

Comments on the Spruce Railroad Trail Expansion and Improvement Environmental Assessment

From

Clallam County Public Works

October 21, 2011

Those items stated in *italics blue* are direct citations from the September 15, 2011 Environmental Assessment.

Chapter 1: Purpose of and Need for Action

Page 17.

The National Park Service (NPS) proposes to improve the existing SRRT described above, and to develop (a) new, non-motorized, multiple-use trail along the remaining historic Spruce Railroad grade within Olympic National Park (ONP).

1. Add the word “**universally accessible**” to this sentence to be consistent with the GMP.

The GMP states that,

- *A universally accessible frontcountry trail will be developed and maintained.*
2. Add to the above, the sentence: “**This statement refers to the Spruce Railroad Trail, which will be extended west as part of planned improvements by Clallam County to make this trail part of the Olympic Discovery Trail. When complete, the Olympic Discovery Trail will lead from Port Townsend to Port Angeles and then west to the Pacific Coast.**” This is the statement from Chapter 6, page 15 of the GMP. This statement is needed to clarify that the GMP specifically meant the Spruce Railroad Trail for this element.
 3. Add to the above list of GMP bulleted items:
 - “**Develop or improve existing frontcountry trails to universally accessible standards at Hurricane Ridge, Lake Crescent, Sol Duc, Ozette Hoh, and Kalaloch. Improve frontcountry trails near the park visitor centers and connect trails to regional trail networks and the local community.**” This is from page 7 of the ROD of the GMP.

Purpose of and Need for Action

The purpose of this project is to improve the historic Spruce Railroad grade within Olympic National Park, as a non-motorized, multiple purpose trail as identified in the GMP and LCMP. This includes the existing Spruce Railroad Trail.

4. This is not the Purpose and Need statement that was given to the public at the scoping meeting of 7/20/2010 and placed on the ONP PEPC site (“Facts Sheet”). This Purpose and Need Statement needs to be consistent with those documents, which state:

“The purpose of this project is to provide a universally accessible, non-motorized, multiple-use trail within Olympic National Park extending from the Lyre River along the Lake Crescent to the western park boundary along the general route of the historic Spruce railroad Grade. This includes the existing Spruce Railroad Trail on the north shore of Lake Crescent.”

This Purpose and Need was critically important to the County. In July of 2010 we had made multiple requests to see this stated in writing, since it had only been briefly shown in a PowerPoint presentation by ONP staff at a joint ONP/County meeting. In an e-mail from Todd Seuss to Dave Lasorsa on 8/3/2010, he responded:

“The purpose and need statement was developed during the first NPS interdisciplinary team planning meeting, shared with the county at a core meeting and presented to the public on the facts sheets handed out at the public meetings.”

This current wording was never shared with the public or the County. Why was the word **“universally accessible”** dropped? This is a goal of the GMP, and an integral part of the County’s plans and funding. It is also part of the County agreement with the NPS. The statement **“...from the Lyre River along Lake Crescent to the western boundary...”** is equally important to emphasize that this is an accessible trail that will connect to other accessible trails currently in development.

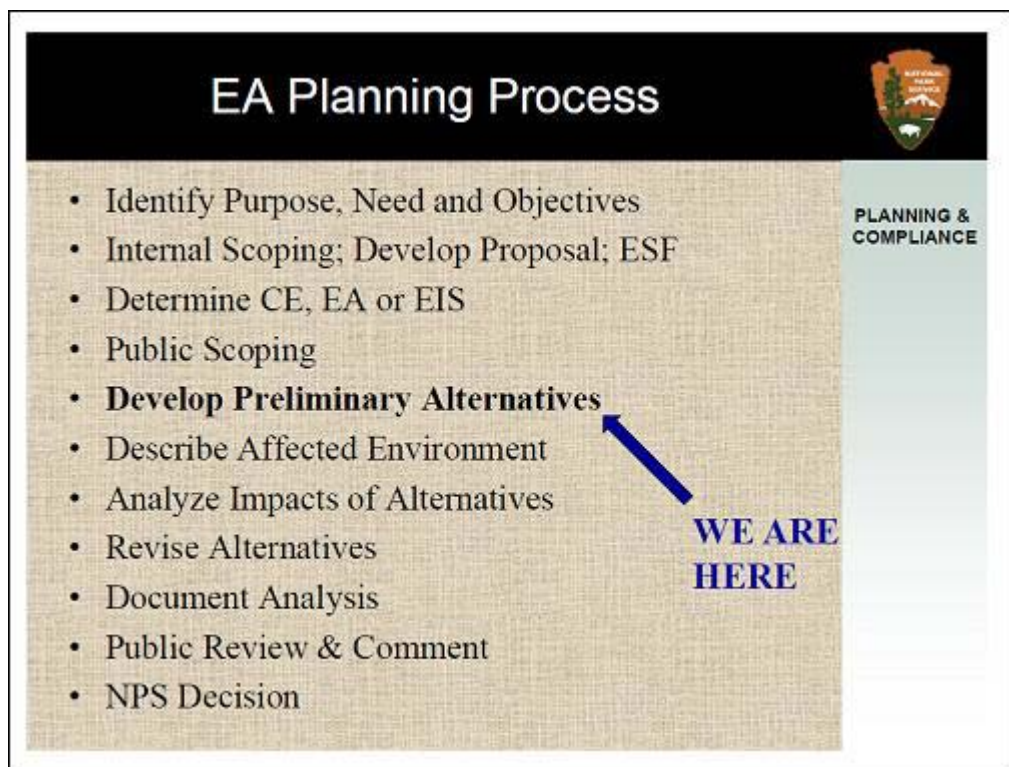
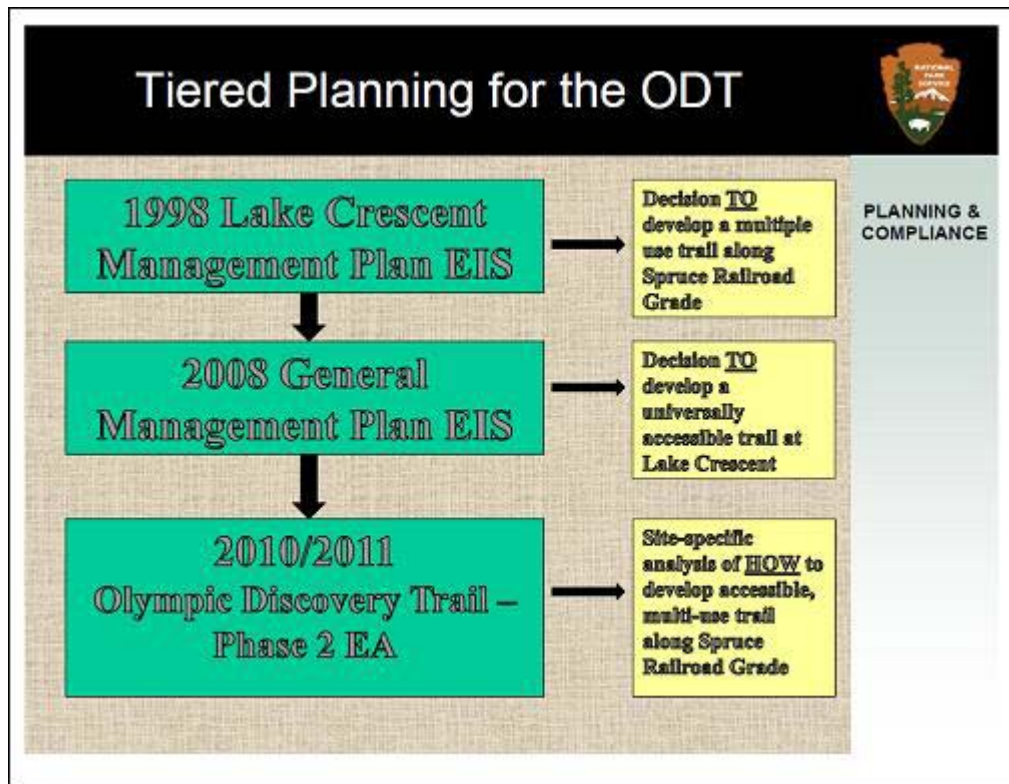
Most important was the breach of trust in the public. Based on the Purpose and Need released at the 7/20/10 scoping meeting, the public was told they would be participating in a plan that would develop a universally accessible, multiple-use trail from Lyre River to the western park boundary:

Excerpt from “Fact Sheet” provided to Public at Scoping Meeting of 7/20/10

What is the purpose of the current project (Phase 2)?	The purpose of this project is to provide a universally accessible, non-motorized, multiple-use trail within Olympic National Park extending from the Lyre River along Lake Crescent to the western park boundary along the general route of the historic Spruce Railroad Grade. This includes the existing Spruce Railroad Trail on the north shore of Lake Crescent.
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In fact, during the PowerPoint presentation of the second scoping meeting (October 4, 2010) NPS staff explained to the public how this planning was progressing using the following slides:

PowerPoint Slides from October 4, 2010 Public Scoping Meeting



Upon seeing these, any reasonable person would feel that NPS was well past the Purpose and Need stage, and was seeking to develop a universally accessible, multiple use trail along the Spruce RR grade. No mention was made that the Purpose and Need statement was only a “draft” and could be changed.

Making such a critical change at this late in the process brings the Park’s motives into question. It shows a lack of respect for the interested and involved public, who have waited a full year since the original statement, only to see that the trail may not be universally accessible. It also brings the credibility of this entire process into question, and whether the Park was serious about following an original goal, or felt it needed to change the goal to fit a preferred alternative. Section 1502.2 of the CEQ specifically talks about this type of action regarding EIS’s, although applicable to EA’s as well:

“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, **rather than justifying decisions already made.**”

The GMP also states that some trails will be universally accessible.

5. This statement needs to be amended. The ROD (page 3) states that “Some frontcountry trails will be modified for universal accessibility.” However, it also states (page 7): “Develop or improve existing frontcountry trails to universally accessible standards at Hurricane Ridge, Lake Crescent, Sol Duc, Ozette Hoh, and Kalaloch. Improve frontcountry trails near the park visitor centers and connect trails to regional trail networks and the local community.” By only citing part of this GMP implementation element, the reviewer is left to assume that “some trails” may or may not mean the Spruce Railroad Trail, when in fact, for the Lake Crescent management area, it is specifically referring to the Spruce Railroad Trail (Chapter 6, Page 15). This statement should read **“The GMP states that the Spruce Railroad trail will be developed and maintained to universally accessible standards.”**

Architectural Barriers Act Accessibility Standards (ABAAS)/Outdoor Recreation Guidelines must be adhered to for any project or program built or operated that uses federal funding.

6. In October, 2009 the Access Board released the Draft Final Accessibility Guidelines for Outdoor Developed Areas. This was open for a 60-day public comment period. After reviewing comments received during this comment period, the Board will proceed to issue the final rule. It must be made clear in this EA that the final rule has not been issued as of this date, and the draft is subject to change. The final rule may contain guidelines that fundamentally change requirements and exceptions.

Consistent with the LCMP, the NPS proposes to improve the historic Spruce Railroad grade to provide a continuous trail from the Lyre River to the western park boundary for multiple uses, including some or all of the following: pedestrians, wheelchairs, bicycles, horses and rollerblades.

7. This statement needs to be amended with the GMP goal: **“A universally accessible frontcountry trail will be developed and maintained.”** It also needs to include the reference that **“this universally accessible trail refers to the Spruce Railroad Trail.”** By leaving out this important GMP implementation element (ROD, page 7), the reviewer is left to assume that the NPS may or may

not include wheelchair users in its proposal, when in fact, universal accessibility (i.e. wheelchair users) is a requirement for the Spruce Railroad Trail.

Page 22.

Visitor Access Objectives

8. Where is **“Provide accessibility to persons with disabilities?”** Accessibility is one of the main goals of the GMP and the County/NPS agreement regarding this project, yet it was completely left out as one of the objectives under the “Improve Visitor Experience” goal in the initial draft EA (administrative review) given to the County on August 19th. The revised wording in this final EA is not much better. The Accessibility Issue is a key issue and the objective should stand on its own.

