draining them and result in greater impacts to water quality of downstream receiving waters by diverting sediments and pollutants into them. If such ditches are proposed in the DA application then we require a thorough explanation of why such ditches are needed and an explanation on why other alternatives, such as providing an adequate number of culverts to provide adequate cross drainage, is not feasible. We also require an accurate accounting of any wetland drainage impacts from ditches, including surface drainage and subsurface drainage using an acceptable drainage equation.

Section 5.7 of the PSDEIS states, "Mitigation for impacts to wetlands would include funding for bear and moose population monitoring studies..." We believe more appropriate wetland compensatory mitigation measures are described in the attached (Attachment C) Regulatory Guidance Letter (RGL 02-2). Please note, "the Corps requires compensatory mitigation to replace aquatic resource functions unavoidably lost or adversely affected by authorized activities." Preference is given towards the restoration of previously impacted aquatic resources. Hence, the feasibility of restoring the existing ferry terminal in Skagway needs to be examined, as that terminal would appear to be no longer needed if the Katzebin terminal is constructed. Wetlands could also be created by incorporating wetland design criteria (e.g. 8:1 or flatter sideslopes, meandered shoreline, topdressing with organic material, etc.) in

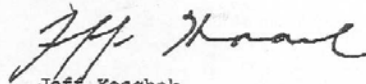
-5-

the construction of any borrow pits, which must be located in upland areas only. Please note that preservation is also listed as an acceptable form of compensation when restoration or creation is not feasible or does not provide sufficient compensation. However, the Corps typically requires a higher ratio of compensation for preservation, such as 8:1 (8 acres of mitigation for each acre of impact) and only for wetlands that could be severely degraded without Corps permits (i.e. forested wetlands that could be clearcut). The Corps also has covenants that would be required for such sites to ensure they stay in a wetland condition in perpetuity.

Project Plans: Finally, the Corps permit application will also require accurate project plans for any build alternative. The plans shall show the accurate wetland boundary and the impact area and state whether it was field verified. Also, all borrow pits and other sources of fill material shall be identified on the plans (if in the project area). The plans shall be on 8.5 by 11 inch paper and in a format so they can be readily copied for our required public notice. The plans must be accompanied with a summary impact table that identifies each wetland basin or water area to be impacted and states the precise length (in feet) of the crossing and the impact area (in square feet) and other relevant information.

We appreciate the opportunity to comment on the PSDEIS, and remain available for continued coordination. Please contact me at the letterhead address, by telephone at (907) 790-4490, or by FAX at (907) 790-4499.

Sincerely,



Jeff Koschak
Project Manager

Enclosures



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:

H4217 (KLGO)

SEP 20 2004

Mr. Rueben Yost
Special Projects Manager
Alaska Department of Transportation and Public Facilities
Southeast Region Preconstruction - Special Projects
6860 Glacier Highway
Juneau, Alaska 99801-7999



Dear Mr. Yost:

Thank you for the opportunity to comment on the draft Alaska Department of Transportation and Public Facilities (DOT&PF) letter and associated materials prepared for the State Historic Preservation Officer (SHPO) with regards to the Juneau Access Improvements Project #71100.

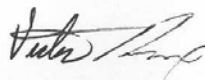
Per our meeting of September 9, 2004, this letter will provide our comments regarding eligibility of sites which were located during the 2003 archaeological investigations. Our comments regarding potential effects will be addressed in a separate letter.

We commend you for your concern for the proper identification of significant cultural resources located in the proposed routes of the highway project. We are pleased to note that the information provided by Northern Land Use Research, Inc. and Cultural Resources Consultants is of high professional quality.

As you can see in more detail in the enclosed comments, the NPS agrees with the DOT&PF determinations of eligibility for sites in the area of potential effects within and surrounding the Skagway Historic District and White Pass National Historic Landmark and Klondike Gold Rush National Historical Park.

Please do not hesitate to contact me to discuss this project or our comments in more detail. We look forward to continuing to work with you on this important project.

Sincerely,


for Marcia Blaszak
Regional Director

cc: Ted Birkedal, Team Manager, Cultural Resources Team\
Theresa Thibault, KLGO Acting Superintendent
Judith Bittner, SHPO

**CULTURAL RESOURCE DOCUMENTATION AND FINDINGS ATTENDANT TO
THE PROPOSED ALASKA DEPARTMENT OF TRANSPORTATION'S JUNEAU
ACCESS IMPROVEMENTS (PROJECT NO. 71100)**

Reviewers Include:

Susan Bender, National Register Programs Archeologist
Janet Clemens, National Register Programs Historian
Grant Crosby, Historical Architect
Bonnie Houston, Architectural Historian
Frank Norris, Research Historian
Ted Birkedal, Team Manager, Cultural Resources Team, Alaska Support Office
Theresa Thibault, Chief of Resource, Klondike Gold Rush National Historical Park
Karl Gurcke, Historian, Klondike Gold Rush National Historical Park

Items Submitted for Review:

The Alaska Department of Transportation (ADOT) included the following items for review and comment:

1. Letter on Section 106 Consultation for the Juneau Access Improvements (Project No. 71100) to the Regional Director, Alaska Region, National Park Service.
2. Draft letter to the State Historic Preservation Officer that identifies cultural resources located in the Area of Effect (APE) of the Juneau Access Improvements (Project No. 71100), evaluates the significance of these cultural resources, and assesses the potential effects that the project alternatives may have on important cultural resources (Appended to this draft letter are an color aerial photograph of the project route in to Skagway, Alaska and nine color photographs showing computer projections of potential project effects on the and streetscape of Skagway and its surrounding landscape).
3. "Juneau Access Road 2003 Cultural Resource Studies: West Lynn Canal Alternative Update and Skagway Approach Survey Results" (March 2004) by Northern Land Use Research, Inc.
4. "Cultural Resources and the Juneau Access Project: Summary and Compilation of Data" (June 2004) by Cultural Resources Consultants.

Comments

Because we understand that the US Forest Service also has been asked to comment on the draft letter to the SHPO's office, our comments will address only areas within, and immediately adjacent to, the Skagway Historic District and White Pass Historic National Historic Landmark (hereafter referred to as the NHL), and the Skagway Unit of the Klondike Gold Rush National Historical Park (hereafter referred to as KLGO).

Two issues are identified in the letter which we have been asked to comment on. The first is whether the identified properties in the potential area of potential effects (APE) are eligible for the National Register of Historic Places (NRHP), and the second is whether the project will

adversely affect those historic properties within the project area that are considered eligible or are already listed on the NRHP. This comment will only address the issue of eligibility. A separate comment will be prepared for determination of effects.

Eligibility

The following properties have been identified and determined as ineligible by FWA (Alaska Division of Federal Highways Administration) for the NRHP during the scope of this work: SKG-196 Lower Dewey Lake Cabin, SKG-207 Sturgill's Landing Trail, SKG-208 Icy Lake/Reid Falls Trail (recent).

The National Park Service agrees, based on the material provided, that these properties are *not eligible* for the NRHP.

The following properties have been identified and determined as eligible by FWA for the NRHP during the scope of this work, and lie within the APE: SKG- 189 Skagway Hydro-electric Complex District which includes SKG-190 Lower Dewey Lake Dam, SKG-191 Reservoir and Dam, SKG-192 Pipelines, SKG-193 Power Plant, SKG-194 Tramway, SKG- 198 Hoist building, and SKG-203 Lower Dewey Lake Trail.

We believe, based on the materials provided, that the subject properties identified as *eligible* for inclusion in the NRHP are well documented and meet the eligibility requirements. The National Park Service has no objection to the eligibility determinations as stated.

The following properties already have been determined eligible and been placed on the National Register of Historic places (NRHP) and are within the potential APE: SKG-013 Skagway Historic District and White Pass National Historic Landmark, SKG-106 Skagway and White Pass Railroad, SKG-086 Klondike Gold Rush National Historical Park.



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

ALASKA DIVISION

709 West Ninth Street, Room 851

P.O. Box 21648

Juneau, Alaska 99802

907-586-7418 | 907-586-7420 FAX



September 29, 2004

REFER TO

HDA-AK

File #: MGS-STP 000S(131)/71100

Ms. Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 W. 7th Avenue, Suite 1310
Anchorage, Alaska 99501-3565

SUBJECT: Juneau Access Improvements Project. Determinations of Eligibility, pursuant to 6 CFR 800.4(c) and 800.5(d)(1)

Dear Ms. Bittner:

The Alaska Department of Transportation and Public Facilities (AKDOT&PF), in cooperation with the Alaska Division of the Federal Highway Administration (FHWA), is proposing to improve surface transportation to and from Juneau within the Lynn Canal corridor. The AKDOT&PF, with consultant assistance, is preparing an Environmental Impact Statement (EIS) for FHWA.

Project Alternatives

There are ten project alternatives. Alternative 1 is No Action. Alternative 2 (East Lynn Canal Highway with Katzechin Terminal) would construct the East Lynn Canal Highway from Echo Cove to Skagway, with a shuttle ferry from the Katzechin Delta to Haines. Alternative 2A (East Lynn Canal Highway with Berners Bay Shuttle) is the same as Alternative 2, with the exception that shuttle ferries would cross Berners Bay from Sawmill Cove to Slate Cove. Alternative 2B (East Lynn Canal Highway to Katzechin with shuttles to Haines and Skagway) would construct the East Lynn Canal Highway from Echo Cove to the Katzechin delta, with shuttle ferries providing service to both Haines and Skagway. Alternative 2C (East Lynn Canal Highway with shuttle to Haines from Skagway) would construct the East Lynn Canal Highway from Echo Cove to Skagway, with shuttle ferry service from Haines to Skagway.

