

***Statter Harbor Improvements Project
Environmental Assessment***

Draft Scoping Summary Report

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Acronyms & Abbreviations

ABCOR	Auke Bay Corridor
ABL	Auke Bay Laboratories
ABTC	Auke Bay Towers Condominium
ACMP	Alaska Coastal Management Program
ADNR	Alaska Department of Natural Resources
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
CBJ	City and Borough of Juneau
CFR	Code of Federal Regulations
COE	U.S. Army Corps of Engineers
CPQ	Coastal Project Questionnaire
DCOM	Division of Coastal and Ocean Management
DMLW	Division of Mining, Land and Water
DOT&PF	Alaska Department of Transportation and Public Facilities
EFH	Essential Fish Habitat
EA	Environmental Assessment
EPA	(U.S.) Environmental Protection Agency
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FAQs	Frequently Asked Questions
FEMA	Federal Emergency Management Administration
HDR	HDR Alaska
MMPA	Marine Mammal Protection Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
P&N	Purpose and Need
PND	PND Engineers, Inc.
SHPO	State Historic Preservation Office or Officer
SSD	Stopping Sight Distance
TIA	Traffic Impact Analysis
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service

1.0 INTRODUCTION

This report summarizes the scoping activities undertaken by PND Engineers, Inc. (PND) on behalf of the City and Borough of Juneau (CBJ) Docks and Harbors Department and the Alaska Department of Fish and Game (ADF&G) as part of the proposed Statter Harbor Improvements Project in Auke Bay, Juneau, Alaska. This report and its appendices are a part of the public record of the formal scoping activities undertaken for the proposed Statter Harbor Improvement Project.

1.1 Overview of the Proposed Project

1.1.1 Project Background

The CBJ Docks and Harbors Department has been planning major improvements at Statter Harbor for many years. Harbor usage has increased steadily over the last two decades, due to the harbor's location near a large population base and popularity with locals and visitors. Harbor infrastructure and facilities upgrades, however, have not kept pace with the demands of the harbor's diverse commercial and recreational users. The congestion caused primarily by limited harbor space often triggers conflicts between the harbor's various patrons.

In 2005, the CBJ Docks and Harbors Board adopted the Statter Harbor Master Plan ("the Plan") for the harbor's future. The Plan outlines extensive improvements to address harbor issues. After the Plan was completed, the CBJ obtained funding from ADF&G through the U.S. Fish and Wildlife Service (USFWS), the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson/Wallop-Breaux) for the Plan's prescribed improvements for a new boat launch facility.

Because Federal funding is being used for this project, the project must comply with the National Environmental Policy Act (NEPA). CBJ has initiated an Environmental Assessment (EA), as required by NEPA, and conducted formal scoping to identify, evaluate, and plan the Statter Harbor improvements.

1.1.2 Purpose and Need

The purpose of the proposed Statter Harbor Improvement Project is to improve safety, reduce congestion, and increase harbor efficiency by incorporating improvement plans identified in the Statter Harbor Master Plan.

Under existing conditions, commercial boats, recreational motor boats, and kayaks share a two-lane boat launch ramp in a congested area, which creates unsafe conditions and results in long waiting times. The existing launch facility is limited at low tide, often backing up traffic in the parking lot. Additionally, some of the harbor older facilities are in need of repair or replacement.

1.1.3 Description of Proposed Concepts

CBJ is proposing two building concepts to address the current capacity and repair issues at Statter Harbor. These concepts include the following components:

- Existing system maintenance, including moorage floats, wave attenuator, and anchoring systems
- Removal of DeHart's Marina float system
- Moorage system expansion with new main floats, dedicated stalls, and utilities
- Fuel distribution at the new floats
- Intertidal and subtidal basin area dredging along the northern shoreline
- Construction of a two-lane boat launch and additional parking
- Installation of a for-hire passenger boarding float to support tour and other vessel loading operations
- Redevelopment of uplands between Bay Creek and existing boat ramp
- Construction of a marine seawall to retain fill, maximize harbor basin and uplands utilization
- Construction of new waterfront parks, pathways, landscaping, beach access, creek trail, and linking sea walk
- Expansion of on-site parking, vehicle circulation, staging, and loading areas for all operations
- Installation of landscaped buffer areas near adjacent properties
- Improvement of access to and from Glacier Highway coordinated with DOT&PF plans

The two build concepts vary in that Concept 1 would include a small vessel marine haul-out facility (hydraulic trailer) and maintain a marine support services yard ("boat yard"). Concept 2 would instead include space for lease. The primary differences between Concepts 1 and 2 are as follows:

- Concept 2 has 0.39 additional acres of available space for lease
- Concept 2 has 18 additional vehicle parking spaces
- Concept 2 relocates the boat yard to the loading facility in Auke Nu Cove (currently under construction)
- Concept 2 does not provide a boat haul-out facility

1.2 Scoping Purpose and Goals

Scoping is the first stage in the development of a comprehensive environmental document that meets NEPA's statutory requirements. Scoping activities are designed to:

- Invite the public, State and Federal agencies, and local governments to participate in project development and review
- Identify the issues and range of actions, alternatives, and impacts considered in the Draft EA
- Provide an opportunity for the public, local governments, and interested agencies to discuss the proposed project with project staff
- Provide forums in which the project team can gather input and ideas; solicit questions and concerns; and plan needed studies
- Ensure early data gathering from participating and other interested/affected agencies and entities

- Refine the project’s purpose and need (P&N) statement

2.0 AGENCY SCOPING

This section identifies the agencies involved in the Statter Harbor Improvement Project and summarizes the activities used to obtain input from the agencies during the scoping process.

2.1 Agencies Involved

Following NEPA guidelines, the project team identified federal, state, and local agencies (referred to as “participating agencies”) that have jurisdiction by law or special expertise related to the various environmental issues. These agencies’ help was solicited to assess the project’s potential environmental impacts. Table 2-1 lists the proposed Statter Harbor Improvement Project’s participating agencies.