Page 23.

The NPS plans for one purpose—to ensure that the decisions it makes will carry out, as effectively and efficiently as possible, its mission:

“... to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The NPS mission – along with applicable laws, policies, and plans, directs management within Olympic National Park.

9. This is not the mission of the NPS; it is an excerpt from the Organic Act. If the EA wishes to include the NPS mission, it needs to include the entire mission statement from the National Park Service, not just an excerpt. By being selective in this statement, the EA is ignoring the emphasis that NPS also places on **visitor services and partnerships**. The true mission statement of the NPS is as follows:

The National Park Service preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

To achieve this mission, the National Park Service adheres to the following guiding principles:

*Excellent Service: **Providing the best possible service to park visitors and partners.***

Productive Partnerships: Collaborating with federal, state, tribal, and local governments, private organizations, and businesses to work toward common goals.

Citizen Involvement: Providing opportunities for citizens to participate in the decisions and actions of the National Park Service.

Heritage Education: Educating park visitors and the general public about their history and common heritage.

Outstanding Employees: Empowering a diverse workforce committed to excellence, integrity, and quality work.

Employee Development: Providing developmental opportunities and training so employees have the "tools to do the job" safely and efficiently.

Wise Decisions: Integrating social, economic, environmental, and ethical considerations into the decision-making process.

Effective Management: Instilling a performance management philosophy that fosters creativity, focuses on results, and requires accountability at all levels.

Research and Technology: Incorporating research findings and new technologies to improve work practices, products, and services.

Shared Capabilities: Sharing technical information and expertise with public and private land managers.

Page 26.

NPS Management Policies

10. Why is Management Policy **9.1.2 “Accessibility to Persons with Disabilities”** not included in your list of guidance from NPS Management Policies?

Page 27.

11. The narrative under NPS Management Policies is very selective and discusses hiking trails and parking areas. Only a portion of the alternatives proposes a hiking trail. Most of the proposal is a shared used path. This section seems to have ignored accessibility, which is in the opening statement of Section 9.2.2. This narrative should be amended to include the following:

9.2.2 Trails and Walks

“Trails and walks provide the only means of access into many areas within parks. These facilities will be planned and developed as integral parts of each park’s transportation system and incorporate principles of **universal design**...All trails and walks will be carefully situated, designed, and managed to...**allow accessibility by the greatest number of people**...Heavily used trails and walks in developed areas may be surfaced as necessary for visitor safety, **accessibility for persons with impaired mobility**, resource protection, and/or erosion control.”

“In addition, trail planning will take into account NPS interest in cooperating with federal, state, local, and tribal governments, as well as individuals and organizations, to advance the goal of a seamless networks of parks. These partnership activities are intended to establish corridors that link together, both physically and with a common sense of purpose, open spaces such as those found in parks, other protected areas, and compatibly managed private lands.”

Park Planning Documents

The SRRT EA guides implementation of the portions of the GMP that deals with the Spruce Railroad Trail.

12. The GMP's direction that specifically dealt with the Spruce Railroad Trail was to "develop and maintain a universally accessible frontcountry trail." (Page 99). This was clarified to refer to the Spruce Railroad Trail (Chapter 6, page 15). The ROD re-states this implementation element on page 7. In the entire GMP this is the one implementation item that was specific to the Spruce Railroad Trail, yet accessibility is not even listed in the Purpose and Need statement on page 17. It bolsters the argument that visitor accessibility is not given the attention that is required in this document. While the protection of the Park's natural and cultural resources should be a part of any action, you cannot de-emphasize the importance of the visitor experience.
13. This EA must include the **2008 Programmatic Agreement between NPS, NFS, Clallam County and the Washington SHPO Regarding the ODT Construction and Preservation of the Spruce RR**. This is a legal agreement signed by NPS, NFS, Clallam County and the DAHP to meet the provisions of Sections 106 and 110 of the NHPA, in regards to the Spruce RR grade and its eligibility for inclusion in the National Register of Historic Places. Although the immediate focus was on Phase 1, all phases were covered (including tunnel rehabilitation and log cribbing), including future maintenance. Notable excerpts from the Agreement included:

"WHEREAS, Clallam County entered into a Cooperative Agreement with the National Park Service in 2004 to facilitate the restoration of the Spruce Railroad Grade as a multi-user regional trail within Olympic National Park north and west of lake Crescent. The agreement addressed the need for ONP personnel to assist in meeting Section 106 requirements and conducting cultural resource surveys while the County agreed to oversee the restoration of the railroad grade to serve as a multi-user, non-motorized regional trail. **Restoration of the railroad grade to serve as a regional trail meets goals and policies of the Park identified in the Lake Crescent Alternatives Analysis and the Lake Crescent Management Plan.**" (page 1)

"WHEREAS, this Programmatic Agreement addresses **all phases** of the Undertaking over a multi-year period," (page 2)

I) Adaptive Reuse and Restoration of the Spruce Railroad Grade

"As a regional, multi-user trail, the trail must meet federally required width, grade and surfacing standards to safely accommodate multiple user groups and trail users with disabilities. The trail surface width planned for the sections that are for exclusive non-motorized use will be 16 feet in total width with 12 feet utilized to accommodate bicyclists as well as pedestrians and an additional 4 feet providing equestrians with a separate but parallel trail. A 10 foot width of asphalt paving will be part of the trail only segments to facilitate their use for road bicyclists and wheelchair users...**Width measurements of the Spruce Railroad Grade indicate that the**

historic surface width can accommodate a 16 foot wide trail without widening beyond the historic width.” (page 3)

...“A typical trail construction sequence would include the clearing and grubbing out existing vegetation and roots from the railroad grade to the required width of 16 feet, installation of coarsely graded base rock if needed, installation of 4 inches of finely graded crusher reject or top rock followed by paving to the required width of 10 feet for a non-motorized section of trail. Additional clearing width may be needed in places where there is a ditch line that carries water to a specific culvert location.” (page 3)

This Programmatic Agreement addressed **tunnel restoration and log cribbing** (page 5), both features within Phase 2.

“Log cribbing supports the historic railroad grade in a few locations. Log cribbing should be maintained and replaced as needed. The cribbing could be replaced by large rip rap rock if the need arose.”

14. The cover letter of December 12, 2007 from ONP Superintendent Laitner to DAHP reaffirmed the coverage of Phase 2, restoration of tunnel and cribbing, and the connection to the larger trail network:

“As part of the Olympic Discovery trail, ONF, ONP and Clallam County (the parties) propose to adaptively reuse segments of the Spruce Railroad as a bicycle trail. The trail will run for 30 miles from Lake Crescent west through Forks and on to LaPush. **The purpose of this trail is to provide the non motorized users of Highway 101 with a safe continuous route around Lake Crescent and westward to the Pacific Ocean.**”

“Two tunnels exist on the trail. At this time they are partially plugged because of deposition at the entrances and with in the tunnel. As funds became available, the tunnels would be cleaned, collapsed tunnel shoring would be replaced by steel or cement culvert, and the entry shoring would be reconstructed.”

“The attached Programmatic Agreement covers the proposed project activities. This project will involve preservation maintenance of register eligible segments by removing recently deposited slope wash and rock fall. Ditches will be pulled and culverts will be opened. Eroded sections will be replaced to existing grade. The project will also involve rehabilitation in the addition of surfacing to the rail bed to make it passable for bikes and wheel chairs. There will be rehabilitation of the tunnels to provide safe passage along the trail and thought the tunnels.”

15. Changes to this agreement require all signatory parties to follow the Dispute Resolution process specified in the Agreement, Section IV.

Page 29.

Park Significance

16. No mention is made of visitor use in the narratives on the Park Significance.

Park Mission

17. The EA included the first 2 paragraphs of the Mission Statement for Olympic National Park, but neglected to include the 3rd and final paragraph:

“While protecting these resources for future generations, our mission includes providing today's visitors with the access, facilities, information and education they need to fully experience, enjoy and learn from the park.”

This EA is again being selective with the narratives, leaving out a critical portion of the mission statement which deals with access.

Page 29.

Decisions to be made

How and where should the historic Spruce Railroad grade and existing Spruce Railroad Trail be expanded and improved?

18. The trail is not simply being expanded for lack of reason. Accessibility is the main goal of this project from the GMP, and a multiple purpose trail is a main goal from the LCMP. These are not stated here. This sentence needs to be completed with the following:

...”to allow for universal accessibility and multiple use”

Page 30.

Scoping

19. The EA refers to internal scoping begun in 2009, including defining a **“draft purpose and need”** statement. As stated on page 3, this statement was critically important to the County. After multiple requests to ONP for this statement in writing, on 8/3/2010, Deputy Superintendent Suess responded:

“The purpose and need statement was developed during the first NPS interdisciplinary team planning meeting, shared with the county at a core meeting and presented to the public on the facts sheets handed out at the public meetings.”

There was no mention that this statement was a “**draft.**” ONP staff failed to notify Clallam County or the public that the word “universally accessible” was being deleted from this statement in the version contained in this EA. This is not in keeping with the agreement between ONP and Clallam County (page 3), and belittles the faith of the public who were led to believe the proposal was for an accessible trail from Lyre River to the western park boundary.

20. The bulleted scoping topics are very selective. Of the 143 comments received on the PEPC site (July-August 2010), fully 115 comments were in favor of a multiple-use pathway and directly expressed the need for such a pathway. These 115 comments also included support for universal accessibility and paving standards. The majority (86) of these 115 comments were in favor of a facility suitable for road bicyclists and the need to get cyclists off Highway 101 as a safety concern. In the Administrative review copy, this multiple use and cyclist concern did not even merit a mention on the topics list. While this EA version has at least added concern over multiple use trail standards, it has failed to mention the public safety concern about bicyclists on Hwy 101. It has also failed to include this as an impact topic and an evaluation criteria for the alternatives (this will be discussed later). **The construction of the trail and bicycle safety of Hwy 101 are two connected actions** and must be discussed in this document.

Page 33.

Issues and Impact Topics

Visitor Use, Experience and Accessibility

21. One of the main goals of the LCMP specific to the North Shore was to improve the Spruce Railroad grade as a multi-use trail. Developing a universally accessible trail was a GMP implementation element specific to the Spruce Railroad. Eighty percent of comments received were in favor of a multi-use trail and voiced concerns over bicyclist safety using Highway 101 around Lake Crescent. However, the EA relegates all these issues into one topic? Lumping these into one element results in a biased analysis and seemingly downplays the importance of these issues, since only one impact call is made in Chapter 4 per topic. At a minimum, the following should be added as separate impact topics:

- **Universal Accessibility (GMP)**
- **Safe Pedestrian and Bicycle Access through Lake Crescent (LCMP)**
- **Resolving User Conflicts on Trail (this was a concern from the LCMP)**

Park Operations, Safety and Sustainability

22. This topic does not do an adequate job of addressing the degree to which park operations are affected by each alternative. The ability to use wheeled or truck-based maintenance equipment is a substantial difference between alternatives, directly affecting park operations and the

ability to provide for visitor safety and resource protection. For example, the ability to quickly respond to a potential slope failure, and resulting resource impacts, will vary immensely by the trail standards. If a trail is only accessible by foot, it would require more intensive hand labor for maintenance and slower reaction time for resource protection.

23. “Safety” in this topic is inadequately addressed and only seems to discuss to park maintenance impacts in providing for safe trail use (Chapter 4), not **visitor safety itself**. Safety between alternatives needs to be analyzed in regards resolving conflicts between user groups, a key component of the LCMP (page 36). **Safety in regards to providing safe pedestrian and bicycle access through Lake Crescent is an objective of the LCMP (Page 10) and a key issue for Transportation/Circulation (page 23).** This was included in the list of Visitor Access Objectives on pages 22 and 36 of the EA:

Provide safe pedestrian and bicycle access through the Lake Crescent area for visitors and the traveling public and reduce conflicts between non-motorized and motorized uses.

This was somehow ignored from the rest of the document. As stated above this needs to be addressed separately, otherwise the EA will contain a fatal flaw. This issue is discussed further under comment #123, page 44.

