

Chapter 6: Consultation and Coordination

6.1 INTRODUCTION

This chapter presents the public and government agency consultation and coordination that have occurred in development of the proposed project alternatives and preparation of the FEIS.

6.2 AGENCY COORDINATION

The co-lead agencies responsible for preparation of the FEIS – the Federal Highway Administration/Western Federal Lands Highway Division (FHWA) and the National Park Service (NPS) – invited federal, state, and local agencies with the appropriate expertise and jurisdiction to participate in the project planning and NEPA process. The cooperating agencies are:

- San Juan County (county)
- Washington State Department of Natural Resources (DNR)

During project development, the NPS and FHWA have worked closely to ensure consistency with agency policies and NEPA. As co-lead agencies, they are responsible for allocating resources for alternative design and development of the environmental document. They are also the decision-making agencies in determining which proposed alternative best meets the project purpose and need and agency mandates. The NPS provided guidance and resource specialists for development of the FEIS. The FHWA provided engineering design and technical expertise as well as NEPA expertise and project management. The resource investigations were performed by environmental and cultural resource consultants as well as by NPS resource specialists.

As cooperating agencies, the county and DNR worked as part of the project team in identifying issues and providing assistance in the analysis and decision-making process. As part of the project team, they were involved in the internal and public scoping process, were present at project and public meetings, provided review of documents, and were involved in correspondence and discussion of relevant issues. The DNR provided information regarding the resources present in the NRCA and project area. The county provided information from its previous public scoping effort and bluff retreat studies. The county owns and maintains the section of road through the project area; therefore, it would be the lead in seeking federal and state funding for the final design and construction phase if an action alternative is selected.

Internal scoping of co-lead and regulatory agencies was also included in the scoping process. This involved the project interdisciplinary team and other government agencies having regulatory jurisdiction or resource expertise in the area. These agencies include the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), Washington State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the Washington State Department of Ecology (WDOE). Coordination with the project team and appropriate agencies will continue through the remainder of the project development and NEPA process.

If an action alternative is chosen, the project team would continue to work together in the final design, construction, and monitoring phases of the project. This includes continuing compliance with all applicable laws, policies, and regulations, as well as continued examination of methods to minimize environmental impacts in developing and implementing the chosen alternative.

6.3 OTHER AGENCY AND TRIBAL CONSULTATION AND COORDINATION

6.3.1 U.S. Fish and Wildlife Service

Section 7(a)(2) of the Endangered Species Act (ESA) requires that federal agencies insure that any action authorized, funded, or carried out by them is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

The USFWS was initially contacted by letter on March 19, 2004, as part of the scoping effort. The letter included information on the proposed project and an invitation to participate as a cooperating agency due to the presence of bald eagle in the project area (which at the time was listed as endangered). The bald eagle was removed from the endangered species list in 2007; however, it continues to be federally-protected under the Bald and Golden Eagle Protection Act (BGEPA). Due to limited resources the agency declined to join as a cooperator, but it did offer its expertise for future consultation needs.

The environmental analysis concludes that the project alternatives would have no effect on any federally-listed threatened or endangered species; however, the action alternatives could affect bald eagle in the project area. The BGEPA prohibits *take* in the form of disturbance to bald eagles. At this time, the USFWS has not developed a take permit for the BGEPA. The FHWA and NPS will continue to coordinate with USFWS regarding responsibilities for bald eagle protection and mitigation of potential project effects.

A copy of the DEIS was mailed to USFWS for review on September 1, 2010. A comment letter was received from them on February 1, 2012. The comment letter is located in appendix B, comment 042. USFWS comments are addressed in appendix B and in section 6.8.1, section I.

6.3.2 State Historic Preservation Office

Section 106 of the National Historic Preservation Act requires that federal agencies consider the effects of their actions on archeological and historic properties. The law requires that federal agencies consult with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) and give the Advisory Council on Historic Preservation an opportunity to comment before projects are implemented.

The FHWA first contacted the SHPO on March 19, 2004, through the Washington State Office of Archaeology and Historic Preservation (OAHP). Because of the historical significance of the park, the SHPO was asked to participate as a cooperating agency. The OAHP requested information, when available, to assist in their review of the project.

Cultural resource surveys and analysis concludes that there are no properties that are listed or eligible for the National Register of Historic Places (NRHP) within the project Area of Potential Effects (APE) other than the American and English Camps, San Juan Island National Historic Landmark. The FHWA has determined that the proposed project would have *no adverse effect* on historic properties. The FHWA consulted with SHPO for concurrence its determination on

May 28, 2009. In addition, the FHWA informed the SHPO of its intent to make a *de minimis* impact determination based on SHPO concurrence of *no adverse effect* on historic properties. The SHPO concurred with the FHWA determination in its letter dated June 23, 2009.

6.3.3 Native American Tribes

Four federally recognized tribes have traditional ties to the project area. They are the Lummi, Samish, Swinomish, and Klallam (or S'Klallam). These tribes have been consulted by the NPS through personal communication and e-mail during various stages of project development, and their comments have been considered in development of this document. The NPS and FHWA will continue to coordinate with the tribes and consult with them on the results of the cultural survey and determination of effects. The tribes will receive a copy of the FEIS and will continue to be consulted in further project planning and implementation if an action alternative is chosen.

6.3.4 Other Agencies

Numerous resources were used in the development of this project including other government agencies and informational resources. The Cultural Resources Assessment utilized a number of resources to develop information on the history of the area. Plant and biological studies were developed from information from a multitude of resources. In compiling this document, the FHWA and NPS consulted with other resource professionals, as well as text and online resources to obtain the best information available for the project. Other agencies that provided information for this EIS include:

- Washington State Department of Ecology for Coastal Zone Management Act compliance
- U.S. Army Corps of Engineers regarding bluff erosion and coastal processes
- Washington Department of Fish and Wildlife regarding state-listed species
- National Oceanic and Atmospheric Administration-Fisheries regarding marine species

The City of Friday Harbor is the only municipality in the project vicinity. It is located approximately 8 miles north of the project area. The city has been included on the mailing list and has provided information regarding the project.

