



U.S. Department
of Transportation

**Federal Highway
Administration**

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**FINDING OF NO SIGNIFICANT IMPACT
Anton Larsen Bay Road Extension Project**

Anton Larsen Bay Road
AK TR OUZI 2017(1)
Kodiak, Alaska

This Finding of No Significant Impact is submitted pursuant to:
42 U.S.C. 4332(2)(c)

Decision

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration (FHWA), in cooperation with the Native Village of Ouzinkie, has determined that the selected course of action for improving access between Kodiak and outlying communities will have no significant impact on the human or natural environment. The selected course of action is described as the Proposed Action in the *Anton Larsen Bay Road Extension Environmental Assessment (EA)* (FHWA, December 17, 2019), hereafter referred to as the Selected Alternative. The Selected Alternative and its mitigation measures meet the stated purpose and need of the project while minimizing impacts to the human and natural environment. Comments received through the public involvement process and review of the EA were considered in this decision; the comments and FHWA's responses are attached.

The EA was prepared in compliance with the National Environmental Policy Act (NEPA), which considers the effects of federal, federally-funded, and/or federally-permitted projects on the quality of the human and natural environment. FHWA is the federal lead agency for NEPA compliance and the U.S. Fish and Wildlife Service is a participating agency.

Selected Alternative

The project is located on Kodiak Island in the Kodiak Island Borough (KIB), on the Alaska Gulf Coast. The existing Anton Larsen Bay Road ends at a parking area approximately 15 miles northwest of the City of Kodiak along the shoreline of Anton Larsen Bay. The Selected Alternative will extend Anton Larsen Bay Road approximately 1.7 miles and construct a new boat launch and float/docking facility at the end of the road near the mouth of Anton Larsen Bay. The Selected Alternative, described in the EA as the Proposed Action, meets the purpose and need for the project because it will provide transportation facilities that will allow year-round

travel between Kodiak and outlying communities using Anton Larsen Bay and Anton Larsen Bay Road, thereby providing a safer marine route with less open ocean travel than the route around Spruce Cape. The Selected Alternative also increases access to recreational opportunities on the west side of Kodiak Island by extending the existing roadway to, and constructing a boat launching and docking facility at, the mouth of the bay.

The road surface will be gravel. The proposed alignment traverses hillslopes and contours to the greatest extent practicable in an effort to minimize the area of new ground disturbance. The roadway cross-section consists of two 9-foot travel lanes and a total roadway top width of 18 feet. Pullouts will be provided to allow two-way traffic to pass when wide trucks carrying large equipment are present. The project will develop side slopes, subexcavation, and/or retaining walls based upon geotechnical conditions of the site. Construction of the Proposed Action will temporarily disturb soils and vegetation within approximately 10 feet of the finished cut and fill limits, and at temporary material and equipment staging areas.

The roadway will be located in a public access right-of-way (ROW) on land currently owned by the Ouzinkie Native Corporation (ONC) and the U.S. Bureau of Land Management (BLM). The ONC intends to transfer roadway jurisdiction and/or maintenance responsibility to the Alaska Department of Transportation and Public Facilities or the Sun'aq Tribe of Kodiak, though currently a transfer agreement is not in place.

The Selected Alternative will replace existing culverts and bridges overlapping the proposed roadway alignment (one existing road crossing at Small Creek and three existing ATV trail crossings, including Chalet Creek). Culverts will also be installed or replaced at other small stream crossings and drainages along the proposed alignment.

The boat launch/dock facility will include an approximately 1,600-square foot concrete ramp, 960-square foot pile-supported floating dock, gangway, and an adjacent 34,000-square foot gravel-surfaced parking area accommodating parking for 30 to 40 vehicles and trailers.

Ancillary work will include signage, storm water drainage facilities such as ditches, culverts, or energy dissipaters, and vegetation clearing and subsequent restoration. Vegetation clearing would generally be limited to the embankment cut and fill extents.

Construction activity will generally be limited to a 100-foot wide ROW corridor. Work may include excavation, blasting, embanking material along new alignments, grading, compaction, temporary stream diversion, placement of stream crossing and drainage structures, pile driving, and re-vegetation. During construction, temporary work areas outside the acquired ROW will require construction easements and/or related permits. Material and equipment staging will be located within the proposed construction footprint, or on private land negotiated with landowners by the contractor.

Environmental Consequences of the Selected Alternative

The EA analyzed the effects of the Selected Alternative on numerous resources, including the following: transportation; land use; socioeconomics and environmental justice; air quality, noise, and energy; soils and geology; water resources, water quality, and floodplains; wetlands and

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waters of the U.S.; fish, wildlife, and vegetation; threatened and endangered species; cultural resources; recreation; visual impacts; and cumulative effects for all of these resources.

No significant impacts to these resources were identified. These findings are based on the evidence and conclusions set forth in the EA, which is incorporated by reference here.

Table 1 summarizes the project’s potential environmental impacts, including both adverse and beneficial impacts, by alternative.

Table 1. Summary of Environmental Consequences of the Selected Alternative by Resource