The current narrow shoulder of Hwy 101, Lake Crescent. Representation of bicyclist.



Chapter 2: Alternatives

Page 36.

Introduction

...related to the development of a non-motorized, multiple use trail along the general route of the historic Spruce Railroad grade.

24. Add the word “**universally accessible**” to this sentence to be consistent with the GMP.

Visitor Access Objectives

25. Add: “**Provide accessibility to persons with disabilities**” to highlight that accessibility is a key issue.

Page 37.

All Action Alternatives considered were developed in accordance with the 2009 Final Draft Accessibility Guidelines for Outdoor Developed Areas published by the federal Access Board

26. As stated previously, it must be made clear in this EA that the final rule has not been issued as of this date, and the draft is subject to change. The final rule may contain guidelines that fundamentally change requirements and exceptions.

This statement is not true. All action alternatives were not developed in accordance with these guidelines, for the following reasons:

a) The guidelines apply to **trails and trailheads**. As stated in the Guidelines:

“Trails are defined in F106.5 as a pedestrian route developed primarily for outdoor recreational purposes. A pedestrian route developed primarily to connect elements, spaces, or facilities within a site is not a trail. “

“The NPRM discussed shared-use paths that are developed for use by pedestrians and other groups such as bicyclists. Shared use paths are also called “hiker-biker trails.” The NPRM indicated that the scoping and technical provisions for trails apply to shared-use paths. The Access Board has further considered this issue and plans to conduct a separate rulemaking in the future to address shared use paths because they are also used for transportation purposes and may be subject to higher design standards.”

b) The current, revised Purpose and Need states that this is a multiple use trail. Alternative 3, the Preferred Alternative, states multiple times that the proposal is for a shared use path, such as pages 70 and 71:

***SRRT Accessible** — these trails are open to hikers, stock, and bicycles and are designed to meet federal outdoor accessibility guidelines for shared use paths to provide access for people with disabilities....*

This new ONP trail standard would adopt guidance described in the proposed rulemaking for developing guidelines for federal shared use paths. These paths are designed for both transportation and recreation purposes and are used by pedestrians, bicyclists, skaters, equestrians, and other users.

- c) Sections of the various alternatives (such as trailheads or Segment A of Alternative 3) may have portions of the 2009 Guidelines applied to them, however, 0.6 miles of Alternative 3 and 2.8 miles of Alternative 2 are not accessible, and it has not been proven why any exceptions would apply (more on this later in these comments). The blanket statement of “All Action Alternatives considered were developed in accordance with the 2009 Final Draft Accessibility Guidelines for Outdoor Developed Areas...” can’t be truthful when the majority of Alternative 2 is not accessible, and Alternative 3, as stated, is a shared use path and adopts the guidance of the 2011 Advance Notice of Proposed Rulemaking for Shared Used Paths (ANPRM, page 71). Additionally, the Sold Duc section of Alternative 2 adopts the guidance of the 2011 ANPRM.

Exceptions List

27. The inclusion of the exception list here is misleading to the reader, since 1) as stated above, the 2009 Guidelines are not finalized and are subject to change, 2) the Guidelines only apply to Trails and Trailheads, and 3) Alternative 3, as stated in the EA, is a shared use path and adopts the guidance of the 2011 Advance Notice of Proposed Rulemaking for Shared Used Paths (page 71). The 2011 ANPRM contains no language for exceptions. There is no indication of what type of exceptions will be applied to shared use paths, after public comment is received and reviewed by the Access Board. It is a fatal assumption to think that the exemptions of the 2009 Draft Guidelines will even be similar.

Page 38.

Figure 1. Trail Profile

28. This figure needs to be corrected. In October 2010, Rich James and Dave Lasorsa of Clallam County Public Works, visited the Regional Archives, Pacific Alaska Region, Seattle (part of the National Archives and Records Administration). The purpose of this visit was to review historic documents relating to the construction of the Spruce Railroad #1 during the year 1918. We conducted a detailed study of the original field notebooks used by engineers during the construction of Spruce Railroad #1 in 1918. These showed the typical design elements relating to railroad construction: stations, depths of cuts/fills, calculations of areas and cubic yards for excavation and embankments, and culvert placement. These notebooks were compiled **as the work was being done**, and were more correctly termed as-built drawings. These calculations and drawings were critical for payment to the subcontractors. Dozens of cross sections and profiles were reviewed. **In all cases, theses showed**

the top of the roadbed (subgrade) to be at least 16 feet, and most often 18 feet. Even at difficult near-vertical rock faces such as the Lyre River Canyon, the width of this subgrade was at least 16 feet. Historic photos taken during construction reinforce this width.

The diagram needs to be labeled to show the 16'-18' roadbed width (currently labeled as "Approx. Typical Roadbed Section") as the **"Historic Roadbed Width 16'-18'"** placed under the cross-section with arrows. The current label of "historic width" needs to be re-named **"Historic Ballast Width,"** or more correctly **"Historic Ballast Width 12'-13'."** This is also in keeping with the established railroad terms and dimensions from "Notes on Track Construction and Maintenance," from Walter Camp, 1903.

Page 51.

Where necessary, the slope would be stabilized through the placement of Class 2, 3 and 4 rip rap against the vertical cut, raised to a height sufficient to support the entire exposed face and prevent continued migration of slide.

29. The use of rip-rap as an upslope retaining wall is questionable, and is not a component of the original earthwork for the Spruce Railroad. This description does not explain how rip-rap will be confined to the stated construction limits.

Page 54

Alternative 2 – Recreation Trail Emphasis

30. Why is this Alternative included? It does not meet the Purpose and Need, either the original proposed to the public on 7/20/2010, or the modified version contained in this EA:

The purpose of this project is to improve the historic Spruce Railroad grade within Olympic National Park, as a non-motorized, multiple purpose trail as identified in the GMP and LCMP. This includes the existing Spruce Railroad Trail.

31. The goal, stated in the GMP is that "a universally accessible frontcountry trail would be developed and maintained." This was clarified in the GMP to refer to the Spruce Railroad Trail. The trail is not accessible for Segments B, C, and D. The GMP did not say to develop only a portion of the Spruce Railroad Trail. The original Purpose and Need also stated:

"The purpose of this project is to provide a universally accessible, non-motorized, multiple-use trail within Olympic National Park extending from the Lyre River along the Lake Crescent to the western park boundary along the general route of the historic Spruce railroad Grade. This includes the existing Spruce Railroad Trail on the north shore of Lake Crescent."

It is disturbing that the words “...extending from the Lyre River along the Lake Crescent to the western park boundary along the general route of the historic Spruce railroad Grade” were omitted from the modified Purpose and Need. This appears to be an attempt by NPS to change the Purpose and Need to fit Alternatives 2 and 3, a violation of the CEQ laws governing NEPA (Section 1502.2). It also shows a lack of respect for the public and County, who were given the original Purpose and Need to comment on, and were given no notice that it had been changed before ONP completed their analysis and produced a Draft EA.

32. It has not been proven that this trail could not be made accessible. How can the EA claim that the “large volume of rocky debris in the west tunnel” precludes an accessible trail, when two other alternatives (including the Preferred Alternative) show the restoration of these tunnels is feasible? Likewise, to say that the “steepness of terrain from the east” (page 60) is a limiting factor is false, since County plans have shown this to be buildable, while still meeting resource protection.
33. Even if one accepts the argument that portions of the trail are technically infeasible to make accessible, and if one accepts that the 2009 Draft Guidelines apply, it has not been shown that the remaining inaccessible portions of the trail have complied “to the maximum extent possible”, as per 1017.1 of the Guidelines.
34. Equally false is to assume that this alternative meets the Purpose and Need of a providing for a “multiple purpose trail as identified in the LCMP.” Page 182 of the LCMP states that: “The National Park Service would be responsible for maintaining the multi-purpose Spruce Railroad Trail **and would follow WSDOT recommendations regarding trail construction.**” WSDOT standards follow AASHTO for shared use paths, the minimum width which is 10 feet, in low-volume use, 8 feet. The steep slope (approx. 18%) of Segment D would also discourage road bicyclists from using the trail, thus not meeting the objective of providing safe bicycle access through Lake Crescent.
35. **Since this alternative did not meet the Purpose and Need, it should have been “Considered but Dismissed” from further analysis in this EA.**

Page 55

Figure 2. Trail Profile

36. This figure needs to be corrected to show the same roadbed width and historic ballast widths as requested for Figure 1.

Page 60.

Table 2.3

37. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Page 62.

Tables 2.4, 2.5 and 2.6

38. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Page 69.

Table 2.8

39. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Page 70.

Alternative 3 – NPS Preferred Alternative

40. For the same reasons stated under Alternative 2, this alternative does not meet the Purpose and Need, either the original proposed to the public on 7/24/2010, or the modified version contained in this EA. As stated in the EA, the 18% slope of Segment D would make this section inaccessible. It would be discriminatory to people with disabilities to provide 2.8 miles of accessible trail from Camp David Jr. Rd. only to find that the final 0.6 miles would keep them from reaching their destination at the Lyre River Trailhead. The entire trail must be accessible to meet the Purpose and Need; the GMP did not say to develop only a portion of the Spruce Railroad Trail as universally accessible.

41. The reasons given on page 70 for not meeting accessibility for Segment D are stated:

...steepness of the terrain, the extent of disturbance to native soils and vegetation that would be required to achieve an accessible grade within current park boundaries, and due to the potential for construction related and operational impacts to adjacent private lands downslope of the trail.

This statement is not defensible for the following reasons:

- a) The steepness of terrain is not an adequate reason. The County has shown that an accessible grade of 8% max. (with rest areas) could easily be designed and constructed on this hillside, while still protecting park resources.
- b) Where has it been shown that the extent of disturbance to native soils and vegetation has eliminated this from consideration? The impact assessment of geology and soils on page 169 contains major impacts for Alternatives 3 and 4 (This is not reflective of revised Alternative 4):

Alternative 3 would result in adverse, local, long-term to permanent, moderate to major impacts associated with excavation, grading, placement of fill, and compaction of soils in both the Lake Crescent and Sol Duc areas.

Alternative 4 would result in adverse, local, long-term to permanent, major impacts associated with excavation, grading, placement of fill, and compaction of soils in both the Lake Crescent and Sol Duc areas.

Likewise, the impact assessment of vegetation on pages 177 and 178 contains major impacts for Alternatives 3 and 4 (Again, not reflective of revised Alternative 4):

Alternative 3 would result in adverse, site-specific and local, long-term to permanent, moderate to major impacts to vegetation

Alternative 4 would result in adverse, site-specific and local, long-term to permanent, major impacts to vegetation

- c) Why has the Park not considered purchasing right-of way from willing inholders to make this “extent of disturbance...within current park boundaries” less? As the County Alternative has shown, this accessible grade could easily be accomplished with acquiring right-of-way along the existing trail alignment (approx. 1500 sq. ft.). No issue has been identified in this EA that precludes the purchase of right-of-way. This is discussed further on pages 24-25 of these comments.
- d) *“Potential for construction related and operational impacts to adjacent private lands downslope of the trail.”* This seems like an ill-conceived excuse, and indicates that the Park would do nothing to reduce or eliminate impacts to these eight landowners. The trail follows an existing old logging road for almost the entire distance above these owners. Dust control, timing of truck haul, temporary stormwater control, and permanent drainage improvements are all standard construction practices to mitigate potential impacts to any adjacent landowner. In fact, the construction measures to protect water quality of the lake, and other park resources would certainly alleviate potential impacts to property owners. In the 142 comments received during initial public scoping of 2010, four were received from property owners of the lake; two of these supported the trail. One flip-chart note contained a concern that “the trail(head) does not impact private property.” Certainly none of these concerns would eliminate the consideration of constructing an accessible trail.

Page 71.

This new ONP trail standard would adopt guidance described in the proposed rulemaking for developing guidelines for federal shared use paths. These paths are designed for both transportation and recreation purposes and are used by pedestrians, bicyclists, skaters, equestrians, and other users. An advance notice of the proposed rulemaking was published in the Federal Register on March 28, 2011 (Access Board, 2011).