6.4 PERMITS AND APPROVALS

If an action alternative is selected, all applicable federal permits would be obtained prior to construction. Applicable federal permits include the following:

6.4.1 NPDES

A National Pollutant Discharge Elimination System (NPDES) permit is required for all construction activities that disturb 1 acre or more. Implementation of any of the action alternatives would require an NPDES Construction General Permit (CGP). NPDES permitting for federal projects is administered by the EPA. The CGP requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) during construction. The SWPPP addresses water pollution control during construction and outlines erosion and sediment control BMPs to be installed on the construction site.

6.4.2 Coastal Zone Consistency

The proposed project is located within a coastal zone. Any federal action that is likely to affect a land or water use or natural resource of the coastal zone is required to be consistent to the maximum extent practical with the enforceable policies of state management programs. The environmental analysis has determined that implementation of any of the action alternatives would not affect the coastal zone and would comply with the applicable laws. The FHWA submitted a negative determination and assessment that the action alternatives would have no effect on Washington State coastal resources to the Washington State Department of Ecology (WDOE) on May 26, 2010. The WDOE concurred in writing with the FHWA negative determination on June 17, 2010.

6.4.3 Clean Water Act

The environmental analysis indicates that the action alternatives would have no impacts on wetlands or waters of the U.S. Therefore, the project would comply with the Clean Water Act and Executive Order 11990, and a Section 404 permit would not be required.

6.4.4 Other State Requirements

The DNR and county operate under state laws requiring compliance with the State Environmental Policy Act (SEPA). The SEPA process allows adoption of existing NEPA documents for compliance. If the agencies are in agreement with the findings in the FEIS, and the document meets their SEPA compliance requirements, the findings of the NEPA process would be adopted to satisfy SEPA requirements. The county would take the lead on SEPA compliance.

6.5 FUNDING

Preliminary project planning and NEPA is funded by the Public Lands Highway Program. If an action alternative is selected, additional funding would be needed for final road design and project construction as well as development, implementation, and monitoring of mitigation plans, and emergency contingency plans. Additional funding has been requested through federal and state sources, with San Juan County taking the lead.

6.6 PUBLIC INVOLVEMENT

An integral part of the NEPA process is to engage the public in the decision-making process. The goal of the public involvement process for this project is to develop public awareness and understanding of the project, gain public input from all potentially affected interests, and appropriately consider public issues in developing and evaluating the alternatives. This proactive public involvement process maximizes the chances for a successful project by establishing early understanding and ownership of the effort by key stakeholders.

For this proposal, public stakeholders consist primarily of local property owners, residents, community leaders, park visitors, and environmental and conservation groups. A wide range of public and agency perspectives have been considered in developing and evaluating alternative solutions.

6.6.1 Project Scoping

Public scoping allows stakeholders, and interested parties to identify or suggest resources to be evaluated, issues that may require environmental review, reasonable alternatives to consider, and potential mitigation if adverse effects are identified. Scoping also provides decision makers with insight on the analyses that agencies, stakeholders, and interested publics believe should be considered as part of the environmental review process.

The initial scoping effort for this project was undertaken by San Juan County in 2001, and a scoping document was published in February 2002. This document proposed 11 alternatives and identified environmental analysis needs, including an assessment of the existing conditions. A geotechnical investigation that included two borings and a bluff retreat report were completed as a part of the county effort and are referenced in this document.

Information relevant to the project was sent to federal, state, local, and tribal agencies and the general public. Pre-scoping interviews were conducted and information packets were mailed to over 175 people. A public scoping meeting was held in August of 2001 in Friday Harbor on San Juan Island with over 70 people in attendance. Comments were received throughout the process. These comments were considered in the development of this DEIS. Copies of the full comments and the scoping document are available for review at the San Juan County Public Works Department.

In September of 2003, federal funding became available for project planning. These funds came through the Public Lands Highway Program of the Highway Trust Fund. The FHWA has stewardship and oversight responsibilities for funds disbursed from the Highway Trust Fund. The NPS is responsible for project programming and planning of Parks Road Program projects. The use of federal funding brought about the need for a change in agency responsibilities. The project lead was shifted from the San Juan County to the FHWA and NPS. Federal funding also brought requirements for adherence to different regulations, policies, and management values. Therefore, it was determined that a review and revision of the determinations made during the scoping process undertaken in 2002 was warranted. This effort is detailed in the June 3, 2004, Scoping Report.

Subsequent scoping involved an invitation to all federal, state, and local agencies, and tribes as well as any interested publics that might be affected by the proposed action. A Notice of Intent to prepare an EIS was published in the Federal Register by the FHWA in February 2004. The project team was formed and met to outline time frames, roles, and responsibilities. Potential alternatives were developed and the information from the previous scoping effort was revisited. Preliminary design details and information on the affected environment were developed and researched. As alternatives were discussed, the need for additional information was recognized. A Conceptual Tunnel Study (Shannon and Wilson 2004) and Cultural Resource Assessment (Earley and Kopperl 2004) were developed.

Public scoping was initiated through a newsletter to introduce the issue and announce a public meeting. The first public meeting, held in February 2004 in Friday Harbor on San Juan Island, focused on project introduction and scoping. The meeting was announced through the local media and the NPS website. An afternoon and evening session were held, with displays and information available. Project team members were on hand to discuss issues and gather feedback and ideas on alternatives and environmental issues. Public comments were received before, during, and after the meeting. Using comments from the meeting and agency

recommendations, the project team decided on alternatives to be carried forward and further information to be gathered.

6.6.2 Project Scoping Comments

The public comments received during project scoping raised a number of issues. Comments generally supported the purpose and need for the project. No comments were received that were in favor of the no action alternative.

Public comments were received during the initial county scoping effort in 2001. The FHWA and NPS reviewed these comments during implementation of their scoping efforts in 2004. Additional public comments were received in connection with the public open house meeting held in Friday Harbor on February 6, 2004.

