

7 PUBLIC AND AGENCY COORDINATION

The Department of Transportation and Public Facilities (DOT&PF)¹ developed and implemented a consultation and coordination program to ensure that the public; tribal entities; and federal, State, and local agencies were contacted, consulted, and given an adequate opportunity to be involved in the environmental analysis and Supplemental Environmental Impact Statement (SEIS) process.

7.1 Previous Public and Agency Coordination

Scoping is defined as “an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action” (40 Code of Federal Regulations [CFR] 1501.7). Council on Environmental Quality (CEQ) Guidance also states that “[t]he scoping process should identify the public and agency concerns; clearly define the environmental issues and alternatives to be examined in the EIS including the elimination of non-significant issues” (CEQ, 1984).

The earliest scoping activities for the Juneau Access Improvements Project (JAI) Project occurred in 1993 and 1994 during the preparation of the Reconnaissance Engineering Study (DOT&PF, 1994b). Public and agency scoping for the 1997 Draft Environmental Impact Statement (EIS) was ongoing throughout the development of that document and was initiated again in 2003 for the 2005 Supplemental Draft EIS. In addition to public outreach, the Federal Highway Administration (FHWA) and DOT&PF coordinated with local, State, and federal agencies during the scoping processes for both the 1997 Draft EIS and the 2005 Supplemental Draft EIS. Those scoping efforts included presentations to community groups, radio broadcasts, newspaper articles and newsletters, public scoping meetings, and meetings with borough assemblies and local officials. Agency coordination meetings held in 2003 and 2004 helped clarify issues, identify agency concerns, determine appropriate methods of analysis, and characterize potential impacts.

Government-to-Government coordination was another element of the scoping process for the 1997 Draft and 2005 Supplemental Draft EISs. In compliance with the federal laws and regulations regarding cultural resources, DOT&PF sent letters to local federally recognized tribes² and other Native entities inviting them to participate in the process of identifying cultural properties (prehistoric and historic) and determining the effects of the alternatives on such properties for the 2005 Supplemental Draft EIS. In August 2004, FHWA sent letters to the same Native organizations inviting them to comment on FHWA’s determination of historic property eligibility for the National Register and determination of potential effects on historic properties in the APE.

¹ This SEIS is based on the 2014 Draft SEIS and substantive changes have been highlighted in gray for easy identification by the reader.

² The National Historic Preservation Act (NHPA) requires federal agencies to consult with federally recognized tribes. Federally recognized tribes and Native entities consulted under Section 106 of the NHPA for the JAI Project include Sealaska Corporation, Sealaska Heritage Institute, Douglas Indian Association, and Goldbelt Corporation. Auk Kwan is not a federally recognized tribe. As part of the NEPA process, the members of Auk Kwan have been given multiple opportunities to provide input on the project. Comments from Auk Kwan members on the 2014 Draft SEIS have been considered and are addressed in this Final SEIS.

The *Juneau Access Improvements Project 1997 and 2003 Comment Analysis Report* (DOT&PF, 2003d) provides a public and agency comment summary and analyzes the substantive comments made during 2003 scoping. A summary of 2003 scoping comments was also included in the 2005 Supplemental Draft EIS. The *2003 Juneau Access Supplemental Draft Environmental Impact Statement Scoping Summary Report* contains copies of all of the scoping comments (DOT&PF, 2003e).

Responses to substantive comments received during the 1997 Draft EIS comment period were presented in Appendix V of the 2005 Supplemental Draft EIS: *Responses to Comments*.

A Notice of Availability of the 2005 Supplemental Draft EIS for the JAI Project was published in the *Federal Register* on January 24, 2005. DOT&PF held numerous public coordination meetings in which it presented an overview of the 2005 Supplemental Draft EIS and, in February 2005, DOT&PF held public hearing sessions in Juneau, Haines, and Skagway. Public input was solicited and oral testimony recorded at the public hearings. Comments were also submitted via letter, e-mail, hand delivery, or fax to the DOT&PF project office. The public review and comment period ended on March 21, 2005. All comments received or postmarked by or on March 21, 2005, were analyzed in the *Supplemental Draft EIS Comment Analysis Report*, which was published on the project website in June 2005 (DOT&PF, 2005c). Comments from State and federal agencies and DOT&PF responses were included in Chapter 7 of the 2006 Final EIS. Responses to comments received during the 2005 public comment period were presented in Appendix Y of the 2006 Final EIS: *Responses to Supplemental Draft EIS Comments*.