Table 2-1. Participating Agencies’ Jurisdiction/Expertise

Participating Agency	Jurisdiction /Expertise
Alaska Department of Environmental Conservation (ADEC)	ADEC is the State of Alaska department that issues Water Quality Certifications under Section 401 of the Clean Water Act; implements and issues permits under the 1970 Federal Clean Air Act; and manages contaminated soil and groundwater cleanup in Alaska.
Alaska Department of Fish and Game (ADF&G) Division of Habitat ¹	ADF&G is the State of Alaska department that manages the State’s fish and wildlife resources. The Division of Habitat protects Alaska’s fish and wildlife resources and their habitats
Alaska Department of Natural Resources (ADNR) including: State Historic Preservation Office (SHPO) Division of Coastal and Ocean Management (DCOM) ² Division of Mining, Land and Water, Land Resources (DMLW)	ADNR is the State of Alaska department charged with the development, conservation, and enhancement of natural resources. SHPO is consulted to comply with Section 106 of the National Historic Preservation Act and Executive Order 13175. DCOM leads the Alaska Coastal Management Program (ACMP). DMLW oversees the use and protection of Alaska’s state-owned land and water.
Environmental Protection Agency (EPA)	The EPA reviews, rates, and obtains public commentary on the environmental impacts of major federal actions, including actions that are the subject of EAs under Section 309 of the Clean Air Act.

¹ ADNR Office of Habitat Management and Permitting became the Division of Habitat, a part of the Alaska Department of Fish and Game (ADF&G), effective July 1, 2008, as a result of Executive Order 114.

² ADNR Office of Project Management and Permitting became DCOM effective December 31, 2007.

Participating Agency	Jurisdiction /Expertise
Federal Aviation Administration (FAA)	FAA regulates civil aviation to promote safety; encourages and developing civil aeronautics, including new aviation technology; develops and operating a system of air traffic control and navigation for both civil and military aircraft; researches and develops the National Airspace System and civil aeronautics; develops and implements programs to control aircraft noise and other environmental effects of civil aviation; and regulates U.S. commercial space transportation.
National Oceanic and Atmospheric Administration (NOAA) Fisheries Protected Resources Division Habitat Conservation Division National Marine Fisheries Service (NMFS) Alaska Fisheries Science Center Auke Bay Laboratories (ABL)	NOAA Fisheries are responsible for the nation's living marine resources and their habitat. NOAA's Protected Resources Division is responsible for developing management and conservation programs for marine mammals under the guidance of: the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), the Fur Seal Act, and the Magnuson-Stevens Fishery Conservation Act. The Habitat Conservation Division oversees avoiding and minimizing adverse effects to living marine resources and essential fish habitat (EFH) resulting from human activities. The Alaska Fisheries Science Center is the research branch of the NOAA's NMFS responsible for research on living marine resources in the coastal oceans off Alaska and parts of the west coast of the United States. The ABL conducts scientific research throughout Alaska on fish stocks, fish habitats, and the chemistry of marine environments involved in managing natural resources.
U.S. Fish and Wildlife Service (USFWS)	USFWS administers the ESA, manages migratory bird populations, restores nationally significant fisheries, and conserves and restores wildlife habitat such as wetlands.
U.S. Army Corps of Engineers (COE)	The COE is responsible for the nation's aquatic resources and administers the Rivers and Harbors Act and the Clean Water Act. Regulatory authority is based on Section 10 of the Rivers and Harbors Act of 1899 (22 USC 403), which prohibits the obstruction or alteration of navigable waters of the U.S. without a permit from the COE; and Section 404 of the Clean Water Act, which prohibits the discharge of dredged or fill material into waters of the U.S., including wetlands, without a COE permit.
U.S. Coast Guard (USCG) Sector Juneau (17-37360)	USCG is responsible for approval of the location and plans of bridges and causeways constructed across navigable waters of the United States.

2.2 Agency Scoping Meetings

An agency scoping meeting was held on June 18, 2008, to provide agencies with project information, to receive input on issues to be addressed in the EA. The meeting also enabled the resource agencies to determine their manner/level of scoping process involvement. The meeting

was open to representatives of agencies and the local government having either a direct interest in or applicable jurisdiction over some aspect of the proposed project. Invitations were mailed on June 2, 2008.

Fifteen agency representatives were present to discuss concerns regarding the project and identify useful information sources. Appendix A provides meeting invitations, minutes, and other materials related to the agency scoping meetings.

A separate meeting with DOT&PF was held on June 16, 2008 to present the proposed project and also discuss how it might relate to the Auke Bay Corridor (ABCOR). A second meeting was held with DOT&PF on August 4, 2008, to discuss traffic data collection requirements (see Appendix A for meeting materials).

The project team offered to hold individual scoping meetings to accommodate those agency representatives that were unable to attend the scheduled agency scoping meeting, individual scoping meetings were offered to be held. However, no such meetings transpired during the initial scoping period.

2.3 Agency Comments

Table 2-2 summarizes regulatory agency comments; note that not all agencies included in Table 2-1 provided comments on the project. Appendix A contains notes from resource agency meeting letter and email, as well as telephone comments.

Table 2-2. Agency Scoping Comments

State Agencies	
ADF&G	
Division of Habitat	<ul style="list-style-type: none"> • Bay Creek has been specified as being important for the migration, spawning and rearing of anadromous fish. It is catalogued for rearing coho salmon and spawning pink salmon. Historical documents indicate that pink salmon spawn in the lower 50 feet and that Dolly Varden char and cutthroat trout have also been trapped in the creek. • A fish habitat permit will be required for work below the ordinary high water mark of Bay Creek, per AS16.05.871. • In 2003, the University of Alaska installed baffles in the culverts under Glacier Highway and built several grade control structures 50 to 60 feet below the culvert to improve fish passage as mitigation for the Joint Armory building. • Any disturbance to the culvert baffles under Glacier Highway and grade control structures 50 to 60 feet below the culvert would need to be mitigated. • Work should occur during those times when eggs are not in the gravel and juvenile salmon are not outmigrating, typically in June through mid-July.

