

Brian Elliott, Environmental Manager, DOT&PF Preliminary Design & Environmental; PO Box 196900, Anchorage, AK 99519-6900.

E-mail: windycorner@dowl.com

ATTN: Seward Highway MP 105-107 Draft EA Comment

August 14, 2020

Rabbit Creek Community Council (RCCC), through its land use and transportation committee, has reviewed the proposed draft Environmental Assessment and other information for the Seward Highway MP 105-107 Realignment. Council members also joined the July 30 public forum. Recommendations were presented and discussed at RCCC's April 9th and August 13th meetings.

The summary included below and details in the Attachment were unanimously approved at that April 9th meeting with 16 yeas, zero nays, and zero abstentions.

The RCCC area borders the Seward Highway as well as Chugach State Park. The project area is regularly traversed by our community members. Our Council supports the project purpose to provide safety improvements to the Seward Highway Corridor. Our Council also support the intention to provide well-designed access to Chugach State Park that minimizes nuisance behavior and maintenance costs, while improving Park visitor experiences consistent with the Chugach State Park Management Plan.

At the same time, we have serious concerns about the outcomes of this project as designed, with regard to safety, park access, and cost-efficiency. We are requesting several points of reconsideration and design revision.

In sum, RCCC is concerned that the proposed Windy project: (1) represents a piecemeal response to safety and access, that is not cost-effective and may not be a priority compared to other needs along the Seward Highway corridor; (2) involves rock quarries that are not allowed under Chugach State Park authorizing statutes and that have greater adverse impacts than alternative designs; (3) lacks both a multi-use separated pathway and a sufficient connection to the existing, adjacent Turnagain Arm Trail; (4) does not include safe turning lanes; (5) does not fully account for impacts to wildlife, specifically, Dall sheep and a current consultation for beluga whales; and (6) creates oversized and unfunded management costs for Chugach State Park that should be reconsidered.

These questions and concerns are expanded in the Attachment. We expect to provide similar comments during the associated public review for the Municipality of Anchorage's Conditional Use Permit if DNR moves forward to allow quarry sites. Please do not hesitate to contact us if you have any questions about our comments.

Attachment

Cc: Corrie Feige, Commissioner, AK Department of Natural Resources

(inse) Director of Parks and Outdoor Recreation

Jennifer Johnston, State Representative, Alaska

Cathy Giessel, State Senator, Alaska

John Weddleton, Anchorage Assembly

Suzanne LaFrance, Anchorage Assembly

Mayor Ethan Berkowitz

John MacKinnon, Commissioner, AK Department of Transportation and Public Facilities

ATTACHMENT: Rabbit Creek Community Council – Comments on Proposed Seward Highway MP 105-107 Highway Realignment

Following are specific concerns and recommendations approved by the Rabbit Creek Community Council (RCCC) on April 9th, 2020, by a vote of 16 yeas, zero nays, and zero abstentions. ~~The vote was registered provisionally via video and tele-conference meeting and the issues may be re-opened once RCCC can again convene in person.~~

These recommendations were developed by RCCC's Land Use and Transportation Committee (LUTC) based on review of the Alaska Department of Natural Resources' Commissioner's Finding on the proposed Windy MP 105-107 Seward Highway Realignment. In sum, RCCC is concerned that the proposed Windy project: (1) represents a piecemeal response to safety and access, that is not cost-effective and may not be a priority compared to other needs along the Seward Highway corridor; (2) involves rock quarries that are not allowed under Chugach State Park authorizing statutes and that have greater adverse impacts than alternative designs; (3) lacks both a multi-use separated pathway and a connection to the existing, adjacent Turnagain Arm Trail; (4) does not include safe turning lanes; (5) does not fully account for impacts to wildlife, specifically, Dall sheep and a current consultation for beluga whales; and (6) creates oversized and unfunded management costs for Chugach State Park that should be reconsidered.

- (1) Review the Windy Corner project in the context of the entire Seward Highway Corridor along Turnagain Arm to more-fully address safety and access concerns, cost-effectiveness, and adverse impacts, using *current traffic counts and accident data*.