Environmental Impact Category	Proposed Action Key to impacts: d/i=Direct and Indirect t=Temporary c=Cumulative
Transportation	<p>d/i Anton Larsen Bay Road access via Anton Larsen Bay would increase to year-round</p> <p>d/i Increased trips on Anton Larsen Bay Road</p> <p>t Increased traffic during construction from mobilization of labor, equipment, and materials</p>
Land Use	<p>d/i Project area converted from undeveloped forest to transportation use</p> <p>d/i Consistent with local land use and transportation plans</p> <p>d/i Increased potential for development of adjacent land along the road extension is negligible</p> <p>t temporary conversion of certain portions of the study area along the proposed road corridor and at the shoreline from undeveloped, forested land and undisturbed shoreline to short-term staging areas for construction</p>
Socioeconomics & Environmental Justice	<p>d/i Minor increase in demand for public services along the road extension</p> <p>d/i Increased access to goods and services for Environmental Justice populations in off-island communities</p> <p>t Minor economic benefit to local economy</p>
Air Quality, Noise, & Energy	<p>d/i No measurable effect on air quality or energy</p> <p>d/i Minor increase in perceptible noise levels for nearby residents; no noise impact per Code of Federal Regulations Title 23, Part 772</p> <p>t Increased air pollutants from emissions, dust, noise, and energy use during construction.</p>
Soils & Geology	<p>d/i Tsunamis, slopes failures, or liquefaction could affect proposed road and boat dock facilities</p> <p>t Soil disturbance caused by loss of the top layer of organic material, compaction, minor regrading, and erosion during construction</p>
Water Resources, Water Quality, & Floodplains	<p>d/i Approximately 14 acres of new semi-impervious surface, increasing storm water runoff to vegetated areas and streams</p> <p>d/i Potential for roadway pollutants in storm water discharging to water bodies</p> <p>t Degradation of water quality caused by sedimentation during ground disturbing activities</p>
Wetlands & Waters of the U.S.	<p>d/i Less than 1/2 acre of permanent wetland loss</p> <p>d/i Nine stream crossings impacting less than 1/10 acre of stream channel: culvert replacement at Small Creek improving fish habitat and hydrologic and hydraulic conditions; two culverts or bridges at existing trail crossings; six new culverts in small streams</p> <p>d/i Boat launch and dock impacting less than 1/10 acre of marine shoreline and waters</p> <p>t Degradation of water quality caused by sedimentation during ground disturbing activities</p> <p>c Incremental, but not significant, contribution to cumulative effects to wetlands within the watershed</p>

Table 1. Summary of Environmental Consequences of the Selected Alternative by Resource

Environmental Impact Category	Proposed Action Key to impacts: d/i=Direct and Indirect t=Temporary c=Cumulative
Fish, Wildlife, & Vegetation	<ul style="list-style-type: none"> d/i No adverse effect to resident fish or anadromous/Essential Fish Habitat d/i No adverse effect to non ESA-listed marine wildlife d/i Bisect terrestrial wildlife habitat and potential disruption of terrestrial wildlife movement d/i Potential to facilitate wildlife mobility along the road extension d/i Increased hunting access to undeveloped land along the road extension d/i Approximately 14 acres of vegetation (forest, herbaceous meadow, and shrub) removed t Potential mortality to fish or marine wildlife during in-water work t Disruption to foraging and breeding, displacement, injury, or mortality to small or immobile wildlife species t Increased vegetation loss beyond cut/fill limits for temporary work areas t Potential for introduction and spread of invasive species c No contribution to cumulative effects on fish or fish habitat c Incremental, but not significant, contribution to cumulative effects to wildlife and vegetation through tree removal and wildlife-vehicle collisions
Threatened & Endangered Species	<ul style="list-style-type: none"> d/i May affect, but is not likely to adversely affect northern sea otters and their critical habitat d/i May affect, but is not likely to adversely affect Steller sea lions; no effect on their critical habitat d/i May affect, but is not likely to adversely affect humpback whale, fin whale, and north pacific right whale; no effect on north pacific right whale critical habitat d/i No effect on short-tailed albatross d/i Potential injury or disturbance to T&E species caused by in-water work, including pile-driving
Cultural Resources	<ul style="list-style-type: none"> d/i No historic properties affected t May, but is not anticipated, to encounter previously unknown resources during construction
Recreation	<ul style="list-style-type: none"> d/i No direct effect on existing public recreation resources d/i Increased recreational access and opportunity, including hunting and fishing, beyond end of existing road and on west side of Kodiak Island t Potential disruption to trail users at parking areas and on trails caused by the presence of and noise from construction equipment
Visual Impacts	<ul style="list-style-type: none"> d/i One residence would have limited or obscured views of the roadway d/i Road extension and boat dock facilities would be visible from areas near the mouth of Anton Larsen Bay t Disruption of visual landscape from vegetation clearing, excavation, grading, presence of work crews, or brightly colored signage

Wetlands Determination

In accordance with Executive Order 11990, Protection of Wetlands, the proposed roadway improvement and its wetlands impacts have been closely evaluated. As a result of the Selected Alternative, less than one-half acre (approximately 0.49 acre) of wetlands will be permanently filled, of the existing 41.2 acres of wetlands within the study area.

The Selected Alternative includes all practicable measures to minimize harm to wetlands that may result from such use while still meeting the purpose and need of the project and applicable roadway standards. Mitigation for wetland impacts will be detailed in the U.S. Army Corps of Engineers (USACE) Clean Water Act Section 404 permit. FHWA has determined there is no practicable alternative to the proposed construction that would affect less than one-half acre of wetlands.

Basis for Decision

The Selected Alternative meets the purpose and need for the project because it will

- Provide transportation facilities that will allow year-round travel between Kodiak and outlying communities using Anton Larsen Bay and Anton Larsen Bay Road, thereby providing a safer marine route with less open ocean travel than the route around Spruce Cape.
- Increase access to recreational opportunities on the west side of Kodiak Island.

The Selected Alternative, in combination with the mitigation measures described in Chapter 3 of the EA, will not result in significant impacts on the environment.

Environmental Commitments:

The EA includes numerous environmental commitments that would be utilized to avoid, minimize, and/or mitigate potential effects to resources. While many are resource-specific, the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and the utilization of Best Management Practices (BMPs) to control sediment and erosion would provide overarching mitigation and minimization of potential effects to Water Resources, Water Quality, & Floodplains; Wetlands & Waters of the U.S.; and Fish, Wildlife, & Vegetation. Additionally, the use of a bubble curtain and vibratory pile driver for the majority of pile installations to attenuate underwater noise and minimize potential for injury to aquatic species would minimize potential effects to marine fish, non-ESA listed marine mammals, and threatened and endangered marine mammals. Environmental commitments associated with individual resources are listed below.

Water Resources, Water Quality, & Floodplains

- In-water work areas would be isolated from flowing waters.
- Existing vegetation adjacent to waterbodies would be preserved when possible.
- All disturbed ground adjacent to the creeks would be revegetated with native species as soon as possible.

Wetlands & Waters of the U.S.

- The proposed roadway alignment has been developed to avoid/minimize impacts to sensitive, unique, and important environmental resources, including wetlands. To minimize the total area of wetland impacts, the overall embankment width would be reduced to the extent practicable during final design.
- Crossings at all streams would be designed and constructed in accordance with current fish passage and hydrologic and hydraulic design standards in order to maintain natural flow patterns and avoid adverse impacts to streambed and streambank habitat.
- Compensatory mitigation would be provided as a condition of the project's Section 404 permit.