ADF&G (continued)	
<p>Division of Habitat</p>	<ul style="list-style-type: none"> • ADF&G biologists will collect additional field data to confirm accuracy of listed species and lifestages. Data collection will include foot surveys in fall 2008 to determine location and timing of spawning, beach seine surveys next spring to determine timing of juvenile outmigration, and minnow traps surveys to determine extent of coho salmon rearing. • Changes in circulation patterns resulting from rerouting Bay Creek may be an issue. • Fish passage must be maintained. • Concurred with concerns voiced by USFWS and NMFS ABL, but did not provide further comments.
ADOT&PF	
<p>Southeast Planning Region</p>	<ul style="list-style-type: none"> • The current driveway serving Statter Harbor is located next to the DeHarts property and has been of concern for years. • A Traffic Impact Analysis (TIA) is required for the State to permit the proposed driveway use change. The TIA must meet 17 AAC 10.070 requirements and needs to address both driveways. • Can either concept fully meet the community demand for boating-related activities? • There may be a basis for 2 twin-launch ramps, instead of the single proposed twin boat launch. • Is there a way to separate commercial loading activities from recreational boating launches? • Providing adequate capacity and room for future growth for both recreational and commercial purposes would be best. • Although State DNR may have authority for portions of USS 3819, the chain of title and status for both lots of USS 3819 need to be established. • Appreciates the addition of the bullet "New, improved access to and from Glacier Highway coordinated with DOT&PF plans" to the concept summary. • Fred Thorsteinson, Permits Officer, is contact person for driveways. • Four to six boat launch ramps would be more efficient than two boat launch ramps. • Stopping sight distance (SSD) at existing driveway is substandard. • SSD at proposed driveway appears better than existing Harbor Drive SSD. • Consider Bay Creek when improving SSD by cutting down trees nearest the existing sewer treatment facility. Typically trees cannot be cut within 50 feet of stream. May present possible conflict. • Traffic may increase at the existing driveway, as reflected in the project ABCOR study, if a popular site, such as a restaurant, was built in the retail space.

ADOT&PF (continued)	
Southeast Planning Region	<ul style="list-style-type: none"> • Combine Harbor Drive and DeHart’s driveway into a single driveway as part of the DOT&PF roundabout improvement project. This would create a right-in and right-out only. • DOT&PF will revisit preliminary DeHarts roundabout data and grades. • DeHarts may classify as an historic building. • Current DeHarts location may be relocated during roundabout project. • CBJ should examine Amalga Harbor’s increased use since its improvements as part of the traffic analysis. • DOT&PF is interested in the way in which Harbor Road will tie into future DOT&PF roundabouts • Existing parking along face of Squire’s Rest is unsafe. • DOT&PF would like to obtain data from the Statter Harbor traffic analysis to include in DOT&PF roundabout projects. • High speed traffic without a bypass will be a concern • Several permit options exist to utilize DOT&PF right-of-way near the proposed driveway, such as beautification, encroachment, or vacation permits.
Federal Agencies	
FAA	
FAA Anchorage, Alaska	<p>According to the Coastal Project Questionnaire (CPQ), the FAA should be contacted if the project is within 5 miles of an airport.</p> <p>FAA personnel were contacted and directed to Code of Federal Regulations (CFR) Title 14 Part 77.13, which states that any person/organization who intends to sponsor any of the following construction or alterations must notify the Administrator of the FAA:</p> <ul style="list-style-type: none"> • any construction or alteration exceeding 200 ft above ground level • any construction or alteration: <ul style="list-style-type: none"> ○ within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft ○ within 10,000 ft of a public use or military airport which exceeds a 50:1 surface from any point on the runway of each airport with its longest runway no more than 3,200 ft ○ within 5,000 ft of a public use heliport which exceeds a 25:1 surface • any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards

FAA (continued)	
<p>FAA Anchorage, Alaska</p>	<ul style="list-style-type: none"> • when requested by the FAA • any construction or alteration located on a public use airport or heliport regardless of height or location <p>Since activities associated with the proposed project do not fall under these categories, the project does not need to file with the FAA.</p>
NOAA Fisheries	
<p>NMFS Juneau Office</p>	<ul style="list-style-type: none"> • In compliance with the Magnuson Stevens Act, the federal action agency, or its official designee, must determine whether it's actions may adversely affect EFH. • Information about the proposed project's compliance with the USACE's 404 (b)(1) guidelines for appropriate and practicable steps to minimize the effects of discharge on the aquatic ecosystem, including evaluation of the non-water dependent uses, should be developed to present the least environmentally damaging practicable alternative. • Several eelgrass beds are present in Auke Bay within the project area (more detailed information within letter, see Appendix A-4). • Evaluate the following information for further development of design concepts to potentially help conserve eelgrass beds and Bay Creek: <ul style="list-style-type: none"> ○ Georeference Harris et al. (2008) Bay Creek eelgrass beds to the concept designs, to correctly depict the potentially impacted eelgrass beds and where the potentially rechannelization would impact eelgrass beds. ○ Reduce the size of the proposed fill and relocate the proposed non-water dependent improvements (additional parking, landscaping, trails, and retail facilities) to upland locations, in order to avoid or minimize impacts to EFH and minimize impacts to Bay Creek, particularly intertidal spawning and rearing areas. ○ Change the reduced fill configuration to avoid eelgrass beds the natural Bay Creek contour, to the extent practicable. ○ Avoid dredging of the northern shore where eelgrass beds could be destroyed or impacted and Bay Creek could be impacted from increased siltation. • Evaluate the following information for further development of design concepts to potentially help conserve Bay Creek: <ul style="list-style-type: none"> ○ Add stream buffers to the portions of Bay Creek within the project area, to maintain natural fish habitat, including water quality and natural drainage features.

