



State of Alaska
Department of Transportation & Public Facilities

**CATEGORICAL EXCLUSION (CE) DOCUMENTATION FORM
FOR HIGHWAY PROJECTS**

Project Name: Seward Highway MP 99-105: Bird to Indian

Project Number (state/federal): 53577/NH-0A3-1(25)

Date: April 27, 2011

CE Designation: 23 CFR 771.117(d)(1)

List of Attachments:

Appendix A - Project Figures

Appendix B - Cultural Resource Surveys and 106 Correspondence

Appendix C - Wetland Report, United States Army Corps of Engineers
Jurisdictional Determination

Appendix D - Stream Habitat Inventory and Shoreline Assessment

Appendix E - Hydrologic and Hydraulic Summary Report

Appendix F - Phase I Environmental Site Assessment

Appendix G - Noise Analysis

Appendix H - Public Involvement and Agency Scoping

Appendix I - Section 4(f) / 6(f) Correspondence

I. Project Purpose and Need

The purpose of the proposed project is to improve safety for motorized and non-motorized users along the Seward Highway between Milepost (MP) 99 and 105. The Seward Highway is the only roadway connecting the Kenai Peninsula to the rest of Alaska. The State of Alaska Department of Transportation and Public Facilities (DOT&PF) has identified the Seward Highway from Potter Marsh to Bird Point as being one of the top ten worst corridors for fatal/major injury crash rates amongst Central Region's rural highways. From 1999-2008, 177 crashes were reported on the Seward Highway between MP 99 and MP 105. Of the 177 reported crashes, 21 resulted in incapacitating injuries and 4 included fatalities. One of the reported crashes involved a collision with a non-motorized user.

In addition to resurfacing the roadway the project design will address the main safety issue affecting motorized and non-motorized users in the project area: traffic flow disruption. The high number of access points and low number of passing opportunities are attributed to causing traffic flow disruption and resulting in high collision rates. The existing conditions result in a hazardous speed differential between through and turning traffic with frustrated drivers passing slower traffic in areas not designed for passing. A resurfacing, restoration and rehabilitation (3R) project study evaluated the existing road conditions and the crash history over the past ten years. The 3R safety analysis study shows that nearly a quarter of the accidents in the project corridor during 1995-2004 occurred at intersections and driveways.

Trail improvements and enhancements are also needed to eliminate unsafe intersections and provide separation between non-motorized facilities and the highway transportation corridor, thereby increasing safety.

II. Project Description

The DOT&PF, in cooperation with the Federal Highway Administration (FHWA), is proposing a resurfacing, restoration, and rehabilitation (3R) project on the Seward Highway from MP 99 to MP 105. The project corridor, shown in Figure 1 of Appendix A, is located in Sections 5, 6, 8, 9, 10 and 15 of T10N, R01W, Seward Meridian, United States Geological Survey Quadrangle Seward D-7 NW. The proposed project is intended to resurface the roadway and includes removing and replacing 6 inches crushed asphalt base course, overlaid with 2 inches Type II Class A asphalt concrete.

The project will also include two 12-foot-wide auxiliary passing lanes from approximately MP 99 to 100. The proposed passing lanes are about 2,300 feet long, including a 360-foot entrance taper and a 720-foot exit taper, as per American Association of State Highway and Transportation Officials (AASHTO) standards. A proposed 10-foot-wide paved multi-use trail would be constructed from Indian Creek (near MP 103) west to Indian Road (MP 104) along the north side of the highway. A trail undercrossing is proposed at the existing Indian Creek Bridge to connect the proposed trail on the north side of the highway to the existing pedestrian facilities on the south side of the highway. Three culverts would be replaced at: Bear Creek (MP 100.6), Ball Field Creek (MP 102.7), and at Subdivision Creek (MP 103.5). The proposed action is designed to serve its purpose for the next 20 years (the life of the resurfacing).

This project was originally evaluated as an Environmental Assessment (EA) with 3 design alternatives: (1) No-Action Alternative; (2) 3R with Passing Lanes Alternative; and (3) Passing Lanes and Frontage Road Alternative. During the early planning process, rerouting the road into Turnagain Arm was discussed, but was ruled out due to cost and environmental concerns. Many of the attached documents discuss multiple alternatives, but this Categorical Exclusion (CE) document only relates to the 3R with Passing Lanes Alternative 2, which is the proposed design that is being carried forward.

Alternative 2 meets the project's purpose and need to improve safety by adding passing lanes to reduce traffic flow disruption, as well as resurfacing the worn roadway. The project will construct passing lanes resulting in improved safety and traffic flow by providing a safe means for faster traffic to pass slower traffic. In addition, improvements to non-motorized user facilities will increase safety by separating motorized and non-motorized users.