Fish, Wildlife, & Vegetation

- Temporary impacts to fish would be avoided or minimized by following ADF&G guidelines for stream diversions. In addition, all in-water work would be scheduled to occur within the ADF&G-specified fish window when eggs are least likely to be present in the streambed and spawning fish are not present (anticipated to be approximately May through July).
- Culvert and bridge design would follow fish passage design guidelines.
- In-water work pile driving in marine waters would be avoided between April 15 and June 30, when pink and chum salmon fry may be present in the project area.
- Pile driving in intertidal areas would be conducted during periods of low tide to minimize impacts to fish.
- Long-term conservation measures for vegetation and invasive species management would be performed under the ADOT&PF Integrated Vegetation Management Plan.
- Land disturbance and vegetation clearing would be timed to reduce impacts to migratory birds and their nests per USFWS Region 7 *Timing Recommendations for Land Disturbance & Vegetation Clearing – Planning Ahead to Protect Nesting Birds*.
- A survey for bald eagles will be conducted prior to conducting loud noise-generating construction activity. If active bald eagle nests are found within 660 feet of the project area (primary and secondary projection zones), construction activities would be coordinated with USFWS.

Threatened & Endangered Species

- Temporary noise mitigation measures may include maintaining noise control devices on equipment and locating staging areas away from noise sensitive land uses.
- Prior to in-water construction activities in marine waters, an exclusion (i.e., shutdown) zone of 3,300 m would be established.
- One or more trained or experienced protected species observers (PSO), able to accurately identify and distinguish between species of Alaska marine mammals, would be present before and during all in-water construction and demolition activities. The PSOs would have no other primary duties other than watching for listed species and reporting on events related to listed species.
- A marine mammal observer would monitor the zones of impact during all pile driving periods in accordance with the USFWS *Observer Protocols for Pile Driving*. Observations would be made for marine mammals, northern sea otters, and Steller's eiders.
- Pile driving would not be conducted unless all marine waters within and adjacent to the exclusion zone are clearly visible from at least one of the PSO vantage points.
- Ramp-up (soft start) procedures would be applied prior to beginning pile-driving activities each day and/or when pile-driving hammers have been idle for more than 30 minutes.

Cultural Resources

- Known sites located outside the APE would be avoided by the project design and construction activity.
- If archaeological or cultural resources are inadvertently discovered during construction, ground-disturbing activity in the immediate vicinity would be halted, and the SHPO would be contacted. Ground disturbance would not resume at the site until approved by an accredited archaeologist.

Visual Impacts

- The roadway would be designed in accordance with AASHTO Guidelines for Geometric Design of Very Low Volume Roads, and would limit the width and grade of the roadway and vegetation clearing to the extent practicable to minimize the overall footprint.
- The use of BMPs to limit the spread of invasive plant species, and revegetation of areas not intended to be permanently cleared will minimize short-term construction effects.

Public Involvement

FHWA engaged resource and regulatory agencies, nearby tribal governments, adjacent property owners, and the general public to provide information and solicit input on the purpose and need for the project, potential alternatives, and possible issues to address during the environmental review and design stages of the project. Chapter 4 of the EA provides a summary of the project's public, agency, and tribal outreach activities that were conducted prior to release of the EA.

On December 20, 2019, FHWA published a Notice of Availability that the EA was available for review and comment. The Notice of Availability for the EA, including notification of the comment period, were placed in a local newspaper, the Kodiak Daily Mirror. Copies of the EA were publicly available at the Kodiak Public Library, the Ouzinkie Community Hall, and the Port Lions Tribal Hall.

As stated in the Notice of Availability, the 45-day comment period on the EA started on December 20, 2019, and ended on February 3, 2020. FHWA received three written comments via email from members of the public during the comment period and two agency comments. Generally, the public comments received were related to the stated purpose and need for the project, impacts to recreational resources, and ROW and maintenance issues. The comments received during the comment period, and responses to the comments, are attached.

Copies of the FONSI and EA are available for viewing or download from FHWA's project website at <https://flh.fhwa.dot.gov/projects/ak/anton-larsen/>.

Permits and Approvals

The following permits and approvals would likely be required prior to construction of the Selected Alternative:

- Alaska Department of Environmental Conservation (ADEC) Construction General Permit for Storm Water Discharges for Large and Small Construction Activities (Clean Water Act [CWA] Section 402).
- ADEC Water Quality Certification for discharge into waters of the U.S., including wetlands (CWA Section 401).
- U.S. Army Corps of Engineers, Wetlands Permit for placement of fill or dredged material into waters of the U.S., including wetlands (CWA Section 404).
- Alaska Department of Fish & Game (ADF&G) Fish Habitat Permit for proposed construction activities within or over fish-bearing waters (Anadromous Fish Act/Fishway Act).
- ADF&G Fish Resource Permit for capture and relocation of fish during stream diversions (Alaska Administrative Code [AAC] Title 5, Part 41).
- Alaska Department of Natural Resources Temporary Water Use Permit for stream diversion (11 AAC 93).
- KIB Zoning Compliance Permit (KIB Code Chapter 17).
- KIB Code Compliance Permit for road improvements (KIB Code Chapter 16).
- National Marine Fisheries Service Letter of Concurrence (Endangered Species Act Section 7).

Finding of No Significant Impact

Pursuant to the National Environmental Policy Act of 1969 (NEPA), FHWA as the federal lead agency assessed the environmental impacts of the proposed project. The EA was prepared in accordance with the Council on Environmental Quality NEPA Regulations set forth in 40 Code of Federal Regulations (CFR) Parts 1500 to 1508, including the guidelines for determining the significance of proposed federal action (40 CFR 1508.27), and with FHWA Regulations contained in 23 CFR Part 771. The proposed project also conforms with all applicable federal statutes and executive orders.

The FHWA has determined that the Selected Alternative will have no significant impact on the human or natural environment. This FONSI is based on the referenced EA and related documentation, which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. Comments received through the public involvement and EA review process were considered in this decision. The EA provides sufficient evidence and analysis for determining that an environmental impact statement is not required by section 102(2)(C) of NEPA or its implementing regulations. The FHWA takes full responsibility for the accuracy, scope, and content of the attached EA.

