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United States Coast Guard

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DEC 07 2011

MEMORANDUM

From: Sally Brice-O'Hara, VADM
Vice Commandant

Reply to Attn of: CG-55
Mr. Goward
(202) 372-1504

To: John D. Porcari
Deputy Secretary of Transportation

Subj: DRAFT ROD FOR THE I-5 COLUMBIA RIVER CROSSING PROJECT

1. On 5 December 2011, the Coast Guard received the Navigation and Bridge Height sections of the draft Record of Decision (ROD) for the I-5 Columbia River Crossing (CRC) project. However, the Coast Guard's concerns with the adequacy of the Final Environmental Impact Statement (FEIS) have not been resolved. Extensive discussions at several levels of our organizations have substantially exhausted the dispute resolution measures set forth in Section IV.B.9 of the 1981 Memorandum of Agreement between the Coast Guard and Federal Highway Administration (FHWA).[1] As previously stated, the Coast Guard cannot determine if the preferred 95 foot bridge clearance will meet reasonable navigational requirements based on the information provided for review. Although you intend to sign the ROD today, as the FEIS is currently written, the Coast Guard will not be able to accept a bridge permit application based on the information provided in the FEIS, or adopt it as written. We look forward to working closely with FHWA and FTA to expeditiously resolve the concerns provided with this letter prior to permit application submission. Resolution of our concerns may require the project sponsor to supplement the FEIS in order for the Coast Guard to accept the bridge permit application.

2. The enclosed comment summary provides specifics on a number of important issues and basic points that bear directly on the Coast Guard's concerns:

a. The FEIS fails to conduct an adequate study of the number of vessels that might be affected by a reduction in the bridge clearance to 95 feet.

b. There is no analysis of the impact to vessels that are known to transit this portion of the Columbia River. For example, the U.S. Army Corps of Engineers has a vessel which may face an operational impact if it can only transit the lower clearance six months each year. Similarly, other vessel impacts are inadequately addressed by conclusory language, suggesting that the owners may fail to bid contracts or find some other undisclosed mitigation strategy.

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[1] U.S. Coast Guard/Federal Highway Administration Memorandum of Understanding on Coordinating the Preparation and Processing of Environmental Documents" signed 27 April 1981, R.A. Barnhart, Federal Highway Administrator and 6 May 1981, J.B. Hayes, Commandant U.S. Coast Guard.

c. The Coast Guard remains concerned that there may be critical infrastructure manufacturing assets put at risk by the decision.

d. The FEIS does not address current and future impacts to navigation/waterway users as a result of the proposed decreased vertical clearance, nor does it study alternatives to a vertical clearance other than 95 feet.

3. As the bridge permitting agency, the Coast Guard determines the reasonable needs of navigation when acting upon a permit application. A more detailed description of the Coast Guard permitting process can be found in the Bridge Permit Application Guide, which may be downloaded from the Coast Guard Bridge Program website, http://www.uscg.mil/hq/cg5/cg551/BPAG_Page.asp.

4. Finally, we have some concern with citing DOT permitting authority in your FEIS. The permit authority currently resides with the Secretary of the Department of Homeland Security (DHS); this has been the case since the Coast Guard transferred to DHS pursuant to the Homeland Security Act of 2002. This authority was further delegated to the Commandant of the Coast Guard by Homeland Security Delegation Number 0170.1. If you have any questions or concerns, please feel free to contact me, or my Bridge Program Administrator, Ms. Hala Elgaaly at (202) 372-1510.

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Enclosure: (1) USCG Comment Summary dated 7 December 2011

In order for the Coast Guard to accept a bridge permit application and ultimately adopt the EIS, the five comments need to be addressed in the EIS and supported with detailed information. Below you will find the original five comments and additional USCG comments (in italics) based on the information presented in the draft ROD.

