



KABATA

# KNIK ARM CROSSING

DOT&PF



## Meeting Notes

Subject	Section 404/10 and Section 9 Bridge Permits for the Knik Arm Crossing		Sheet 1 of
Project Number	26219702		
Meeting Date	02/22/2005	Meeting Location	HDR, CIRI Conference Room
Notes by	Jim Glaspell	Office	URS
Attendees:			
Edrie Vinson – FHWA	Irvin ‘Skip’ Joy – COE	James Helfinstine – USCG	Dale Paulson - KABATA
Jim Glaspell – URS	Karen Brown – URS	Kevin Doyle – HDR	Robin Reich – HDR
Sarah Schoen – HDR			
Topics Discussed	Permitting/NEPA	Coordination/ Streamlining	Public Hearings/Meetings

### Edrie Vinson – FHWA Project Manager:

FHWA was criticized for failing to streamline the NEPA process. Recent initiatives have been provided by FHWA to demonstrate how streamlining can work with the Team Building or model coordination initiative. FHWA headquarters can provide resources, guidance, and coordination to get the work done (the same agencies will work with headquarters, always at our call. Headquarters would like to show improvement to the process and have an opportunity to show that streamlining can work. Basically, this means that the Knik Arm Crossing an important project. We need to collectively share expectations with agencies. Edrie has discussed with Jim Helfinstine (USCG) options for making streamlining work for 18-month schedule. Most important is what to do – when, and meeting the expectations of cooperating agencies.

### Jim Glaspell – URS Permitting Coordinator

Requested that the USCG and COE discuss their coordination process, and specifically speak to how the data needs and long lead times fit in with the Knik Arm Crossing project schedule. Also to discuss from their experience, what has and hasn't worked before.



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Jim Helfinstine – USCG

The USCG has not been participant to streamlining in Alaska. They have past and present MOU with FHWA (when USCG was part of the DOT). USCG is part of Dept. of Homeland Security now. A memo was sent to FHWA on Feb 2, 2005 accepting the invitation to participate as cooperating agency. At the January 26, 2004 partnering meeting he referred to 18-month schedule for the Knik Arm Crossing Project and that the USCG permit has minimal requirements for public notice and review. He will need a completed application for the bridge permit, which requires all permits to be in hand and bridge design finalized prior to issuance of USCG permit; as per bridge permit application guide. His past coordination efforts on KAC project lead to meeting with commercial waterways users. He referred to the USCG/FHWA MOA on coordination prepared May 6, 1981, and the Dec 6, 2001 coordination requirements document. Jim referred to "independent evaluation" by USCG and FHWA. In 2004, meetings with commercial waterways users led to determination that a 50' height clearance would be required. The USCG will implement streamlining if see opportunities to do so. There is an USCG and COE MOU dated April 18, 1973 requiring that USCG coordinate and cooperate with COE on procedures when overlapping regulatory authority on bridges. Those procedures include Dual Regulatory Authority for navigational opening, placement on waterway (location), and impacts under NEPA.

The intent of MOU between the USCG and FHWA is they do not need to independently develop environmental documents, but can come up with one document. The data development and evaluation of impacts will satisfy individual FHWA/USCG environmental evaluations requirements. FHWA federal action is to issue funding for federal project; USCG federal action is to issue a bridge permit. The USCG and COE have overlapping jurisdiction. The USCG permits approaches and bridge (structures), and the COE permits fill and columns

Irvin "Skip" Joy - COE:

He has no problem with streamlining if information is provided; all information is needed 6 months in advance; and the same information will be required for each alternative if want 18 month process. He must have completed applications within one year. To process the application he will need footprint and fill volume. We will need to address impacts to fish and wildlife (US Fish and Wildlife Service (USFWS) consultation); identify wetlands and waters of US; Purpose and Need in length; secondary impacts of whole transportation corridor that will be opened up; identify least damaging alternative; consult with State Historic Preservation Office (SHPO) on Section 106 issues; drawing and calculations; and navigation information (primarily for USCG). He expects the 43 items in COE Environmental Assessment to be adequately covered. The COE part in permitting depends on the wording in permit application. The causeway is COE responsibility, and bridge approach is USCG responsibility



## Meeting Notes

Jim Helfinstine - USCG:

A causeway is a raised road that does not provide openings; when there is a change in elevation for the approach, the USCG takes over.

The design build concept is a problem; USCG is dealing with it nationally.

It is unclear where approaches will be built. If we don't have information on footprint, we won't have impacts along footprint. If conceptual information only, they do not know where regulatory authority lies. The USCG piggybacks on COE wetland review and data and evaluation of footprint. Nationally, USCG takes 10 months for a review after receive a completed application (includes a signed ROD). In Alaska, the USCG is a one-person staff with 42 projects.

Irvin Joy – COE

There is a 6 months estimated COE review, but he's shooting for 120 days. For islands, the placement and function will dictate if the responsibility is COE.