Finding of No Significant Impact (FONSI)

RECOMMENDED BY:

June 11, 2020

Melissa J. Hogan, Environmental Protection Specialist

Date

CONCURRED BY:

June 11, 2020

Scott Smithline, Environmental Manager

Date

APPROVED BY:

June 11, 2020

Dan Donovan, Chief of Business Operations

Date

EA Comments and Responses

Comments received December 20, 2019 – February 3, 2020

Name	Topic(S)	Comment	Response to Comment
Leslie Stella	<ul style="list-style-type: none"> • Recreation • Transportation • Purpose and Need 	<p>Thank you for including me in the email regarding this potential project. We are hikers/regular users of the existing geo-track trail from the current end of the road out to Sharatin Bay, so make the trip out from Kodiak City to current end point of the road at least 10 times per year, spring, summer and fall.</p> <p>I have several questions/concerns I hope will be addressed.</p> <ol style="list-style-type: none"> 1. [S]tudy cites time to travel existing Anton Larson Bay Road to Airport & town as 20-30 minutes. This is not realistic. 45 minutes to the airport and 1 hr to town/hospital. During the winter, there are scary ice patches that require slower travel speeds. Currently the road is considered unmaintained during the winter. 2. [S]tudy shows proposed route to use existing geo track route initial 0.6 miles, at which point new roadway would be built. Will there be parking at this junction?? As a hiker, I feel I would lose access to this route if I had to park at the existing road end and walk a narrow, winding gravel road with vehicle traffic for the initial 0.6 miles of the trail. It would be too great a risk to my personal safety, so I wouldn't be able to use this trail any more. 3. If the goal is to provide an alternative med-evac route to Kodiak Hospital there are additional questions. a. Whose vehicles would be used in transport patients from Crag Bay to Kodiak City? Whose paramedics would attend the ill/injured? There is no existing fire protection district on Anton Larsen Bay Road, so there are no ambulances or paramedic services available. Transport would be by private vehicle attended by ones friends/family? (med evacs using current system arrive at the small boat harbor and are met by city paramedics/aid cars for transport to the hospital). b. There is no cell service beyond the point where Anton Larson Bay road leaves the main highway-roughly 30-40 minutes by road. Should we really be encouraging med evacs along a route without cell service? 	<p>Thank you for your comments. Please find responses to individual comments below.</p> <ol style="list-style-type: none"> 1. The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration acknowledges that difficult driving conditions often exist, especially during winter, that increase the average time to travel the length of the existing road beyond the time stated in the Environmental Assessment (EA). 2. Additional parking areas are outside the scope of this EA. If additional project elements are deemed necessary during the design phase, additional environmental evaluation would be required at that time. We reached out to the Native Village of Ouzinkie regarding your question. Here's their response: The current geo-track route is a permissive use right-of-way from the Ouzinkie Native Corporation and is not, technically, a long term public use trail. The Native Village of Ouzinkie as well as the Ouzinkie Native Corporation is aware of the public's interest in and use of this trail. As we consider finalization of road design we will consider several options regarding continued use of this trail by the public. One option may be parking space adjacent to the new trail head as suggested by public comment. This would require additional analysis. A more likely option may be working with the Kodiak Trail's Network administrator to construct a trail from the end of the road extension's parking lot (lot already planned when extension is constructed) that runs from the end of the parking lot to the existing trail. This option may be considered as part of an extended use arrangement with the Kodiak Trails Network and would provide additional trail for the public as well as better protection and safety for parked vehicles. 3. Logistics relating to medical evacuations from outlying communities to the City of Kodiak are anticipated to be the same as under existing conditions, but are outside the scope of the EA. <p><i>Response from commenter:</i></p> <p>As to question # 3, medical evacuation/emergency responders. Please allow me to clarify situation, as in re-reading my email, it is unclear.</p> <p>Currently, [i]f someone is med evaced from Ouzinke/Port Lyons/vessel to the boat harbor IN KODIAK CITY, they are met by the paramedics</p>

EA Comments and Responses

Comments received December 20, 2019 – February 3, 2020

Name	Topic(S)	Comment	Response to Comment
			<p>dockside and transported to the hospital in an Aid Car for evaluation and treatment, either on island or evacuation for treatment off island.</p> <p>However, there are no paramedics to respond out to the boat ramp at Anton Larson Bay, as it is not located in a "fire protection/road district", and I would not anticipate this situation to change. Transport to the hospital in Kodiak City would be by someones private vehicle, attended by untrained persons.</p> <p>My concern is: that by partly justifying extending the current road to Crag Point by saying it will facilitate medical evacuation, it seems that you are encouraging medical evacuations to a less safe situation--private vehicle not staffed by paramedics for an hour's ride into Kodiak City vs using the small boat harbor in Kodiak City and being met by qualified paramedics with the support of an aid car.</p> <p>Strikes me as delay of care. Only remedy would be for Ouzinke/Port Lyons, etc to tax themselves to form a fire protection district to fund pre-positioning an aid car at the boat ramp at Crag Point. Still wouldn't get you a paramedic on site.</p>