Public Comment Synopsis and Agency Response:

Public comments touched on a variety of issues and concerns. Some comments focused on protection of natural, scenic, and recreational resources such as grassland habitat, wildlife habitat, hiking trails, and view-sheds. These comments, along with other considerations, led the project team to recommend that preliminary road alignments located on the Mt. Finlayson ridge (identified as corridor 4 in early planning and scoping documents) and in the forested area on the north side of Mt. Finlayson (identified as corridor 5 in early planning and scoping documents) be eliminated from further consideration due to their relatively high level of impacts to biological and recreational resources.

Other public comments centered on the need to maintain access for east Cattle Point residents. These comments emphasized the need to build a long-lasting road and a contingency plan in case of road failure. These issues were among the “key issues” (section 1.5.1) considered by the project team in the development and evaluation of the action alternatives. The public comments highlighted the need for the design life of the alternatives to be carefully balanced with impacts.

A few public comments concerned possible stabilization of the toe of the eroding slope and shoreline. One comment specifically addressed a disagreement with the calculations used to anticipate the rate of erosion of the cliff. The FHWA response detailed how attempts to manipulate the shoreline erosion and deposition process would not adequately protect park resources. The USACE concurred with the FHWA geotechnical study regarding the validity of the erosion studies. It is the agencies’ conclusion that due to the complexity and regional scale of the causes of shoreline erosion and the unpredictable nature of storm-induced erosion, that further studies to better estimate the erosion rate would require a substantial undertaking and might yield only marginally improved results.

Some public comments addressed the need to retain facilities for visitors of all kinds including pedestrians, bicyclists, and motorists. This would include features such as pedestrian paths, bicycle trails, and road pullouts. In response, the project team emphasized the importance of safety for non-motorized travel and the need to address trail use and views in the development of the alternatives and mitigation measures.

One public comment requested a detailed archaeological analysis for each alternative. Assessment of project impacts on cultural and archaeological resources has been included in the DEIS. The NPS has coordinated with appropriate Native American Tribes. The FHWA has consulted with the SHPO and received their concurrence with project effects on cultural resources.

6.7 DEIS PUBLIC REVIEW

The DEIS for the Cattle Point Road Realignment Project was released for comment to federal, state, and local agencies, Indian tribes, and interested publics in accordance with CEQ regulations section 1503.1. The official 60-day comment period began on September 3, 2010 with the publication of the Notice of Availability (NOA) in the Federal Register.

An article announcing the release of the DEIS for public review was published in The Journal of the San Juan Islands on September 1, 2010. Availability of the DEIS was also announced in a mailer sent to individuals, officials, and agencies on the Cattle Point Road project mailing list. The project mailing list is located in the project file and can be viewed by request to the FHWA.

Individuals who commented during previous project scoping or who requested a copy of the environmental document were sent a CD or print copy of the DEIS. The DEIS was also available for view and download on the FHWA and NPS websites. Physical copies of the DEIS were made available for public review at the FHWA office in Vancouver, Washington as well as the San Juan Island Library, San Juan County Public Works office, and the NPS office, all located in Friday Harbor, Washington. A public open house for the purpose of discussion and comment on the DEIS was held in Friday Harbor on October 26, 2010. Approximately 40 people attended the public open house.

6.7.1 DEIS Comments Received

In total, 40 comment letters/correspondence were received during the DEIS comment period. Of the total, 17 comment letters were submitted at the public open house and the remainder were received by mail and email at the FHWA and NPS offices. Seven comment letters were received from local, county, and federal agencies and organizations, and the remainder were from individuals. Three individuals and one agency commented twice.

6.7.2 Substantive Comments

As part of the Final Environmental Impact Statement (FEIS), the lead agencies are required to respond to all substantive comments on the DEIS. Substantive comments are defined by NPS Director's Order (DO) 12 as those that do one or more of the following:

- Question, with reasonable basis, the accuracy of information in the DEIS.
- Question, with reasonable basis, the adequacy of the environmental analysis.
- Present reasonable alternatives other than those presented in the DEIS.
- Cause changes or revisions in the proposal.

In other words, substantive comments are those that raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with policy, are not considered substantive.

6.7.3 Response Options

Section 1503.4 of the CEQ regulations for implementation of NEPA require that agencies assess and consider comments both individually and collectively, and respond by one or more of the means listed below:

- Modify alternatives including the proposed action.
- Develop and evaluate alternatives not previously given serious consideration.

- Supplement, improve, or modify the analyses.
- Make factual corrections.
- Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position.

6.7.4 Comment Analysis

A copy of all public comment correspondence is located in appendix B. Each comment correspondence was reviewed and analyzed by the interagency team to identify specific substantive and nonsubstantive comment statements. Within each public comment correspondence, each comment statement is highlighted and numbered. In the column to the right of each comment statement, non-substantive comments are noted or given a short response and substantive comments are cross referenced to collective agency responses in section 6.8.1.

6.8 DEIS SUBSTANTIVE COMMENTS AND AGENCY RESPONSES

Substantive comments and agency responses are organized by topics, so that similar comments can be responded to collectively. The team evaluated the similar substantive comments and categorized them into common topics, then condensed similar comments into summary statements. Each topic contains one or more summary statement that restates the main points of similar individual comments. The team then prepared agency responses for each substantive comment summary statement. In some cases, responses were also prepared for nonsubstantive comments if the team thought that providing a response would enhance public understanding of the decision-making process.

Substantive comment topics are as following:

- A. Bluff Erosion Rate
- B. Trail Impacts
- C. Impacts to Wells and Aquifers
- D. Socioeconomic Impacts
- E. Air Quality Mitigation
- F. Utility Relocation and Easements
- G. Road Grade, Design, and Operations
- H. Alternatives Considered
- I. Threatened and Endangered Species

Each comment summary statement cross references the comment correspondence from which the comment was derived (appendix B). If a comment response requires a change in the FEIS, the agency response references the FEIS section where the change was made. Not all comments necessitate a change in the FEIS. If this is the case, the agency will explain why the comment does not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position.

6.8.1 Response to Comments

A. Bluff Erosion Rate

A-1 Comment Summary: *The projection in the DEIS that bluff erosion will become a concern for roadway failure in 16 years was questioned. It was perceived that this figure was determined using an average erosion rate for all reference stakes in the Baumann study.*

Various individuals suggested that the time for concern for roadway failure should be estimated using the most rapid years of erosion, and others suggested considering the closest point of the bluff scarp to the roadway as the critical point of road failure.