42. As stated earlier, this guidance is only an Advance Notice of Proposed Rulemaking (ANPRM), and is subject to major revisions after public comment is received. To adopt these as standards is premature. **There are no exceptions in the ANPRM language.** If the Park proposes to adopt this guidance then it stands to reason that it adopts the fact that no exceptions would apply in meeting accessibility for Segment D. In fact the Department of Justice, in issuing the 2010 ADA Standards for Accessibility, uses the test of “structural impracticability” in determining exceptions to standards (28 CFR 35.151(a) (2)):

“Full compliance will be considered structurally impractical only in those rare circumstances when the unique characteristics of terrain prevent the incorporation of accessibility features.”

In its adoption of the ADAAG standards (49 CFR Part 37, page 63264) the FHWA provided the following guidance on structural impracticability:

“We would note that the “structural impracticability” exception should not be applied to a situation in which a facility is located in “hilly” terrain or on a plot of land on which there are steep grades. In such circumstances, accessibility can be achieved without destroying the physical integrity of the structure, and is required in the construction of new facilities.”

It should be noted that the Department of Justice has given the FHWA the responsibility for implementation of access requirements from the ADA and Section 504 on all Federal State and local agencies that build and maintain highways and roadways, regardless of funding source.

43. The ANPRM is considering proposing a 5’ minimum width, only in the “**rare circumstances** where the AASHTO Bicycle Facilities Guide is not applied.” This guide recommends the paved width for a shared use path to be 10 feet minimum. The ANPRM goes on to state “in very rare circumstances a reduced width of 8 feet may be used.” There has been no case made in this EA for meeting the “rare circumstances” where AASHTO is not applied, let alone the “very rare circumstances” where reduced width of 8 feet may be used. Simply stating “extent of impacts” is no justification, since again, **those justifications have not been established by the ANPRM** (see more below).
44. If there is any question as to the intent of applying the 2011 ANPRM to projects, the following was received from Access Board member Peggy Greenwell, in an e-mail to Dave Lasorsa on 7/25/2011:

“We (the Access Board) and AASHTO have a long history of working together in providing guidance on making shared use paths accessible for persons with disabilities. Previously, AASHTO’s (with our concurrence) guidance on accessibility for shared use paths was more consistent with our draft provisions for trails. Over time, the Board recognized that while shared use paths are a “type” of trail, they are very different from park trails both in their function and use. This led the Board to develop specific accessibility guidelines for shared use paths. We recognized that where the AASHTO guidelines are used, SUP’s must be 10’ wide or 8’ in some cases. In some cases, however, a SUP may be designed without using the AASHTO guidelines since these

guidelines are not required and/or mandatory in all locations. Since our authority and mandate is limited to developing minimum accessibility guidelines and not provisions for bike paths, we must focus our attention on the “minimum” criteria to serve persons with disabilities. This is why we established a 5’, recognizing that if you are following AASHTO you would (and should!) far exceed this minimum. This issue has generated a fair amount of comment, with many commenters favoring a 10’ minimum. Our next step is a notice of proposed rulemaking where will refine the draft guidelines for additional public comment. That said, we have a few more years before this will be final on our end. **Following AASTHO guidance and exceeding our minimums is recommended.** Let me know if you need further assistance. Thanks, Peggy Greenwell”

45. The Preferred Alternative 3 does not follow the National Park Service **Director’s Order 42**, regarding accessibility. Among the goals of this Order:

“The procedures in this Director's Order give detailed guidance based on the minimum requirements set forth in laws, rules, and regulations. However, one fundamental principle of this Director's Order is that the NPS will seek to provide the highest level of accessibility that is reasonable, and not simply provide the minimum level that is required by law. Consequently, managers are encouraged to exceed the requirements for visitor accessibility through innovative techniques and partnerships whenever possible and reasonable.”

For any shared used path in the park, this would be an admirable goal to achieve. However for a pathway that has been specifically designated to be Universally Accessible, the Preferred Alternative 3 does not even meet the minimum standards as far as grade, and falls far below the recommended minimum standards for widths, when bicycles are included. ONP has not provided reasons why the recommended AASHTO width of 8 feet should not be applied to this alternative, and why the grade of Segment D can not be built to accessible standards.

46. The proposed width of 6’ paved and 18% grade is not safe for road bicyclists, especially those seeking an alternative to Highway 101 around Lake Crescent. What study was used to determine this width and grade? It does not meet any recognized standard for road bicycle use. The most accepted standard for bicyclists and shared use paths is the 1999 AASHTO Guide for the Development of Bicycle Facilities (currently under revision). It requires a width of 10 feet (8 feet in rare instances) and a grade not to exceed 5% (this may only be exceeded for short distances, with rest stops). These have been developed over years of research and public input; and is what have been determined for bicyclists to be **safe and enjoyable**. This is discussed more under the comments for Impact Assessments.

Page 75.

Tables 2.9, 2.10 and 2.11

47. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Page 76.

Figure 10. Trail Profile

48. This figure needs to be corrected to show the same roadbed width and historic ballast widths as requested for Figure 1.

Page 80

This shoulder may be narrowed in some area top avoid impacts to large tree or avoid other resource impacts.

49. This is a vague statement. How much narrower and to what length? Would doing so make the trail unusable to equestrian users?
50. No mention is made of how **wetlands** would be crossed or avoided. This is a major component of the EA, an Impact Topic and Executive Order, yet completely ignored here. Where are the details for a boardwalk or an alternative route that would avoid wetlands, as later stated on page 118?
51. **In conclusion, Alternative 3 does not meet the Purpose and Need. It must be brought up to accessible standards for the entire length, and adopt AASHTO Bicycle Guide width standards for the entire length.**

Page 81.

Table 2.14

52. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Pages 84-86.

Tables 2.15, 2.16, 2.17 and 2.18

53. The quantities of excavation/fill and trees removed are incorrect, and have been revised in the information provided with the County revised alternative proposal.

Page 88.

Alternative 4 – Clallam County Proposal

54. The alternative described in this EA is outdated and incorrect. It must be replaced with the revised County proposal. This proposal was submitted to ONP on September 9, 2011, in response to a request for comments from ONP on the Administrative Review EA. It was also proposed for submittal during the public scoping meeting of September 21, 2011. Olympic National Park staff have refused to consider this revised proposal in contradiction to the following laws and NPS directives:

a) 40 CFR 1506.6 Public involvement. Agencies shall:

(a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.

b) Director's Order 12, Section 5.5 Environmental Assessments – Public Involvement

“Regardless of the specific requirements described in this section, NPS should always make a “diligent” effort to involve the interested and affected public (1506.6 (a)) on a proposal for which an EA is prepared. This is a requirement of NEPA, and in the NPS, it means public scoping sessions, public review of EAs, responses to comments, and other measures normally reserved for EISs if the issuing office believes such measures are needed to comply with the diligence standard.”

D. Response to Comments. If major substantive issues not covered adequately in the EA are raised, or new alternatives the park wishes to consider are suggested, the EA must be rewritten to incorporate them and reissued for a second 30-day review upon completion.

c) Olympic National Park Guide to Providing Public Comments. Distributed along with official comments form at the Sept 21, 2011 scoping meeting.

Environmental Assessments and Environmental Impact Statements. Ideally, comments on an environmental assessment (EA) or environmental impact statement (EIS) assess the adequacy of the document in disclosing and evaluating a project's effect on the environment. These comments are most useful if they are as specific as possible and do the following:

- Offer a reasonable, new plan element or completely new alternative that could help accomplish the stated goals.
- Identify incomplete or incorrect information

55. Clallam County is trying to show good faith in attempting to reduce impacts, and incorporate the best features from the CBA (Choosing by Advantages) process. It has revised the estimates of excavation, fill and tree removal of Alternative 4 and points out factual errors of these impacts in Alternatives 2 and 3. By not accepting these changes, ONP is putting out inaccurate information to the public and the Responsible Official. ONP's refusal to accept this new information is a contradiction to its own Director's Order 12.

56. The County was not allowed to participate in any of the NEPA planning process such as issue formulation or alternative development (except submitting its own alternative). We have attempted multiple times to have discussions with ONP staff on such issues as accessibility, and have been

accused of trying to derail the NEPA process. Consequently the only avenue open for the County to have a say in this process is through the scoping periods.

57. ONP staff have stated, multiple times, the phase from the CEQ 1500: “NEPA's purpose is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” If this is true, then why is ONP prohibiting a good decision from being made?
58. Additional, new information brought out in the revised alternative is the concept of the **Brakeman’s Walking Path**. This is new cultural information, brought out in meetings and conversations with Russell Holter of the WA Department of Archaeology and Historic Preservation (DAHP). Mr. Holter is a Historic Preservationist working with the State Historic Preservation Officer at the DAHP. He served as a conductor of the Tacoma Eastern Railway and is the co-author of “Rails to Paradise” an historic account of the Tacoma Eastern Railway from 1890-1919. He is generally considered an authority on historic railroads of Washington State. From his 7/21/2001 e-mail to Dave Lasorsa:
- “The brakeman’s walking path that you eluded to varied widely but there was a formula for determining the appropriate width based upon the civil engineering standard that the railroad wanted to achieve while the tracks were under construction. For instance, if the railroad was attempting to achieve an average track speed of 10 miles per hour, then no walking path down either side of the ties was required at all meet this standard. However, if the railroad was attempting to achieve an average track speed of 25 miles an hour, the rail line had to be constructed with a walking path that extended out from the end of the tie a specific distance. This distance increases with increase in desired speed rating the railroad wanted to achieve. Failure to maintain that walk path meant that the railroad would have to run trains at slower speeds because track inspectors would consider that a deficiency. Therefore maintaining the track profile was critically important to the railroad and is still critically important for the County in maintaining the aspect of historic integrity called “feeling.””
59. The County’s revised alternative is a finished raised bed with an 8 foot pavement width for use by wheeled appliances (wheelchairs, road bicyclists, rollerblades, etc), closely resembling the 8’-8.5’ raised bed used by the wheeled locomotives of SPD#1. The 3.5’ width of native subgrade would be designated for equestrian and hiker use, resembling the brakeman’s walking path of SPD#1. There would be a 4”- 6” separation of grade between the two, closely resembling the 6” - 8” of lift provided by the original ballast. Interpretive signing utilizing historic Ashahel Curtis photos could be placed in the exact location the photos were taken, explaining the typical railroad construction techniques. See photos on the following page.
60. There are many other features of this revised alternative, including trailhead and cultural elements, which must be considered if ONP is to follow the laws and NPS policies stated in the Introduction Chapter of this EA. **Failure to do so shows a bias in decision-making and a lack of serious consideration to the scoping process.**

Comparison of Completed Phase 1 and 1918 Ashahel Curtis Photo of SPD#1. The revised County Alternative 4 will elevate the paved portion to more closely resemble the elevated portion of track and ballast. The equestrian/hiking path will be a rehabilitation of the Brakeman's Path.



Alternatives Considered but Dismissed

61. There is no justifiable reason why the “Standard AASHTO” alternative was dismissed. As stated in the 2011 ANPRM “AASHTO is considered a leading source of information related to the design and construction of pedestrian and bicycle facilities.” The AASHTO standard of 10 feet is recommended as the minimum width for bicycle paths and shared use paths. This alternative meets the Purpose and Need and needs to be included in the EA analysis for the following reasons:

- a) If the “extent of disturbance to natural resources” was a concern, why was no attempt made to modify the alternative? The stated outside shoulder of 2’ could have reduced to 0.5’ and the 4’ wide upslope shoulder could have been reduced to 3.5.’ This would have still kept the surface within the disturbed, historic width of the roadbed.
- b) ONP submitted a Determination of No Adverse Effect to DAHP on June 1, 2007 and the DAHP concurred with this determination on June 14, 2007. DAHP asked that a Programmatic Agreement be completed.