NOAA Fisheries (continued)	
<p>NMFS Juneau Office</p>	<ul style="list-style-type: none"> ○ Pile driving can generate intense underwater waves that can disrupt migration and injure or kill fish. ○ To minimize the effects of pile driving, a vibratory hammer should be used for all piles installed, with impact-driving used only for final proofing. A pile cushion should be used between impact hammer and the piling to attenuate sound. h. Vibratory hammers produce less intense sounds than impact hammers. ○ Steel piling should be used, and existing creosote-treated wood pilings and decks of existing structure should be removed to avoid the toxic effects from PAH leaching. Treated wood should be disposed of at an approved upland site in an approved manner. ○ Solid docks limit the amount of light on the pilings that support them and on the ground below, which in turn limits or eliminates habitat for marine algae and associated light dependent species. Habitat diversity could be enhanced by using open steel grating on the docks, which reduces the amount of shading caused by solid docks. ● Section 9 of the Endangered Species Act (ESA) and Federal regulations pursuant to section 4(d) of the ESA, prohibit the take of endangered and threatened species. ● The Marine Mammal Protection Act (MMPA) prohibit the taking of marine mammals, including harrassment, unless the activity is exempted by law or permitted under the act. ● The only threatened or endangered marine mammal species likely to be found in the general project area are the endangered humpback whale and the eastern or western Distinct Population Segment of Stellar sea lion. ● Marine mammal species not listed under the ESA are afforded protection by the MMPA. In SE Alaska, these species include harbor seals, harbor porpoise, Dall's porpoise, and minke and killer whales. ● Pile driving can generate intense underwater sound pressure waves that can disrupt migration and harass or injure marine mammals. ● If current versions of concept 1 and 2 are used, the following conservation recommendations should be included to mimimize disturbance and avoid take of marime mammals during construction of the project: <ul style="list-style-type: none"> ○ Use a vibratory hammer for all piles installed to minimize the effects of pile driving; impact-driving should only be used for final proofing. ○ Use a pile cushion between impact hammer and the piling to attenuate sound.

NOAA Fisheries (continued)	
<p>NMFS Juneau Office</p>	<ul style="list-style-type: none"> ○ A marine mammal monitor should be assigned to the project during pile driving operations. The observer should begin to observe 15 minutes before pile driving and throughout each pile driving event. If the marine mammals are observed within a 200 meter radius of the pile being driven, driving should cease until the animal is clear of the zone (see letter in Appendix A-4 for details). If marine mammals are observed during the pile driving and thought to be disturbed by the noise/activity, pile driving should be discontinued. Pile driving should not resume until the mammal is no longer seen.
<p>NMFS Auke Bay Research Lab</p>	<ul style="list-style-type: none"> ● Rerouting Bay Creek may have unknown impacts on the eelgrass stands. The stream bed in that intertidal area fluctuates naturally; if the creek is moved to the west, this natural process will continue further west, closer to the eelgrass beds. This may result in increased sedimentation in the existing eelgrass beds. A changed circulation pattern in Statter Harbor may have unknown/unintended effects. ABL indicated that after a retaining wall/breakwater had been constructed at the seafood plant, eelgrass stands were observed (observed after but not prior to construction). ● Eelgrass impact compensation is a concern; perhaps other tidelands in the Borough could be purchased for preservation/conservation. ● Flushing from mid-floats protruding out (so far) into the bay causes some concern, as does the tight neck in the harbor and traffic patterns therein, especially given the potential location of the fuel float, and close proximity to Fisherman's Bend.
USFWS	
<p>Juneau Fish and Wildlife Field Office</p>	<ul style="list-style-type: none"> ● Tidelands should be filled only for those activities that are water-dependent. ● The two construction concepts include intertidal fill with the potential to negatively impact productive habitats such as the known eelgrass beds defined by Federal regulations as a "Special Aquatic Site", less-damaging alternatives to impacting this habitat are presumed to exist. Eelgrass is important as a fishery habitat and may be important nursery habitat for invertebrates. Eelgrass supports high abundance and diversity of marine fish and invertebrates. ● The proposed construction concepts may have unnecessary impacts on intertidal plant (eelgrass and other) and animal community in Auke Bay.

USFWS (continued)	
<p>Juneau Fish and Wildlife Field Office</p>	<ul style="list-style-type: none"> ○ Placing fill would permanently eliminate intertidal plant/productive habitat. ○ Ecological communities in Auke Bay have already been impacted by other development. ● The proposed construction concepts may exceed the minimum amount of intertidal fill necessary to accomplish water-dependent work. <ul style="list-style-type: none"> ○ Additional parking, landscaping, and retail facility spaces are not water-dependent. ○ Non water-dependant uses could preclude future water-dependant uses ● Non water-dependant uses of the intertidal habitat could permanently eliminate habitats that contribute to biodiversity ● The realignment of Bay Creek and its close proximity to the proposed fill may result in degradation of water quality, increased water velocity in rechannelized section of Bay Creek, and loss of spawning and rearing habitat. ● Impacts to Bay Creek from filling and rechanneling could degrade water quality, increase water velocity, and lead to loss of spawning and rearing habitat. ● The two concepts do not represent a reasonable range of alternatives as required by Federal regulations. ● The boat/kayak launch, moorage system and boarding floats (all water dependent) should be constructed with minimum disturbance to plant and animal life. ● Additional parking, retail, and other non-water dependent structures should be constructed upland or on existing fill but not in intertidal/subtidal zones. ● The current alignment of Bay Creek should be maintained to the extent practicable. ● Use piling-supported structures for those projects that must be built in intertidal and subtidal zones rather than direct fill, or permanent habitat loss. <ul style="list-style-type: none"> ○ Piling-supported structures would represent a less damaging alternative. ○ Steel or concrete piling should be used instead of creosote-treated wood. ● If fill is used, compensatory mitigation in the form of habitat restoration at a ratio of 2:1 or greater should be used. Habitat values should be replaced in an in-kind manner, if possible. An evaluation of recent sales and offering of beachfront and tidelands in the area or region would be necessary to establish fair-market value. ● Unavoidable impacts to Bay Creek should be mitigated through out-of-kind enhancement, such as restoration and/or enhancement of fish passage in Bay Creek above Glacier Highway. ● Additional design concepts should be developed to address USFWS concerns and offer a reasonable range of alternatives to reduce project impacts.