- a. The safety evaluation area for the Windy Corner project does not take into account more-hazardous segments along Turnagain Arm. Safety evaluation should be expanded to include turning areas and safe park access at McHugh Creek, Falls Creek, and Rainbow. Alaska Department of Natural Resources should take a pro-active role with the Alaska Department of Transportation and Public Facilities (ADOT) to design safe, high-value, affordable access to Chugach State Park at all locations along this stretch of the Seward Highway, and to prioritize the most-used and the most-hazardous, based on current data.

At the July 30 public forum, DOTPF staff stated that a holistic re-design for the Seward Highway from Rabbit Creek Road to Girdwood is anticipated. Given that this project was initiated 20 years ago, safety priorities are likely to have changed. This may no longer be the most cost-effective expenditure of \$80 million, especially when loss of acreage and natural setting to the State Park is considered.

~~The selected plan is based on a design criteria of 65 mph in a highway safety corridor, immediately adjacent to two areas of public high use in Chugach State Park. Higher vehicle speeds will **increase hazards** associated with slowing, stopping, and turning at these locations. The 65 mph criteria are not appropriate without due consideration of these impacts.~~

b. Reconsider the project alternatives that improve safety but have smaller footprints and lower costs as presented in the January 2011 URS Value Engineering Study Report.

(2) Select a legal alternative for the rock quarries, and reduce impacts to parkland.

Under the authority establishing Chugach State Park, rock quarries are not a legally allowed use (Alaska Statute 41). Other rock sources would reduce permanent impacts and costs to the park, avoid impacts to the neighborhood, and reduce highway disruption.

a. Alaska Statute 41, which established Chugach State Park, does not allow materials to be given for charitable or public use purposes. Additionally, legislation from 2000 that allows right-of-way adjustments for the highway and railroad does not apply to quarrying within the boundary of the Park. Therefore, the Commissioner's findings regarding the rock quarry would be inaccurate. Quarrying could set a dangerous precedent for future materials extraction, which is contrary to the statutory purposes of the park.

b. ADOT has inappropriately ruled out alternative materials sources outside the park, with transport possible by rail and or barge. These sources were under-rated partly because ADOT assumed that rock from the park is "free," contrary to existing legislation as noted above.² The cost of materials is only one of many factors regarding the project and should not necessarily be the deciding factor. We believe the negative impacts to the neighborhood, the park, and traffic disruption have been undervalued in the current analysis.

The alternative of using several rock sources to reduce the amount needed from a possible quarry at MP 109 should be considered. ADOT did not present alternative rock quarries in its submittal for a Significant Impact review by the National Park Service, Section 4(f) which prevented their consideration of a full range of alternatives under the 4(f) process, as documented by the National Park Service (4(f) finding of February 2019, approved May 30, 2019).

c. During construction, the proposed rock quarries will pose unacceptable impacts to the neighborhood and highway where daily traffic volumes exceed 22,000 vehicles during peak summer weekends. Construction-related road closures would be greatly reduced if other rock sources or combination of sources could be used.

d. The rock quarries will create a permanent nuisance and management expense to Alaska State Troopers and Alaska State Parks, both of whom have severely-constrained budgets. The quarry at MP 109 will be a sunless, view-less hole, with walls 100 to 240 feet high, with no recreational or habitat value. There is no design provided for the possible quarry at MP 104; rather, it will result in the potential for a 0.9-mile long scar.

² Based on the enabling legislation for Chugach State Park, the DNR Commissioner's Finding should have found that there is no authority to authorize quarrying of rock from within Chugach State Park; and therefore, ADOT should seek alternative materials sources. None of the authorities enacted in Ch. 116 of Session Laws of Alaska in 2000 grant the Commissioner of

DNR the authority to dispose of Chugach State Park lands or resources that lie outside the specific land and right-of-way areas and acreages authorized by other legislation allowing lands to be exchanged between DNR and the Alaska Railroad Corporation. The proposed rock quarry/material sites at MP 104 and MP 109 are both located within the exterior boundary of Chugach State Park, yet are entirely outside the land areas designated for exchange. The Commissioner's Finding cites the Chugach State Park Management Plan (page 115) where it indicates, "As safety upgrades are made to the Seward Highway material is needed and usually found locally by creating a quarry using park resources." While this suggests that areas of the park could be quarried for rock, the Management Plan cannot change the statutory protection of the park.