The 2008 *Programmatic Agreement to Preserve the Historic Remains of the Spruce Railroad* was done for all phases of the undertaking for rehabilitation and maintenance of the Spruce RR #1. It included Phase 1 within Olympic National Park and elements of Phase 2 such as log cribbing and tunnel restoration. It was signed by Olympic National Park, Olympic National Forest, Clallam County and the Department of Archaeology and Historic Preservation. The Agreement called for clearing out to a width of **16 feet, a 10’ wide paved surface, and a 4’ wide equestrian trail.**

If all parties were in agreement that a 16’ clearing, including 10’ paved and 4’ equestrian path was acceptable, and would had No Adverse Effect, why are these standards suddenly “unacceptable” for cultural resources?

- c) *Additionally, construction on private lands in the Lyre River area would be required to achieve a universally accessible grade upslope of the existing Spruce Railroad Trailhead parking lot. The NPS stated during public scoping that this planning process only applies to lands within Olympic National Park, and that no expansion would be proposed on private lands by Olympic National Park.*

Approximately 1,530 sq. ft. of right-of way would be needed from one inholder to achieve a grade meeting accessibility requirements, for the County Alternative 4 and for the dismissed “Standard AASHTO” alternative. The following are concerns that need to be answered by this EA:

- Where is the documentation for this statement? In the 142 comments received during the public scoping of July-August 2010, not one comment was directed at not acquiring right of way or even outright purchase of lands from willing inholders. Of all the “flip chart” notes

from the 7/20/2010 public meeting, nothing was mentioned regarding a concern on acquiring these lands.

- There was nothing in the NPS/County agreement which prohibited acquiring right-of-way from willing inholders within Park boundaries.
- Nothing was identified in the Goals, Objectives or Impact topics of this EA which prohibited acquiring right-of-way from willing inholders. The objective (page 22) “Provide for the continued use of private property within the Lake Crescent watershed...” certainly does not eliminate consideration of inholder purchases. In fact, this statement is a copy of Management Objective 9 from the LCMP (page 10). However, Management Objective 10 from the same LCMP states:

Continue to purchase private property in the Lake Crescent Area under an opportunity purchase situation when a willing seller is present.

If the modified Purpose and Need is “...*to improve the historic Spruce Railroad grade within Olympic National Park, as a non-motorized, multiple purpose trail as identified in the GMP and LCMP*” then the NPS statement of not acquiring private property for an alternative is not in agreement with this, since it is not following the objective of the LCMP. Additionally, land acquisition is guided by the park’s land protection plan (1984), which establishes methods for acquisition and priorities (LCMP, page 24). The NPS statement of not acquiring private property runs counter to the plan. While there are policies and Congressional approval required for expanding external boundaries, such is not the case here.

- In a phone conversation with Rick Wagner of the NPS –Pacific West Regional Office, Lands Resources on 8/12/11, he informed Clallam County **that no one from ONP had even contacted his office on this project.** Mr. Wagner is the leading lands expert for ONP, and has overseen dozens of land acquisitions from inholders around Lake Crescent, including two purchases recently made for Phase 1. Why was no attempt even made to solicit his advice?
- Nothing in the GMP or NPS Management Policies prohibits the acquisition of right-of-way within park boundaries from willing inholders. The NPS Management Policy on Land Protection states:

“When nonfederal lands exist within park boundaries, acquisition of those lands and/or interests in those lands may be the best way to protect and manage natural and cultural resources or provide for visitor enjoyment. When acquisition is necessary and appropriate, the Park Service will acquire those lands and/or interests as promptly as possible, consistent with departmental land transaction and appraisal policies.”

- Phase 1 involved the acquisition of portion of two inholders. Why the change in policy for Phase 2?

In summary, the statement by ONP that no lands would be acquired for this process is: 1) Not supported by any documented public concern, 2) Not a part of the NPS/County Agreement, 3) Not supported by the LCMP, GMP or NPS Management Policies and 4) Not consistent with past land acquisitions done for Phase 1. How can a statement that was never identified as an issue and never brought out by public scoping suddenly be elevated to the importance of eliminating an alternative? This would fundamentally change the EA, especially if such an opinion by ONP was part of a reason for analyzing the County Alternative - yet there is no mention in the document up to this point? This would be considered a “fatal flaw” in the EA, and would require a re-write of the document and additional public scoping.

The “Standard AASHTO Alternative” (Alternative 5) needs to be fully included in the range of alternatives for this EA. Any consideration of the acquisition of private inholdings as a factor in eliminating an alternative, or analyzing an alternative, needs to be either a) re-stated as an issue, analyzed fully in the document, and re-opened for public scoping, or b) dropped from consideration completely.

Pages 110-122.

62. This analysis has failed to consider the revised Alternative 4. In particular, the reduced quantities of excavation and fill, reduced tree removal, the treatment of the Lyre River Trailhead, treatment of ditches, log cribbing, and retaining walls. It also does not consider the revised information on Alternatives 2 and 3 provided by Clallam County.

Page 112.

63. Only 3.3 miles of Universally Accessible Trail would be provided on the SRRT, not 3.8. Additionally, it must be stated that this alternative would not provide a continuous accessible route.

Page 118.

Wetlands

64. Why are measures to avoid wetlands discussed here, but not included in the construction details for Alternatives 2 or 3?

Page 120.

Visitor Use and Experience

65. It must be stated that Alternatives 2 and 3 would not provide a continuous accessible route.

SRRT User Groups

66. Include wheelchair users for Alternative 4.

Page 121.

Scenery and Visual Resources

“...long term visual impacts from increased visibility of bank stabilization in Segment A and B of SRRT and removal of a wide corridor of vegetation to construct accessible trail grade on segment D-ADA.”

67. Has a Viewscape Analysis or similar landscape analysis been done to justify this statement? This EA is making an assumption that the construction of this segment would be a visual impact, yet has no data to prove so. The current alignment and a majority of the County’s proposed alignment for Segment D follows an existing old road above the lake. The grading and tree removal needed to make this trail accessible would not be visible to either users of the lake or travelers along Hwy 101 – the two views identified under “Visitor Experience Objectives” (pages 22 and 37). As an example, Camp David Jr. Road is a much wider clearing than that proposed for this segment, yet this is not visible from either of these user groups, with the exception of the road portions directly adjacent to the lake edge. Recently completed Phase 1 is not visible from either vantage point.

Park Operations and Safety

68. Why is there no mention of **Visitor Safety** – specifically bicyclist safety on Hwy 101? It is one of the main reasons for doing this project. This is a Visitor Access Objective (pages 22 and 36) and a main concern received from the public during scoping of July-August 2010 – fully 86 out of the 143 comments received during the scoping period of July-August 2010 voiced concerns about bicyclist safety and the need to get cyclists off Hwy 101. Despite this overwhelming concern, it has been completely ignored as an impact topic. How can the potential for visitor deaths along Hwy 101 not be considered an impact? The decision made in this EA will have a direct impact on continued unsafe bicycle use on Highway 101. This EA needs to evaluate how each alternative will reduce the conflict between motorized and non-motorized users, and provide for safe pedestrian and bicycle access through Lake Crescent. Not evaluating this issue creates a fatal flaw in the EA.

Chapter 3: Affected Environment

Page 132.

Forest Stand Disturbances

69. No mention is made that the SW and SE ¼ of Section 14, T30N, R9W was logged during the 1950's. This includes all of Segment D. Aerial photos from 1957 clearly show the extent of logging, with a landing location and logging roads upslope from the homestead. A freshly cut road leading to a recently cleared area is also evident upslope from the furthest east private property along the Spruce Railroad grade. This appears to have been logged just prior to the photo year. Sometime between 1965 and 1971, a substantial road was constructed from the homestead site and leading east, above the private properties in this area. The reason for this road is unknown, however it extended approximately 2,900 feet and had clearing limits of 40' to 50'. The current Spruce Railroad Trail utilizes all but the easternmost 450' of this road and a small segment above the homestead. From the point where the trail leaves the eastern portion of the road to where it rejoins the Spruce Railroad grade is approximately 750'.

1971 Photo, showing recently constructed road. The County Alternative 4 largely follows this road for Segment D. Areas logged in the 1950's are evident.



70. It is important to describe these road features, since the majority of Segment D of the County alternative utilizes these old grades. The surrounding trees of this segment are approximately 60 years old, assuming they were harvested in the early-mid 1950's. Trees within the old road segment are younger. Assuming these were cleared between 1966 and 1971, they would be between 40 and 45 years old.
71. The Biological Assessment completed by Olympic National Park in 2004 included an assessment of marbled murrelet habitat along the entire Spruce Railroad grade within the park. This identified this same area of Segment D as "Non-Suitable Nesting Habitat." The line of distinction between suitable and non-suitable habitat was exactly along the boundaries of the past logging described above.
72. The EA must clearly describe this area's (Segment D) past vegetation and past soils disturbance, since it discusses the impacts to these elements in a number of sections but does not differentiate between previously disturbed and undisturbed ground. As stated in the introduction to this Chapter (pg. 123): *"The purpose of this chapter is to describe park resources within and adjacent to the Spruce Railroad Trail (SRRT) Lake Crescent and Sol Duc project areas that would be affected by the alternatives described in Chapter 2. This provides a baseline for evaluating environment consequences in Chapter 4."*

Page 133.

Wetlands

73. Wetlands within the proposed alternatives needed to be delineated before this draft EA was released. To assess potential impacts to these wetlands, and to comply with Executive Order 11990 is impossible without knowing the extent.

Page 138-139.

Marbled Murrelet

74. Why is no more detail given about marble murrelet habitat? The Biological Assessment completed by Olympic National Park in 2004 included an assessment of marbled murrelet habitat along the entire Spruce Railroad grade within the park. This identified the area of Segment D as "Non-Suitable Nesting Habitat." The EA discusses park-wide surveys for murrelets and discusses spotted owl data specific to Lake Crescent. **It would be inconsistent and biased to neglect this important site-specific habitat data for the murrelets.**

Page 148.

The U.S. Army Spruce Production Division Railroad #1

The shoreline of Lake Crescent required stone revetments and timber half-bridges (cribbing) to support the rail bed on the steep bank. The national register nomination states that the "most important segment

of the grade” in terms of engineering and features includes these revetments, the two tunnels, and two very large wooden drainage culverts (Tonsfeldt 2009:14,16).

75. This is somewhat of a misquote. The correct citation should be Ward Tonsfeldt’s National Register of Historic Places Registration Form (2005), which dealt with all segments of the grade, and served as the basis for the eligibility for nomination to the National Register. The 2009 document dealt with field reconnaissance of Segments 9 and 10 (Phase 1). Phase 2 includes Segment 8, the portion that was found to be eligible under the 2005 form. Under page 14 of that nomination form the following description is given under “Features and Artifacts”:

“Features include rock revetments below the grade, tunnel 1, and tunnel 2. Artifacts include rail and track hardware. Contributing segment.”

76. Log cribbing is never listed in the 2005 document as one of the 10 elements of the Spruce Production Division Railroad No.1 (page 2-10). In fact, log cribbing is never mentioned in the entire form. Dry-laid fieldstone walls, however, are listed on page 3:

“When the grade was built on a side-hill, the lower side could require support in the form of stone retaining walls or revetments. Dry-laid fieldstone walls support the grade on the north side of Lake Crescent. These are a prominent feature of the railroad, especially when viewed from the Lake.”

77. A discussion of bridges is on pages 3 and 4 of the Tonsfeldt report, but does not include log cribbing. **The EA needs to be corrected to state what the nomination form actually states, since this was the basis for the determination of eligibility.**

Page 149.

78. These are generalized statements, taken from Ward Tonsfeldt’s 2009 document. To be accurate for this EA, the 10 contributing elements that were used in the 2005 nomination of Spruce Production Division Railroad No. 1 (pages 2-10) should be stated instead.