7.2 Scoping for this SEIS

FHWA requires that a formal scoping process be conducted for an EIS in order to identify significant issues to be addressed in the development of the document; however, 23 CFR 771.130(d) states that formal scoping is not required for an SEIS. In this instance, FHWA, in collaboration with DOT&PF, decided to conduct focused scoping for the JAI Project SEIS to address only those changes or new information that is the basis for preparing this Final SEIS and were not included in the 2006 Final EIS.

7.3 Notice of Intent to Prepare an SEIS

On January 12, 2012, FHWA began the scoping process for the SEIS by publishing a Notice of Intent (NOI) in the *Federal Register* to formally announce the initiation of the JAI Project SEIS (*Federal Register*, Volume 77, Number 8, 1973). The NOI summarized the project background and purpose and need, listed the alternatives to be studied, described scoping plans and materials, and announced the intent to hold agency scoping meetings.

7.4 SEIS Scoping and Public Coordination

Between January 12 and February 20, 2012, a variety of tools and activities were used to inform, as well as to solicit and obtain input from, the public. These tools included newspaper advertisements and an informational insert, a newsletter and postcard, and website postings.

7.4.1 Newspaper Display Advertisements

Newspaper display advertisements were published in four newspapers in January 2012: *Juneau Empire*, *Sitka Sentinel*, *Skagway News*, and *Chilkat Valley News* (Table 7-1). These are the primary newspapers in or near the project area. The display ads announced the initiation of the JAI Project SEIS, public scoping schedule, website address, and the point of contact to submit comments.

**Table 7-1:
Newspaper Ad Publication Schedule**

Publication Date	Newspaper	Total Circulation
January 15, 2012	<i>Juneau Empire</i>	7,500
January 17, 2012	<i>Sitka Sentinel</i>	2,500
January 18, 2012	<i>Skagway News</i>	900
January 19, 2012	<i>Chilkat Valley News</i>	1,200

7.4.2 Newsletter/Newspaper Insert

The DOT&PF developed a newsletter/newspaper insert to announce scoping for the JAI Project SEIS, provide project and alternatives information, and solicit comments. The piece was published in January 2012 as a newspaper broadsheet insert in locally distributed copies of the *Juneau Empire* (5,200 inserts), *Sitka Sentinel* (2,500 inserts), *Skagway News* (600 inserts), and *Chilkat Valley News* (1,000 inserts; total newspaper inserts: 9,300). The publication was also mailed as a newsletter to individual box holders in Skagway, Haines, Juneau, the Chilkat Valley (Haines and Klukwan), and Sitka (approximately 24,000 residential box holders). The newsletter (reformatted for printing and online readability) was also posted on the project website.

7.4.3 Postcard

On January 26, 2012, DOT&PF mailed 394 postcards to the JAI Project mailing list. The purpose of the postcard was to announce the initiation of the JAI Project SEIS and its intent, share the project website address, provide project contact information, and request that the recipient return the “reply” postcard with comments and/or a request to remain on the project mailing list.

A postcard and e-mail notifications were sent to individuals on the project mailing list in August 2013 to announce updates to the project.

7.4.4 Website

The website for the JAI Project SEIS (www.juneauaccess.alaska.gov) is maintained by the DOT&PF Southcoast Region and updated regularly by project staff. The website address was included on all project scoping material (postcards, newspaper advertisements, and newsletter/newspaper insert). The website provides the following information:

- Juneau Access Improvements Project home page:
 - Project status (including the Governor’s selection of the preferred alternative)
 - Project purpose and need
 - FHWA Approval Process for the SEIS

- Project timeline
- Project overview
- Project Documents:
 - 2018 Final SEIS and supporting documents
 - 2014 Draft SEIS and supporting documents
 - 2012 scoping documents
 - Archive
 - Financial plans
 - Geotechnical reports 2006 Final EIS and supporting documents
 - Permits and approvals
 - Project Resources
 - 2017 alternative descriptions
 - Maps
 - Contact
 - Request a copy

7.5 SEIS Agency Coordination

7.5.1 Agency Scoping

Agency coordination and scoping was conducted through telephone contacts and conferences, letters, and individual agency meetings, most of which transpired from January through March 2012. During the scoping process, 13 federal, State, and local agencies were invited to participate by submitting written comments and were provided an opportunity to attend meetings with project staff to discuss the JAI Project SEIS.