By means of various methods including projections of the most rapid erosion rate and visual estimates, road failure was suggested by various individuals to be anywhere from 5 years to 12 years. (Comment correspondences 001, 007, 014, 020, 022, 030)

A-1 Agency Response: It is valid to use the critical area of bluff erosion where the bluff scarp is closest to the road to determine the timing of the erosion threat to the road. The FHWA geotechnical engineer has interpreted the critical area to be between stake 13 and stake 38 (Baumann study). This is also the section of bluff that is eroding at the highest rate (at stake 26).

It would not be valid to use the highest erosion rate to project erosion along the whole critical area. The highest erosion rate is valid only at one specific stake location. In the DEIS table 3.1, the far-right column displays the average annual erosion rate for each of the 60 reference stakes for the period 2001 to 2009. The actual erosion rate varies from year to year and from stake to stake depending on a variety of factors.

FHWA has reviewed, revised, and clarified the calculations and descriptions in the DEIS. Revised FHWA calculations of erosion rate and timing are based on data at stake 26. Within the Baumann study area, stake 26 was the third closest as measured from the guardrail to the bluff in September 2009, and had the highest average annual erosion rate and total erosion from 2001 to 2009 (DEIS table 3.1).

In order to avoid confusion with the term “concern for roadway failure”, the revised bluff erosion time-period has been calculated to the point at which the bluff scarp would reach a point within 2 feet slope-distance from the base of the guardrail post at stake 26. Because of the load-bearing characteristics of the foundation soils on which the road is located, it is interpreted that the roadway would remain stable at the time when the bluff scarp progresses to within 2 feet of the outside face of the guardrail post.

The following changes have been made to FEIS section 3.2.2 in response to comment A-1:

- Bluff erosion concepts and criteria used to determine the coastal bluff erosion rate revised and clarified.
- Table 3.2 deleted.
- Figure 3.4 added to illustrate relative location of the road, guardrail, bluff scarp, and angle of repose.

A-2 Comment Summary: *Due to the mechanism of bluff erosion in which erosion starts at the bottom and works its way upward, there is an unstable top section sitting above the projected angle of repose. The unstable section is 6 to 13 feet back from the actual edge of the bluff. A concern for roadway failure should arise when the unstable portion of the top of the bluff retreats to within 10 feet of the guard rail. The discussions at the open house lead one individual to think that the FHWA does not accept the 10-foot buffer but rather projects the estimates for roadway concern on when the angle of repose actually reaches the current roadway. (Comment correspondence 014)*

A-2 Agency Response: FHWA has calculated coastal bluff erosion to the point at which the bluff scarp would reach a point within 2 feet slope-distance from the base of the guardrail post at stake 26. The reasoning for using this location is because the AASHTO Roadside Design Guide states that a minimum 2-foot embankment width from the outside face of guardrail post is adequate for post support and guardrail function. Because of the load-bearing characteristics of the foundation soils on which the road is located, it is interpreted that the roadway would remain stable at the time when the bluff scarp progresses to within 2 feet of the outside face of the guardrail post. The guardrail post is located about 6 to 8 feet from the striped edge of roadway pavement. No “buffer” is included in FHWA calculations.

A-3 Comment Summary: *A major storm, truck traffic, or earthquake could hasten bluff failure. (Comment correspondences 020, 030, 035)*

A-3 Agency Response: A major storm could accelerate the bluff erosion rate. As stated in the Landau study (2002), wave action is a large contributor to the mechanism of bluff erosion at the project site. Due to the nature of the soil, it is unlikely that large blocks of the bluff would slide at once; rather erosion would continue progressively at varying rates depending on a variety of environmental factors.

Vibration from truck traffic at the levels found in the project area would not be a major factor in underlying roadway stability. The measured erosion rates at the Baumann study include the effects of existing levels of truck traffic on the road over the 9 year study period.

With currently available information, it is not possible to predict the location and type of possible road damage that an earthquake might inflict in the project area. Factors affecting roadway failure include the magnitude of the earthquake, distance to the earthquake focus, type of faulting, depth, and type of material. A major earthquake could impact multiple areas along the entire length of the Cattle Point Road.

B. Trail Impacts

NOTE: There are three trails on the Mt. Finlayson ridge. One is a *formal* NPS trail that begins in the park at the Jakle’s Lagoon parking area and travels east along the upper ridge past the Mt. Finlayson peak. The trail is maintained by the NPS as part of the park trail system. The trail continues from the park onto DNR property, where it descends the ridge to connect with the Cattle Point Road north of the overlook near milepost 8.6. This trail is referred to as the Mt. Finlayson Trail and the “connector” trail in the DEIS and is marked on the trail map in figure 3.19.

A second *formal* NPS trail leaves the Mt. Finlayson Trail west of the DNR boundary and turns north through the forest toward Third Lagoon. The trail is maintained by the NPS as part of their park trail system. This trail is also shown in DEIS figure 3.19.

A third *social* trail leaves the formal Mt. Finlayson Trail near the eastern peak of Mt. Finlayson and travels south along the edge of the ridge. The social trail then rejoins the formal Mt. Finlayson Trail in at least two locations near the NPS – DNR property boundary. The total length of the social trail is about 1,200 to 1,500 feet. The social trail was formed by repeated user foot-traffic and is not maintained by the NPS or DNR. Use of this trail has been discouraged by the land management agencies to protect the soil and prairie vegetation. A trail-closure sign has been posted in the social trail by the DNR. The social trail is not shown on DEIS figure 3.19 because it is not part of the NPS or DNR trail system.

In analyzing the DEIS comments, the interagency team found that it was sometimes difficult to differentiate to which of these the trails the commenter was referring. The following assumptions have been made by the team in analyzing trail comments: Unless the commenter specifically states that they are referring to the social trail, or to some other specifically identifiable location, then the team has assumed that the commenter is referring to the formal system trail on the crest of the ridge shown in DEIS figure 3.19 as the Mt. Finlayson Trail. In some cases, the exact trail meaning can be implied by the known interests of the commenter.