Alternative 3 (West Lynn Canal Highway) would extend Glacier Highway to Sawmill Cove, which would be connected by shuttle ferry service to William Henry Bay. A highway would be constructed from William Henry Bay to Haines via Pyramid Island. Alternatives 4A through 4D would provide additional ferry service in Lynn Canal. Two of these alternatives, 4B and 4D, would include a five-mile long extension of Glacier Highway and a ferry terminal at Sawmill Cove in Berners Bay.

Methods

The Area of Potential Effect (APE) for this project is a 100-meter wide corridor that includes the actual footprint of each highway alternative and approximately 35 meter-wide buffer zones to either side. The APE also includes potential ferry terminals. The likely presence of historic properties within the APE for each alternative has been established through background research, consultations, and field investigations. The level of effort has been commensurate with the likely effects of the undertaking and the discussions with your office, the U.S. Forest Service (USFS), and National Park Service (NPS). A report, *Cultural Resources and the Juneau Access Project, Summary and Compilation of Data*, that summarizes the archeological literature review and all of the field investigations within the APE is enclosed with this letter.

A literature review completed in 1994 as part of the initial scoping process for the EIS identified a number of known and reported, prehistoric and historic sites along both the eastern and western shores of Lynn Canal that could be affected by the proposed project. Therefore, archeological inventories were undertaken in 1994 to confirm the existence of reported sites, locate previously undiscovered sites, and evaluate the significance of these properties. Subsequent consultations between your office and the AKDOT&PF led to determinations that thirteen historic properties within the general project area were eligible for the National Register of Historic Places (National Register).

The current alternative highway alignments are much the same as surveyed in 1994, although there are some differences in the routes. Additional archeological fieldwork was done during the fall of 2003 to more accurately locate previously discovered sites in relation to the new alignments. Also in 2003, archeologists examined a ferry terminal location in William Henry Bay and a new route into Skagway. In 2004, at the request of your office, a field crew surveyed two short realigned segments of the East Lynn Canal route in the vicinity of Berners Bay.

In September 2003, the AKDOT&PF sent formal tribal consultation letters to the Chilkoot Indian Association of Haines; Klukwan, Inc.; Chilkat Village of Klukwan; Skagway Traditional Council; Goldbelt, Inc.; Sealaska Corporation; Sealaska Heritage Institute; Douglas Indian Association; Tlingit and Haida Central Council; Aukquan Traditional Council; and Hoonah Indian Association. The letters were followed by an October 2003 meeting with the executive director of the Sealaska Heritage Institute and follow-up telephone calls to the other organizations. Tribal consultation failed to reveal any potential traditional cultural properties in the general project area, except one near Point Sherman. Identified during ethnographic research for the Kensington Gold Project SEIS, this site is outside the project's APE.

Historic Properties Outside the Area of Potential Affect

Of the thirteen historic properties identified in the 1994, eleven have been totally avoided and are now outside the APE. These eleven historic properties are:

JNU-673 Sawmill Creek Shell Midden
JUN-674 Sawmill Creek Cabin

JUN-675 Sawmill Creek Sawmill
 JUN-676 Sawmill Creek Shipway
 JUN-062 Berners Bay Village & Petroglyph Site
 SKG-138 Dayebas Creek Cache Pit
 SKG-141 Lower Dewy Lake Creek Sawmill
 JUN-670 William Henry Bay Petroglyph
 JUN-671 Charles Ward Cabin
 SKG-136 Pyramid Island Shell Midden
 SKG-1378 Pyramid Island Shell Midden

The two eligible properties identified in 1994 that remain in the APE, SKG-139 and SKG 013, are discussed below.

Previous Determinations of Eligibility

There are seven historic properties in the current APE that have previously been determined eligible for the National Register:

JUN-928 Berners Bay Historic Mining District was found significant in the historic context of minerals exploration and development of the Juneau Mining District from the 1870s to 1944. It contains several productive mines in the high density of prospects [criterion (a)]. Its association with Alaska District Governor Wilford Bacon Hoggatt and famous mining pioneer Bart Thane is commemorated under criterion (b). Criterion (c) is met in the technological innovations of railroads and semi-diesel engines (the first in Alaska). The properties have potential to yield information regarding the miners' lives, the applications of technologies, and the internal workings of a mine [criterion (d)]. The Berners Bay Historic District includes the following four historic properties within the project APE:

- JUN-022 Jualin Historic Mining District was one of the more successful operations. It had the semi-diesel engine that operated the Jualin Mine Tram described below.
- JUN-932 Jualin Mine Tram operated between the wharf and the mining camps, carrying fuel oil and other supplies in.
- JUN-945 Comet/Bear/Kensington Historic Mining District includes the Comet Townsite, Comet Mine (the 8th largest producer of gold in the Juneau Mining District), the Bear Mine, and the Kensington Mine and Mill, and among other associated properties, the railroad mentioned below.
- JUN-946 Comet/Bear/Kensington Railroad connected the landing on the Lynn Canal with the mill, moving shipped goods and ore in, and among the mines.

Note: The USFS determinations for these districts did not delineate boundaries, in part because additional contributing elements may be identified in areas outside the APEs of current projects. The FHWA has drawn preliminary boundaries based on known contributing elements. These boundaries may change in the future, but any changes would be outside the Juneau Access project APE. See enclosed 2004 letter from Cultural Resource Consultants.

SKG-139 Dayebas Creek Sawmill is the site of a turn-of-the century sawmill. Material remains include a pelton wheel, riveted metal water pipe, numerous 12x12 milled wooden beams, and a penstock stretching upstream, presumably the source of hydropower for the mill. A shipway of cleared rock and vertical pilings are on the beach. The site was found eligible under criterion (d) for its potential to yield information on the character and development of the area's sawmills.

SKG-013 Skagway & White Pass District is a National Historic Landmark (NHL) listed in 1962.

FHWA Determination of Eligibility

One historic district and two additional historic properties within the APE identified in 2003 and 2004 are determined eligible for the National Register by the FHWA. These historic properties are:

SKG-189 Contributing elements of the Skagway Hydroelectric Complex District include the Lower Dewey Lake Dam (SKG-190) at the southern end of the lake, the Reservoir and Dam (SKG-191), Pipelines (SKG-192), Power Plant (SKG-193), a Tramway (SKG-194) northwest of the northern end of the lake, and a Hoist Building (SKG-198). The district is eligible for the National Register under criterion (a) because of the significant public service it provided to the residents and town of Skagway from its early beginnings through the historic period.

SKG-203 The Lower Dewey Lake Trail, from the trailhead to the junction where it splits into three other trails, is a historic route. The trail is visible in a 1903 photo of Skagway and historic rockwork supports some of the switchbacks. The portion of the trail from the trailhead to the junction is eligible for the National Register under criterion (a) as an important part of the non-motorized transportation routes used in the early settlement.

SKG-052 The late nineteenth-early twentieth century Dalton Trail is eligible for the National Register under criteria (a) and (b) because of its association with a number of historical events and its association with its namesake, builder, and chief promoter, Jack Dalton. Dalton used an old Chilkat route to reach the Interior of the Yukon to serve the gold rush communities. The consultant proposed that the trail was 100 feet wide and 4 miles long, about 50 acres in size, wider than a modern two-lane roadway with shoulders and clear zone. The FHWA finds that visible evidence of the trail is ¼ mile long across Green Point, with 20 feet width adequately covering the trail and providing a considerable buffer (.6 acres). The active tidelands and mud flats have lost any cultural evidence of a trail and therefore have no integrity. To include them in a determination is neither prudent nor justified. Only the visible portion within the APE is included by FHWA.

There are now a total of 10 historic properties (7 previously determined eligible, and 3 determined eligible in this letter) in the APE. Formal evaluations of eligibility for the Skagway Hydroelectric District Complex, the Dalton Trail, and the Lower Dewey Lake Trail, including locations and boundary descriptions, are attached.

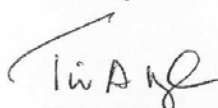
Recent Consultation

In August 2004, the FHWA sent formal consultation letters to the USFS, the NPS and the tribal entities listed above. These letters explained FHWA's determinations of eligibility and effect. Copies of our letters and responses from the USFS and NPS are enclosed. No responses were received from tribal entities. Consultation is continuing with the NPS regarding potential effect to the Skagway and White Pass District NHL.

Conclusions

Based on the foregoing, the FHWA has determined that SKG-189 Skagway Hydroelectric Complex District, SKG-203 Lower Dewey Lake Trail, and SKG-052 Dalton Trail are eligible for the National Register. Conversely, SKG-196 cabin near Lower Dewey Lake Creek, SKG-207 Sturgill's Landing Trail, SKG-208 Icy Lake/Reid Falls Trail, and JUN-993 CMTs are not eligible for the National Register. Attached is a summary table of the information above, including historic properties and eligibility determination. Your concurrence is requested. Please direct your response or comments to Tim Haugh at the address above, by telephone at 907-586-7430, or by e-mail at tim.haugh@fhwa.dot.gov.

Sincerely,



Tim A. Haugh
Environmental and Right of Way Programs
Manager

Enclosures:

Cultural Resources and the Juneau Access Project, Summary and Compilation of Data. Cultural Resource Consultants. June 2004.

Juneau Access Road 2003 Cultural Resource Studies: West Lynn Canal Alternative Update and Skagway Approach Survey Results, including Evaluation of Eligibility for Dalton Trail (SKG-052), Skagway Hydroelectric Complex District (SKG-189), Lower Dewey Lake Trail (SKG-203). Catherine M. Williams, Peter M. Bowers, and Lisa J. Slayton. Northern Land Use Research, Inc., Fairbanks. 2004.