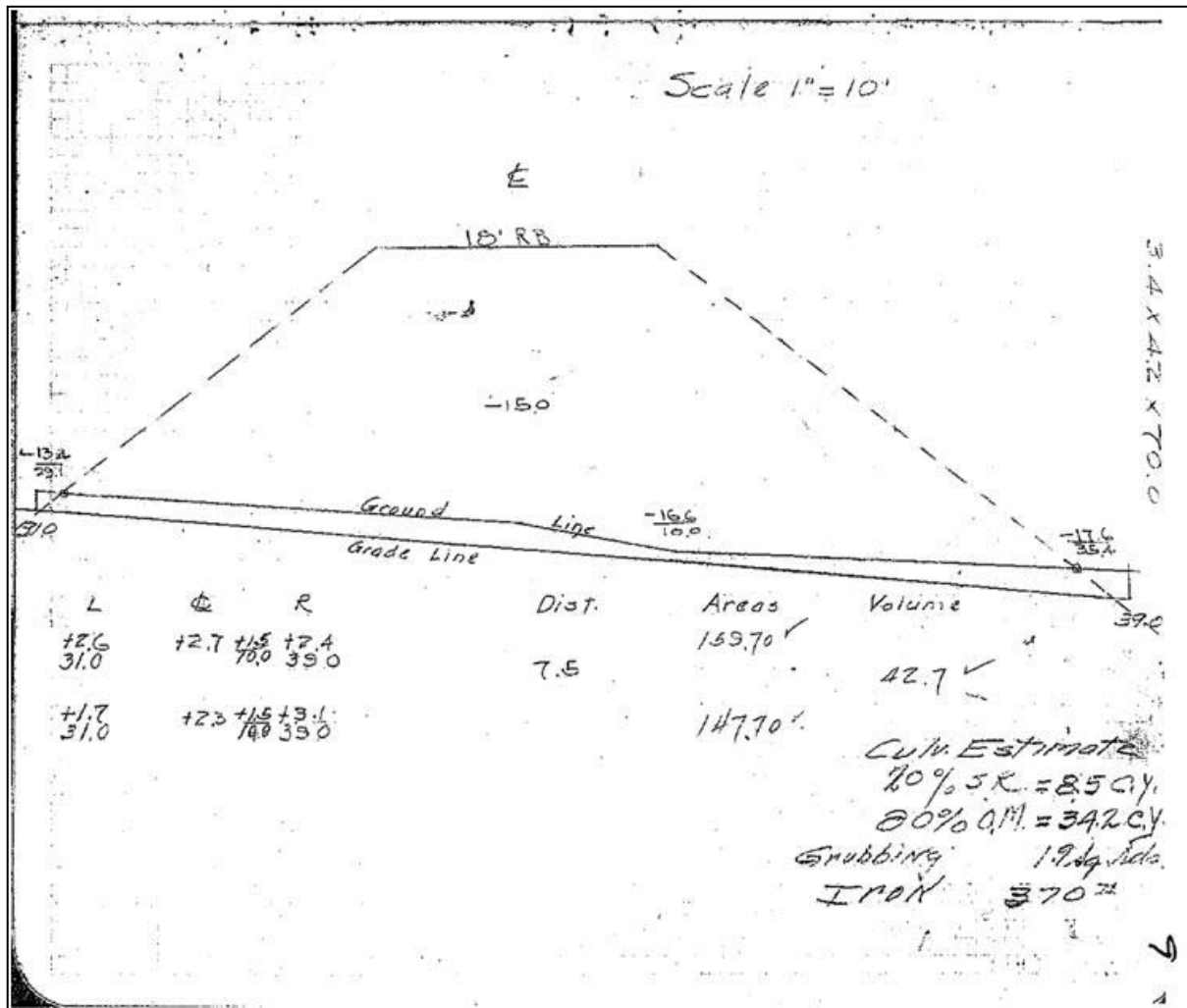
Pages 152-153.

Historic Width Issues

79. Why is no mention given of the review of historic field notebooks undertaken by Rich James and Dave Lasorsa of Clallam County Public Works? This was done during a visit to the Regional Archives, Pacific Alaska Region, Seattle (part of the National Archives and Records Administration) in October, 2010. The purpose of this visit was to review historic documents relating to the construction of the Spruce Railroad #1 during the year 1918. We conducted a detailed study of the original field notebooks used by engineers during the construction of Spruce Railroad #1 in 1918. These showed the typical design elements relating to railroad construction: stations, depths of cuts/fills, calculations of areas and cubic yards for excavation and embankments, and culvert

placement. These notebooks were compiled **as the work was being done**, and were more correctly termed as-built drawings. These calculations and drawings were critical for payment to the subcontractors. Dozens of cross sections and profiles were reviewed. **In all cases, theses showed the top of the roadbed (subgrade) to be at least 16 feet, and most often 18 feet.** Even at difficult near-vertical rock faces such as the Lyre River Canyon, the width of this subgrade was at least 16 feet. Historic photos taken during construction reinforce this width.

Survey Notebook Page of Spruce Railroad #1, 1918¹. The “18’ R.B.” refers to the 18-foot width of the top of the subgrade. Railroad ties were laid directly on this subgrade.



80. If the EA references several sections from the Tonsfeldt 2009 (November) reconnaissance report, why is no mention made of the width issues brought out in this report? These are found on pages 11 and 12:

“In February of 2005, the Section 106 Determination of Eligibility found that the best-preserved portions of the grade averaged 12’ at the crown or top surface, consistent with an 8’ to 8 ½’

¹ From “Field Notebook of Surveys 1917-1923 Spruce Production Corporation,” Regional Archives, Pacific Alaska Region, Sea.

width of track plus 2' of ballast on each side. The Washington SHPO reviewed and concurred with the DOE in March, 2006.”

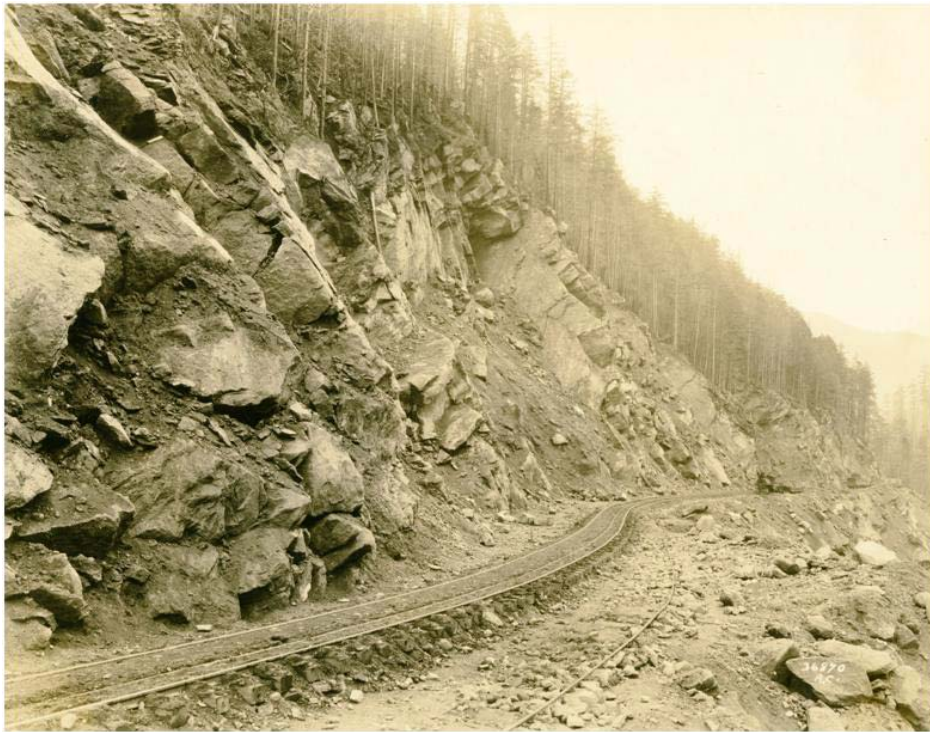
“The agreed-upon target width of 8’ for the asphalt and 4’ for the equestrian path would satisfy any interpretation of the Secretary of the Interior’s standards for maintaining historic character, at least as far as width.”

81. Why is no mention given to the Programmatic Agreement of 2008? This was stated earlier in these comments, and is restated in Tonsfeldt’s 2009 report (Page 17):

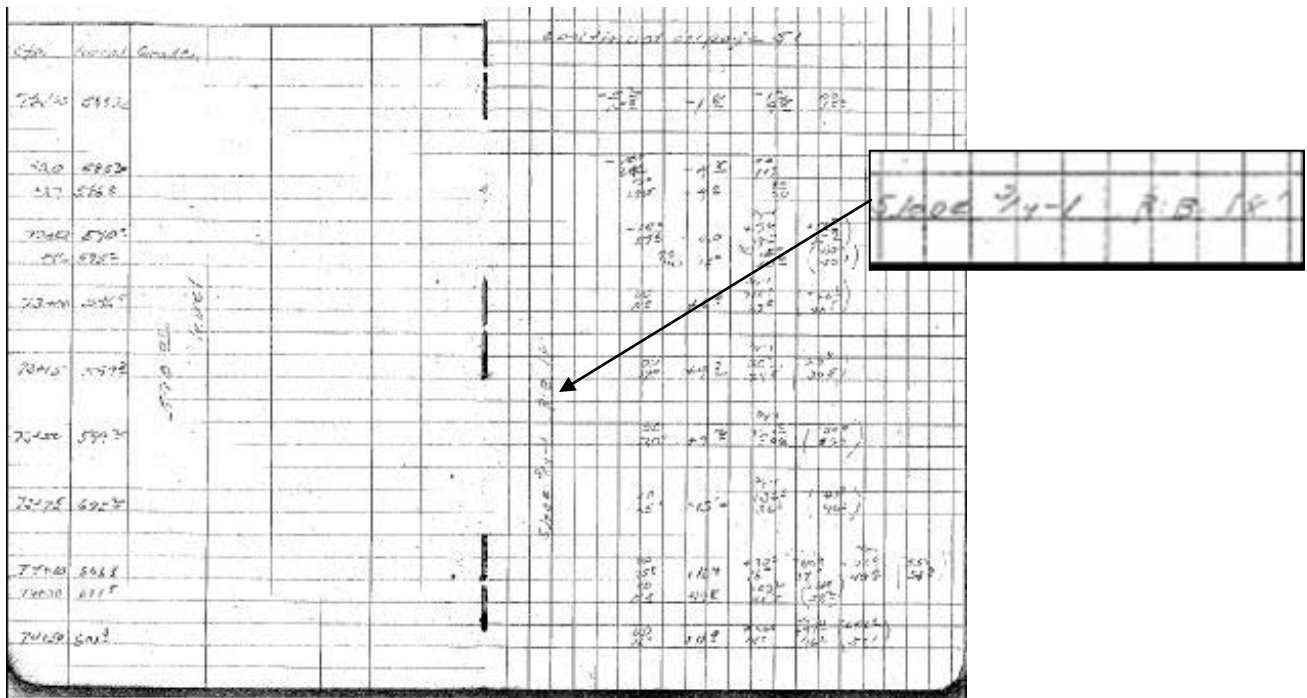
“The basic strategy for the Spruce Railroad 1 project is articulated in a programmatic memorandum of agreement (PMOA) between the National Park Service, the USDA Forest Service, Clallam County, and the Washington SHPO to adapt and “preserve the historic remains of the Spruce Railroad.” The PMOA addresses the general issue of construction sequence, and specific issues of finished grade dimensions, replacement materials, culverts, erosion on cuts and fills, tunnels, cribbing, and long-term maintenance requirements. As written, the PMOA called for a width of 16’ at the surface of the trail, which was based on dimensions taken during the field survey in 2004. Subsequent to the PMOA, the parties agreed that the finished surface width or crown of the grade should be narrower to more closely approximate the width of the railroad. The final dimension would average 12’, including an asphalt bicycle trail and an equestrian path. On either side of the crown (trail surface width), there would be a 1’ to 2’ transition zone to the slope of the cut or fill (see figure 1). This formula would most closely approximate the original top of the grade.”

82. These discussions of grade dimensions are critically important if one is to establish a “baseline for evaluating environment consequences as stated on page 123 of the EA. Without an understanding of the original width and dimensions of the grade, any analysis of impacts to this cultural resource is meaningless.

Construction of SPD#1 in the Lyre River Canyon. In the near-vertical cliffs of the canyon, the subgrade was built to at least 16' width, and most often 18' width. From Ashahel Curtis collection.