e. We are concerned that the Commissioner's Finding fails to protect the public value of Chugach State Park. As proposed, there will be a net loss of 20 acres of land from the park without adequate compensation. ADOT has grossly-undervalued the **surface** lands (at \$53,000 for 19 acres). ADOT and DNR have accounted for no value for the rock that would be quarried, assuming without rationale that it will be "free". Quarrying of rock is not allowed under either the statutes that created the park or the 2000 legislation that allows highway and railroad re-alignment. If quarrying is found by court to be legally allowed, DNR should protect the public interest by receiving fair market value for the extracted rock, fair land exchange, and restoration to some level of habitat and recreation value.

f. The quality and quantity of the rock from the proposed quarries has not been proven. There is no design for the Milepost 104 backup extraction. It would be irresponsible for DNR to authorize quarries without known rock quantities and qualities, and a restoration plan.

(3) Require a multi-use separated pathway at all locations of highway construction activity, and construct a connection to the existing, adjacent Turnagain Arm Trail.

a. Construct a multi-use path through all areas of re-alignment and rock extraction related to this project. The partly-established Anchorage to Girdwood multi-use pathway is a popular recreational trail used by thousands of Alaskans and visitors each year. It should be extended by segments with each **Seward Highway** construction project, including this one. **Failure to install the multi-use path would violate several adopted plans and highway standards.** The ADOT Long-Range Transportation Plan sets goals for improving all modes of transportation. The Federal Highway Administration MAP-21 regulations support the funding of recreation trails as part of the national transportation infrastructure.

In addition, **the Chugach State Park Management Plan calls for a separated paved, multi-use pathway into all segments of the highway affected by the Windy Corner project.**¹

At the July 30 public forum, ADOTPF staff said that the project is not constructing the multi-use path because it is an unconnected segment of pathway and therefore, DOTPF doesn't don't want cyclists to stage trips from this location. That is an inadequate excuse that does not appear to be backed by any surveys or data. In the absence of any data, it is more plausible that recreational cyclists who want a contiguous separated

pathway won't stage from this location. It is irrefutable that traveling cyclists or competitive cyclists will be put at much higher danger because of the turning movements and higher speeds in this design.

b. The Turnagain Arm trail connection requires upgrading

which passes within a couple hundred feet of the project. The new parking facility will invite more hiking along the use of this section of the popular Turnagain Arm Trail. Failure to build a trail link will allow erosion and other damage to the resources of Chugach State Park, including possible disturbance to sheep and thus to the wildlife viewing experience, as people would make or follow a variety of 'social' trails. A designated trail connection should be built to minimize erosion potential and could be considered partial compensation for other project impacts to Chugach State Park.

The Chugach State Park Management Plan states: A coastal trail that runs along the coastline of Knik and Turnagain arms has long been recommended for development. The Seward Highway and the Indian to Girdwood Pathway have become important bike routes for tourists and residents linking the Turnagain Arm communities. Once the remainder of the continuous, separated, paved pathway is completed between Potter Marsh and Indian, a number of access points and amenities will be needed along the scenic corridor for improved visitor enjoyment (page 114).

(4) Verify how the design will create safe turning patterns.

RCCC requests DOTPF to evaluate the safety impacts by using actual speeds in similar two-lane stretches of the Seward Highway. DOTPF should also provide Additional evidence for safe turning should be provided, especially with anticipated passing speeds. Additionally, alternative designs should be evaluated for how they could affect driving behavior, and ultimately, safety.

ADOTPF staff stated at the July 30 public forum that double lanes are not intended as passing lanes, but rather are perceived as a way to separate fast and slow traffic. In practice, double lanes undeniably encourage passing, and tend to result in passing speeds well above the posted 65 mph speed limit.