USFWS (continued)	
Juneau Fish and Wildlife Field Office	<ul style="list-style-type: none"> • Underground powerlines are preferable to aerial lines. • Use cones if aerial lines are chosen. • The type of mitigation that will be used for the loss of eelgrass beds is a point of interest.
COE	
Juneau Regulatory Field Office	<ul style="list-style-type: none"> • Portions of the proposed project would occur in waters and would therefore be within the COE's jurisdiction. • COE permits are only available for projects that clearly demonstrate compliance with the Clean Water Act, Section 404(b)(1) Guidelines. The guidelines state that no discharge of dredged or fill material into U.S. waters can be permitted if there is a practicable alternative to the proposed discharge that would have a less adverse impact on the aquatic ecosystem. • Section 404(b)(1) establishes a mitigation sequence that provides a framework to ensure that the environmental impacts are acceptable. Compensatory mitigation may not be used as a method to reduce environmental impacts in the evaluation of the least environmentally damaging practicable alternative. • Activities including but not limited to increased parking, a boat yard, and retail facilities, may require a COE-issued permit. • Any activities involved with the placement of fill material into wetlands and waters of the U.S. require a COE-issued permit. • For additional information about the COE regulatory program, visit: www.poa.usace.army.mil/reg.

3.0 PUBLIC INVOLVEMENT AND SCOPING PROCESS

This section describes the public scoping process for the proposed Statter Harbor Improvement Project, identifies the public involved, and lists the outreach activities.

3.1 Public Stakeholders

The following public stakeholders were included in the public outreach:

- General public and businesses having expressed an interest in the project
- Area landowners
- Non-governmental organizations, including environmental and public interest groups

3.2 Public Involvement Activities and Materials

The following activities and meetings occurred during the scoping process to gather input from the public. Appendix B contains all materials listed in Section 3.2, including: public meeting advertisements, invitations, and materials; written comments (letters, emails, and comment sheets); and telephone conversation records.

3.2.1 Project Mailing List

The scoping team compiled a mailing list that included contact information received via comment forms, public meeting sign-in sheets, e-mails, and one-on-one contacts. The mailing list also includes other stakeholders within the project area; federal, state, and local agencies with jurisdictional and review responsibilities, and members of the public directly affected by the project and those having expressed interest in the project. The mailing list is updated as necessary, and as of July 2008, consisted of approximately 130 contacts.

3.2.2 Flyer: Public Open House Notice

An informational project flyer introduced the proposed Statter Harbor Improvement Project; explained the project's purpose and need; invited the public to the scoping open house meeting; and provided project team contact information. The flyer was posted at the Statter Harbor and Auke Bay post office on May 23, 2008.

3.2.3 Postcard: Public Open House Notice

A postcard was used to invite the public to the public scoping open house. The postcard was distributed on May 23, 2008 to all addressees on the project mailing list at that time. Additionally, postcards were hand-delivered that same day to the residents of the Auke Bay Towers Condominiums (ABTC).

3.2.4 Public Open House Handout

A 4-page handout including build concept figures was available at the sign-in table at the public open house.

3.2.5 Newspaper Advertisements

Newspaper advertisements were published in the Juneau Empire on June 13, 15, and 18, 2008 to announce the public meeting and the initiation of the environmental process.

3.2.6 Project Website

A public website was developed for the proposed project. The site, www.StatterHarbor.com, provides information about the proposed project for individuals with Internet access. The website address was provided at the public open house.

The website includes the following pages and information:

- Project Overview and Recent News
- Project Schedule
- Project Background
- Project Alternatives
- Project Documents
- Frequently Asked Questions (FAQs)
- Project Team Contact Information

3.2.7 Public Scoping Meeting/Open House

A public scoping meeting/open house for the proposed Statter Harbor Improvement Project was held at the Chapel by the Lake's Smith Hall on June 18, 2008 from 6:00 to 8:00 p.m. A total of 39 people attended. The purpose of the open house was to describe the proposed project and NEPA process, and solicit input on issues and concerns related to the conceptual designs. The meeting was organized in an open-house format with at least 1 member of the project team attending each of the 6 stations. The information stations (material included in Appendix B) were arranged as follows:

- **Sign-In:** each person was asked to write their name on the sign-in sheet.
- **Purpose and Need:** described the purpose and need of the project.
- **Concepts Under Consideration:** described details of both concepts.
- **Concepts 1 and 2 Differences:** identified differences between concepts.
- **Schedule and Next Steps:** presented the schedule and NEPA process.
- **Comments:** provided comment sheets that could be mailed or placed in comment box.

3.2.8 Other Public Scoping Forums

John Stone, the CBJ Port Director presented a project overview during an on-air interview with local radio station KINY on June 25, 2008.

3.2.9 Stakeholder Scoping Meetings

The project team invited stakeholder groups to meet and discuss the proposed project. Separate meetings were held with local business owners and private residents that were interested in meeting with the project team. Notes, agendas, slideshows, and materials from these meetings are included in Appendix C.

June 10, 2008, Local Business Scoping Meeting. A meeting was held with local business owners. Two business owners attended the meeting, along with six members of the project team.

June 10, 2008, Local Resident Scoping Meetings. Two separate meetings for local residents were conducted on June 10, 2008. The Lehnhart family met with six members of project team during the first meeting; seven ABTC residents attended the second meeting.

June 26, 2008. City of Juneau Docks and Harbors Board Meeting. The project team presented the project P&N, proposed concept designs, project schedule, and project involvement opportunities at a regularly scheduled Docks and Harbors Board meeting.

July 3, 2008. ABTC Meeting. One member of the PND team met with condominium residents to collect low and high tide viewshed photographs from two units at the ABTC complex.

August 4, 2008. Public Works and Facilities Committee Meeting. The project team presented the project P&N, proposed concept designs, and project schedule at a Public Works and Facilities meeting. The meeting minutes will be posted online after the next meeting, scheduled for August 18, 2008 (see <http://www.juneau.org/clerk/PWFC.php>).

3.3 Public Scoping Comments

The project team compiled and summarized comments received from the public during the 30-day comment period. The summary of public comments presented below is organized by topic. Photocopies of the original public scoping comments are included in Appendix B.