Survey Notebook Page of Spruce Railroad #1, 1918.² Taken in Lyre River Canyon, showing slopes of “3/4- 1 R.B. 18’ ” Even at slopes less than 1:1, an 18-foot roadbed width was maintained.



² From “Field Notebook of Surveys 1917-1923 Spruce Production Corporation,” Regional Archives, Pacific Alaska Region, Sea.

Survey Notebook Page of Spruce Railroad #1, 1918³. Taken east of Mt. Muller Summit, roadbed width of "R.B. 18' - 1:1" Even at slopes of 1:1, an 18-foot roadbed width was maintained.

Aug. 7-18									
X-Sections									
Sta.	Elev	Grade	L	C	R	Areas	+	cu. yds	
131+50	605.40	-11 605.45	+0.4 9.4	+0.7	0.0 9.0	7.56	✓	12.8	
132	605.5	82 604.70	+0.5 9.5	+0.7	+0.1 9.1	9.21	✓	7.5	
+27		.53 80.25	+0.8	+0.8	+0.5 9.5	5.81	0.00	4.0	0.7
+50	604.5	604.47	-0.03 8.6	0.0	+0.7 9.7	3.60	1.60	4.5	0.7
+75		80.25	+0.4	+0.4	+0.5 9.5	6.25	0.00	11.9	
133+00	605.9	24 604.18	+0.3 9.3	+1.7	0.0 9.5	19.58	✓	23.9	
+50		603.93	+0.7 9.7	+0.5	+0.8 9.8	11.63	✓	18.4	
134+00		603.66	+0.7 9.7	+0.7	+0.7 9.7	8.24	✓	21.5	
+50		603.37	+0.2 9.2	+1.0	+1.0 10.0	15.00	✓	19.0	
135+00		603.08	+0.1 9.1	+0.3	+0.5 9.5	5.49	✓	14.1	(17.1)
135+50		602.79	0.0 9.0	+0.5	+1.1 10.1	9.73	0.0	4.5	0.4
+75		80.25	0.0	0.0	0.0 9.0	0.0	8.20	3.7	
136+00		602.5	-0.4 8.6	-0.3	-0.5 9.5	6.25	✓	17.1	
								13.1	

Page 160.

Park Operations and Safety

83. No mention is made of the current use of Highway 101 by cyclists and the safety (or non-safe) aspects of this use. One of the main objectives of this EA (pages 22 and 36) is to *"Provide safe pedestrian and bicycle access through the Lake Crescent area for visitors and the traveling public and reduce conflicts between non-motorized and motorized uses."* How can an analysis be made on meeting this objective without a discussion of the current conditions? This is required, in order to *provide a baseline for evaluating environment consequences in Chapter 4*" as stated on page 123 of this EA. **The safety of visitors traveling though the Lake Crescent area** must be addressed in the same manner that this baseline information is given for other resources (soundscapes, cultural resources, rare and sensitive plants, etc.) described in this chapter. Failure to do so creates an inaccurate and incomplete analysis in Chapter 4.

³ From "Field Notebook of Surveys 1917-1923 Spruce Production Corporation," Regional Archives, Pacific Alaska Region, Sea.

Chapter 4: Environmental Consequences

84. This entire chapter is erroneous since it is based on incorrect and outdated data from the County's Alternative and incorrect information contained in the NPS preferred alternative. This proposal and corrected data was submitted to ONP on September 9, 2011, in response to a request for comments from ONP on the Administrative Review EA. It was also proposed for submittal during the public scoping meeting of September 21, 2011. Olympic National Park staff have refused to consider this revised proposal and corrected data in contradiction to NEPA laws and NPS directives. Most of the comments listed here do not reflect that corrected information.

Page 164.

Olympic National Park, Park Plans and Actions - Olympic National Park Final General Management Plan (GMP) and Environmental Impact Statement (2008)

This EA guides implementation of the portions of the GMP that address the Spruce Railroad...A universally accessible frontcountry trail would be developed and maintained" (NPS 2008: Map 16)

85. Again, no mention is made that this statement specifically refers to the Spruce RR Trail (Chapter 15, page 15). This sentence needs to be amended with the following: **"This (statement) refers to the Spruce Railroad Trail, which will be extended west as part of planned improvements by Clallam County to make this trail part of the Olympic Discovery Trail. When complete, the Olympic Discovery Trail will lead from Port Townsend to Port Angeles and then west to the Pacific Coast."** This is the portion of the GMP that specifically addresses the Spruce Railroad. How can it be left out?

Page 166.

Table 4.1: Total Construction Related Impacts

86. The information in this table is incorrect, and has been revised in the information provided with the County revised alternative proposal.

Page 167.

Geologic Features and Soils

Table 4.2: Geologic Features and Soils Impact and Intensity

87. The criteria used to determine the Impact and Intensity are **highly subjective, not supported by scientific data and not supported by measurable thresholds**. For example what is the measurable difference between a "*noticeable change*" under Moderate Impacts and a "*highly noticeable change*" under Major Impacts? What determines if a mitigation measure would "*likely be successful*" under Moderate impacts while "*not guaranteed*" under Major impacts? With no real data to support these impacts, the comparison is meaningless.

Page 169.

88. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal. Under the corrected data supplied by the County, the construction related impacts to Geologic and Soils Resources are as follows:

	County Revised Alt. 4	NPS Preferred Alt. 3	Difference
Acres Disturbed	12.1	11.3	0.8
Tree Take	354	335	19
Excavation (cu. yds.)	19,838	15,155	4,683
Fill (cu. yds.)	8,369	9,288	(-)919
Paved Areas (acres)	6.4	5.4	1.0

89. **These revised quantities do not justify a description of “Moderate to Major Impacts” for Alternative 3 versus “Major Impacts” for Alternative 4.** Even if, as the EA claims, this impact is largely in Segment D, the EA fails to disclose that a large portion of the impacts for this segment will be within the cut and fill of a previously disturbed roadbed.
90. A reconciliation also needs to be made with the 2008 GMP. The GMP utilizes very similar impact intensity descriptions for soils, and proposes the development of the Spruce Railroad Trail as a universally accessible trail under the preferred Alternative D. The GMP states (page 421): “Implementing alternative D would result in long-term minor to moderate adverse impacts and long term negligible to minor beneficial impacts on the park’s soils...Because there would be no major adverse effect on a key resource of the park, there would be no impairment.” While it is understood that the GMP encompasses the entire park, the thresholds (page 279) also consider the local level.

Pages 170 -173.

Hydrology and Water Quality

91. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

Table 4.3: Hydrology and Water Quality Impact and Intensity

92. No measurable thresholds are given. Water quality standards (i.e. pH, turbidity, temperature etc.) are fairly straightforward to measure, however, with no baseline stated, or what exceedance constitutes a “*change that would be measurable and of consequence*” (for “Moderate” Intensity level), how can one possibly state that an alternative will have “*negligible to moderate impacts*” as done for Alternatives 2, 3, and 4? Again, these impact descriptions are **highly subjective, not supported by scientific data and not supported by measurable thresholds.**
93. No mention is made of the ability of maintenance crew and equipment to respond to resource emergencies affecting water quality, such as a blocked culvert (see comments under “Park Operations”). The ability to respond will vary by alternative, and potential risk to the lake.

Vegetation

94. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

Table 4.51 Vegetation Impact and Intensity

95. What is the basis for the Impact Intensity and tree diameter classes? Are these meant to correspond with seral stages? If so, no connection has been shown with these diameters and the Plant Association Group (USDA, 1989) for this area. Suitable habitat for the northern spotted owl is generally equivalent to the structure of Douglas fir stands 80 or more years of age (Federal Register Vol. 57, No. 10). The primary constituent elements for the marbled murrelet includes individual nest trees more than 32 inches dbh (Federal Register Vol. 62, No.102). The attributes of stand complexity, area of forest stand and canopy height are all equally important attributes, and not just diameter class alone. **Even disregarding ESA species, these diameter classes are arbitrary and capricious**, and no explanation has been given for the distinction of why they would rate *“Negligible, Minor, Moderate or Major”* impacts.

Table 4.6 Vegetation Clearing and Tree Removal by Alternative

96. The information in this table is incorrect, and has been revised in the information provided with the County revised alternative proposal. As an example, the corrected data would be:

	Alternative 3	Alternative 4
SRRT number of trees > 11” dbh	153	223
SRRT number of tree ≥ 36” dbh*	0	0
Sol Duc number of trees ≥ 11” dbh	182	131
TOTAL number of trees ≥ 11” dbh	335	354
Total construction area/cleared area (acres)	11.3	12.1
Total number of trees ≥ 11” dbh per acre	29.6	29.3

*The County Alternative does not remove any trees greater than 30” dbh.

The difference of total tree removal between the two alternatives is **19 trees**. **These revised quantities do not justify a description of “Moderate to Major Impacts” for Alternative 3 versus “Major Impacts” for Alternative 4**. Given the above similarities in vegetative impacts from the corrected data, there is no logical reason to differentiate between the two alternatives.

97. Although sediment transport and impact to water lobelia is a remote possibility, mitigation measures on page 227 specifically state: *“Sediment control measures would be implemented to avoid potential impact to water lobelia from construction activities.”* This is not clarified in the document.
98. A reconciliation also needs to be made with the 2008 GMP. The GMP utilizes very similar impact intensity descriptions for vegetation, and proposes the development of the Spruce Railroad Trail as a

universally accessible trail under the preferred Alternative D. The GMP states (page 423): “Implementing alternative D would result in long-term minor adverse impacts on native vegetation...Because there would be no major adverse effect on this resource, no impairment would occur.” While it is understood that the GMP encompasses the entire park, the thresholds (page 279) also consider the local level.

Pages 179-180.

Wetlands

99. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

A preliminary wetland assessment of the project area has been conducted. A complete wetland delineation will be completed prior to construction of the selected alternative to ensure that no wetlands would be adversely affected by new trail development. If wetlands are found within the project area they would be avoided, or development would occur using techniques that prevent adverse effects to wetlands and wetland processes.

100. Clallam County conducted a survey of wetlands in the Sold Duc segment on July 25, 2010, by Dave Lasorsa, accredited wetland delineator, following Army Corps of Engineers methodology. A report was submitted to ONP. No wetlands were found along the County proposed segment. The County Alternative 4 proposed in this EA, completely avoids wetlands in the Lyre River trailhead area and Segment D.

101. ONP has had two years to conduct a determination and delineation of wetlands in the project area on the Preferred Alternative 3 route, yet has failed to identify their existence and extent. **An analysis of impacts to this resource can not be conducted without knowing what the resource is.**

102. The NPS preferred alternative further states:

In areas where the existing trail alignment is resulting in impacts to wetlands, the trail would either be re-routed to avoid additional impacts to wetlands (without resulting to adverse effects to other park resources), or the trail would be elevated through the placement of boardwalks or bridges that are suitable for all intended recreational uses.

How can any credible statement be made about “avoiding impacts” based on an unknown? This is nothing but a copy of NPS Policy 9.2.2.2 Hiking Trails: “Wetlands will generally be avoided, and where possible they will be spanned by a boardwalk or other means, using sustainable materials that will not disturb hydrologic or ecological processes.”

The problem is that the above policy applies to hiking trails, not multiple-use, universally accessible trails. It is not feasible for this site. The idea that a boardwalk or bridge could be constructed to avoid wetlands impacts is dubious given that:

- A boardwalk or bridge would require supports. These supports would still require fill in wetlands.
- A boardwalk or bridge structure would produce shade, causing an impact to wetland vegetation.
- Transporting wheeled maintenance equipment across a boardwalk is highly unlikely.

Most glaring is the preferred Alternative 3 option of re-routing the trail “*to avoid adverse impacts to wetlands – without resulting to adverse effects to other park resources.*” This is an unqualified statement that seems to dismiss any impacts, while offering no proof of how it can be done. It begs the following questions:

- What route would this be?
 - How exactly would “*adverse effects to other park resources*” be avoided?
 - Has the tree removal, soil excavation and other impacts associated with a re-routing been accounted for in the environmental consequences of these resources?
- There has been no evidence that Segment D accounts for this construction impact.