III. Environmental Consequences

Complete the following. For each yes, summarize the activity evaluated, the magnitude of the impact, and the potential for significant impact based on context and intensity. An alternatives analysis (e.g., Avoidance and Minimization Checklist) is required for any consequence category with an asterisk (*). Attach analysis as appropriate.

A. <u>Right-of-Way Impacts</u>	N/A	YES	NO
1. Additional right-of-way required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Permanent easements required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated number of parcels: <u>N/A</u>			
b. Full or partial property acquisition required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Estimated number of full parcels: <u>N/A</u>			
Estimated number of partial parcels: <u>N/A</u>			
c. Property transfer from state or federal agency required. <i>If yes, list agency in No. 4 below.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Business or residential relocations required. <i>If yes, summarize the findings of the conceptual state relocation study in No. 4 below and attach the conceptual stage relocation study.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
No. of relocations: <u>N/A</u>			
Type of relocation: Residential <input type="checkbox"/> Business: <input type="checkbox"/>			
Residential (Indicate number: <u>N/A</u>)			
Business (Indicate number: <u>N/A</u>)			
e. Last-resort housing required.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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| 2. Will the project or activity adversely affect any low-income or minority populations as defined in Execution Order (E.O.) 12898 (DOT Order 6640.23, December 1998)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3. The project will require the use of land from the Alaska National Interest Lands Conservation Act (ANILCA). If yes, the project is not assigned to the State per <i>Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Section 6004 and the CE must be sent to FHWA for approval.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Summarize the impacts.

The proposed improvements would occur entirely within DOT&PF ROW. This project is not expected to adversely affect low-income or minority populations. There is no ROW acquisition associated with the proposed project and therefore, there will be no business or residential relocations.

B. Social Impacts

N/A YES NO

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|--|--------------------------|-------------------------------------|-------------------------------------|
| 1. The project will affect neighborhoods or community cohesion. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The project will affect travel patterns and accessibility (e.g., vehicular, commuter, bicycle, or pedestrian). | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. The project will affect school boundaries, recreation areas, churches, businesses, police, and fire protection, etc. Include the direct and indirect impacts from the displacement of businesses in the analysis. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4. The project will adversely affect the elderly, handicapped, non-drivers, transit-dependent, minority and ethnic groups, or the economically disadvantaged. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 5. There are unresolved project issues or concerns of a local Indian tribe [as defined in Code of Federal Regulations 36 CFR 800.16(m)]. <i>If yes, the project is not assigned to the State per SAFETEA-LU Section 6004 and the CE must be sent to FHWA for approval.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

6. Summarize impacts, if any.

The proposed project would have a beneficial impact on the community and neighborhood character, as it would improve safety and transportation efficiency for motorized and non-motorized users in the area. Travel patterns that will be permanently changed as a result of the proposed project include adding additional north and south bound passing lanes from approximately MP 99 to MP 100 and adding additional pedestrian pathway on the north side of the highway from approximately MP 103 to MP 104 with a trail underpass at the Indian Creek Bridge.

The proposed project would not adversely affect neighborhoods, community cohesion, or disadvantaged social groups.

C. Economic Impacts

N/A YES NO

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|--|--------------------------|--------------------------|-------------------------------------|
| 1. The project will have economic impacts on the regional and/or local economy, such as effects on development, tax revenues and public expenditures, employment opportunities, accessibility, and retail sales. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The project will affect established businesses or business districts. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

C. Economic Impacts

N/A YES NO

3. Summarize impacts, if any.

Economic impacts are not expected as a result of the proposed project. Access to local businesses and residences would be maintained and improved in the long term by making business access safer and easier as well as improving transportation efficiency. Advanced public notice of construction activities would be published to reduce construction impacts on local business, residents, and road travelers. A traffic control plan will be developed to reduce traffic delays during construction.

Short-term economic impacts may occur during construction. Additional ROW is not required for this project and the project would result in no business or residential relocations.

D. Local Land Use and Transportation Plans

N/A YES NO

1. Project is consistent with local land use plan.

2. Project is consistent with local transportation plan.

3. Project would induce adverse indirect and cumulative effects.

4. Summarize any adverse effect on the local transportation and land use plan, including indirect and cumulative effects.