No.	Page	Comment
1	3-72	Exhibit 3.2-4 (Source: Parsons Brinckerhoff, 2004) on this page does not include Thompson Metal Fabricators (TMF), nor does the section include the source of the frequency data for all vessel types. TMF was mentioned in the Boat Survey narrative but its clearance requirements were not included in Exhibit 3.2-4. *The EIS needs to cite the updated clearance requirement for Thompson Metal Fabricators (125' above 0.0 CRD) and the source of the frequency data for all vessel types transiting the bridge, in order for the Coast Guard to adopt the EIS.* Schooner Creek Boat Works, a large mast sailing vessels servicing facility, has raised concerns regarding the proposed Locally Preferred Alternative (LPA) severely impacting their customers. Address whether LPA will block access to the customers of Schooner Creek Boat Works. *In order for the Coast Guard to adopt the EIS, the EIS needs to cite Air Draft Analysis to assess the impact to owners of vessels that would be unable to pass the 95 foot (CRD) vertical clearance. Need to address any minimization, avoidance or mitigation measures for Schooner Creek Boat Works now that Schooner Creek requires 125'.* The EIS must address whether any existing facilities on the waterway are or could be considered critical infrastructure, key resources, or important/unique US industrial capability i.e. are these facilities unique or one of only a few of the type on the US Pacific Coast, do they provide specialty products that are not available from other US manufacturers, etc. Address whether the LPA's reduced clearances negatively impacts those facilities and their customers. *The Coast Guard will be reaching out to Department of Homeland Security officials for a critical infrastructure, key resource, and/or important/unique US industrial capability determination for facilities on the waterway.* Address the vertical clearance provided by the LPA at various water stages of the Columbia River and whether those reduced clearances negatively impact the safe and efficient movement of any present or prospective public, commercial and recreational users operating on the waterway. *The Draft ROD provides a Table with the vertical clearance provided at various water stages but does not address how those reduced clearances will impact the safe and efficient movement of any present or prospective public, commercial and recreational users operating on the waterway. Once the Air Draft Analysis is completed for the waterway, a better graphical representation of availability of the waterway can be made for this section of the EIS, in order for the Coast Guard to adopt the EIS.*

		Provide data regarding frequency of use, and vertical and horizontal clearance requirements for all vessels transiting the waterway, including any cargos that would require additional vertical clearance. *This data has not been provided and needs to be provided in order for the USCG to adopt the EIS.* For vessels that require a bridge opening at the current I-5 bridge, provide the following information: o Vessel name o Length overall (LOA) o Beam o Draft o Height of the highest fixed point above the waterline for vessels that required a bridge opening *This data has not been provided and needs to be provided in order for the USCG to be able to adopt the EIS. The data from the 2004 Boat Survey and the 2008 Navigation Technical Report is outdated.* List the number and type of vessels that will no longer be able to transit the LPA and provide the following data for each vessel: o Vessel name o Length overall (LOA) o Beam o Draft o Height of the highest fixed point above the waterline for vessels that required a bridge opening *This data has not been provided and needs to be provided in order for the USCG to adopt the EIS. The data from the 2004 Boat Survey and the 2008 Navigation Technical Report is outdated.*
2	3-74, Section 3.2.3, para 3	The following statement is included on this page: "Limitations to marine contractors would be offset by substantially improved navigational safety and elimination of river traffic delays. Tall loads would need to partially disassemble for those infrequent trips upriver of the LPA." To validate the above statement, the Coast Guard requests documentation of all vessels and cargoes that will need to be partially disassembled/dismantled in order to transit the LPA, and whether they currently possess that capability. In addition, provide the name of the vessels and any increase in operating cost associated with the required disassembly or dismantling. *The Coast Guard will need the above data in the EIS in order to adopt the EIS, to include specific vessels and their capability to be partially disassembled/dismantled. The Air Draft Analysis must also be included in the EIS.*

3	3-72 – 3.75	The FEIS does not address current and future impacts to navigation/waterway users as a result of the proposed decreased vertical clearance provided with the LPA nor does it study alternatives with a vertical clearance other than 95'. The Early Screening Results Table (Appendix D) shows initial consideration for a High-Level Bridge, but it received a "Fail" rating for not improving safety and not decreasing vulnerability to incidents. The High-level bridge alternative's Long Term Effects needs to be addressed in this section of the FEIS based on updated vessel clearance requirement data and information collected on upstream growth and development. (See Comment # 1 and 2 above for more information) *The EIS does not address the impact on present and prospective upstream growth and development as a result of the reduced vertical clearance. This information must be reflected in the EIS, in order for the Coast Guard to adopt the EIS.* The FEIS states that the primary channel will provide a minimum of 95' above the zero Columbia River datum; due to higher water levels on the river, zero datum is rarely attained. List the available vertical clearance during various times of the year in this chapter, not just in the appendix under the "2008 Navigational Technical Report". *Table 1 needs to include the daily water levels on the river, not just the monthly levels.*
4	3-76	Section 3.2.5 (Mitigation or Compensation) does not address mitigation proposed for those vessels and companies that will no longer be able to transit the LPA's reduced vertical clearance. *In order for the Coast Guard to adopt the EIS, the Air Draft Analysis needs to be conducted and presented in the EIS to determine the level of impact to all waterway users. Minimization, avoidance, and mitigation will then need to be addressed in the EIS.*
5	3-97	Section 3.4 (Land Use and Economic Activity) does not address the reduced vertical clearance's impact on present and prospective upstream commercial activity, e.g. jobs, and economic growth and development. Address any existing or planned commercial/industrial developments negatively affected by the reduced vertical clearance and discuss the economic impacts the proposed restriction will have on these businesses. *This information must be included in the EIS, in order for the Coast Guard to adopt the EIS.*