Jim Helfinstine - USCG:

Everything structural is under USCG purview. He's very concerned about design/build. He needs completed design to determine footprint and amount of fill to assess impacts to navigation and environment. He has to have it to provide for reasonable needs of navigation.

Irvin Joy - COE:

We need to address avoidance and minimization, then mitigate unavoidable. COE will provide input to practicable alternative; by time of Draft EIS, we should have agreement on preferred alternative. COE review will not be finished until the Final EIS

Edrie Vinson - FHWA:

Do COE and USCG want to see all other agency correspondence?

Irvin Joy - COE:

Periodically is ok.

Jim Helfinstine - USCG:

He wants to see agency concurrence, won't accept contingent consistency finding by ACMP or any other agency. USCG does not want to issue permit on concept drawing or contingent on other permits.

Edrie Vinson - FHWA:

The plan is for an excellent DEIS.



## Meeting Notes

Jim Helfinstine - USCG:

The USCG cannot issue a permit until FHWA Record of Decision (ROD) and COE ROD are complete. The USCG will hold application in abeyance until all pieces are in hand. They have done joint public notices with COE in the past. He will not assume responsibility for calculations or engineering (legally).

Irvin Joy - COE:

Up front, he will need mitigation for unavoidable impacts; and agreement before COE permit application (avoidance is not mitigation to COE). This would be first 18 months EIS and permit for COE. For ADOT, COE generally wants 90% plan to proceed on permit. Detailed plan is least of COE worries

Edrie Vinson - FHWA:

She asked for clarification on what a completed application is.

Jim Helfinstine -USCG:

There is an opportunity for USCG to do joint public notice mid-way through process, but final permit only when all is in hand.

Irvin Joy - COE:

The COE can receive enough information for public notice, but not necessarily to issue permit (must respond to public input to public notice). The COE expects hundreds of public comments and will key in on issues that affect permit issuance. Comments need credibility and substance for permit. The FHWA will have to provide information to address substantive comments. The COE is about to open a field office in the MSB

Jim Helfinstine - USCG:

The COE and USCG will define drawings needed for joint public notice. They do not want construction drawings for public notice. The drawings should show navigation openings, areas of wetland impacts, etc. The USCG will tier off of COE information and evaluations.

Irvin Joy - COE:

Time constraints are built into COE regulations. The COE expects that they will do COE Public Hearings (based upon Colonel's availability).

Jim Helfinstine - USCG:

The USCG will not do a joint public hearing with FHWA.

Edrie Vinson - FHWA:

The FHWA will have a public hearing on the draft. On a prior project, FHWA and Federal agencies did public hearings together.



## Meeting Notes

Jim Helfinstine - USCG:

USCG will have a public hearing on alternatives feedback and public hearing to gather information.

Irvin Joy - COE:

COE will be present with FHWA at project public hearing, but will still likely have their own public hearing later in the process (in response to public input and accommodating the Colonel's schedule).

Edrie Vinson - FHWA:

FHWA will make sure that Colonel is kept advised of public hearing.

Irvin Joy - COE:

If COE has a public meeting, Colonel does not have to be present, the Colonel only has to be present for hearings

Jim Helfinstine - USCG and Irvin Joy - COE:

Want the information available on public websites for the project.

Irvin Joy – COE:

The COE will want to know the impact on other federal projects especially Port of Anchorage (POA). Hydrology will be a key issue (USCG agrees)  
Issues with POA: After POA expansion is complete and dock is at -45 MLLW; not sure if COE has a legal interest from a regulatory standpoint.

Jim Helfinstine - USCG:

In the past, USCG has issued public notices for multiple alternatives and allowed agencies to review and comment on multiple alternatives.

Irvin Joy - COE:

This (USCG comment above) must be done to move permit processing forward. The COE will help narrow down alternatives and help FHWA narrow to best alternative.

Edrie Vinson - FHWA:

COE and USCG should be involved in alternatives discussion with agencies (USCG tied in via teleconference).

Jim Helfinstine - USCG:

At present, navigation issues are addressed.



## Meeting Notes

Irvin Joy - COE:

He suggests making sure that resource agency needs and issues are identified and addressed, but this will take time.

Jim Helfinstine - USCG:

USCG cannot move forward on the permit until all resource agency concerns are addressed.

Edrie Vinson - FHWA:

This discussion has been insightful on USCG and COE issues.

Irvin Joy - COE:

Neither COE nor USCG can issue permits until ROD is complete.

Jim Helfinstine - USCG:

There is a comfort level with navigation, but still must address other USCG responsibilities. The USCG has other projects on going. His priorities has set by President, and he has been told that energy projects have priority. He wants to know when there will be a site visit.

Edrie Vinson - FHWA:

The Governor of Alaska has told FHWA that the Knik Arm Crossing is the number one project. She wants site visit during the ice-free season.