June 28, 2004 letter to Reuben Yost regarding boundaries of the Berners Bay Historic Mining District, from Mike Yarborough, Cultural Resource Consultants

August 9, 2004 letters to Tribal Entities, from David Miller, FHWA

August 11, 2004 letter to Myra Gilliam, USFS, from Reuben Yost, AKDOT&PF

August 11, 2004 letter to Marcia Blaszek, NPS, from Reuben Yost, AKDOT&PF

September 9, 2004 email to Reuben Yost, AKDOT&PF from Myra Gilliam, USFS (includes September 15, 2004 response from Reuben Yost to Myra Gilliam)

September 20, 2004 letter to Reuben Yost, AKDOT&PF, from Marcia Blaszek, NPS

cc w/o enclosures:

Reuben Yost, AKDOT&PF Southeast Region, Project Manager

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

550 W. 7th Ave., SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

October 19, 2004



File No.: 3130-1R FHWA
3130-2R DOT
3330-6 SKG-52, SKG-189 to SKG-194, SKG-198, SKG-203,
3330-6N JUN-993, SKG-196, SKG-207, SKG-208

SUBJECT: Juneau Access Improvements Project, Southeast Alaska
Project No. 71100

Tim A. Haugh
Environmental and Right of Way Programs
Federal Highway Administration
Alaska Division
P. O. Box 21648
Juneau, AK 99802

Dear Mr. Haugh,

We have reviewed your correspondence (received 10/1/2004) regarding the referenced project for conflicts with cultural resources under Section 106 of the National Historic Preservation Act. Your correspondence included the following documents:

- *Cultural Resources and the Juneau Access Project: Summary and Compilation of Data* (June 2004) by Cultural Resources Consultants.
- *Preliminary Boundaries for the Berners Bay Historic Mining District (JUN-22)* (June 2004) by Cultural Resources Consultants.
- *Juneau Access Road 2003 Cultural Resource Studies: West Lynn Canal Alternative Update and Skagway Approach Survey Results* (March 2004) by Northern Land Use Research, Inc.
- Email and letter correspondence between FHWA, DOT & PF, National Park Service, US Forest Service and Tribal Entities

We concur with FHWA's finding that the following sites **are eligible** for the National Register of Historic Places:

- SKG-52 (Dalton Trail)
- SKG-189 (Skagway Hydroelectric Complex District)
- SKG-190 (Lower Dewey Lake Dam; part of SKG-189)

(continued on next page)

- SKG-191 (Reservoir and Dam; part of SKG-189)
- SKG-192 (Pipelines; part of SKG-189)
- SKG-193 (Power Plant; part of SKG-189)
- SKG-194 (Tramway; part of SKG-189)
- SKG-198 (Hoist Building; part of SKG-189)
- SKG-203 (Lower Dewey Lake Trail)

We concur with FHWA's finding that the following sites **are not eligible** for the National Register of Historic Places:

- JUN-993 (Lace River CMTs)
- SKG-196 (Cabin near Lower Dewey Lake Creek)
- SKG-207 (Sturgill's Landing Trail)
- SKG-208 (Icy Lake/Reid Falls Trail)

Although we concur with all of FHWA's findings regarding eligibility, we do not concur that the boundaries of the Dalton Trail (SKG-52) should be reduced to 20 feet in width. It is the nature of trails to become "braided", especially across level terrain as travelers attempt to avoid eroded or muddy patches. In order to encompass the variations in trail alignment over time, we recommend a 100 foot width as suggested by your consultant.

We look forward to continued consultation with FHWA in regards to determination of effect. Please contact Stefanie Ludwig at 269-8720 if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:sl

Cc: Van Sundberg, Environmental Coordinator, AKDOT, Southeast Region, 6860 Glacier Highway, Juneau, AK 99801-7999



U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

ALASKA DIVISION

709 West Ninth Street, Room 851

P.O. Box 21648

Juneau, Alaska 99802

907-586-7418 | 907-586-7420 FAX



October 21, 2004

REFER TO
HDA-AK

File #: MGS-STP 000S(131)/71100

Ms. Marcia Blaszak
Regional Director, Alaska
National Park Service
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

SUBJECT: Juneau Access Improvements Project

Dear Ms. Blaszak:

I would like to thank you for your quick response to our request for a meeting to discuss the Skagway & White Pass District National Historic Landmark (NHL) in regard to the Juneau Access Improvements Project Supplemental Draft Environmental Impact Statement (SDEIS). Also, thank you for your staff's time on October 20th.

At the October 20th meeting between Federal Highway Administration (FHWA), the National Park Service (NPS), and the Alaska Department of Transportation and Public Facilities (AKDOT&PF), we discussed the relationship of Section 4(f) of the Department of Transportation Act [Section 4(f)] and Section 106 of the National Historic Preservation Act (Section 106) in regard to the NHL. The consensus of the participants was that the FHWA should prepare a separate letter posing the specific point FHWA would like the NPS to address relative to Section 4(f).

As you are aware Section 4(f) applies to U. S. Department of Transportation (USDOT) agencies and provides protection to significant publicly owned park, recreation, and waterfowl and wildlife refuge lands, as well as land from a significant historic site. 49 USC 303 states:

(c) The Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

As a separate action from Section 106, the FHWA must determine the applicability of Section 4(f) to potential 4(f) resources. Based on case law, the FHWA has developed policy to address the complex application of the statute. With regard to the development of transportation projects within the boundaries of historic districts, the policy states that “Normally, Section 4(f) does not apply where a property is not individually historic, is not an integral part of the historic district in which it is located, and does not contribute to the factors which make the district historic.”¹

Based on the results of historic surveys and informal coordination between AKDOT&PF and NPS staff, the FHWA made the preliminary determination that Alternatives 2, 2A, and 2C would not take land within the NHL that was individually historic, not take land from an integral part of the NHL, or take land that contributes to the factors that make the NHL historic. We noted that while a portion of each of these alternatives traverse land with the NHL boundary, all identified contributing sites would be avoided and only undeveloped land would be taken.

However, at a meeting and teleconference of NPS, AKDOT&PF, and FHWA on September 9, 2004 to discuss potential adverse effects to the NHL, NPS regional staff asked how the FHWA planned to address Section 4(f) with regard to the NHL. The FHWA staff replied that based on the studies to date, FHWA Section 4(f) policy, and the understanding that no land from a contributing element would be taken, that FHWA did not believe that Section 4(f) applied. The NPS questioned this statement, based on the 1999 NHL nomination which includes a boundary justification that states “The boundaries were chosen so as to incorporate the area’s major gold rush-era historic resources; in addition, *sufficient natural areas have been included so as to provide an understanding of the physical setting and cultural landscape that defined the historic corridor through the Skagway River Valley.*” (emphasis added). Some of the NPS staff indicated that this statement makes all of natural areas within the boundary contributing property.

This raised a new concept and concern. No previous coordination with the NPS regarding this project during review of the 1997 DEIS or during the 2003 SDEIS scoping period raised this issue. In addition, this position was not taken during the review of other recent USDOT projects within the NHL boundary such as the airport expansion and the Skagway River pedestrian bridge projects. In all previous coordination, contributing property has been defined based upon the contributing sites listed in the nomination or potential undiscovered historic sites. During the development of a recent FHWA project on Unalaska Island, the DOT&PF proposed three alternatives to the replacement of the South Channel Bridge. All of the alternatives would have required the acquisition of land from within the boundary of the Dutch Harbor Naval Operating/Ft. Mears National Historic Landmark. The FHWA determined that the project would not take any land that contributed to the landmark – and thus, not result in a Section 4(f) use. After review of the project documentation, the NPS specifically found that the proposal did “not affect any contributing resources” to the landmark, despite the taking of land from an undeveloped natural area.

As indicated in the October 20th meeting, the FHWA is about to release the SDEIS for the project. While we recognize that the issue of potential adverse effect under Section 106 can be addressed after release of the SDEIS, the FHWA needs to resolve the question of the applicability of Section 4(f) prior to that release. If Section 4(f) applies to the natural areas

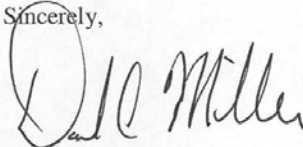
¹ Section 4(f) Policy Paper. September 24, 1987, revised June 7, 1989.
<http://environment.fhwa.dot.gov/projdev/4fpolicy.htm>

within the NHL boundary, there is no way for Alternatives 2, 2A, or 2C to connect to the Klondike Highway without taking Section 4(f) protected land. As noted above, Section 4(f) lands cannot be used if a prudent and feasible avoidance alternative exists. This decision has the potential to remove from consideration any alternative that includes road access into Skagway.

Traditionally, the FHWA weighs heavily the opinions of the agency with jurisdiction over a Section 4(f) resource that may be potentially impacted by our proposals. As such, we request your formal opinion on whether the land within the NHL boundary required for Alternatives 2, 2A, and 2C as shown in the figure (enclosed) attached to the August 11, 2004 letter is individually historic, is an integral part of the historic district in which it is located, or contributes to the factors which make the district historic. Please note that this request for an opinion relates solely to the status of *land*. A determination that Section 4(f) does not apply to the natural areas within the NHL in no way precludes an Adverse Effect determination under Section 106 for indirect effects such as visual or auditory impacts. Section 106 effects would be determined in consultation with the NPS after we provide additional analysis and information.

Thank you for your timely consideration of this request. I would appreciate a reply as soon as possible, since the release of the SDEIS is anticipated shortly.