B-1 Comment Summary: *Request that the road realignment be placed farther south and lower on the hill instead of putting it “on top of the hill” and “over the ridge.” (Comment correspondences 015, 016)*

B-1 Agency Response: There are three benches on the south slopes of Mt. Finlayson, with the third bench being the upper Mt. Finlayson ridge where prairie vegetation on the south side of the ridge gives way to the forested vegetation on the north. The formal Mt. Finlayson Trail is located along the crest of the upper ridge. The alternative B road alignment climbs (west to east) from the first to the second bench. The highest point of the new road alignment would be along the second bench, with cut slopes extending to the ridge of the second bench. The new road alignment would not reach the “top” of the Mt. Finlayson ridge nor would it go “over the ridge.” It would be located on the bench below the crest of the ridge.

B-2 Comment Summary: *Consider moving the road alignment down the slope as much as possible at the east end of the new alignment to minimize the intrusiveness of the road on the [formal] Mt. Finlayson Trail and to minimize impacts on the views from the trail to the south and east caused by the new road location and traffic on the road. (Comment correspondences 016, 017, 024, 031, 033)*

B-2 Agency Response: The location of the road realignment was designed with multiple considerations to best fit the physical setting as well as preserve the scenic, historic, and environmental resources of the park and DNR. A major consideration taken into account in the realignment location was the actual purpose and need for the project, which was to relocate the road far enough above the coastal bluff erosion site to protect it for the foreseeable future. Due to the multiple project considerations as well as the operational needs of the road and the topographic constraints of the site, the final road alignment can only be adjusted within narrow limits.

The new road alignment would be closer to the formal Mt. Finlayson Trail than the current road. However, the only portion of the new roadway that would be visible from the trail would be the far-west and far-east ends of the realignment. Most of the middle portion of the new road alignment closest to the trail (looking south), would not be visible from the Mt. Finlayson Trail because the road would be located at the base of a long-steep road cut.

During final design, the FHWA will adjust the road alignment as much as possible to mitigate its impact on the multiple natural, historic, and physical resources in the area given the operational needs of the road. In order to alleviate the impacts of the project on the formal trail system, the final project design will include relocation of the portion of the Mt. Finlayson Trail that will be directly impacted by the road realignment. There will be future opportunities for the public to comment on the final trail relocation.

B-3 Comment Summary: *Disagree with the DEIS statement that the preferred alternative would have a negligible impact on the trail system. The DEIS did not show the social trail along Mt. Finlayson. Some commenters were concerned that the social trail would be obliterated by the road alignment proposal. They suggested moving the east end of the proposed realignment to the south, lower on the hillside to avoid the social trail. One commenter proposed specific realignment changes moving south at station 105 to follow the south edge of the natural bench, moving back on line at station 123, then moving north of the staked alignment through the old gravel pit site. (Comment correspondences 010, 013, 029)*

B-3 Agency Response: The social trail on Mt. Finlayson was not considered in the DEIS trail impact analysis because it is not a part of the NPS or DNR trail system. The land management agencies discourage visitor use off of system trails in order to protect the soil, vegetation, and native ecosystem. The interagency team recognizes the personal value of the social trail to a segment of hikers in the park. However, because of the purpose and need of the project to move the road alignment far enough above the bluff erosion site to protect it for the foreseeable future; the numerous natural, historic, and aesthetic resource considerations of the park and DNR property; and the road operations and topographic constraints of the site, the final road alignment can only be adjusted within narrow limits. The alternative B road realignment would directly impact about 400 feet of the social trail. While we agree that the impact to the social trail would be considerable, the effects on the formal trail system on the Cattle Point peninsula as a whole would be very small.

B-4 Comment Summary: *Steeper [road] cut slopes are possible and desirable to reduce the impacts on the social trail. The existing road has sections of 1:1 cut slopes with existing stable natural vegetation. Following the outer edge of the natural bench would minimize cut slopes. (Comment correspondence 013)*

B-4 Agency Response: When a new cut slope is opened in the gravelly silty sand material found in the project area, a stable slope is found only at the natural angle of repose or flatter. The steepest stable slope would be the angle of repose, which is 1 vertical to 1.5 horizontal (1:1.5) in this material. A steeper cut slope would ravel until it meets its angle of repose. In the preferred alternative, the cut slopes in the affected area are projected to be 30 to 40 feet vertical, which would be 45 to 60 feet slope-distance at the angle of repose. Raveling of slopes that are steeper than the angle of repose would negatively impact the establishment of vegetation and the natural appearance of the site.

C. Impacts to Wells and Aquifers

C-1 Comment Summary: *The DEIS hydrology section states that the closest Cape San Juan well is 800 feet from the proposed road alignment, but in fact, when measured from the center line stake, the closest well is about 380 feet from the proposed road alignment. DEIS figure 3.5 (alternately referred to by the commenter as figure 3.6) gives the impression that the*

proposed road is far below [elevation] the closest well, whereas visually, it appears to be less than 20 feet below (on the other side of the hill) from the well. (Comment correspondence 002)

C-1 Agency Response: During an October 26, 2010 project site visit, the FHWA and NPS located Cape San Juan Water District (CSJWD) wellhead number 3 and mapped the location using GPS. The GPS data show that the horizontal distance between wellhead number 3 and the proposed alignments of the three alternatives is as follows: Alternative B - centerline approximately 480 feet, construction limits approximately 400 feet. Alternative C – centerline approximately 470 feet, construction limits approximately 470 feet (bored/excavated tunnel). Alternative D – centerline approximately 335 feet, construction limits approximately 275 feet (cut and cover tunnel).

Topographic mapping shows that at ground-level, CSJWD wellhead number 3 at about 250 feet in elevation. The closest centerline of alternative B is about 5 feet lower in elevation (245 feet) than wellhead number 3, alternative C is 4 feet lower in elevation (246 feet) than wellhead number 3, and alternative D is 14 feet higher in elevation (264 feet) than wellhead number 3.