Purpose and Need

- High gas prices and oil shortages may preclude increased boat use and therefore may negate a need for increased harbor use/expansion.
- The plan no longer fits with present and project reality. Fisherman have stated that high fuel prices have made Amalga Harbor more appealing due to shorter travel times to good fishing spots and more parking. The project could be scaled back and comfortably accommodate harbor users well into the future.
- The magnitude of this project needs to be reevaluated, because it incorporates large, unnecessary changes that may not adequately address the needs of the existing users.
- Construction of this unnecessarily large project is an irresponsible use of tax dollars.
- The data used to determine the need for additional moorage is questionable.
- Upland parking facilities might not meet the needs of the existing users and users of the proposed new moorage area.
- The formula used to determine the need for parking vs. moorage/launching capacity is questionable.
- Expanding Statter Harbor to attract private-enterprise commercial businesses is unfair competition. Privately-owned boating facilities should be encouraged to accommodate whale-watching and other small commercial sporting enterprises.
- The proposed plan is too narrowly focused on the easiest, cheapest (and exaggerated) solution to a parking problem. It is possible to consider all concerns and create a plan that does better than “paving paradise to put up a parking lot.”

Design Concept (General)

- None of the concepts solve the harbor’s lack of parking and boat launch space.
- Action being taken to reduce congestion at Auke Bay and make general upgrades to the harbor is appreciated.

- Local Juneau harbor users' needs are not being considered and plans are instead being catered toward tourists and special interest groups.
- CBJ is eager to seriously downgrade property value of at least 19 property owners using tax money without serious consideration to make improvements less negative.
- Redesign the project to minimize impacts on ABTC residents, Bay Creek and adjacent habitat, while still meeting the essential needs for harbor facility updates, including improved parking capacity and traffic flow.
- Expansiveness of parking lot, the proposed location of the main boat launch, increased noise, unpleasant odors, and degraded ABTC views are concerning.
- The conceptual drawings for harbor improvements look good, except that the retail space is unnecessary.
- Concept 1 is preferable because the boat yard would be maintained, instead of adding retail.
- Redesign traffic flow to avoid relocating boat launch.
- The harbor is trying to develop mini-malls instead of parking boats and cars.
- Examine the Petersburg marinas to come up with a better plan.
- The no action alternative is preferable.

Boat Yard

- The boat yard should be moved to commercial loading facility where there is adequate room.
- Existing boat yard area should be converted to parking instead of the current plan.
- Existing boat yard and proposed building areas should be used for parking instead of the proposed plan.
- The boat yard should remain at Statter Harbor; it is the busiest harbor and does not need retail.
- The boat yard should remain at Statter Harbor for haul-out and winter storage.
- The winter presence may help avoid potential unsafe conditions that could potentially result from lack of use in the winter months.

Retail

Retail should not be added to the harbor because:

- Retail is not a water-dependent activity.
- Shopping can be accomplished elsewhere; retail at the harbor is unnecessary because the purpose of the harbor is to provide access to the water for boaters.
- Retail would only increase parking problems at the harbor.
- The harbor should provide sufficient parking and boat moorage instead.
- The number of boat ramps should be increased and the traffic flow and boat ramp access improved before retail is allowed.
- The harbor should remain a harbor for those who use it, not to draw people for retail and for those currently not using the harbor.
- "Retail" equates to t-shirt/tourist shops that cater toward cruise ships and tourists and not locals; this type of retails is already represented downtown and should not be added to the harbor.
- Harbor should not become a "marine park;" please keep the tourists out of here.

- Retail space and unnecessary landscaping will preclude the opportunity in future to further expand parking.

Retail should be minimized because:

- This area should be designed for local resident use instead of enabling retail activities.
- This area should be used to increase parking capacity instead of enabling retail activities.

Retail considerations:

- Concept 1 should consider including a maritime museum for a retail slot under.
- Preference should be given to businesses with a year-round rather than to seasonal presence. Lack of use during winter months may create unsafe conditions and may present a challenge to police.
- Condominiums or apartments should be located above retail to provide affordable housing to university students.
- General public retail services, rather than exclusively boat-related services, should be offered.
- Family-appropriate shops, playground and covered outdoor settings should be included.
- It would be nice to have shave-ice available at the harbor.

Parking

- The proposed number of parking spaces may not be adequate.
- More parking is needed for locals who keep their boat in the harbor year-round.
- Space is needed for long-term parking (free of charge for a week or so); both design concepts eliminate current long-term parking near the Thai restaurant.
- Harbor users should use Chan's parking spaces for a set fee.
- Not concerned with current parking; would rather see additional green space.
- Waterfront parking is unnecessary; provide off-site parking to decrease the fill footprint.
- Reduce or eliminate proposed additional passenger car parking; cars can park along highway or at the Auke Bay Elementary School.
- Eliminate additional car parking; only boat-trailer parking should be increased.
- The proposed number of parking spaces is excessive and can be decreased.

Kayak Launch

- Minimize kayak launch to increase parking capacity.
- A launch ramp dedicated to kayak use is not necessary.
- Kayak users should use dock space; existing boat ramp should be used for power boats.
- Kayak launch should be moved to the north so that kayakers can avoid traffic.

Boat Launch Ramps and Moorage

- The public is paying for DeHarts users to get a new slip, as the net increase in boat slips is about zero; this is tragic.
- Need more moorage slips and additional docking areas than are proposed.
- Need more dock space than is planned to replace DeHarts space.
- Need more dock fingers for use by local residents.
- Need more permanent stalls.
- Need more permanent stalls instead of transient stalls; locals should have assigned spots.

- Need more permanent stalls instead of transient stalls; other harbors seem not to have such a high number of transient stalls that locals cannot have assigned spots.
- Need more than the proposed two boat launch ramps.
- Need 4 boat launch ramps.
- The ramp extension to accommodate launching at low tides (-6.0 feet) is a good idea.

Harbor Layout and Efficiency

- Need more efficient layout; floating breakwater should be moved out further to enable additional space for moorage and floats in the future.
- Need more efficient layout; install additional stalls off the north end (side) of A dock to increase the number of stalls for permanent spots; transient spots could be on the other side of A (south side) and continue out to breakwater; this provide 50% more stall spots than the end-to-end that is now available.
- Need more efficient layout; reconfiguring to side-tie areas would increase maximum moorage if the stalls require too much space.
- Need more efficient stalls that make better use of dock space.
- Separating the commercial loading site is a practical way to reduce wait times caused by landing crafts using entire ramp.
- Separate the whale watching boats from other boat travel; move whale watchers to outside (east side) of main float.
- Relocate the commercial loading dock to avoid whale watching boats close proximity of travel to boat launch ramp and new moorage.
- Whale watching boats travel too fast; suggests minimizing width of access to and from the commercial loading dock to force whale watching boats to reduce their speeds.
- The close proximity of the proposed new launch area relative to Fisherman's Bend and the large number of proposed new slips will create congested boat travel areas and unsafe conditions.