Sincerely,



David C. Miller
Division Administrator

Enclosure: Juneau Access: Sturgill's Landing to Skagway, Alternatives 2, 2A & 2C

cc: Mike Barton, Commissioner, AKDOT&PF

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction – Special Projects*

FRANK H. MURKOWSKI, GOVERNOR

6860 GLACIER HIGHWAY
JUNEAU, ALASKA 99801-7999

PHONE: (907) 465-1774
FAX: (907) 465-2016

November 29, 2004

RE: Juneau Access Improvements
Project Number 71100

Mr. Kenneth Vaughan, P. E.
Forest Service Representative
Alaska Region
United States Department of Agriculture
P.O. Box 21628
Juneau AK 99802-1628

Subject: Cooperating Agency preliminary SDEIS review comments

Dear Mr. Vaughan:

Thank you for your review comments on the preliminary Supplemental Draft Environmental Impact Statement (SDEIS) for this project. We appreciate your efforts as a Cooperating Agency. We have made the following changes to the document based upon your comments.

SDEIS Changes:

With regard to potential rights-of-way (ROW) across National Forest System lands, Section 4.1.1, Land Use, has a note that makes clear that the easement acreage shown for ROW on the National Forest is the maximum potentially affected. The note indicates the Alaska Department of Transportation and Public Facilities (DOT&PF) desires 300 foot wide ROW on public lands, but the Forest Service (USFS) at this point anticipates ROW based on clearing limits. The note under Tables 4-2 and 4-23 has been revised as well. The issue of ROW width would need to be resolved prior to the Special Use Permit application if the selected alternative requires ROW across USFS lands.

The discussion in Section 4.1.16 (originally on page 4-10) has been amended to make clear that Alternatives 2 through 2C would include no DOT&PF constructed boat launches or structures that enhance boat access. In discussions with the National Marine Fisheries Service (NMFS) we have made clear that this commitment is not made on behalf of the USFS. If Alternative 2, 2A, 2B; or 2C is selected, the revised biological assessment sent to NMFS will make clear that the commitment only applies DOT&PF and the Federal Highway Administration (FHWA).

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Section 4.23.15, Terrestrial Habitat has been amended to address the potential effect of side casting on vegetation. The SDEIS now makes clear that, to minimize impacts to vegetation, side casting would only be allowed in areas where the road slope is adjacent to the shoreline, on steep, minimally vegetated cliffs above water, or at existing rock slide areas.

Currently the "people effects" of the alternatives are addressed in each relevant impact category section, e.g. recreation under Land Use, Noise, Wildlife, Steller Sea Lions, etc. With regard to making maintenance commitments, Section 5.11 of the SDEIS has been amended to clarify DOT&PF's commitment to maintain restrooms in ferry terminals and at a joint visitor rest stop/maintenance facility. DOT&PF also commits to maintaining DOT&PF constructed pullouts, including collection of refuse from containers provided. DOT&PF has agreed to provide composting toilets (termed SSTs by the USFS) at Katzechin under Alternative 2C, and at the Sturgills Landing trailhead for Alternatives 2, 2A, and 2C. DOT&PF has not committed to maintaining these USFS requested toilets.

Wildlife sections of Chapter 4 (Sections 4.3.16.3, 4.4.16.3, and 4.6.16.3) have been amended to include statements regarding the intent to design bridges such that they function as underpasses for wildlife movement. Also, Section 4.3.16.3 now states that if Alternative 2, 2B, or 2C is selected, a wildlife underpass would be constructed over the brown bear migration corridor identified inland between the Lace and Antler rivers. These changes have also been incorporated into Section 5.8, the Wildlife portion of the Proposed Mitigation and Commitments chapter.

Figures 3-6 and 3-7 have been changed to address concern raised by the Juneau Ranger District regarding the confidentiality of historic resource locations. The figures now only show the locations of properties either currently identified on quad maps or visible from public trails.

Other Issues:

I have discussed with FHWA the proposed recreation enhancements in the referenced March 25th letter, in regards to the best way to address your concern. Please note that DOT&PF has committed to providing pullouts at these locations, but has no intention of constructing any trails other than the two short connection trails identified in Section 5.11 the SDEIS. There is no money currently available for Transportation Enhancements, due to the backlog of these projects. DOT&PF does not anticipate funding being available for these trails as part of the project. We have changed Sections 4.3 and 4.4 to include a reference to the March 25th letter and an indication that it appears at the end of Chapter 7. Based on FHWA guidance, these potential trails would only be analyzed in the cumulative impact analysis if they were reasonably foreseeable, i.e. the USFS indicated in a plan or letter that it intended to construct these trails with its own funding.

Incidental recreational use areas would develop on any new highway constructed, however, the location and extent of the use of these areas cannot be accurately predicted. The typical section shown on Figure 2-4 shows that any highway segment would have four foot wide paved shoulders and at least eight feet of traversable unpaved shoulders. This would provide safe parking areas for incidental recreation users in addition to the planned pullouts. Also, as the typical section indicates, in some upland areas the downhill side of roadbed would have wider areas where excess material is placed. DOT&PF maintenance crews would monitor use of the

shoulders for incidental recreation use, and DOT&PF would propose construction of additional pullouts on a case by case basis if a safety problem developed over time.

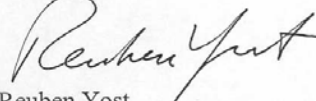
We have obtained an electronic version of the applicable Recreation Opportunity Spectrum mapping from USFS staff and are adapting it for website posting and printing as a figure in the Land Use and Coastal Management Technical Report. This report will be an appendix to the SDEIS.

Regarding facilities for recreation vehicles (RVs), you are correct that effects of a shortage of spaces for RVs will affect the City and Borough of Juneau (CBJ), the Alaska Department of Natural Resources, and the USFS. If a highway alternative is selected, DOT&PF will bring the potential problem to the attention of the CBJ planning staff. The first step in that process is identifying the potential impact in the SDEIS and Final EIS. One favorable aspect of the potential problem is that construction of a highway would take several years, allowing time for planning and implementation of a solution.

In response to your comments on not finding a significant discussion of scoping and the outcome, I point out that DOT&PF prepared a Scoping Summary Report that detailed the issues raised during the April, 2003 scoping period. This document was published in June 2003 and posted on the project website after review by Cooperating Agencies and interested state agencies. In December of 2003 DOT&PF published a Comment Analysis Report (after agency review) that analyzed the substantive comments on the 1997 Draft EIS and the 2003 scoping comments. Both of these reports are referenced in Chapter 7 of the SDEIS, Public and Agency Coordination. A brief summary of 2003 scoping issues is provided in this chapter; for more detailed information the reader can go to the two referenced reports. The SDEIS includes an appendix titled Response to Comments Report, which has a response to each substantive comment received in 1997 on the Draft EIS.

Thanks again for your review.

Sincerely,



Reuben Yost
Special Projects Manager

cc: Tim Haugh, FHWA Realty & Environmental Programs Manager

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction – Special Projects*

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November 29, 2004

RE: Juneau Access Improvements
Project Number 71100

Mr. Bruce Halstead
Field Supervisor
Juneau Fish & Wildlife Field Office
U.S. Department of the Interior
3000 Vintage Blvd., Suite 210
Juneau Alaska 99801-7240

Subject: Cooperating Agency preliminary SDEIS review comments

Dear Mr. Halstead:

Thanks you for your review comments on the preliminary Supplemental Draft Environmental Impact Statement (SDEIS) for this project. The Alaska Department of Transportation and Public Facilities and the Federal Highway Administration appreciate your efforts as a Cooperating Agency. We have made the following changes to the document based on your comments.

Section 3.3.5.1 Species Selected for Analysis, Other Species: This paragraph now contains the following information on Kittlitz's murrelet: "The Kittlitz's murrelet was petitioned for Endangered Species Act (ESA) listing in 2001. The USF&WS designated this species as a candidate species in 2004. (Candidate species are plants and animals for which the USF&WS has sufficient information to propose them as endangered or threatened under the ESA, but for which development of a listing regulation is precluded by other higher priority listing activities. Candidate species are not subject to regulatory protection, and human activities that may affect them are not restricted.)" Section 3.2.6 of the Wildlife Technical Report, an appendix of the SDEIS, has also been amended to include this information.

Section 3.3.5.2 Terrestrial Habitat: Following the sentence about Kittlitz's murrelets nesting at scattered sites located high on recently deglaciated rocky slopes, we have added the sentence "This species forages in glacially-fed waters during the breeding season".

The paragraph on brown and black bears has been amended to include information regarding bear migration to estuarine areas along established corridors and cites the SEWWEAD article (Christensen and Van Dyke, 2004). Also, information has been added to Chapter 4

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regarding brown bear seasonal movement between higher elevation dens and lower foraging habitat, and includes as an example the corridor in Berners Bay in the isthmus between the Lace and Antler rivers. The SEAWHEAD article (Christensen and Van Dyke, 2004) is again cited.

The Affected Environment chapter describes the status of the existing environment that could potentially be impacted by project alternatives. As your letter points out, invasive non-native species flourish in disturbed environments. There has been little disturbance of the potentially affected environment to date, and plant surveys indicate that there has been little impact from invasive species.

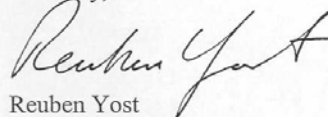
With regard to the potential impact of invasive species introduction associated with road alternatives, the greatest potential would exist during construction. Much of the invasive plant introduction associated with past road projects stemmed from intentional and/or inadvertent use of seed mixes containing non-native species. Section 4.8.10 (the Construction Impacts section of the Environmental Consequences chapter) has been amended to include specific mention of potential pathways for introduction of invasive plant species.

A listing of potential species that could spread as a result of road construction and/or operation is included in the Overall Habitat Loss section of the Wildlife Technical Report (Section 4.2.1.1). Also, the Mitigation and Commitments chapter of the SDEIS now includes a new section (5.3) that identifies measures to minimize the introduction of invasive plants. Another important measure to reduce the likelihood of non-natives becoming established is to immediately stabilize disturbed areas. SDEIS Section 5.1 includes a commitment to vegetate all exposed soil slopes with indigenous species, with the exception of the use of annual grasses to protect the soil until permanent cover is established.