EA Comments and Responses

Comments received December 20, 2019 – February 3, 2020

Name	Topic(S)	Comment	Response to Comment
Erin Welty, Director, Kodiak Island Borough (KIB), Community Development Department	<ul style="list-style-type: none"> • Recreation • Transportation • Right-of-Way (ROW) • Maintenance • Land Use / Land Ownership 	<p>Following are the Kodiak Island Borough’s comments on the EA for the Anton Larsen Bay Road Extension. I know that most of the comments do not pertain to environmental issues, but they are necessary comments. I have referenced page numbers of the EA where relevant.</p> <ol style="list-style-type: none"> 1) Parking. If a parking lot study has not been performed on the existing Anton Larsen dock area, then one should be done prior to any further parking area construction. Kodiak is experiencing increased parking issues and the current Anton Larsen dock parking area is extremely insufficient to meet demands. Parking should be designed to include trucks and boat trailers, with easy loading and pull around designs. It should also contain an area for long-term parking for those village residents that leave their cars for extended periods of time. 2) Three Pillar Point Trail parking. There should be a parking area designated for those recreationists who choose to start the trail where it leaves the proposed road. 3) ROW ownership/maintenance. The study references proposed ROW ownership and maintenance by either the state or Sun’aq Tribe. Should the ownership and maintenance responsibilities go to Sun’aq, the borough would like to see a ROW agreement so that fees cannot be charged for use of the road. 4) Boat launch/docks. Page 3-53, section 3.136.1 states that ADNR [Alaska Department of Natural Resources] owns the existing boat launch facility in Anton Larsen Bay. While the state may own the underlying land, the KIB payed for construction of and has been responsible for all maintenance of the dock, launch facility and parking area. Nowhere in the document is it stated who will construct and maintain the new boat dock/launch facility. That needs to be determined before construction begins and agreements put in place. 	<p>Thank you for your comments. Please find responses to individual comments below.</p> <ol style="list-style-type: none"> 1. Existing parking capacity is not anticipated to worsen due to the construction of an additional parking lot at the terminus of the road extension. Additional parking capacity, although located away from the existing Anton Larsen Dock area, will either improve, or have no effect on Anton Larsen Dock area parking issues. A parking study for existing parking demand has not been performed, and is outside the scope of the EA. If additional project elements are deemed necessary during the design phase, additional environmental evaluation would be required at that time. 2. Any additional parking is outside the scope of the EA, and would require additional environmental analysis. Please see the Native Village of Ouzinkie’s response to Comment #2 above. 3. As stated in Section 2.1.2 of the EA, the proposed roadway would be located in a public access right-of-way. ROW and maintenance agreements are anticipated to be developed during the design phase of the project and will be coordinated between the landowner (currently Ouzinkie Native Corporation), Alaska Department of Transportation and Public Facilities (DOT&PF), Sun’aq Tribe, and/or other parties. 4. Funding sources for construction and maintenance of the proposed project have not been identified.
Susan Payne	<ul style="list-style-type: none"> • Right-of-Way • Maintenance • Construction • Permits • Environmental Consequences • Threatened & Endangered Species 	<p>I have reviewed the Environmental Assessment for the Anton Larsen Road Extension Project. In addition to the comments we submitted earlier (attached below), please address these additional comments.</p> <p>The EA states that the road right-of-way may be owned and controlled by the Shoonaq Tribe of Kodiak. Will the road be private or will it be open to the public? Public funds are being used for this extension and as such the right-of-way should be public. The final status of the road should be determined before the project begins.</p>	<p>Thank you for your comments. Please find responses to individual comments below.</p> <ol style="list-style-type: none"> 1. As stated in Section 2.1.2 of the EA, the proposed roadway would be located in a public access right-of-way. Funding sources for construction and maintenance of the proposed project have not been identified. ROW and maintenance agreements are anticipated to be developed during the design phase of the project and will be coordinated between the landowner (currently Ouzinkie Native Corporation), DOT&PF, Sun’aq Tribe, and/or other parties.

EA Comments and Responses

Comments received December 20, 2019 – February 3, 2020

Name	Topic(S)	Comment	Response to Comment
	<ul style="list-style-type: none"> Essential Fish Habitat 	<p>I would like the EA to address the cumulative impacts of this project not mentioned in the Environmental Assessment:</p> <ul style="list-style-type: none"> Where will the gravel for the project be obtained? All permits need to be obtained before the project proceeds. These need to be State of Alaska and KIB approved gravel pits. The bay where the dock will be is not suitable for vessels up to 30 feet as it is a very shallow bay. The EA needs to address the impacts of dredging that will need to be done to accommodate the vessel traffic as described in the EA. The dock area is subject to swells from the North and Northeast. Will a breakwater need to be built? The impacts of a breakwater project needs to be addressed in the EA and the permits obtained before the road is built. Humpback whales feed very close to shore in the area of road terminus. How will increased boat traffic along with the dredging and piling placement and possible breakwater affect these animals in their feeding? There are active salmon fishing sites near the terminus of the road. The traffic from the boats may impact the migratory patterns of salmon. <p>The EA mentions that the road may be used to transport logs and gravel/rock over the road. The Anton Larsen road is not suitable for this kind of traffic and this kind of traffic is not compatible with the recreational and residential use of the road. Thank you for your consideration of these comments.</p>	<ol style="list-style-type: none"> Construction means and methods, including sourcing material for the proposed project, are the responsibility of the construction contractor. The contractor will be required to obtain fill material from a permitted source. Dredging to accommodate larger vessels is not anticipated, and is outside the scope of the EA. Dredging activities would require additional environmental analysis. The project location was selected to provide protection from potential ocean swells, and is not anticipated to require a breakwater. Design and construction of a breakwater is outside the scope of the EA. If a breakwater is deemed necessary during design, additional environmental evaluation would be required. This clarification is hereby included in the EA comment and response summary and the EA will be amended accordingly. WFLHD determined, and NMFS concurs, that the project is “not likely to adversely affect” Humpback whales under Section 7 of the Endangered Species Act for the following reasons: <ol style="list-style-type: none"> These offshore species are highly unlikely to be affected by the permanent habitat effects of the project, all of which occur within the intertidal zone and shallow subtidal. Operationally, the new boat launch will increase vessel traffic in the area, but use will be limited to vessels less than 30 feet in length. Vessel strikes that cause substantial injury and mortality to Endangered Species Act (ESA)-listed whales are larger commercial cargo, passenger, and tanker vessels, which cannot use the proposed launch. Exposure to impact pile driving noise would be brief, only occurring for approximately 75 minutes per day for two days. If whales approach the zone of impact, they would be observed by marine mammal observers who would stop pile driving activities until the animal(s) vacate the area. <p>Mitigation measures concerning ESA-listed marine mammals are outlined in the Letter of Concurrence from the National Marine Fisheries Service dated April 24, 2020. These mitigation measures are hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> WFLHD determined the project would have “no adverse effect” on Essential Fish Habitat. Vessel operations are not expected to significantly contribute to adverse effects.