Suggestions for Development of Alternative Design Concepts

- Relocate the kayak launch to be the facility closest to ABTC to lessen the impacts to ABTC residents, Bay Creek, and intertidal habitat. Redevelop/rebuild the existing boat launch ramp at or near its present location. This would require less dredge/fill and minimize both the environmental impacts and cost of construction.
- Move the boat yard offsite to a commercial facility and use the existing boat yard/proposed retail area for parking; redesign upland parking and traffic areas. This design would reduce the fill footprint and shift it east, away from ABTC and Bay Creek. This design would reduce damage to the environment, noise and odor impacts, and damage to property value, thereby minimizing the overall impact on ABTC residents.
- Move the boat yard offsite to commercial facility; use existing boat yard/proposed retail area for parking; convert the proposed retail space adjacent to Glacier Highway into parking; shifting some parking to these locations would decrease the footprint of fill in the intertidal area and avoid the need to re-route the Bay Creek's stream channel; replace existing boat launch with a double-lane boat launch in the existing location; remove waterfront park and bus drop-off turnaround area from design; remove first row (northern) of moorage floats from design to allow for expanded boat launch ramp.

Fuel Floats

- More than one fuel float should be located at Statter Harbor to decrease long wait times.
- The fuel float location needs additional review; the proposed location (middle float) may create congestion.
- More space should be added to the fuel float; one side should be designated for boats 25 feet and under, and the other for larger boats.

Vehicle Access and Traffic

- The project will fit nicely with public transportation extension to Ferry Terminal.
- The harbor area creates bad traffic; none of the concepts relieves those bad traffic conditions.
- Current road access to Auke Bay is poorly designed and graded.
- Current traffic flow design in Statter Harbor is inefficient.
- Incoming and outgoing signage should be used at the harbor to improve traffic flow.
- Bathroom should be located in boating area, not by the highway.
- Providing access for the school for Sea Week seems to be a poor reason for the project since Bay Creek would be relocated and the natural tidal area would be totally filled, dredged, and covered by a parking lot subject to pollution from fuel.

General Environmental

- Avoid all impacts to intertidal zone, even if improvements are necessary. Improvements are possible without impacting the intertidal zone.
- Tideland filling should only occur for legitimate water dependant or related activities; the proposed waterfront retail areas should therefore not be considered.
- That the city would consider taking 8 acres for parking and a boat ramp is appalling.
- Taking tidelands, salmon streams, and demolishing wildlife habitat seems legally questionable.
- The proposed designs benefit few people at the expense of wildlife and humans.
- The project should include a designated dog-walk area.
- The project should eliminate green belt areas; dogs will use those areas as a bathroom.
- CJB employees may not clean up the health hazard resulting from proposed green space being used as a dog-relieving area.

Visual and Noise

- Redirecting Bay Creek's channel may change waterfront view and impact wildlife viewing opportunities.
- Realigning Bay Creek will ruin its natural flow and the landscape on the ABTC side.
- The proposed concepts may ruin the wildlife habitat and wildlife viewing opportunities currently enjoyed by ABTC residents.
- An increase in noise from boat launching and social activities at recreational facility in closer proximity to the ABTC, unpleasant odors, and a degradation of views from natural tidelands and associated wildlife to a parking area and boat launch facility will cause a decrease in property values and negatively affect the residents' of the ABTC quality of life.

- Increased noise from boat traffic will impact ABTC residents. Remove the recreational facility, where noisy parties occur in the evenings, to minimize noise impacts to the ABTC residents.
- Remove the recreational facility to minimize impacts to the ABTC residents' existing waterfront view.
- Provide additional green space between the parking lot and ABTC to minimize impacts to the residents' existing waterfront view.
- The proposed green space along creek from highway will not shield the view of the parking lot from ABTC or the Post Office Building; the resulting view will be the back side of a wastewater plant and two other buildings.
- Redesign the plan to lessen noise impact of increased use of harbor on residents.
- Reduce the parking area to minimize impacts to the ABTC residents' existing waterfront view.

Wildlife and Habitat

- Permanently eliminating the tidal habitat (by fill) may negatively effect wildlife using this area, including fish, seals, sea lions, otters, blue heron, ducks, eagles, and other sea and shore birds.
- Increased boat traffic at the proposed new boat launch may preclude wildlife, including seals, sea lions, otters, blue heron, ducks, eagles, and other birds, from using this quiet area (intertidal area near creek).
- Realigning the creek and increasing traffic and pollution may negatively affect this habitat that is currently used by wildlife.
- Water pollution from increased boat traffic so close to Bay Creek may negatively affect this anadromous stream.
- Water pollution from fuels and oils from the proposed new boat launch facility may negatively impact wildlife, including eagles, herons, seals, sea otters, and fish.
- The beauty of the water, tidelands, eagles, otters, seals, herons, salmon, herring, smelt, and other sea life are reasons that people live in Alaska.
- The proposed changes may affect salmon.
- Move the location of 2-lane boat ramp as far away from ABTC as possible to minimize impacts to wildlife and associated habitat.
- Switch location of 2-lane boat ramp with that of the commercial loading float to minimize impacts to wildlife and associated habitat.
- The design concepts may negatively impact active eelgrass beds.
- The eelgrass issue may be a source of litigation and cause delays.

Operational Use

- Current slip holders at the DeHarts moorage should be transferred to the new moorage area without being placed on a waiting list.
- All users, including kayakers, should pay to use the launch facility.
- The proposed launch fee of \$90 is too expensive.
- Shelter Island residents should receive a discount on launching and parking fees; sometimes inclement weather precludes a timely return to town.