The following State and Local land use plans were considered in the development of the project:

- Chugach State Park Master Plan, State of Alaska Department of Natural Resources (ADNR) (1980)
- Turnagain Arm Management Plan for State Lands, ADNR (1994)
- Seward Highway Alaskan Scenic Byway, Corridor Management Plan, DOT&PF (1997)
- Seward Highway Corridor Partnership Plan, DOT&PF (1998)
- Turnagain Arm Comprehensive Plan (1987)
- Anchorage 2020-Anchorage Bowl Comprehensive Plan (1998)
- Municipality of Anchorage (MOA) Area-wide Trails Plan (1997)

This project would have no effect on land use because all improvements would be located within the existing DOT&PF ROW between MP 99 and MP 100 where the road widens to accommodate the proposed passing lanes. In this area, land use would change from DOT&PF ROW serving as part of the clear zone, to new widened roadway. This change in land use is not inconsistent with any of the plans listed above.

E. Impacts to Historic Properties

N/A YES NO

1. This project would have no potential to affect historic properties. *This project meets the criteria for no formal review under Section 106 of the National Historic Preservation Act [36 CFR 800.3(a)(1)] per the May 2, 2006, determination by the Alaska Division of FHWA. If yes, attach concurrence from the FHWA Area Engineer (non-assigned projects) or Statewide National Environmental Protection Agency (NEPA) Manager for 6004 (assigned projects) and proceed to next section.*

2. Is a National Register listed or eligible property in the Area of Potential Effect?

3. Date Consultation/Initiation Letters sent June 7, 2006. *Attach copies to this form. If no letters sent, explain why not.*

E. Impacts to Historic Properties

N/A YES NO

- 4. Date "Finding of Effect" Letters sent July 12, 2010. *Attach copies to this form.*
- 5. Date SHPO concurred with "Finding of Effect" August 13, 2010. *Attach letter or e-mail from SHPO to this form.*

- 6. Will there be an adverse effect on a historic property? *If yes, attach correspondence and signed MOA. If yes, Programmatic Agreements (PCE) do not apply.*

- 7. Summarize affects to historic properties.

On June 7, 2006, the FHWA sent Section 106 Initiation of Consultation letters to the following: SHPO; Chugach Alaska Corporation; Cook Inlet Region, Inc.; Eklutna, Inc.; and, Native Village of Eklutna. No responses were received from any of the recipients.

In 2006 Cultural Resource Consultants, LLC (CRC) completed an initial archaeological field survey of all the proposed alternatives. A report documenting CRC's survey findings was prepared in February, 2007. CRC then completed an additional archaeological survey in 2008 and report in July 2010 to reflect project design changes, which changed the Area of Potential Effect (APE), and to add a visual impact analysis. In addition to the archeological field survey, CRC's investigation included a search of the Alaska Heritage Resources Survey (AHRS) records.

According to the July 2010 report, CRC identified six sites within the APE. Those sites are: Indian Valley Mine, Indian Railroad Section House, Indian Siding Section Facility; The Alaska Railroad, Diamond Jim's; and, Can Dump. Five of these sites were known prior to 2006 and one, the Can Dump, was discovered during the 2006 survey. Of the six sites the Indian Valley Mine is only site listed on the National Register of Historic Places (National Register). However, in CRC's July 2010 report they recommend the Diamond Jim's sign and Can Dump as being eligible for the National Register.

CRC's July 2010 report provided a recommendation of no effect on all sites except the Can Dump, which CRC stated could possibly have an adverse effect because of its close proximity to the highway.

On July 12, 2010, the DOT&PF hand delivered Section 106 Finding of No Historic Properties Affected Letters, project figures, and CRC's July 2010 report to the following: SHPO; Native Village of Eklutna; Cook Inlet Region, Inc.; Eklutna, Inc.; Chickaloon Village Traditional Council; Chickaloon-Moose Creek Native Association, Inc.; Chugach Alaska Corporation; MOA/Anchorage Historic Preservation Commission, and the Alaska Railroad Corporation (ARRC). The letter stated that DOT&PF agreed with all of CRC's recommendations except for the recommendation of an adverse effect on the Can Dump. This disagreement is because the proposed project in the vicinity of the Can Dump is limited to repaving in-kind with no widening or changes to the current alignment. Overall DOT&PF finds that no historic properties would be affected by the proposed project.

On July 21, 2010, the Anchorage Historic Preservation Commission responded via email to DOT&PF stating they concur with DOT&PF's findings of no historic properties affected. On July 29, 2010, the ARRC responded via letter to DOT&PF stating they have no substantive comments. On August 13, 2010, the SHPO responded to DOT&PF via letter stating they concur with the finding of no historic properties affected as long as the following stipulation is met:

Prior to ground disturbing activities in the vicinity of MP 102, DOT&PF will locate and record the unrecorded historic archeological site discussed in a phone call between Laurie Mulcahy (DOT&PF) and Judith Bittner (SHPO) on August 12, 2010.