DEIS figure 3.5 shows the location of the CSJWD wells on an aerial photo of the Cattle Point peninsula. The cross hatched portion of the figure delineates the project area. The project area is the area that could potentially be affected by the action alternatives. Figure 3.5 accurately indicates that CSJWD well number 3 is located within the project area, and therefore could potentially be impacted by the proposed alternatives. Figure 3.5 does not indicate the location of the proposed road realignments. The agencies are confident that figure 3.5 accurately displays well number 3 and project area information, and therefore does not require revision. However, figure 3.6 could be interpreted as indicating that the proposed alternative road alignments are far below well number 3 in elevation. Figure 3.6 is a conceptual representation intended to depict the direction of groundwater flow on Mt. Finlayson and the relative locations of the alternate road alignments. This figure is not drawn to scale.

The following changes have been made to the FEIS in response to comment C-1:

- Section 3.2.4.3 revised to emphasize that CSJWD well number 3 is located within the project area.
- Figure 3.6 revised to more accurately illustrate alternative road alignments and well locations and note added that the figure is not drawn to scale.

C-2 Comment Summary: *DEIS water quality section 4.4.3 does not mention any consideration given to the CSJWD wells. The mitigation section does not mention protection for the aquifer. The CSJWD Wellhead Protection Plan prepared by Cape San Juan Water District in 1998 establishes a 395-foot radius wellhead protection zone for the three wells. Since the centerline of the proposed road alignment would be about 380 feet from well number 3, the northern ditch and high road cuts would be within the protection zone. It seems logical that runoff from the new road alignment could reach the aquifer, and high road cuts could affect the aquifer considering the static water level in well 3 is about 264 feet and considering that the road runoff and road cuts will be within the wellhead protection area for well 3. It seems possible that runoff could also reach wells 1 and 2 if they share a common aquifer with well 3. Commenters requested that the errors in the DEIS regarding CSJWD well and hydrologic impacts be corrected. (Comment correspondences 002, 019, 022)*

C-2 Agency Response:

As stated in C-1 agency response, the GPS data show that the horizontal distance between CSJWD wellhead number 3 and the preliminary road alignment of alternative B is approximately 480 feet at centerline and 400 feet at the upper construction limits, at its closest. This would put the alignment for alternative B outside of the 395-foot wellhead protection zone. The road alignment and construction limits of alternative C are also outside of the wellhead protection zone; however, a portion of the tunnel alignment and construction limits of alternative D are within the wellhead projection zone for CSJWD well number 3. While the proposed alignment of alternative C falls outside of the wellhead protection zone, the tunnel could potentially affect subsurface water flow in the area.

The following changes have been made to FEIS in response to comment C-2:

- Section 3.2.4.2 revised to add information on CSJWD well system source aquifer.
- Section 3.2.4.3 revised to add information on the Safe Drinking Water Act, CSJWD Wellhead Protection Plan, and wellhead protection zones.
- Figure 3.6 revised to delete the locations of the alternatives; scale note added.
- Section 4.4.2 revised to delete well system proximity statement and add discussion of potential effects of alternatives C and D tunnels on water flow within the drainage basin. Mitigation measures deleted from section 4.4.2 and added to section 4.4.3 as these measures pertain to water quality rather than hydrology.
- Section 4.4.3 analysis revised to add discussion on potential effects of the alternatives on CSJWD wells and wellhead protection zones. Mitigation measures WQ-4 and WQ-5 added to reduce potential impacts of road construction to CSJWD well 3 protection zone.
- Section 4.4.3, figures 4.1.1, 4.1.2, and 4.1.3 added to illustrate proximity of alternatives to CSJWD well 3 protection zone.

C-3 Comment Summary: *As mitigation for potential impacts to the well and aquifer, the CSJWD suggested that the ditches on both sides of the road be lined with a non-permeable material for a distance of at least 200 feet in either direction from the nearest point to well 3. (Comment correspondence 002)*

C-3 Agency Response:

The following changes have been made to the FEIS in response to comment C-3:

- Section 4.4.3 mitigation measure WQ-3 revised to add lining of ditches along the section of roadway closest to well 3 (alternative B) with either impermeable material or with filtration material and vegetation selected for its ability to filter roadside pollutants. Since the tunnels in alternatives C and D are located closest to the wellhead protection zone, ditch lining would not pertain to these alternatives.

D. Socioeconomic Impacts

D-1 Comment Summary: *Commenter disagreed with certain conclusions in the DEIS socioeconomics section 4.3.18 stating that the no action alternative would have negligible impacts on employment and income, demographics and the local industry and economics of Friday Harbor and San Juan Island. (Comment correspondence 009)*

D-1 Agency Response: As stated in DEIS section 4.3.18, the socioeconomic impact analysis is two-tiered; the first tier being potential impacts of the alternatives on the Cattle Point community, and the second tier being potential impacts on Friday Harbor and San Juan Island as a whole.

DEIS section 4.3.18 examines the potential impacts of the no action alternative, which assumes that the Cattle Point Road would eventually be overtaken by bluff erosion and that road access to the eastern portion of the Cattle Point peninsula would be lost. The DEIS acknowledges that the loss of road access would have a major impact on the lives of current and future residents of the Cattle Point community; however, because of the small number of Cattle Point residents who derive their livelihood from employment on the island, the socioeconomic impact to Friday Harbor and San Juan County as a whole would be relatively small. Loss of road access would reduce the number of shopping trips by residents of Cattle Point to Friday Harbor. Due to the small population of the Cattle Point community, the reduced number of shopping trips to Friday Harbor would likely have little effect on the overall economy of Friday Harbor. Since much of the land to the east of the bluff erosion site is private property and since most visitor attractions are located outside of the area, the loss of road access would not have a measurable effect on the tourist industry on which the Friday Harbor and San Juan County economy is based.

These conclusions were based on interpretation of information from the 2000 U.S. census records as well as San Juan County planning documents. The interagency team felt that a more detailed and specific socioeconomic study of the Cattle Point community would not add to the public understanding of the issue nor would it be likely to reveal critical information needed to make an informed decision about the project.