In addition, FHWA sent letters to the following six federal agencies on January 17, 2012, inviting their continued participation as Cooperating Agencies on the JAI Project SEIS:

- National Marine Fisheries Service (NMFS)
- U.S. Army Corps of Engineers (USACE)
- U.S. Coast Guard (USCG)
- U.S. Environmental Protection Agency (EPA)
- U.S. Forest Service (USFS)
- U.S. Fish and Wildlife Service (USFWS)

Each of these invited agencies served as a Cooperating Agency for the previous EIS. EPA, USACE, USCG, and USFS agreed to continue as Cooperating Agencies for the JAI Project SEIS.

Scoping meetings were conducted with five federal agencies between February 1 and February 14, 2012. A scoping meeting was conducted with the Alaska Department of Environmental Conservation (ADEC) on February 2, and a scoping meeting with City and Borough of Juneau department heads was held on February 7, 2012. Scoping comments were received from 10 federal, State, and local government representatives throughout February and March. Table 7-2 summarizes scoping activities with federal, State, and local government representatives.

**Table 7-2:
Federal, State, and Local Government Representative Participation in Scoping**

Agencies	Meeting Date	Scoping Comment Letter Received
NMFS	February 14, 2012	March 27, 2012
USACE	February 13, 2012	March 29, 2012
USCG	-	-
EPA	February 9, 2012	February 21, 2012
USFS	February 1, 2012	Feb 17, 2012 / March 1, 2012
USFWS	February 1, 2012	February 28, 2012
ADEC	February 2, 2012	-
Alaska Department of Fish and Game (ADF&G)	-	March 5, 2012
Alaska Department of Natural Resources (ADNR)	-	-
City and Borough of Juneau	February 7, 2012	February 29, 2012
City and Borough of Sitka	-	February 17, 2012
Haines Borough	-	February 27, 2012 / February 29, 2012
Municipality of Skagway Borough	-	February 29, 2012

Meetings included the presentation of a project overview, summary of key agency issues in regard to the 2006 Final EIS, post-Record of Decision (ROD) updates (e.g., regulatory and requirement changes, data updates, new permitting requirements), an agency status discussion, information exchange, updated issues discussions, and summary of next steps.

7.5.2 Subsequent Agency Coordination

A meeting was held with NMFS in January 2013 to discuss questions related to Section 7 of the Endangered Species Act (ESA). Specific issues included the delisting status for the eastern Distinct Population Segment of Steller sea lions, potential critical habitat designation changes, new data regarding year-round presence of the western Distinct Population Segment Steller sea lions, and future formal consultation. In March and August 2014, NMFS provided comments on the draft Revised Biological Assessment for the JAI Project.

In August 2013, Cooperating Agencies received notification from FHWA regarding the JAI Project alternative changes due to Day Boat ACF changes, as well as FHWA's intent to identify a preferred alternative in the Draft SEIS and to combine the Final SEIS and ROD.

7.6 Summary of 2012 Scoping Comments

The 2012 *Scoping Summary Report* (DOT&PF, 2012b) contains copies of all the scoping comments received during the SEIS scoping process and provides an overview of all of the substantive issues and concerns identified. A summary of the most frequent scoping comments received during the 2012 scoping process and responses to those comments is included in Chapter 7 of the 2014 Draft SEIS.

7.7 Relevant Correspondence Involving Local Government, Federal, and State Agencies and Organizations

Relevant correspondence in 2012 and 2013 related to issues other than scoping was provided at the end of Chapter 7 of the 2014 Draft SEIS.

7.8 Cooperating Agency Review of the Preliminary Draft SEIS

In January 2014, Cooperating Agencies were requested to review the preliminary Draft SEIS. Their comments and FHWA responses were included in Chapter 7 of the 2014 Draft SEIS.

7.9 Draft SEIS Public Comment Period

A Notice of Availability of the 2014 Draft SEIS for the JAI Project was published in the *Federal Register* on September 19, 2014. At that time, copies of the 2014 Draft SEIS were made available at the Juneau, Douglas, Mendenhall, Haines, and Skagway public libraries, as well as the Alaska State Library. Printed copies were distributed to cooperating agencies and local governments. Compact discs (CDs) were distributed to individuals and interested organizations that requested to be on the mailing list. Printed copies of the 2014 Draft SEIS and CDs were available by request from the DOT&PF Southeast (now Southcoast) Region office. The 2014 Draft SEIS and appendices also were made available for review or download from the project website: http://dot.alaska.gov/sereg/projects/juneau_access/documents.shtml. Public notices about the availability of the 2014 Draft SEIS and appendices, as well as dates of public hearing sessions and locations, were placed in the *Juneau Empire* on September 21 and 24, and October 6 and 7, 2014; *Chilkat Valley News* on September 25 and October 9, 2014; and *Skagway News* on September 26 and October 10, 2014.