EA Comments and Responses

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			7. Traffic using the new road extension is anticipated to be the same as under existing conditions on the existing roadway.
Margaret (Midge) Short	<ul style="list-style-type: none"> • Purpose and Need 	<p>I am imagining you must have received the letter I sent you last week in regards to the proposed extension of the Anton Larsen Road project?</p> <p>Please scroll down to see the latest photo's of vehicles trapped in snow in the parking area at the Anton's dock. Also, a current photo of the Anton's dock which as you can see is totally free of sea ice.</p> <p>Please take into account that for the whole of January Kodiak has been subjected to record low temperatures. Even with this being the case, the bay (due to increased warmer water temperatures) has not shown any signs of icing over. The bay has remained ice free all the way to the Anton's dock. The. Anton's road however, is totally impassable with snow drifts of over 6' at the top of the mountain pass and drifts of uptown 4' on the straight away from the head of the bay to Red Cloud Ranch.</p> <p>To even suggest that this road extension proposal to so called ' ice free water' under the guise of it being for ' safety's sake ' so that the villages and people in remote areas can access Kodiak town without having to skiff around Spruce Cape is totally 100% ludicrous.</p>	<p>Thank you for your comments. WFLHD appreciates your insight into local conditions.</p> <p>Maintenance agreements are anticipated to be developed during the design phase of the project and will be coordinated between the landowner (currently Ouzinkie Native Corporation), DOT&PF, Sun'aq Tribe, and/or other parties.</p> <p>WFLHD recognizes the variability in weather, road, and ice conditions present in Anton Larsen Bay and on Anton Larsen Bay Road.</p>
Ron Benkert, Southcentral Regional Supervisor, Alaska Department of Fish and Game, Habitat Section	<ul style="list-style-type: none"> • Permits • Environmental Consequences • Affected Environment • Land Use • Transportation • Fish, Wildlife, and Vegetation • Waterbodies 	<p>Permits</p> <p>Please include the National Marine Fisheries Service (NMFS) for permits and approvals under the Endangered Species Act (ESA) Section 7. FHWA – 2 – January 30, 2020</p> <p>Chapter 3: Affected Environment, Environmental Consequences, & Mitigation Measures</p> <p><u>3.3.1 Affected Environment</u></p> <p>Aviation</p> <p>The EA states, "Several local commercial air carriers service Ouzinkie and Port Lions with scheduled and chartered daily mail, cargo, and passenger flights from Kodiak. Ouzinkie and Port Lions have state-owned 3,300-foot and 2,600-foot (including runway safety area), respectively gravel airstrips the Federal Aviation Administration designates general aviation facilities. Kodiak Airport has a primary commercial service designation with three runways measuring 7,533 feet, 5,400 feet, and 5,009 feet respectively." The Alaska Department of</p>	<p>Consultation with NMFS under Section 7 of the ESA was completed on April 24, 2020.</p> <p>Thank you for providing information about a future project to upgrade the Port Lions Airport. The proposed changes are hereby included in the EA comment and response summary and the EA will be amended accordingly.</p>

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		<p>Transportation and Public Facilities (DOT&PF), in cooperation with the Alaska Division of the Federal Aviation Administration (FAA), is proposing to improve the Port Lions Airport in Port Lions, Alaska. The project would realign, lengthen, and widen the existing airport to meet FAA guidelines. The proposed project will increase the runway length from 2,200 feet to 3,300 feet (FAA, 2019). This will require re-orienting the runway and constructing a new Runway Safety Area, apron, and connecting taxiway and improve culverts and drainage. The aviation section should be revised to reflect the proposed changes to the Port Lions Airport.</p> <p><u>3.4.1.1 Existing and Future Land Use</u> The Great Land Trust is seeking funds from the Exxon Valdez Oil Spill Trustee Council (EVOSTC) to acquire approximately 25,000 acres in Anton Larsen Bay and Sharatin Bay from Ouzinkie Native Corporation and the Alaska Mental Health Trust Authority. Upon purchase, the parcels will be conveyed to the State of Alaska, Department of Natural Resources, to be managed by the Division of Parks and Outdoor Recreation. A conservation easement will be held by the U.S. Bureau of Land Management. The project would allow for the completion of the proposed Anton Larsen Bay Road. The EA should be revised to reflect the proposed land acquisition by the Great Land Trust in the project area.</p> <p><u>3.9.2.2 Proposed Action</u> Avoidance, Minimization, and Mitigation The EA states, <i>“Mitigation in the form of permittee-responsible stream mitigation is proposed for impacts at stream crossings. The proposed action would replace crossing culverts at Small Creek, a stream used by anadromous fishes, with a culvert or bridge wide enough to span the entire width of the stream channel. In addition, an existing culvert along an unnamed resident fish stream would be replaced with a new culvert designed for fish passage”</i> The unnamed resident fish stream referenced in this section is crossed by a bridge (not a culvert) and this section should be revised.</p> <p><u>Waterbodies</u> The EA states, <i>“The Proposed Action would involve ten stream crossings, including replacement of existing crossings at Small Creek, Chalet Creek, and an unnamed stream. The crossings would require replacement of two existing road crossing culverts at Small Creek and one trail crossing culvert at Chalet Creek with culverts or bridges that span the entire width of the stream channel;</i></p>	<p>Thank you for providing information about a future proposed land acquisition affecting land owned by Ouzinkie Native Corporation. The proposed land acquisition noted is hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>Thank you for noting an error regarding the crossing structure at the unnamed resident fish stream. The correction noted is hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>Thank you for noting the errors regarding the crossing structures at Chalet Creek and the unnamed resident fish stream. The corrections noted are hereby included in the EA comment and response summary and the EA will be amended accordingly.</p>