E. Air Quality Mitigation

E-1 Comment Summary: *The air quality mitigation measures (AQ-1 through AQ-4) do not appear to fully incorporate the air quality mitigation measures listed in the Park's Final General Management Plan/Environmental Impact Statement (GMP/EIS) page 71. Commenter suggested incorporating the full suite of GMP measures identified for dust abatement and equipment emissions. (Comment correspondence 040)*

E-1 Agency Response:

The following changes have been made to FEIS section 4.4.1 in response to comment E-1:

- Revise mitigation measures AQ-2 and AQ-3 to include air quality mitigation language from the park's Final GMP/EIS pertinent to construction of the Cattle Point Road realignment.

F. Utility Relocation and Easements

F-1 Comment Summary: *Orcas Power and Light Cooperative has existing power lines under and along the Cattle Point roadway. Cable and phone lines are also buried within the roadway. The utilities currently are located in the road right-of-way through a franchise agreement administered by San Juan County. Commenters asked what provisions are being made for the relocation of the utilities during construction, which would pay for the cost for relocation of the utilities, and whether the cost for utility relocation is included in the construction cost estimate. (Comment correspondences 011, 012)*

F-1 Agency Response: Sections 3.5.10 and 4.4.11 of the DEIS address the presence and effects of the project on utilities in the Cattle Point Road corridor. During road construction, the utility companies would be responsible for relocating their lines and equipment to the new road alignment and removing existing lines and equipment along the abandoned road segment. At this point in the planning process, it is difficult to know who would be responsible for the costs associated with utility relocation. This would depend on the conditions of the current franchise agreement and permits held by the utilities and the agencies. When funding for construction of the project is secured, negotiations would be undertaken between the FHWA, the land management agencies, and the county regarding any reimbursements for the costs associated with utility relocation. The results of these negotiations would be stated in the project agreement.

F-2 Comment Summary: *Will the utilities be required to remove the existing underground cables and equipment from the roadway that will be abandoned? (Comment correspondences 011, 012)*

F-2 Agency Response: Section 4.4.11 of the DEIS states that “Following installation of utilities along the new road alignment, the existing utility lines would be removed from the abandoned road segment.” The utilities would be responsible for removal of their lines and equipment from the abandoned road corridor, which would need to be coordinated with other roadway restoration activities.

F-3 Comment Summary: *The utilities will need a corridor/easement for the relocation of the utilities within the new roadway alignment. (Comment correspondence 011)*

F-3 Agency Response: Section 3.5.10 of the DEIS states that “...it is assumed that utilities would be relocated along with the road, and that a legal easement would be negotiated for that purpose.” Section 4.4.11 of the DEIS states that “All action alternatives would require new easements for utility vendors.”

New utility easements would be negotiated between the utilities, the land management agencies, and the county prior to the commencement of road construction.

G. Road Grade, Road Operations, and Construction Management

G-1 Comment Summary: *Commenter asked for clarification of the need for the steep road grade in the road design. (Comment correspondence 012)*

G-1 Agency Response: The preliminary road alignment for the preferred alternative was designed considering the purpose and need of the project to move the road alignment away from the bluff in order to protect it from coastal bluff erosion for the foreseeable future, the topography of the site, and protection of natural, historic, and scenic resources. The new road realignment gradually gains elevation from west to the east following the natural bench features of the topography. The highest point of the preferred alternative road realignment is located about 300 feet to the north and on the bench above the bluff erosion site. The location of the eastern segment of the new road realignment on the second bench and the objective of rejoining the existing Cattle Point road alignment near milepost 8.4 necessitates a steep descent. A more gradual decent could be achieved by lengthening the new road realignment and rejoining the existing Cattle Point Road further to the east; however, this would involve greater impacts to DNR property and potential impacts to private property at the end of Lighthouse Lane.

G-2 Comment Summary: *Please consider road realignment further down the slope or “S” curve on the east end to reduce the steep road grade. Is it possible to include a switchback on the east end of the realignment in order to reduce the road grade? (Comment correspondences 023, 029, 033, 034, 037)*

G-2 Agency Response: The agencies will refine the preferred alternative road alignment during final design to reduce the grade on the east end as much as possible while still meeting the purpose and need of the project and minimizing impacts to surrounding natural, historic, and scenic resources. A slight curve through the road decent could reduce the road grade somewhat; however, it is not likely to reduce the grade lower than 9 percent.

Given the grade and curve radius constraints of switchback design and the distance between the maximum elevation of the road and the end point of the project near milepost 8.4, it is not possible to design a passable switchback at the east end of the realignment.

G-3 Comment Summary: *Scenic turnouts should not be located at the top of the new road alignment due to limited sight distance and steep slopes. (Comment correspondence 013)*

G-3 Agency Response: The new road realignment will provide sweeping views of the Strait of Juan de Fuca, Lopez Island, the Cascade Mountain Range, and Vancouver Island. It would be reasonable to provide motorists with a safe place to pull off the road and enjoy the scenery. The location and design of an overlook would take into consideration safe vehicle access and sight distance.

G-4 Comment Summary: *If the NPS intends to operate and maintain the relocated portion of the road, it will be necessary to sand and snowplow the road under adverse conditions. Please discuss the NPS schedule and commitment to performing these actions, as well as general maintenance. (Comment correspondence 012)*

G-4 Agency Response: The Cattle Point Road is currently maintained by the NPS and San Juan County. Within the park, county maintenance is performed through an informal agreement between the county and NPS. An agreement on the maintenance and ownership specifics of the new road alignment will be resolved prior to project construction.

G-5 Comment Summary: *The estimate of \$5-8 million for the preferred alternative is way too high. (Comment correspondence 018)*

G-5 Agency Response: Preliminary road construction cost estimates include a range of figures for planning and funding purposes. General costs are developed by calculating rough quantities and applying unit costs based on past experience for similar projects. Estimation of construction costs involves many assumptions. Construction taking place near sensitive resources in national parks require adherence to environmental constraints that add to construction costs. The island environment adds extra costs for transport of construction equipment, mobilization, operations, and materials. A more precise construction cost estimate will be developed following final design, which will likely be closer to \$5 million.