In October 2014, a project newsletter was mailed to postal customers in Southeast Alaska. The mailer included information on the purpose and need of the proposed project, the proposed alternatives, the project schedule, the public hearing schedule, locations where hard copies and CDs of the 2014 Draft SEIS and appendices were available, and a request for public comment.

During the Draft SEIS review and comment period, public input was solicited and oral testimony recorded at public hearing sessions held in Juneau on October 14, in Haines on October 15, and in Skagway on October 23, 2014. An open house session before each public hearing session provided the public an opportunity to review project information and display boards, ask questions of the project staff, and provide oral or written comments. Comments were also submitted via letter and e-mail (hand delivery and fax) to DOT&PF. The public review and comment period, initially scheduled to end November 10 (providing a 52-day comment period, exceeding the 45-day minimum), was extended by 15 days (67 days total) to November 25, 2014. The FHWA Division Administrator extended the comment period due to requests from multiple parties. All comments received or postmarked by or on November 25 were analyzed.

7.10 2014 Draft SEIS Comments and Responses

Comments and testimony were received from the public; organizations and businesses; cooperating agencies; other local, State, and federal agencies; and tribes and other Native entities during the public comment period. These comments were analyzed in a multi-stage process that included coding, sorting, and summarizing all comments and testimony received. Each substantive comment was assigned a unique code number. Each comment was then assigned to an issue category that best reflected the substance of the comment, such as socioeconomic effects or wetland concerns. Similar comments were grouped together, and a summary comment was generated to capture the concerns of the comments in the group. These summary comments and FHWA's responses to them are provided in Appendix JJ, *Responses to Draft Supplemental Environmental Impact Statement Comments*.

Communications from cooperating agencies and comment responses from FHWA are included in Appendix JJ, Attachment A. In addition, Attachment B of Appendix JJ includes communications from local, State and federal agencies, as well as tribes and other Native entities. Attachment C of Appendix JJ includes communications from organizations, with embedded responses. These communications included extensive comments on multiple topics regarding the 2014 Draft SEIS, for which FHWA prepared individual responses.

7.11 Agency Coordination after the Draft SEIS Public Comment Period

A meeting was held with USFS in April 2015 to discuss old-growth reserve modifications, the forest plan amendment, the Roadless Rule process, subsistence, and the Biological Evaluation. Follow-up meetings were held to coordinate and facilitate USFS's analysis of the old-growth reserve modification. DOT&PF provided material referenced in the 2014 Draft SEIS covering subsistence and Biological Evaluation topics to USFS at its request.

Meetings and phone calls were coordinated periodically with USACE during which its comment letter on the 2014 Draft SEIS and DOT&PF Section 404/Section 10 permit application was discussed.

DOT&PF consulted several times with the State Historic Preservation Officer (SHPO) staff to discuss their comments on the 2014 Draft SEIS regarding cultural resources. In February 2016, FHWA, SHPO, and DOT&PF had meetings with Sealaska Corporation, Sealaska Heritage Institute, Douglas Indian Association, and Goldbelt Corporation to address their comments. No previously unidentified sites of cultural or historic importance were identified during the meetings.

DOT&PF consulted several times with ADF&G staff to seek additional information related to their comments on the 2014 Draft SEIS.

7.12 Relevant Correspondence after the Draft SEIS Comment Period

With DOT&PF's and FHWA's identification of Alternative 1 - No Action as the preferred alternative for the JAI Project, there is no longer a need to obtain permits and approvals for construction. On December 20, 2016, DOT&PF notified USACE that it was withdrawing its Section 404/10 Permit Application for the JAI Project (included as *2014 Update to Appendix X – Draft Section 404/10 Application and Draft Section 404(b)(1) Analysis* in Appendix Z of the 2014 Draft SEIS). On January 19, 2017, FHWA notified NMFS that no improvements would be made under Alternative 1 - No Action, the preferred alternative; therefore, no impacts to EFH

would occur and no further mitigation is proposed. On February 15, 2017, FHWA notified NMFS that it was withdrawing the Biological Assessment Addendum and request for formal consultation under ESA Section 7 for the JAI Project. These letters are included in Attachments A and B of Appendix JJ.

7.13 Cooperating Agency Review of the Preliminary Final SEIS

The Preliminary Final SEIS was provided to the cooperating agencies for review on August 31, 2017. Of the cooperating agencies, only EPA provided a response. This response letter is provided in Attachment A of Appendix JJ. USACE, USCG, and USFS provided no comments on the Preliminary Final SEIS.