With regard to merging traffic, the design does not accommodate safe turning for these same vehicles as they turn left out of the parking lot for southbound travel. Travel speeds will be 65 mph or higher, with some cars focused on passing.

Current, detailed Seward Highway traffic accident and driving behavior data should be included in project documents, along with an evaluation of whether this design at Windy Corner meets ADOT goals to, "prioritize funding based on their impact on transportation system performance goals and cost effectiveness" (Goal 2, Alaska State Wide Transportation Plan, 2016).

ADOT relied on accident data from prior to 2006 to initiate this project. Since 2006, the Windy Corner segment is no longer the highest accident segment of the Seward Highway between Potter Marsh and Girdwood. While there were 24 major injury crashes and 8 fatal crashes in MP 105-107 from 1977-2007, there have been three major injury crashes and no fatal injury crashes from 2006-2016. Since the Seward Highway MP 87-117 was designated a Traffic Safety Corridor in May 2006, measures such as decreases in speed limits, pullouts, and increased signage have led to a 36% decrease in fatalities and major injury crashes.

Project documents should include detailed traffic accident data it has collected since

designating the Seward Highway a Traffic Safety Corridor in 2006, including: causes and numbers of accidents; changes in driving behavior from straighter roads and higher speed; benefits of turning lanes; benefits of safer pull-outs; and the correlation between law enforcement and accidents.

- (5) Expand on information about potential impacts to Dall sheep and update the beluga whale consultation.

Alaska Department of Fish and Game biologists report that there could be impacts to both. Construction of a large tourist facility at Windy Corner could displace Dall sheep. This area is important spring habitat for Dall sheep as it melts first providing early forage during lambing. It is not clear whether the impacts to Dall sheep from the construction, as well from the future traffic speed, noise, and human activity have been evaluated. Given that a facility for viewing Dall sheep is the intended compensation for the loss of Park acreage in this project, it is essential that Dall sheep not be driven off or depleted by this project.

The informal consultation with the National Marine Fisheries Service for the endangered beluga whale is dated October 28, 2015. Updated documentation is needed from NMFS regarding the current status of the beluga whale and how this project may or may not adversely affect them.

- (6) Re-consider the scale of the parking site, cost-benefit of various elements, and the entire project.

The parking site is scaled for four buses, 55 cars, and 13 recreational vehicles, with an equal amount of 'overflow' unpaved parking that will require mowing and invasive species removal. It extends over 1,500 feet as an over ¼ mile long parking lot with no documented need. As proposed, the site fails to maintain the aesthetics or natural character of the park. We recommend that at least some part of the site should be revegetated with native species.

a. **Restoration.** Please add to the final decision a commitment to what DOTPF staff stated at the July 30 public forum: reclamation of the quarry sites as decided by DNR; and transfer some of the material out of the abandoned roadway for re-use prior to reclamation and transfer to DNR..

b. **Maintenance funding for the toilets and parking.** DNR and ADOT should agree upon a cost-estimate of the patrols and maintenance required for the Windy Point parking and toilet site as well as the quarries (if developed). Budget constraints should be part of the consideration of DNR approval.

Because this site will operate as a roadside pitstop for many drivers, DOTPF should commit to pay for snowplowing and toilet maintenance, as well as routine patrols and graffiti and trash removal. Budget reductions to DNR Division of Parks and Outdoor recreation have caused State Parks to reduce staff and services. Can State Parks collect any revenue at a site that is primarily funded with Federal Highway Administration money?

c. **Justification of public benefit and cost-efficiency from the boat launch.** DOTPF has not provided adequate information on how the proposed \$500,000 emergency boat

launch at Windy is both strategic and cost-efficient, relative to the number of Anchorage Fire Department water rescue team responses in Turnagain Arm over the past 4 years. The boat launch is likely to be of minimal use in many tidal conditions. DOTPF staff said in the public forum that there will be a dramatic change in tidal action resulting from the fill and the elimination of natural rock promontories. DOTPF and the Anchorage rescue services should provide data that prove the usefulness and cost-effectiveness of this site under future tidal and ice conditions, or exclude it from the project.