



Alaska Department of Transportation & Public Facilities

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DOT&PF Commissioner Marc Luiken
DOT&PF Statewide Environmental Program Manager Ben White



DOT&PF Mission and Policy

Commissioner Marc Luiken

Our mission at DOT&PF is to *“Keep Alaska moving through service and infrastructure”*.

DOT&PF employs 3,000 Alaskans who collectively strive to serve all Alaskans, and provide them with efficient and reliable access to goods and services.

DOT&PF is committed to environmental stewardship – we work towards maintaining healthy salmon populations and maintaining fish habitat as we accomplish our mission. We want to ensure healthy populations of salmon for future generations.



DOT&PF Core Values

Integrity: Doing the right thing even when no one is watching. Doing what you say you are going to do.

- DOT&PF implements commitments made to the public and agencies with regard to projects that require work in fish habitat.

Excellence: Commitment to continually improve.

- DOT&PF conducts research, collects monitoring data, and works with others to improve our processes to ensure that our impacts to fish habitat are minimized and that mitigation efforts are successful.

Respect: Positive regard for customers, stakeholders, investors and colleagues.

- DOT&PF works with the public, resource agencies, as well as local governments and watershed councils during project development to ensure that impacts to fish habitat are minimized while still allowing Alaska's much needed infrastructure to be developed.



Ballot Measure 1 – Potential Impacts to DOT&PF

The proposed Ballot Measure 1 – Stand for Salmon Initiative – introduces changes to the way that ADF&G regulates development within fish habitat and modifies Title 16. This proposal will have a direct impact in the time and cost it takes a project to be developed and put into construction.

It is anticipated that this proposal will require an additional 8 positions within the Department at a total annual increase of \$953,900. This figure does not consider the services and commodities costs of each position, e.g., office furniture, phone service, IT service, computers and other office supplies.



DOT&PF Activities in Fish Streams



There are several ways that DOT&PF projects involve work within and near fish habitat.

- Culverts (New)
- Culverts (Improvements)
- Culverts (Maintenance)
- Bridges (New)
- Bridges (Replacements)
- Bridges (Maintenance)
- Roadway Embankment Protection (Riprap Armoring)
- Stream Realignments Temporary and Permanent (Airports, Roadways)
- Mitigation, Restoration, Enhancement (Habitat creation)





Ballot Measure 1 – Potential Impacts to DOT&PF

The proposed language could restrict or prohibit the following:

- Culverts with inverts
- Riprap for erosion protection and scour counter-measures
- Channel maintenance (alluvial systems)
- Temporary construction activities, diversions, and water use





Ballot Measure 1 – Potential Impacts to DOT&PF

The presumption that a naturally occurring “permanent or seasonal surface water body” is anadromous.

- Most critical aspect of the proposed changes to current fish habitat regulations – the assumption of anadromous fish would lead to extra resource demands for DOT&PF (staff time, funding, etc.). and project delivery time would increase.
- Delay in project delivery: The proposed language requires applicants to prove fish do not exist for all work in Alaska waters.
- Design for fish passage everywhere: This will require more technical design time and generally larger hydraulic structures.

Example: New Scour Risk



Ballot Measure 1 – Potential Impacts to DOT&PF

Designed for fish passage:





Ballot Measure 1 – Potential Impacts to DOT&PF

Use of the term “significant adverse effect” and vague terms like “reasonable period” and “habitat-dependent connections”.

- Under NEPA a “significant adverse effect” would require either an Environmental Assessment or Environmental Impact Statement. Currently most of our minor maintenance projects fall under a Categorical Exclusion (CEs).
 - CE Development Time: 6 -12 months
 - EA Development Time: 1 – 3 years
 - EIS Development Time: up to 5 or more years

Proposed Measure 1 language significantly increases the timeline to develop infrastructure projects.



Ballot Measure 1 – Potential Impacts to DOT&PF

Two Step Public Notice Process

- The proposed language indicates that there are two public notice steps in the process – the application and initial determination as well as a draft permit.

No timelines established for “major” fish habitat permits.

- Most of the work accomplished by DOT&PF would be processed under a “major” permit.
- Without established timelines there is uncertainty in project delivery, and delay causes increased costs or potential loss of funding.



Ballot Measure 1 – Potential Impacts to DOT&PF

Potential conflict between engineering/safety requirements and habitat requirements.

- DOT&PF Engineers are responsible for safeguarding the traveling public.
- Risks related to scour vulnerability, reduced flood resiliency, and adverse impacts to adjacent properties could increase.





Ballot Measure 1 – Potential Impacts to DOT&PF

Reconsideration determinations – automatic denial if the Commissioner fails to make a determination.

- There is no mention of “good standing” – someone that has participated in the permit process (public notice).
- Reconsideration determinations will require additional work from both the applicant and permitting agency
- Reconsideration determinations result in automatic denial if there is failure to address.



Ballot Measure 1 – Potential Impacts to DOT&PF

Mitigation required for all “significant adverse effects”.

- The proposed language now makes mitigation required for all significant adverse effects.
- The proposed language states that a fish habitat permit “may not be granted for an activity that will cause substantial damage to anadromous fish habitat.”





Ballot Measure 1 – Potential Impacts to DOT&PF

Limitation on mitigation options.

- The proposed language indicates that permit conditions or mitigation measures “may not offset the activity’s adverse effects” in another water body or portions of the same water body. This proposed language requires mitigation to occur on-site.
- On-site mitigation for airports causes other wildlife hazards.





DOT&PF Public Process

DOT&PF has a robust public process for the development of our infrastructure projects.

- **During initial planning –**
 - Highways: Statewide Transportation Implementation Plan (STIP)
 - Aviation: Airport Improvement Plans
- **During project development –**
 - Public Involvement Plans/NEPA
 - Public comment periods, meetings, workshops
- **During the permit process –**
 - Public review and comment on permit process
 - Section 404/10 – Wetlands and Waters of the US



Questions?



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