Section 5.8 Wildlife: The Mitigation and Commitments chapter has been amended to include the following commitment for wildlife. "Bridges across streams would be designed to also function as wildlife underpasses. In addition, if Alternative 2, 2B, or 2C is the selected alternative, a wildlife underpass would be located at the brown bear migration corridor in the isthmus between the Antler and Lace rivers." The bridge design attached to your letter is similar to the bridge design envisioned for combined wildlife corridor/stream and river crossings. For large rivers such as the Lace, Antler and Katzehein on the east or Endicott, Sullivan and Chilkat on the west, piers would be placed every 130 feet. On all bridges abutments would be set back from the banks to provide terrestrial corridors. This would accommodate the streamside corridors identified in the SEAWHEAD study.

Thank you again for your review.

Sincerely,



Reuben Yost
Special Projects Manager

cc: Tim Haugh, FHWA Realty & Environmental Programs Manager

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

*Design and Engineering Services – Southeast Region
Preconstruction – Special Projects*

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November 30, 2004

RE: Juneau Access Improvements
Project Number 71100

Jeff Koschak, Project Manager
U.S. Army Engineer District, Alaska
Juneau Regulatory Field Office
8800 Glacier Highway, Suite 106
Juneau, AK 99801-8079

Subject: Cooperating Agency preliminary SDEIS review comments

Dear Mr. Koschak:

Thank you for your review comments on the preliminary Supplemental Draft Environmental Impact Statement (SDEIS). We appreciate your efforts as a Cooperating Agency on this project. The following is our response to your comments.

Terrestrial Habitat: Total wetland impacts are accounted for and described in the SDEIS. The wetland sections of Chapter 4 contain tables (Total Fill in Wetlands and Other Waters of the U.S.) and text which account for the total fill. Muskeg acreage is listed in the wetland tables by its Cowardin classifications of palustrine emergent and palustrine scrub-shrub wetlands.

There is overlap between the Wetlands sections, which deal with Section 10 and Section 404 jurisdictional areas, and the Terrestrial Habitat sections, as well as the Marine and Freshwater Habitat and Species sections. The sections on Terrestrial Habitat use the term "terrestrial" in the lay person sense, that is, pertaining to land as opposed to water. While wetlands are "aquatic sites" according to jurisdiction, they are generally used by terrestrial, not aquatic species. Because most terrestrial species do not use exclusively wetlands or uplands but move freely between the two, it makes sense to discuss all habitat used by terrestrial species in the same section. To further clarify this point, the Acreage of Terrestrial Habitat Impacted tables now have notes that indicate the amount of wetlands included in each Terrestrial Habitat Type. Furthermore, if a build alternative is selected, the Department of the Army (DA) application and draft 404(b)(1) analysis submitted will specifically address only impacts to wetlands and other waters of the U.S.

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Essential Fish Habitat (EFH): As mentioned above, there is overlap between the jurisdictional areas accounted for in the Wetlands sections and other sections. Addressing impacts to EFH is a requirement of the Magnuson-Stevens Fishery Conservation and Management Act. Therefore the SDEIS has sections titled "Marine and Freshwater Habitat Species (Including Essential Fish Habitat)". The bulk of the discussion is in regard to EFH species, but potential impacts to other species (e.g. freshwater resident fish) are included. All of the areas defined as Marine and Freshwater Habitat are also "other waters of the U.S." and would be addressed as such in a DA application. The areas of EFH identified as potentially filled by each alternative match the Marine Areas acreage in the Wetland and Other Waters of the U.S. tables.

If a build alternative is selected, the DA application will include the information you specified, including the high tide line (HTL), mean high water (MHW), and ordinary high water (OHW). HTL and MHW will be established from official benchmarks. For streams, OHW will be established by surveyors using the identification method described in DA regulations. The SDEIS includes a note that the amount of fill below culverts to be placed in non-anadromous streams would be determined during design. This information would be provided in the DA application. No fill would occur in anadromous streams, as all would be bridged. The baseline elevation of "mean lower low water" is 0.0 feet. The 22.5 feet mentioned in Section 3.2.2.4 is extreme high water, and is based on the same datum you referenced.

Alternatives Analysis: The SDEIS identifies the State's preferred alternative, but no final decision has been made. All of the reasonable alternatives are under consideration and all of these alternatives have been developed to a comparable level of detail. The Final EIS will identify the final preferred alternative, and will include a draft 404(b)(1) analysis. The analysis will provide more detail for the areas and issues you identified.

Navigable Waters: With the exception of the Antler, Katzechin, and Chilkat, all of the rivers and streams along the alternative alignments would be crossed above MHW. Bridges at any of these three rivers, as well bridges across rivers considered navigable by the U.S. Coast Guard (e.g. Lace, Sullivan and Endicott) would require Section 9 permits. All of the bridges would be pile supported for their entire length, with abutments above MHT or OHW. Any fill below MHW for highway segments or ferry terminals would be specified in a DA application.

Water Quality: The statement in Section 3.2.2 that in the freshwater environment "water quality in the project area is high" is a quote from the 1997 Draft EIS. It is based on the fact that as stated, streams in the area "originate in undeveloped alpine areas and are clear and low in dissolved solids". Because of the absence of development in the majority of the project area this statement is reasonable, has not been questioned in comments on the 1997 draft, and in fact is stated as a reason for concern about potential impacts to currently pristine water quality. While water quality measurements are often requested on projects where existing water quality has been subject to development impacts, they are not necessary in this case. The potential impacts to water quality are addressed more specifically in Appendix K of the SDEIS, Hydrology and Water Quality Technical Report. The report explains that based on projected traffic volumes and data from other studies, special measures such as sediment ponds would not be necessary.

Wild and Scenic Rivers: The lower two miles of the Katzechin is not within the area recommended by the USFS for Wild and Scenic designation. Section 3.1.1.1 has been corrected to be consistent with Section 3.2.6.

Noise: The Federal Highway Administration Noise Abatement Criteria (NAC) categories are specifically for evaluating areas of human use. Potential noise impacts at the Gran Point haulout and other haulouts are addressed separately in the Steller Sea Lion section under Threatened and Endangered Species. Section 3.2.6 has been modified and now makes clear that the NAC is specific to human use areas.

Bald Eagles: Section 3.3.6 is in the Affected Environment chapter; it does not address impacts. The Bald Eagle sections of the Environmental Consequences chapter all state that the alignments have been located to avoid the direct loss of any known eagle nest tree. No nest tree would be removed under any alternative considered. Section 4.3.12, Wetlands, has been amended to explain that approximately 27 acres of the primarily forested wetlands that would be filled in the Slate Creek to Sherman Point area are the result of an alignment change to avoid the eagle nests in a band of uplands along the shoreline.

Wetlands: Section 3.3.1 explains that the scope of the wetland assessment, including field work locations, was determined by resource agencies, including your agency. It lists the seven areas where individual wetlands that could be impacted were field surveyed. Section 2.3.1 of the Wetlands Technical Report (WTR), explains that these areas were identified at an agency meeting held on May 29, 2003. No criteria were formally established by the agency representatives at this meeting. Any area of concern to an agency was included on the list. The general discussion was about the potential for riparian, wildlife or waterfowl habitat at these locations. WTR Section 2.3.1, as well as SDEIS Section 3.3.1, also explains that we conducted field investigations at wetlands within 300 feet of the alignment that appeared to be part of extensive wetland areas, were potentially high value (habitat), or where aerial photography indicated the NWI mapping could be inaccurate. This was in addition to the site specific fieldwork requested by agencies.

With regard to Figures 3 through 34 in the WTR, the primary function of the red dot in each wetland polygon is to make clear the ID number and Cowardin Classification for the polygon. In some cases this corresponds to the field survey locations, but this is not always the case, as approximately half of the individual wetlands were assessed by NWI and aerial photography. Attachment B-1 and B-2 in the WTR indicates if a wetland was assessed by field survey; the transcribed field data and photos are in Attachment C. Photocopies of all field notes, including data sheets, and maps with actual field assessment locations identified, are being provided to you with this letter.

Section 3.3.1 of the SDEIS has been amended to indicate the number of individual wetlands that were field verified, and the percent acreage this represents. No "checkerboard" upland/wetland complexes were identified during field investigations.

Wetland Functions: The methodology for assessing wildlife habitat function of wetlands, including forested wetlands, is provided in the WTR, which is an appendix of the SDEIS. The criteria for rating wildlife habitat above moderate-low is very specific, and is more detailed than

is appropriate to the general reader of the SDEIS. Per your request, this section has been amended to identify the species that use these areas for cover and forage.

Wetland Classification Maps: With the exception of two small wetlands on the Lower Dewey Lake bench, there are no wetlands in the project area north of the Katzeihin River. These wetlands are shown on Figure 22 of the WTR. The following note has been added to SDEIS Figure 3-14 (Wetlands Classifications Figure Index): *The only wetlands in the vicinity of the project alternatives north of Figure 3-18 are two small wetlands on the Dewey Lake bench. Project alternatives would not encroach on these wetlands.*

Chapter 3 of the SDEIS is the Affected Environment. Proposed highway alignments and ferry terminals are only shown for reference. The impacts of the alternatives, including ferry terminals, are in the Environmental Consequences chapter. The actual alignment of highway segments and conceptual layout of proposed ferries are included in SDEIS Appendix D, the Technical Alignment Report (TAR).