E. Impacts to Historic Properties

N/A YES NO

DOT&PF will map the site's location and submit a completed AHRS card to the Office of History and Archeology.

Section 106 Consultation documents and correspondence between Laurie Mulcahy and Judith Bittner are located in Appendix B.

F. Wetland Impacts

N/A YES NO

1. Project involves wetlands as defined by the U.S. Army Corps of Engineers (USACE). If yes, document public and agency coordination required per E.O. 11990, Protection of Wetlands. YES * NO

2. Wetlands delineated in accordance with the "Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Alaska Region (Version 2.0) Sept. 2007." YES NO

3. Estimated area of involvement (i.e., acres): .012 acre

4. Estimated fill quantities (cubic yards): 40 cy

5. Estimated dredge quantities (cubic yards): 71 cy

6. USACE authorization anticipated? YES NO
If yes, type: NWP Individual GP Other

7. Summarize wetland impacts and attach following supporting documentation as appropriate:

- Avoidance and Minimization Checklist
- Wetlands Delineation
- Jurisdictional Determination
- Copies of public and resource agency letters received in response to the request for comments

Wetland impacts are as follows:

A Wetland Delineation and Functions and Values Assessment, Vegetation Classification, and Wildlife Habitat Assessment for the project was completed in 2008 and a jurisdictional determination was approved by the United States Army Corps of Engineers (USACE) on January 26, 2009 (Appendix C).

The proposed alternative would result in 0.012 acre of permanent wetlands fill, due to the filling of an intermittent roadside drainage ditch, which has been determined jurisdictional by the USACE. This wetlands fill is unavoidable, due to the addition of the two 12-foot wide auxiliary passing lanes between MP 99 and MP 100, requiring a widening of the roadway footprint. A new roadside drainage ditch will be constructed to replace the functions and values of the existing roadside ditch. Over time, it is anticipated that this ditch will likely evolve into a jurisdictional drainage ditch with wetland plant species; therefore, only temporal losses are anticipated.

Compensatory mitigation for these unavoidable wetland impacts may not be necessary, due to the small amount of wetlands being impacted, and the fact that the ditch would be replaced in-kind. If the USACE does require compensatory mitigation, it would most likely be done through an in-lieu fee payment to the Great Land Trust, or any other organization with an established agreement with the USACE for accepting in-lieu-fee payments for wetlands mitigation.

F. <u>Wetland Impacts</u>	N/A	YES	NO
8. Wetlands finding:			
a. Are there practicable alternatives to the proposed construction in wetlands? <i>If yes, the project cannot be approved as proposed.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include all practicable measures to minimize harm to wetlands? <i>If no, the project cannot be approved as proposed. List any commitments and mitigation measures in Section VI.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Only practicable alternative: Based on the evaluation of avoidance and minimization alternatives, there are no practicable alternatives that would avoid the project's impacts on wetlands. The project includes all practicable measures to minimize harm to the affected wetlands as a result of construction. <i>If no, the project cannot be approved as proposed.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
 G. <u>Fish and Wildlife</u>	 N/A	 YES	 NO
1. Anadromous or resident fish habitat.			
a. Adverse effect on spawning habitat.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
b. Adverse effect on rearing habitat.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
c. Adverse effect on migration corridors.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
d. Adverse effect on subsistence species.	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
2. Essential Fish Habitat (EFH).			
a. EFH present in project area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Project proposes construction in EFH. <i>If yes, describe EFH impacts in No. 5.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Project may adversely affect EFH. <i>If yes, attach EFH Assessment.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
d. Project includes conservation recommendations proposed by National Oceanic and Atmospheric Administration (NOAA) Fisheries. <i>If no, formal notification must be made to NOAA Fisheries. (Summarize the final conservation measures in No. 5 and list in Section VI).</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Wildlife Resources (game/subsistence species).			
a. Project is in area of high wildlife/vehicle accidents.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Project would bisect migration corridors.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Project would segment habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Project would adversely affect species of concern to Alaska Department of Fish and Game (ADF&G). <i>If yes, attach appropriate documentation from ADF&G that demonstrates the project would not result in significant adverse impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
4. Bald Eagle and Golden Eagle Protection Act			
a. Project visible from an eagle nesting tree? <i>If yes, consult with U.S. Fish and Wildlife Service (USFWS) National Bald Eagle Management Guidelines and attach documentation of consultation.</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>
b. Project within 330 feet of an eagle nesting tree? <i>If yes, consult with USFWS National Bald Eagle Management Guidelines and attach documentation of</i>	<input type="checkbox"/>	<input type="checkbox"/> *	<input checked="" type="checkbox"/>