- It is unclear whether the entire facility will be operated as a “transient” moorage as it currently is, or be operated with rented and assigned moorage stalls, essentially using public money for a facility that competes with existing private marine facilities.

Process-related

- The project improvements should be staged to avoid issues like the no-landscape problem at Douglas Harbor, especially if funding becomes reduced or cut.
- Handouts were not self-explanatory; the public needs to be kept informed about funding progress and construction timeline.
- Questions, comments, and concerns have no public forum.
- Comments made during public open house should have been published during the comment period.
- FAQs on the website scarcely scratch the surface and market only CBJ’s initial plan.
- Photographs taken from adjacent property that demonstrate the views should have been posted for the public to see.
- Suggestions made to the design staff years ago have not been considered.
- Idealized artistic rendering airbrushes over the real concerns.
- The project website and information therein was helpful.
- Buying-out home owners and building bridge for access over Bay Creek may increase available space.
- The needs and desires of the nearby homeowners must be considered when proposed improvements are recreationally-based. If recreation improvements take priority over property-owner concerns, homeowners should have the opportunity to be bought out.
- The problem at Statter Harbor was created when the harbor’s boat docking was substantially increased without increasing its parking capacity.

Miscellaneous (not project-specific)

- The “bundled” bond issue approach is undesirable because voter may only agree with one or more of the issues.
- Shelter Island residents pay property taxes but the island has no police, fire, or school services.

4.0 KEY ISSUES

The USFWS *NEPA Guidance to States participating in the Federal Aid Program* identifies impact categories that may be addressed in the EA. The guidance indicates that those individuals impacted by the proposed action and alternatives should be included in the EA. The key NEPA categories identified for detailed study in the Draft EA were determined following careful consideration of comments from agencies and the public, preliminary research, and field investigations. Table 4-1 lists the key resource issues based on USFWS guidance.

Categories deemed less important will not be addressed in detail in the Draft EA. These issues and the rationale for determination are included in Table 4-1. As the environmental process continues, and more information is gathered, additional categories may be added or dismissed.

Table 4-1. Determination of Categories to Include in the Proposed Statter Harbor Improvement Project EA

Resource Category	Included in EA	Rationale
Access	Yes	Vehicular and boat access to and within the harbor has been identified as an issue of concern. The project would impact the flow of vehicular and boat traffic within and in the vicinity of the harbor.
Air Quality	Yes	The CBJ is listed in a nonattainment area for particulate matter (PM-10) and air quality management is an issue in the area.
Biodiversity	Yes	The project EA will address the effects of the proposed project on biotic resources and biodiversity.
Coastal Wetlands	Yes	The USFWS's National Wetland Inventory (NWI) mapping indicated the presence of wetlands in the project area. A field delineation was conducted to determine the extent of wetlands that would potentially be affected by the proposed project.
Aesthetics	Yes	Local residents and businesses in the vicinity of the harbor have provided comments that identify their concerns over the proposed project's impact to the existing view sheds.
Animal Welfare	No	The proposed project would not effect the treatment of dogs, cats and other animals used for research, experimentation, exhibition, sale purposes, or treatment of animals during transportation in commerce.
Coastal Zone	Yes	The proposed project lies within the Juneau Coastal Zone Management Plan area (ADNR DCOM 2008). The proposed project will be reviewed for consistency with the State of Alaska and Juneau Coastal Zone Management Plan and the ADNR DCOM during preparation of the EA. A formal review will occur during acquisition of permits for the proposed project.
Coastal Barriers	No	There are no coastal barriers in Alaska.
Cultural and Historical Resources	Yes	A cultural and historical survey will be conducted. If the survey finds cultural or historical materials, this category will be dismissed.
Energy/Mineral Resources	No	The EA will not address impacts to energy/mineral resources because the project would not affect energy/mineral resources.
Exotic or Non-indigenous Species	No	The project would not promote the introduction of exotic or non-indigenous species to the project area.
Fishery Resources	Yes	This project would impact Bay Creek and essential fish habitat.
Indian Sacred Sites or Trust Resources	No	Indian Sacred Sites or Trust Resources are not located within the project area.

Table 4-1. Determination of Categories to include in the Proposed Statter Harbor Improvement Project EA (continued)

Resource Category	Included in EA	Rationale
Land Use	Yes	Land use issues are associated with this proposed project. Land availability is limited in the project area. Plans for land use have been developed.
Recreation	Yes	Recreation uses of the harbor and surrounding area may be impacted by the proposed project.
Soil Effects	No	The EA will not address impacts to soil because the project is not expected to have an impact.
Target or Non-target Species	Yes	There may be target and non-target species in the project area.
Vegetation	Yes	Eel grass beds could be impacted by the proposed project.
Water Quality and Quantity (ground and surface water)	Yes	There could be increased water runoff associated with additional impervious surfaces (i.e., increased parking capacity and access from Glacier Highway). The proposed project may impact Bay Creek.
Wild and Scenic Rivers	No	There are no wild and scenic rivers in the project area.
Economic Effects	Yes	The harbor is adjacent to local business, a private harbor, and residents. There could be potential impacts to these businesses and costs associated with this project, such as potentially acquiring adjacent land, etc.
Environmental Justice	Yes	The project could impact low income or minority populations.
Farmland (prime or unique)	No	There are no prime or unique farmlands in the project area.
Floodplain Effects	Yes	The COE and the Federal Emergency Management Agency completed floodplain mapping for Juneau has. The CBJ participates in the National Flood Insurance Program.
International Effects	No	The project would not have an international affects.
Public Use	Yes	The project would have affects on how the harbor is used by the public. The EA will include a discussion on impacts to public use.
Social Effects	Yes	The harbor is adjacent to the ABTC, other residents, and local businesses.
Species of Special Concern	Yes	Species of special concern inhabit the project area.
Threatened and Endangered Species	Yes	Threatened and endangered species inhabit the project area.
Wastes (hazardous and solid)	No	The project is not expected to generate hazardous or solid waste beyond the local landfill's handling capability.
Wetlands	Yes	The project could require the filling of wetlands.
Wildlife Resources	Yes	The proposed project could impact wildlife.