G-6 Comment Summary: *The design and contract specifications should include strict limits on allowable locations for sourcing and wasting of materials, staging, and stockpiling. We suggest that allowable on-site locations should be identified in advance of construction and specified in the contract to avoid unanticipated impacts to sensitive resources. (Comment correspondence 042)*

G-6 Agency Response: As stated in FEIS section 2.4.5 and mitigation measure TGS-5, no construction staging, borrow, or waste sites would be allowed in the park or NRCA outside of the immediate road construction vicinity.

The interagency team has decided not to identify specific locations for construction staging and material storage sites in the FEIS in order to avoid unforeseen needs and conditions that may arise in management of construction operations. Potential locations for these *ancillary* construction sites will be further assessed during final road design, and suitable sites within the project area may be identified on the final plans. Since the immediate road construction area and surrounding vicinity have been surveyed and analyzed in the FEIS, the locations of environmentally sensitive areas are known and would be avoided in locating ancillary construction sites. Sites that may be proposed by the contractor prior to the beginning of construction would be subject to review and approved by the NPS and FHWA based on information in the FEIS. Ancillary sites would likely be located in previously disturbed areas such as parking lots, closed roadways, and existing stockpile sites.

G-7 Comment Summary: *To avoid unanticipated impacts to sensitive resources, including remnant prairie habitats present elsewhere on San Juan Island, all candidate non-commercial material and wasting sites should be subject to environmental review and approval. We suggest that “status” under ESA is not a sufficient standard for evaluating the suitability of non-commercial sites. (Comment correspondence 042)*

G-7 Agency Response: As stated in FEIS section 2.4.5 and mitigation measure TGS-5, environmental clearances would be required for all non-commercial staging areas, material sources, and waste sites prior to use during construction. Prior to approval of an ancillary site, the contractor would have to certify that use of the site would have no affect on cultural resources, threatened and endangered species, and waters of the U.S. Sites would be approved by the NPS and FHWA prior to use during construction. The interagency team agrees that rare prairie habitats should also be taken into consideration during the environmental evaluation of ancillary sites.

The following changes have been made to the FEIS in response to comment G-7:

- Section 2.4.5 and mitigation measure TGS-5 revised to add that use of non-commercial sites would cause no adverse impact to remnant prairie habitats.

H. Alternatives Considered

H-1 Summary Comment: *Failure to seriously consider the shoreline armoring alternative to produce a permanent fix is a mistake. (Comment correspondence 018)*

H-1 Agency Response: Section 2.5.1 (Alternative 1SS) of the FEIS includes a thorough discussion of the reasoning for elimination of the slope stabilization/shoreline armoring alternative. Experience in coastal areas of the U.S. has shown that stabilization of erosion-prone slopes and shorelines provides only short-term relief to coastal erosion. In addition, it is the broad scientific consensus that armoring alters marine ecosystems and associated habitat, negatively impacting the important environmental functions of the shorelines (WDOE 2010).

The critical bluff erosion zone closest to the Cattle Point Road is approximately 500 feet in length with eroding bluffs approximately 150 feet in height. Design and construction of an armoring structure sufficient in size to protect the critical erosion zone would be complex and costly.

NPS Management Policies 2006 states that natural shoreline processes (such as erosion, deposition, dune formation, over-wash, inlet formation, and shoreline migration) will be allowed to continue without interference. In addition, the NPS will comply with the provisions of state coastal zone management plans prepared under the Coastal Zone Management Act (CZMA) of 1972.

Washington's coastal zone management includes compliance with the Shoreline Management Act (SMA) of 1971. The Act identifies all waters of the Puget Sound and the Strait of Juan de Fuca as being Shorelines of Statewide Significance. Preferred uses for Shorelines of Statewide Significance, in order of priority, are to "recognize and protect the state-wide interest over local interest; preserve the natural character of the shoreline; result in long-term over short-term benefit; protect the resources and ecology of the shoreline; increase public access to publicly owned shoreline areas; and increase recreational opportunities for the public in the shoreline area."

The San Juan County Comprehensive Plan Shoreline Master Program (February 2002) provides goals and policies to manage the use and development of the shorelines of San Juan County. Its policy purpose states that "uses that result in long-term over short-term benefits are preferred." Policy specific to shoreline stabilization, restoration, enhancement, and flood protection activities (section 3.6.D) include:

- Use stabilization and protection works which are more natural in appearance, more compatible with on-going shore processes, and more flexible for long-term stream way management, such as protective berms or vegetative stabilization, over structural means such as bulkheads, concrete revetments or extensive riprap.
- Permit structural solutions to reduce shoreline damage only after it is demonstrated that non-structural solutions would not be able to achieve the same protective purpose.

Taking into consideration these federal, state, and county laws and policies directing the protection of natural shoreline processes and long-term over short-term benefits, as well as the cost and complexity of the design and construction of an armoring structure, the interagency team decided to eliminate the slope stabilization/shoreline armoring alternative from further consideration.

I. Threatened and Endangered Species

I-1 Summary Comment: *The project area supports native prairie and common associates and therefore provides suitable habitat for the golden paintbrush. Even in the absence of survey data to document continued presence in the project area, these facts are inconsistent with the "no effect" determination that FHWA and NPS have offered for species listed under ESA. Instead, these facts would suggest that a "may affect, not likely to adversely affect" determination may be more appropriate for the golden paintbrush. (Comment correspondence 042)*

I-1 Agency Response: Although suitable habitat for the golden paintbrush does occur in the prairie grassland through which the proposed road realignment would be located, critical habitat has not been designated by USFWS. NPS surveys and ongoing observations have established that golden paintbrush is not present in the project area.

Since surveys show that there are no golden paintbrush plants within the project area and critical habitat has not been designated, the species would not be exposed to activities connected with

the proposed project or with the environmental consequences of the proposed activities either temporally or spatially; therefore, the interagency team believes that the *no effect* determination is appropriate.

The interagency team believes that its plan for revegetation of native prairie species, including rare and endangered plants, within the abandoned road segment and sites disturbed by project construction provides a unique opportunity to support restoration of golden paintbrush on San Juan Island, and fulfills the agencies' responsibilities for carrying out programs for the conservation of threatened and endangered species required under section 7(a)(1) of the Endangered Species Act.