Marine Habitat: The specific information you have requested will be included in the DA application for the selected alternative. Section 4.3.13 has been revised to correct the error (4.5 acres) in the fill for the Katzeihin ferry terminal under Alternative 2A. The correct amount is 4.3 acres. Section 4.3.13 has also been amended to include more information on the vegetation at potential side casting locations. Please note that no fast land would be created by side casting. Side casting would only be proposed at locations with steep slopes; many are essentially underwater cliffs. Locations where intertidal or subtidal fill would be used for highway or ferry terminal construction are included in the appropriate fill tables. Also note that in the document "intertidal" refers to the area between the high tide line and the lowest tide (approximately elevation -4). "Subtidal" refers to the continually submerged surface below the intertidal area. The amount of fill or dredge below mean high water (Section 10) and below the high tide line (Section 404) will be identified as such in the DA application.

Chapter 5 of the SDEIS provides further information on compensatory mitigation for impacts to marine habitat. Because investigations to date have not identified marine habitat restoration or creation opportunities in the project area, DOT&PF has preliminarily proposed the use of fee in lieu compensation. Resource agencies have indicated that they are interested in having some funding go to studies that would facilitate their management of resources. Based on this, Chapter 5 contains the commitment to providing funding for a combination of research and fee in lieu payments.

Cumulative Impacts: Cumulative impacts evaluation in the SDEIS involves analysis of the impacts of the proposed alternatives together with impacts from past, present, and reasonably foreseeable future actions. In areas where the proposed alternatives would have no impact, no cumulative analysis is warranted. None of the project alternatives would fill or dredge in the marine environment in the vicinity of the Haines or Skagway ferry terminals, therefore no cumulative impact analysis has been prepared for those areas. Alternatives 4A through 4D would have impacts in the vicinity of the Auke Bay terminal. Section 4.9.2.10 of the SDEIS has been amended to include cumulative impacts to Auke Bay.

Wetland Mitigation: Chapter 5 contains a list of DOT&PF commitments and mitigation measures with regards to wetlands. Embankment heights and side slopes would be minimized; the typical section is based on 1.5:1 fill slopes in wetland areas (SDEIS Figure 2-4). Please note drainage ditches would not be excavated in wetland fill areas. In relatively flat areas, as is the case in many wetlands, both side slopes are fill slopes and no ditches are necessary (see Figure 3-3 in Appendix D, TAR). A drainage ditch would only be used in wetland areas where there would be a cut slope; this ditch would be created by the combination of the cut back slope and the placed road embankment. This is necessary to prevent water from running on to the road. Please note that SDEIS Figure 2-4 indicates the steepest possible back slope would be used (0.5:1 in peat) to minimize wetland disturbance. The Wetland sections of Chapter 4 of the SDEIS have been amended to remove the reference to roadside ditches.

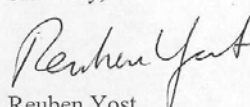
Thank you for your reference to the Regulatory Guidance Letter. We are aware that restoration of previously impacted aquatic resources would be the most appropriate compensatory mitigation. However, with the exception of Auke Bay for Alternatives 4A-D, potential impacts would be in areas with little or no previous impacts, and abundant wetlands. Based on the absence of identified on-site mitigation opportunities and input from resource agencies, we have proposed a combination of population monitoring studies and fee in lieu payments. If feasible restoration opportunities are identified, we will investigate them.

Restoring the Skagway ferry terminal is not a feasible restoration option. All alternatives under consideration would utilize this terminal. Alternatives 1, 2B, 2C, 3, and 4A-D all would have scheduled service to this terminal. Under Alternatives 2 and 2A, DOT&PF would retain access to the terminal for use by the Haines/Katzehin shuttle during periods of bad weather at the Katzehin terminal, or periods of highway closure for avalanche control. (The TAR explains in greater detail the situation regarding the weather exposure at Katzehin and the expense and impacts of providing an all-weather moorage.) Also, it is important to note that the in-water elements of the Skagway terminal are jointly owned by DOT&PF and the City of Skagway. Given the limited dock space in Skagway harbor, it is reasonable to assume that the City would continue to need this facility in the future regardless of DOT&PF use.

Project Plans: After review of comments submitted during the SDEIS comment period, a final preferred alternative will be determined. If a build alternative is selected, standard DA application drawings will be prepared for all jurisdictional areas. A draft DA application would be included in the final EIS.

Thank you for your comments. We are finalizing changes to the SDEIS and anticipate FHWA will release the document to the public in December.

Sincerely,



Reuben Yost
Project Manager



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Regional Office
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501



IN REPLY REFER TO:

H30(AKRO-RD)

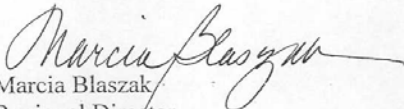
DEC 3 2004

Mr. David C. Miller
Division Administrator
U.S. Department of Transportation
Federal Highways Administration
Alaska Division
709 West Ninth Street, Room 851
P.O. Box 21648
Juneau, Alaska 99802

Dear Mr. Miller:

With regard to your October 21, 2004, letter and our subsequent conversations, the National Park Service (NPS) reiterates that the 1999 Skagway and White Pass District National Historic Landmark nomination language is the basis for its eligibility for the National Register of Historic Places and is specifically important for determinations of effect under Section 106 of the National Historic Preservation Act. The determination of the applicability of Section 4(f) of the U.S. Department of Transportation Act is not the responsibility of the NPS.

Sincerely,


Marcia Blaszk
Regional Director

cc:

- Commissioner, State of Alaska, DOT&PF
- Regional Director, State of Alaska, DOT&PF, Southeast Region
- ✓ Rueben Yost, Special Projects Manager, State of Alaska, DOT&PF



United States Department of the Interior

NATIONAL PARK SERVICE
Alaska Regional Office
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501



IN REPLY REFER TO:
H34(AKRO-RCR)

DEC 6 2004

Mr. Rueben Yost
Special Projects Manager
Alaska Dept. of Transportation and Public Facilities
Southeast Region Preconstruction - Special Projects
6860 Glacier Highway
Juneau, Alaska 99801-7999

Dear Mr. Yost:

Thank you for the opportunity to comment on the draft Alaska Department of Transportation and Public Facilities (DOT&PF) letter and associated materials prepared for the State Historic Preservation Officer (SHPO) with regards to the Juneau Access Improvements Project #71100. Per our meeting of September 9, 2004, we have provided our opinions on your determinations of eligibility for the National Register of Historic Places (NRHP) in a separate letter.

As presently proposed, the Juneau Access Improvements Project would enter the boundaries of the Skagway & White Pass District National Historic Landmark (NHL). The National Park Service (NPS) administers the NHL program on behalf of the Secretary of the Interior in accordance with the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966, as amended. Federal agencies undertaking projects that may adversely affect NHLs must comply with both Sections 106 and 110 of the National Historic Preservation Act which contain special provisions for the consideration of these landmarks. The regulations that guide this special compliance process that is reserved for NHLs, 36 CFR 800.10 (c), require that Federal agencies "notify the Secretary [of the Interior] of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect." The NPS, as the Secretary's staff, serves as a consulting party throughout the Section 106 process to ensure that the values associated with the NHL are given appropriate weight and consideration. Section 110(f) of the National Historic Preservation Act "requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking [36 CFR 800.10(a)]." Moreover, the lead agency official should also afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking [as per 36 CFR 800.10 (a) thru 36 CFR 800.10 (d)].

This letter specifically focuses on the potential impacts of the proposed project on National Register properties associated with the Skagway & White Pass District NHL and the Klondike Gold Rush National Historical Park (KLGO). Because the Skagway Unit of KLGO is completely subsumed within the NHL, most of our attention is centered on the NHL, except where we raise specific points relating to indirect impacts to KLGO. This letter also takes into account and addresses additional concerns that have been raised in subsequent meetings with DOT and FHWA on the subject of the project (Please see the attached pages for our specific and detailed comments on the Juneau Access Improvements Project).

Your letter of August 11, 2004, states that “ FHWA does not believe the effect on the park and landmark would be adverse. With the information that has been presented to us to date, we find it difficult to concur with that initial finding by FHWA. In order to appropriately review the proposed project plans in accordance with Section 106 of the National Historic Preservation Act of 1966 and 36 CFR 800(c), we will need the following additional information before we can fully assess potential project impacts:

- ◆ A map illustrating proposed routes in relation to the historic sites, both in and out of the Area of Potential Effect (APE) associated with the landmark. The map (Figure 1. Location Map) in the NLUR March 2004 report does not show all the components of SKG-189, the Skagway Hydroelectric Complex Historic District. Either update Figure 1 to show the other components of SKG-189, or update Figure 2 of the same report to show the proposed route of the road. It would also be helpful if both maps showed the NHL boundary.
- ◆ Updated digitally enhanced photographs depicting visual impacts using the correct vegetation (deciduous trees vs. evergreen), that demonstrate visual impacts for both summer and winter vegetation. Also provide more views from various locations within the NHL to give a better sense of the visual impacts. The graphics showing the road at its entry into the townsite on 23rd Avenue need to be more explicit. Currently it is difficult to understand what is being depicted.
- ◆ More specific information regarding the designs for the various bridges in a way that minimizes the visual impact on the landscape. Although a double arched steel bridge was specifically mentioned for crossing over the Lower Dewey Lake Trail (SKG-203), more detailed specific designs should be provided. No reference was made to the other proposed bridges, nor was any reference made to modifying the design of the road as it enters the townsite at 23rd Avenue. In addition, we would need to see the design options for the road. A copy of the DOT/FHWA analysis of the audible effects of the road within or adjacent to the NHL and KLGO. This information will give the reviewers a better sense of how much more noise is expected to be generated within the APE. This information is necessary for an adequate evaluation of the potential auditory effects.
- ◆ Information describing the expected increases in vehicular traffic to Skagway throughout the year and through time. A rise in vehicular traffic is expected to result in increased visitors to the NHL as well as the Skagway and Dyea park units. Additional visitation

may have impacts to the park's resources, depending on the level of increase and the park's ability to absorb those increases within its existing carrying capacity.