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		<p><i>replacement of one existing trail crossing culvert at an unnamed stream with a new culvert; and installation of six new culverts at other small streams.” Two existing culverts (ADF&G Culvert No. 20700783) are located in Small Creek. No culverts are currently located in Chalet Creek or the two unnamed tributaries. The existing ATV trail crosses over Chalet Creek and the two tributaries with bridges. The Waterbodies section should be revised with accurate information on the existing crossings.</i></p> <p><u>3.10.1 Affected Environment</u> <i>The EA states, “The ADF&G conducted stream surveys along the proposed road corridor between August and November 2015 (ADF&G 2015).” An additional stream survey was conducted by ADF&G in June 2019 (Attached). The Affected Environment section should be revised to include the additional survey.</i></p> <p><u>Wildlife</u> <i>A summary of terrestrial mammals found in the study area is included in the EA. A summary for marine mammals found in the study area should also be included in this section.</i></p> <p><u>3.10.2.2.1 Direct and Indirect Effects, Wildlife</u> <i>This section should include a description of the effects that the in-water portion of the project (new boat launch and float/docking facility) could have on marine wildlife. While impacts to ESA listed species are addressed in section 3.11 Threatened & Endangered Species there are non-ESA listed marine mammals in the project area.</i></p> <p><u>Temporary Construction Effects, Wildlife</u> <i>This section should include mitigation measures such as timing windows and/or trained marine mammals observers for the in-water portion of the project (new boat launch and float/docking facility) to minimize impacts to marine mammal species. The project area is a biologically important area for the following cetaceans: Humpback whales (feeding July – September), fin whale (feeding June-August), Gray whale migration (November – January & March – May). While impacts to ESA listed species are addressed in section 3.11 (Threatened & Endangered Species) there are non-ESA listed marine mammals in the project area. Source: http://cetsound.noaa.gov/important, (accessed January 23, 2020).</i></p>	<p>Thank you for providing information about the additional stream survey along the proposed project corridor. The survey is hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>WFLHD acknowledges the presence of non ESA-listed marine mammals, including the gray whale, dolphins, and seals, in the marine portion of the project study area. The request for a discussion of non ESA-listed marine mammals is hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>Effects of the in-water portion of the project, as described in Section 3.11 Threatened and Endangered Species, is expected to be similar to that of ESA-listed species.</p> <p>WFLHD acknowledges that mitigation measures necessary to ensure the project would not adversely affect non ESA-listed species are necessary. Mitigation measures described in Section 3.11 Threatened and Endangered Species also apply to non ESA-listed species.</p>

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		<p><u>3.17 Permits and Approvals</u> Please include the National Marine Fisheries Service (NMFS) for permits and approvals under the ESA Section 7.</p> <p><u>Appendix C Fish Stream Survey Report</u> The ADF&G June 2019 trip report has not been included in the Appendix. The additional fish survey should be added to the appendix (attached).</p> <p>Appendix D Biological Assessment</p> <p><u>3.1 Aquatic Zones of Impact</u> The BA states, “<i>National Marine Fisheries Service, under the Marine Mammal Protection Act, recently developed underwater noise guidelines for determining sound thresholds for the injury and disturbance of marine mammals (NMFS 2018a).</i>” The BA does not discuss underwater noise guidelines for determining sound thresholds for the injury and disturbance of fish. Pile driving can generate underwater sound pressure waves that may adversely affect fish in the project area. These pressure waves have been shown to injure and kill fish. The type and intensity of the sound produced during pile driving depends on a variety of factors, such as the type and size of the pile, the firmness of the substrate, and the depth of water. Inwater work should be avoided between April 15 and June 31 when pink and chum salmon fry may be present in the project area. Pile driving activities should be conducted during periods of low tide to minimize impacts to fish.</p> <p><u>4.2.2 Aquatic Environment</u> The BA states, “<i>Although no fish surveys were conducted or identified, the proximity of the marine Action Area to streams suggest that juvenile salmon could rear in the nearshore vicinity of the boat launch and float.</i>” Juvenile chum and pink salmon have been observed in nearshore habitat from April to July located at 57.8745 N, 152.6693 W, about 1,800 feet from the proposed dock and float (Frost, personal observations). It is likely juvenile salmonids utilize the bay near Crag Point while transiting to marine waters.</p> <p><u>5.1 Habitat Effects</u> The proposed dock location near Crag Point shows a 60-foot long x 12-foot wide floating dock. It is anticipated that vessels up to 35 feet long will utilize the dock. The BA does not discuss the shallow nature of the bay. During periods of low</p>	<p>Consultation with NMFS under Section 7 of the ESA was completed on April 24, 2020. .</p> <p>Thank you for providing information about the additional stream survey along the proposed project corridor. The survey is hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>Thank you for providing information regarding in-water work and pile driving timing windows. Mitigation measures described are hereby included in the EA comment and response summary and the EA will be amended accordingly.</p> <p>Thank you for providing information about fish presence in and migration through the marine portion of the project study area. This information is hereby included in the EA comment and response summary and the EA will be amended accordingly..</p>

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		<p>tide larger vessels may rest on the bottom of the bay. Dredging may be required if the dock is constructed in the area depicted in (Figure 2. Vicinity Map – Boat launch, float, and parking area at road terminus near Crag Point (Page 4).</p>	<p>Dredging to accommodate larger vessels is not anticipated, and is outside the scope of the EA. Dredging activities would require additional environmental analysis.</p>
Margaret Short	<ul style="list-style-type: none"> • Purpose and Need • Proposed Action 	<p>My husband and are year-round residents of Anton Larsen Bay, Kodiak, Alaska and have been so for the past 30 yrs. It would be nice to think that our combined knowledge and hands on experience of winter travel in this area is regarded as being of some value.</p> <p>I am in full favor that this EA evaluates a No Action Alternative. Why?</p> <p>The Project Description states that by extending the existing Anton Larsen (Grade 4, non maintained gravel road) 2 miles to ice free water, it would provide 'safer travel' for the Native Villages of Ouzinki[e], Port Lions and other remote locations during winter to access Kodiak when flying is not possible. I strongly disagree. It would do no such thing. The reasons?</p> <ol style="list-style-type: none"> 1) The water temperature of Anton Larsen Bay has risen significantly where, for the past 4- 5 years there has not been enough sea ice within the bay to restrict boats from traveling through the bay or accessing the Anton Larsen Bay Dock and Boat Launch Ramp. We are now in late January of 2020. It appears that like previous years the Bay (even with some of the lowest recorded temperatures for Kodiak these past weeks) remains virtually ice free as does access to the dock. There has not been one single day last year or this year that the dock has been inaccessible. 2) This year we are experiencing large deposits of snowfall, the result of which has made the existing Anton Larsen gravel road treacherous. There has been periods ranging from late December of 2019 to yesterday, the 19th of January when heavy snow drifts has made the road totally impassable. How would it conceivably be possible for any one living in a remote location to be able to predict what the conditions to the existing road might be ahead of travel? 3) The Department of Transport, Kodiak division has a large sign posted on the town side of the mountain that recommends this road is NOT recommended for winter travel. That, if you do travel this road in winter, you need to take cold weather survival gear and tell someone where you are going. I assume that sign is there for a reason? 4) The existing Anton Larsen Grade 4, non-maintained gravel road leads up through a winding mountain pass and is recognized as being the highest 	<p>Thank you for your comments. WFLHD appreciates your insight into local conditions and recognize the variability in weather, road, and ice conditions present in Anton Larsen Bay and on Anton Larsen Bay Road. Project stakeholders have identified the need for the project based on travel alternatives to Anton Larsen Bay and Anton Larsen Bay Road described in the EA. The Proposed Action is the Selected Alternative because it has been determined to best meet the stated purpose and need for the project.</p> <p>The EA evaluates reliability of marine and road travel. The project is anticipated to improve the safety of the traveling public compared to existing conditions. If the proposed project is built, the road would become part of the official Kodiak road system, and the KIB could extend fire and emergency services to the northern terminus of the study area near Crag Point. Law enforcement and public safety would continue to be provided by the State of Alaska Department of Public Safety. The Alaska DOT has stated that maintenance of the road would result in very low additional costs, as discussed in section 3.3 of the EA. It is not in the scope of this EA to provide an analysis of the current effectiveness of maintenance activities along the Anton Larsen Bay Road.</p>