- ◆ Information regarding anticipated future developments along the road corridor. For example, there is no mention made of any potential waysides or other recreational development along the road corridor—are additional features of this type planned as part of the proposed road project? This information is needed to properly evaluate indirect impacts to the historic resources within the NHL.
- ◆ Information regarding alternative blasting methods that would mimic the natural slopes and enhance natural revegetation of the area.

We look forward to continued Section 106 consultations with you and your staff to better understand and minimize potential impacts to the NHL and the park.

We welcome this opportunity for ongoing collaboration. Please do not hesitate to contact me to discuss this important project.

Sincerely,



Marcia Blaszk
Regional Director

Enclosure

cc:

Mr. David C. Miller, Division Administrator, Federal Highways Administration

Mr. Mike Barton, Commissioner, AKDOT&PF

Mr. Pat Tiller, Deputy Associate Director, Cultural Resources, NPS, Washington, DC

**NATIONAL PARK SERVICE REVIEW OF
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES'
JUNEAU ACCESS IMPROVEMENTS (PROJECT NO. 71100)**

October 29, 2004

Reviewers:

Susan Bender, National Register Programs Archeologist, Alaska Regional Office
Ted Birkedal, Team Manager, Cultural Resources Team, Alaska Regional Office
Janet Clemens, National Register Programs Historian, Alaska Regional Office
Grant Crosby, Historical Architect, Alaska Regional Office
Karl Gurcke, Historian, Klondike Gold Rush National Historical Park
Bonnie Houston, Architectural Historian, Alaska Regional Office
Frank Norris, Research Historian, Alaska Regional Office
Theresa Thibault, Chief of Resources, Klondike Gold Rush National Historical Park

Items Submitted for Review:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) included the following items for review and comment:

1. ADOT&PF letter, dated August 11, 2004, on Section 106 Consultation for the Juneau Access Improvements (Project No. 71100) to the Regional Director, Alaska Region, National Park Service.
2. Draft letter to the State Historic Preservation Officer that identifies cultural resources located in the Area of Potential Effect (APE) of the Juneau Access Improvements (Project No. 71100), evaluates the significance of these cultural resources, and assesses the potential effects that the project alternatives may have on important cultural resources (Appended to this draft letter are a color aerial photograph of the project route in to Skagway, Alaska and nine color photographs showing computer projections of potential project effects on the streetscape of Skagway and its surrounding landscape).
3. "Juneau Access Road 2003 Cultural Resource Studies: West Lynn Canal Alternative Update and Skagway Approach Survey Results" (March 2004) by Northern Land Use Research, Inc.
4. "Cultural Resources and the Juneau Access Project: Summary and Compilation of Data" (June 2004) by Cultural Resources Consultants.

Comments:

Our comments will address only areas within the Skagway & White Pass District National Historic Landmark (hereafter referred to as the NHL) and the Skagway Unit of the Klondike Gold Rush National Historical Park (hereafter referred to as KLGO), as well as Areas of Potential Effects adjacent to the NHL and KLGO.

The proposed road would enter the NHL (SKG-013) at its southern end, would cross between or over (through bridging) several elements of the Skagway Hydroelectric Complex (SKG-189, et al.), cross over (bridging) the Lower Dewey Lake Trail (SKG-203), and would begin its descent into the viewscape of the Skagway townsite along the hillside at approximately 8th Avenue and enter the Skagway townsite at its northeastern end near 23rd Avenue and State Street, adjacent to the White Pass and Yukon Route rail yard.

Significance of Natural Areas within the NHL

The improved NHL nomination documentation in 1999 provided several clarifications, including a more accurate definition of its physical boundary and identification of its key elements. While they may appear to be abstract concepts, the National Register criteria of setting, feeling, and association are well-established and well-understood characteristics that contribute to the integrity of historic places. The 1999 nomination specifically includes an explicit boundary justification for the Skagway & White Pass District NHL. This justification clearly states that "sufficient natural areas have been included so as to provide an understanding of the physical setting and cultural landscape that defined the historic corridor through the Skagway River Valley (p. 43)." The creation of the boundary at the top of the slope so that it includes "natural areas" highlights the intent to provide the viewer the physical context of the historic settlement within the natural setting as it was experienced during the gold rush. This visual setting is integral to the significance and integrity of the Landmark.

Today's Skagway & White Pass District NHL retains its historic integrity. This area was listed as an NHL in 1962 because, in a strong visual sense, the town still reflected much of its gold rush-era appearance. In the last 40-plus years, the Skagway community and the NPS have done an excellent job of retaining that appearance. Inasmuch as downtown Skagway is part of the Klondike Gold Rush NHP, and a National Park Service unit is the highest form of protection that Congress can bestow on a historical property, no actions should be proposed that will significantly diminish this area's historic integrity.

The NHL program regulations require that the NPS Regional Office monitor the condition of, and threats to, NHLs.¹ But both the National Park Service and the FHWA have additional responsibilities with regard to NHLs in the context of the Section 106 process. Section 110(f) of the National Historic Preservation Act requires that "Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the . . . responsible agency shall, to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to such landmark . . ." In addition, it is apparent that Federal Highways Administration recognizes the National Park Service's role as the Secretary of the Interior's staff in the fulfillment of the specific segment of the Section 106 consultation process that comes into play when an undertaking may have a potential adverse impact to an NHL. As the regulations that guide this portion of the Section 106 process require, the lead Federal agency "shall notify the Secretary [i.e. National Park Service] of any consultation involving a National Historic Landmark and invite the Secretary [i.e. National Park Service] to participate in any consultation where there may be an adverse effect [36 CFR 800.10(c)]." Furthermore, Section 110(f) of the National Historic Preservation Act "requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking [36 CFR 800.10(a)]." Finally, the lead agency official should also afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking [as per 36 CFR 800.10 (a) thru 36 CFR 800.10 (d)].

The benchmark for judging threats to a NHL is its condition *when it was designated*. The Skagway & White Pass District NHL was designated June 13, 1962. When the National Register of Historic Places (NRHP) was established in 1966, the Landmark was automatically placed on this list. Improved documentation for the NHL was accepted by the Chief of the NHL Survey Program and Keeper of the National Register of Historic Places on April 7, 1999. Therefore, the benchmark date by which we judge the Landmark condition is based on how the Landmark (which retains its integrity from the time period of 1897-1910) looked in 1999.

¹ 36 CFR 65.2 (6) Section 8 of the National Park System General Authorities Act of 1970, as amended (90 Stat. 1940, 16 U.S.C. 1-5), directs the Secretary to prepare an annual report to Congress which identifies all National Historic Landmarks that exhibit known or anticipated damage or threats to the integrity of their resources. ; 36 CFR 65.7 Monitoring National Historic Landmarks, (b) Reports of monitoring activities form the basis for the annual report submitted to Congress by the Secretary of the Interior, as mandated by Section 8, National Park System General Authorities Act of 1970, as amended (90 Stat. 1940, 16 U.S.C. 1a-5). The Secretary's annual report will identify those National Historic Landmarks which exhibit known or anticipated damage or threats to their integrity. In evaluating National Historic Landmarks for listing in the report, the seriousness and imminence of the damage or threat are considered, as well as the integrity of the landmark at the time of designation taking into account the criteria in Section 65.4.; NPS NHL Survey "Guidance on the Collection and Reporting of Data on the Condition of National Historic Landmarks," February 4, 2004.

Potential Visual Impacts

In application of 36 CFR Part 800.5(a)(1) Criteria of adverse effects, "An adverse effect is found when an undertaking may alter, directly or indirectly, *any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association*" (emphasis added.). As noted in Section (2), this would include: "(iv) change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" and "(v) introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features."

DOT/FHWA point out that the hillside location of the proposed road was historically logged, and that any trees growing there now are "visual amenities." This position implies that removing the trees would restore the hillside back to its historic setting. While some portions of the adjacent slopes were logged during the late 1890s, the bench area east of the Skagway townsite contained *only* a limited number of logged trees and undeveloped footpaths. It needs to be recognized that during the period of significance (1897-1910)², various parts of the NHL included fully vegetated, logged off, or partially vegetated lands. Because the NHL boundaries run from Skagway to the Canadian border, the vast majority of the land within the NHL was never logged during the gold rush period. What tree cutting did take place was performed with hand tools. Some slopes adjacent to Skagway were selectively logged for specific wood products—cabin logs, firewood, and other subsistence uses. It was not subject to commercial clear cutting. Photographs from both early 1897 and the 1908-1910 period, to all appearances, show a full vegetation regime in the area immediately surrounding the Skagway townsite. The historic photograph that is presented noting the "bare appearance of the hillside" (Williams, et al, 2004:18) is a winter scene, and does not show any areas of logged trees. The "bareness" is simply due to leaf-off conditions of winter. Thus, during the period of significance, 1897 to 1910, the Skagway & White Pass District NHL valley landscape ran the gamut from full vegetation to various degrees of tree cutting. Consequently, all stages of the natural setting, along with small scale logging, are part of the historic landscape. Any of those vegetation stages should be considered as contributing to the NHL.

The report "Cultural Resources and the Juneau Access Project: Summary and Compilation of Data" states that *"The integrity of setting for the NHL has already been compromised . . . by cruise ships that in essence become a permanent fixture on the skyline during peak tourists months. The proposed highway under Alternatives 2, 2A, and 2C would be but one of several elements already impacting the setting of the NHL (p.52)."* This statement fails to take into account that tourist traffic to Skagway via ship is a historic activity that continues in modern times. Ships carrying tourists have graced the skyline since the gold rush. The modernization of the town's historically placed infrastructure (ships, trains, electric utilities, and buildings) does not detract from the historic setting in the same way that a completely new highway and bridges would, in an area where they did not previously exist. There were no roads nor any substantial trails in the area of the proposed road during the time of significance for the NHL. Thus, no large-scale built features of a permanent nature, such as roads or bridges, were part of the historic setting in this sector of the Landmark.

A new highway and bridges, in a new location, would be instantly recognizable as modern intrusions by both local residents and visitors. Unlike ships, highways and bridges are permanent, fixed features on the landscape. This is why we recommend that any proposed projects in this area of the NHL remain as minimally intrusive as possible. It is important to continue to preserve as much of the historic natural setting as possible in view of the fact that this setting is a key element of the Landmark.

The computer generated simulations that have been provided show tree cover along the bluff overlooking Skagway. However, the model uses evergreen trees instead of the existing deciduous trees. An appropriate model, using the correct vegetation pattern, would demonstrate a more accurate visual representation within the NHL and from Skagway. This would show that the proposed road, and the proposed bridges, would be more readily apparent in the fall, winter, and early spring, with leaf-off conditions. The DOT/FHWA implication

² DOT/FHWA's assertion that the official time of significance for the NHL is between 1897 and 1910 is correct. An 1887 to 1912 period of significance, which was quoted by park staff during our September 9th meeting, was given in an early draft of the NHL revision, but those dates were later revised.

seems to be that the visual impacts are to be evaluated only in terms of visitors, and not the existing year-round residents. The argument would seem to be that there is less of a visual impact if there are fewer people to see it. Obviously a visual impact is a visual impact, no matter how many people are there to see it. We need to see an accurate representation of the proposed visual intrusions, in order to adequately evaluate their potential impact.

The NHL boundaries encompass the entire breadth of the river valley, and slopes immediately adjacent to the valley, from the ocean to the Canadian border. The visual impacts that can be seen from any point within the NHL should be considered; examples of these impacts may include highway lighting, picnic areas, waysides, and other associated highway features. We recommend that DOT/FHWA reproduce the computer simulations using the appropriate vegetation, and provide more, and varied, views for better evaluation of the visual impacts, with particular emphasis being given to the road as it drops onto the hillside from approximately 8th Avenue to the area where the road enters the townsite proper at 23rd Avenue.

Contrary to statements made in the DOT/FHWA letter, the physical impacts of right-of-way blasting, plus the "intermittently vegetated" bluff face, suggest that no amount of re-vegetation (naturally or with planted species) can fully mitigate impacts to the historic viewscape. The physical nature of the rocks, and the steepness of the cuts, potentially preclude natural revegetation. DOT/FHWA should provide information regarding alternative blasting methods that would mimic the natural slopes and enhance natural re-vegetation of the area.

Moreover, two of the computer-generated simulations ("22nd and Main Composite" and "23rd and Main Composite") show permanent, major, visual impacts at the northeastern end of town. The proposed entry of the highway into the townsite at 23rd Avenue, just south of the White Pass and Yukon Route (WP&YR) railroad yards (SKG-106), will visually sever the rail yards from the historic townsite. The WP&YR is a historically important component, not only of Skagway during the gold rush, but of Skagway's continued prosperity as a community. The history of the WP&YR is of paramount importance to the community and the NHL. The railroad yards themselves also are of gold rush vintage; in addition, many historic WP&YR passenger cars and freight cars (some dating back to the gold rush period) are kept on a siding near the proposed road right-of-way. The introduction of a modern highway into this historic setting constitutes a dramatic change in the historic landscape and will forever change the historic character and the context of the rail yards.

The area at the north end of Skagway is historically more important than has been stated in the various documents submitted for our review. The Shearer Cabin and the Hestness House (Cultural Resources Consultants report, p. 51), both contributing elements to the NHL, are the sole remnants of a gold rush-era neighborhood that was inhabited by White Pass and Yukon Route employees who worked in the railroad yards. Moreover, this neighborhood is zoned for residential purposes, not just for "industrial and general business uses," as cited in both the CRC report and the DOT/FHWA letter.

The north end of Skagway is also the approach to the Gold Rush Cemetery where Frank Reid, who shot and killed "Soapy" Smith, is buried and memorialized with a large granite marker. Smith's grave is located a few yards away. The cemetery, which is a popular tourist attraction, is just north of the rail yards and is a contributing element to the NHL.

Very little information is given regarding the design of the proposed road at the north end of Skagway. The existing graphics are confusing and need to be clearer. It should be clarified exactly where the road is to go and how traffic will access the road as it comes onto 23rd Avenue. (For example—will there be on/off ramps? a stop light?) It would be helpful if DOT/FHWA provided designs that would minimize this modern intrusion within the historic fabric of the Landmark. More accurate information is also necessary for the proposed bridges on the bench that would elevate the road over the Skagway Hydroelectric Complex.

Potential Auditory Impacts

Although the DOT/FHWA letter states that an "analysis of potential traffic noise indicates no long-term impact," no specific documentation is provided regarding the scope of this analysis, including pre- and post-construction noise impacts within the APE. The Skagway townsite sits in a narrow river valley, with high valley walls. Sound carries long distances within the valley and resonates from the steep rock faces that line either side. Construction activities will generate short-term adverse impacts. In addition, increased post-construction

vehicular traffic above town will contribute to long-term auditory impacts, both to the NHL and to the Lower Dewey Lake area wherein sit SKG-189 and SKG-203. These impacts will alter the historic characteristics of the "setting", as well as "feeling and association" of the area, qualities which are considered as contributing to the NHL.

Potential Indirect Impacts

In consideration of 36 CFR Part 800.5(a)(1) Criteria of adverse effects, "Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed or be cumulative."

While not considered in the DOT/FHWA proposal, enhanced access for vehicular traffic has the potential to increase visitor traffic to the NHL, KLGO's Skagway Unit, and KLGO's other park units of White Pass and the Dyea and Chilkoot Trail. (Dyea and the Chilkoot Trail represent a separate NHL.) The information provided is insufficient to adequately evaluate the potential indirect impacts to the historic resources within the rest of the park units based on this potential increase. A change to year-round vehicular access resulting in presumed visitor increases may require commensurate increases in basic visitor services including road maintenance, development of infrastructure relating to parking and other vehicular needs, and access to trails for a greater amount of time throughout the year. All of these factors may have direct impacts on the historic resources.

Summary

- ◆ Natural areas within the established NHL boundaries are contributing features of the Landmark as defined by the 1999 NHL nomination.
- ◆ Based on the information provided to date, we believe that the proposed road and bridge(s) have the potential to cause visual, auditory, and indirect impacts to the Skagway & White Pass District NHL.
- ◆ We believe that any development of modern infrastructure should be designed so that it is minimally intrusive to the character of the sites and setting of the landmark.
- ◆ We disagree that long-term cumulative impacts will not be incurred on the already identified historic properties, or any other potential sites that might be located in the highway construction corridor.
- ◆ We believe insufficient information has been provided to evaluate construction or post-construction visual or auditory impacts on any of the historic properties already identified.
- ◆ We believe insufficient information has been provided to evaluate long-term indirect impacts to any of the historic properties already identified, or for any indirect impacts to other park units that would result from increased vehicular traffic.

Additional Information Requested

In order to more adequately evaluate the potential effects, and to better understand the DOT/FHWA determination of no adverse effect, the National Park Service needs to request the following information:

- ◆ A map illustrating proposed routes in relation to the historic sites, both in and out of the Area of Potential Effect (APE) associated with the landmark. The map (Figure 1. Location Map) in the Northern Land Use Research, Inc., March 2004 report does not show all the components of SKG-189, the Skagway Hydroelectric Complex Historic District. Either update Figure 1 to show the other components of SKG-189, or update Figure 2 of the same report to show the proposed route of the road. It would also be helpful if both maps showed the NHL boundary.
- ◆ Updated digitally enhanced photographs depicting visual impacts using the correct vegetation (deciduous trees vs. evergreen), that demonstrate visual impacts for both summer and winter vegetation. Also provide more views from various locations to give a better sense of the visual impacts. The graphics showing the

road at its entry into the townsite on 23rd Avenue need to be more explicit. Currently it is difficult to understand what is being depicted.

- ◆ More specific information regarding the potential for designing the various bridges in a way that minimizes the visual impact on the landscape. Although a double arched steel bridge was specifically mentioned for crossing over the Lower Dewey Lake Trail (SKG-203), more specific designs should be provided. No reference was made to the other proposed bridges, nor was any reference made to modifying the design of the road as it enters the townsite at 23rd Avenue. In addition, we would need to see the design options for the road which would include associated highway features such as lighting.
- ◆ A copy of the DOT/FHWA analysis of the audible effects of the road within or adjacent to the NHL and KLGO. This information will give the reviewers a better sense of how much more noise is expected to be generated within the APE. This information is necessary for an adequate evaluation of the potential auditory effects.
- ◆ Information describing the expected increases in vehicular traffic to Skagway throughout the year and through time. A rise in vehicular traffic is expected to result in increased visitors to the NHL as well as to the Skagway and Dyea park units. Additional visitation may have impacts to the park's resources, depending on the level of increase and the park's ability to absorb those increases within its existing carrying capacity.
- ◆ Information regarding anticipated future developments along the road corridor. For example, there is no mention made of any potential waysides or other recreational development along the road corridor—are additional features of this type planned as part of the proposed road project? We need to evaluate indirect impacts to the historic resources within the NHL.
- ◆ Information regarding alternative blasting methods that would mimic the natural slopes and enhance natural revegetation of the area.