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		<p>road on the Kodiak road system. Snowfall at the top of the pass is significantly higher than that of the lower areas of the road. White out's are a frequent occurrence. The lower areas of the existing road (especially on the west side of the mountain pass at the flat lands and head of Anton Larsen Bay) is subjected to deep snow drifts that often time are completely impassable. Rats and double rats if you forget to bring a shovel or tire chains.</p> <p>5) There is no cell phone service available throughout Anton Larsen Bay and the west side of the mountain pass. The first signal that can be received is on the Southern side of Pyramid Mountain Pass, half way between the Bear Country Golf Course and the Coast Guard Antenna Field. By which time you are almost in town. How would you alert anyone should you get into difficulties?</p> <p>6) What would the case scenario be should someone travelling the existing Antons road in winter time in adverse conditions does not arrive at their destination at the expected time? What steps do you follow? You call the Troopers. Who, if the road proves unpassable to them, would no doubt notify the Coast Guard. What if it's blizzard conditions? Would the Coast Guard be expected to risk the lives of 5 of their person[nel] on a rescue mission navigating one of the most treacherous mountain passes on Kodiak island?</p> <p>7) When snowfall becomes heavy, the steep and winding two lane dirt road very quickly becomes a one lane road. This has been very hazardous to vehicles when they meet traveling in opposite directions. The rules of the road determine that traffic on the up-hill have right of way. In most case scenario's this is virtually impossible to do in these conditions. The vehicle travelling up hill has to be the one to reverse, (acquiring traction enough for the down-hill vehicle to reverse up-hill often proves completely fruitless.) Sometimes the vehicle reversing has to go some distance before being able to find a place where the down-hill vehicle can safely pass.</p> <p>8) The existing Anton Larson gravel road is deficient of many much needed guard rails. The mountain road is steep and winding with treacherous drop offs and areas of severe erosion on either side, some of which are so close to the road as to be at the point of dangerously undermining it.</p> <p>9) It is clearly evident in times of the most severe droughts that there are certain places on the existing gravel road that are prone to year-round water seepage. In late spring and early fall these areas turn into black ice which have proved hazardous to those traveling the road who are unaware of these areas of water seepage.</p>	
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		<p>10) Snowfall coupled with freezing temperatures negatively impact all and any vehicles parked at the Anton's Dock during the winter months. The trucks become buried in snow which, unless dug out immediately can, over the course of one night turn into solid blocks of frozen ice. In cycles of freeze and thaw, tires become imbedded in ice and stuck firmly in the ground.</p> <p>11) As and when the grader ploughs the road, huge berms of snow form on either side of the graders passage which, unless dug out and kept clear, effectively traps the vehicles in their parking places until the spring melt.</p> <p>12) Would the Department of Transport be expected to maintain the proposed road extension? How on earth would people living in remote areas be able to monitor, when in times of excessive snowfall and freezing temperatures whether or not the road has been plo[wed] or be able to readily access their vehicles and boat trailers in order to keep them clear of snow and ice?</p> <p>13) Taking into account the warming sea temperature, the lack of sea ice within the bay, I do not believe that the project deserves the excessive expense of what would amount to a new dock, boat ramp and parking facilities when, less than 2 miles there is the existing Anton Dock and Boat Launch Ramp which BTW both recently under-went very expensive rebuilds.</p> <p>14) It is common knowledge that if the weather is bad and Spruce Cape becomes unsafe for boat travel, many people who want or need to access town to either meet or pick up people or pick up groceries, skiff across from Ouzinkie to Mononska Bay to a place that we call 'The Ram Site' which is a beach within the Abercrombie State Park. The Abercrombie State Park is on Kodiak's main road system and less than 1 mile from town.</p> <p>Due to all of the above, it is incomprehensible to me that this proposed project is even under consideration. I think it is supremely fool hardy to say that by way of extending what is one of, if not the most treacherous roads in Kodiak that it will provide safer travel to those in winter.</p> <p>Please see below enclosed photo's.</p>	
<p>Tyler Polum, Kodiak Area Biologist, Sportfish Division, AK Department of Fish and Game</p>	<ul style="list-style-type: none"> • Recreation 	<p>1) Would there be any restrictions on public access? For instance if Ouzinkie Corp held title to the launch and charged a fee or restricted use somehow? Just for reference, the other boat ramp in Antone Larsen Bay was built and is owned by the State, but the Kodiak Island Borough is actually responsible for maintenance.</p>	<p>Thank you for your question. There are no anticipated restrictions on public access. Ouzinkie representatives have indicated that the facility would be free public access. Additionally, the Native Village of Ouzinkie has indicated that it would like a State Agency (Department of Transportation or Department of Natural Resources) to have jurisdiction over the facilities. WFLHD would not have decision authority on whether a State Agency would charge a use fee for the boat ramp facilities.</p>