103. The final flaw in this resource impact is the assumption that any adverse impacts to Alternative 3 would be mitigated by restoration of wetlands by the Lyre River parking lot. Without knowing: 1) the area of wetlands, either at the trail or parking lots, and 2) the impact area from a questionable boardwalk or bridge, how can an assumption be made that this will be a beneficial; restoration, or even meet the Executive Order and NPS directives of “no net loss of wetlands?” The NPS Preferred Alternative seems very weak on trying to offer up a benefit to wetland resources while ignoring the possible impacts of its own proposal. Indeed, why is wetland restoration limited to Alternatives 2 and 3, when it could be added as a mitigation measure to any alternative?

Pages 181 – 183

Wildlife and Wildlife Habitat

104. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

105. Where is the construction timing distinction stated between NPS Preferred Alternative 3 and County Alternative 4? **There is no place in the EA document that states any difference on timing or seasons of construction between alternatives.** *Appendix A: Mitigation Measures Common to All Action Alternatives* gives timing and seasonal restrictions (page 229) for all action alternatives for Special Status Species. Mitigation Measures for Wildlife and Fisheries includes contract input from NPS to “*ensure potential impact to native wildlife species... are avoided or minimized to the greatest extent possible.*” The chapter introduction on page 163 states: “*The analysis presented here assumes that the alternatives would be implemented as described, including all mitigation measures identified in Appendix A of this EA.*” Why then, does the impacts description for Alternative 3 (page 182) state:

“Removal of vegetation would occur outside of the primary breeding season, but trees and snags that would otherwise provide nesting, roosting, or shelter for wildlife would be

*removed within the construction area. This would result in adverse, site specific and local, long-term to permanent, **moderate** impacts.”*

However, the description for Alternative 4 states:

*“Removal of vegetation may occur during anytime of the year where suitable habitat for Threatened and Endangered species is not present. Trees and snags that would otherwise provide nesting, roosting, or shelter for wildlife would be removed within the construction area, including during summer months when many species are nesting or rearing young. This would result in adverse, site-specific and local, long-term to permanent **minor to major** impacts. “*

The assumption that impacts differ between action alternatives based on timing and seasons is erroneous and not supported by the EA. Additionally, the information provided with the revised County Alternative 4 shows a difference of 19 trees between Alternative 3 and 4, with no trees over 30” dbh being cut; hardly a basis for differing impacts.

Pages 184-186

Fish and Essential Fish Habitat

106. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

107. The impact intensity given Alternative 3 states: *After construction, Alternative 3 would result in adverse, site-specific and local, permanent, **negligible to minor impacts** to fish habitat associated with bank armoring and the increase in sediment transport into Lake Crescent from developed areas...*

However, for Alternative 4, The EA states: *After construction, Alternative 4 would result in adverse, site-specific and local, permanent, **negligible to moderate impacts** to fish habitat associated with bank armoring and the increase in sediment transport into Lake Crescent from developed areas*

Why is there a difference of impact intensities between Alternatives? In the description of Alternative 4 impact, the EA states: *Bank armoring would be placed in areas along the lake where it is necessary to support trail development and maintenance **as described for Alternative 3**. This includes placement of rip rap below the ordinary high water level Lake Crescent as described above.*

There is no basis for this difference in impact intensity. Additionally, why is restoration limited to Alternative 3, when it could be added as a mitigation measure to any alternative?

Pages 187 – 190

Threatened and Endangered Species

108. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

Table 4.10 Intensity Description

109. The intensity descriptions given here do not agree with those of the 2008 GMP. The GMP describes Minor and Moderate impacts as resulting in a determination of “may affect, not likely to adversely affect” and requiring informal consultation with USFWS. Major impacts are described as “may affect, likely to adversely affect,” requiring formal consultation with USFWS. In this EA, both Moderate and Major impacts are described as “may affect, likely to adversely affect” requiring formal consultation, although different descriptions are given as to disturbance versus habitat impacts. These EA descriptions are arbitrary, contrary to the GMP and not based on any guidance from USFWS.
110. This EA should refer to past biological assessments done for Phase 1, specifically the *Work Description and Preliminary Biological Assessment Continuance of Construction for the Olympic Discovery Trail Phase 1, Lake Crescent, Olympic National Park* (Olympic National Park 2009). This assessment was an update to the original 2004 biological assessment done for the trail, and included update studies on equipment noise levels for trail construction and maintenance, especially chainsaw noise. It also discussed, at length, hazard tree removal and the (perceived) potential for increased predation from corvids. It concluded with:

*“Based on the project description, analysis criteria for effects to murrelets, Conservation Measures, future trail maintenance and future trail use, Clallam County and Olympic National Park have determined that this project **may affect but is not likely to adversely affect marbled murrelets**. There is **no effect** on marbled murrelet critical habitat. Additionally, this project **may affect but is not likely to adversely affect northern spotted owls**, and there is **no effect** to spotted owl critical habitat.”*

This assessment was based on construction within suitable habitat, occurring year-round, with only daily timing restrictions during the murrelet early-late breeding season. It would utilize the same equipment as proposed for Phase 2, with the exception of shotcrete equipment for the tunnel rehabilitation.

111. Why is a determination of “may affect, not likely to adversely affect” given to Alternative 3, while Alternative 4 is given a determination of “may affect, likely to adversely affect?” As stated under comments for Wildlife Habitat, there is no place in the EA document that states any difference on timing or seasons of construction between alternatives. Appendix A: Mitigation Measures Common to All Action Alternatives gives timing and seasonal restrictions (page 229) for all action alternatives for Special Status Species. Among these measures is the following:

No clearing of vegetation or major construction activity would occur within suitable habitat for northern spotted owl or marbled murrelet during the breeding season. Work in areas

adjacent to suitable habitat would occur outside of the early breeding season to ensure that noise related disturbance is avoided or minimized.

The assumption that impacts differ between action alternatives based on timing and seasons is erroneous and not supported by the EA. Additionally, the information provided with the revised County Alternative 4 shows a difference of 19 trees between Alternative 3 and 4, with no trees over 30” dbh being cut and no suitable habitat removed. Segment D, the area containing the largest difference of tree removal between alternatives, is all within non-suitable habitat, as determined by the 2004 Biological Assessment (ONP), and verified by past logging of the area.

Pages 190-197.

Cultural Resources

112. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

113. Considerable re-write needs to be done of this entire section. This EA must include the **2008 Programmatic Agreement between NPS, NFS, Clallam County and the Washington SHPO Regarding the ODT Construction and Preservation of the Spruce RR**. This is a legal agreement signed by NPS, NFS, Clallam County and the DAHP to meet the provisions of Sections 106 and 110 of the NHPA, in regards to the Spruce RR grade and its eligibility for inclusion in the National Register of Historic Places. Although the immediate focus was on Phase 1, all phases were covered (including tunnel rehabilitation, rockslide removal and log cribbing), including future maintenance. This document was prepared in response to the finding of No Adverse Effect by ONP on June 1, 2007 and concurred by DAHP on June 14, 2007. In its concurrence, DAHP required that a Programmatic Agreement be prepared to cover the rehabilitation and future maintenance of the grade. This document represents the signed commitment of the four signed agencies to carry out “all phases of the undertaking” to ensure that the historic remains of the Spruce railroad are preserved. Changes to this agreement require all parties to follow the Dispute Resolution process specified in the Agreement, Section IV.

The impact analysis as described here as well as much of the NPS Alternatives has been written without any regard to this agreement. This is also in violation of Director’s Order’s 28 which gives the following direction:

“If an undertaking will adversely affect National Register—eligible properties, the park notifies the Advisory Council and enters into consultation with the SHPO about ways to avoid or mitigate the potential effect(s). Historians, archeologists, historical architects, ethnographers, curators, and cultural landscape architects may all play roles in this process as needed. This consultation generally results in a memorandum of agreement (MOA) recording any conditions that the NPS must meet in carrying out the undertaking.”

114. The cover letter of December 12, 2007 from ONP Superintendent Laitner to DAHP reaffirmed this, including the following statements:

“The project proposes to adaptively reuse the exiting rail bed as a bike trail by placing a 16 foot wide trail on top of the remaining grade. The grade was abandoned over 50 years ago. In the intervening years the lack of maintenance has resulted in deposition over and erosion of the railbed. To reestablish the continuous path, appropriate maintenance would be performed as needed. Once a continuous path is reestablished an asphalt surfacing would be applied to create a trail appropriate for bicycle and wheelchair use.”

“Two tunnels exist on the trail. At this time they are partially plugged because of deposition at the entrances and with in the tunnel. As funds became available, the tunnels would be cleaned, collapsed tunnel shoring would be replaced by steel or cement culvert, and the entry shoring would be reconstructed.”

“The attached Programmatic Agreement covers the proposed project activities. This project will involve preservation maintenance of register eligible segments by removing recently deposited slope wash and rock fall. Ditches will be pulled and culverts will be opened. Eroded sections will be replaced to existing grade. The project will also involve rehabilitation in the addition of surfacing to the rail bed to make it passable for bikes and wheel chairs. There will be rehabilitation of the tunnels to provide safe passage along the trail and thought the tunnels.”

115. The agreement called out widths of the constructed trail, rockslide removal, stream crossings, tunnel restoration, and log cribbing replacement, among other items, termed “Stipulations” that NPS shall ensure are carried out (Page 3 of Agreement). Changes to this agreement requires approval from all signatory parties. The remainder of this section is a moot point, without addressing the consistency with this Agreement; however, the following corrections need to be noted:

Direct and Indirect Impacts, Alternatives 1 and 2

116. How can a “No Effect” (NHPA) be given to “Railroad grade, alignment and earthwork” for the SRRT Segments A,B,C; and the Sol Duc railroad grade? It has already been established that these sections are undergoing continual major impacts, due to erosion. This was also stated in the June 1, 2007 letter to DAHP from Superintendent Laitner:

“The remaining contributing sections have some damage or effect of deferred maintenance. Damage on a large scale is the loss of bridges or **erosion of the rail bed**. Deferred maintenance includes the covering of the rail bed with slope wash.”

Direct and Indirect Impacts, Alternative 3

117. The construction details stated on pages 73-74 and 85 for Segments A, B, and C; as well as the Sol Duc give the following description for rehabilitation of the ditches:

*Historic railroad ditches would be cleared of debris and stabilized where appropriate to rehabilitate historic features. Historic railroad ditches would **not** be cleared outside of the*

construction limits or in areas where this would create slope instability that would compromise the integrity of the trail, including surface drainage patterns.

Using the reasoning given for Alternative 4 impacts, how can this **not** be an adverse effect, due to inconsistent ditch width or as in this case, inconsistent ditch **presence** as well?

Direct and Indirect Impacts, Alternative 4

118. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal. The original Alternative was developed, following the terms of the 2008 Programmatic Agreement. This called, among other items, with the replacement of the log cribbing “by large rip-rap if the need arose” (Stipulation I). The removal of rockslides on the trail was also addressed: “Landslide talus will be removed from the trail grade and placed where fill is needed on other sections” (Stipulation F). However, as the current EA seems to be ignoring this agreement, the revised EA accommodates the NPS concerns to the same extent as Alternative 3.

119. A discussion needs to be included on the historical width and the rehabilitation of the Brakeman’s Walking Path. This is included on pages 19-20 and 27-28 of these comments.

Pages 198-202.

Visitor Use and Experience

120. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

121. Why is not **Universal Accessibility** treated as a separate Impact Topic? This is a main Management Objective of the EA (page 36), yet it is combined with other visitor use aspects, thereby diluting its importance. Its importance is underscored by the fact that Universal Accessibility for the Spruce Railroad Trail was a component of the GMP and a major component of the original Purpose and Need, before being deleted from the revised statement in this EA. **This EA must treat Accessibility as a separate Impact Topic.**

Similarly, **Safe Pedestrian and Bicycle Access through Lake Crescent (LCMP)** and **Resolving User Conflicts on Trail** (this was a concern from the LCMP) need to be included as separate Impact Topics in this Chapter.

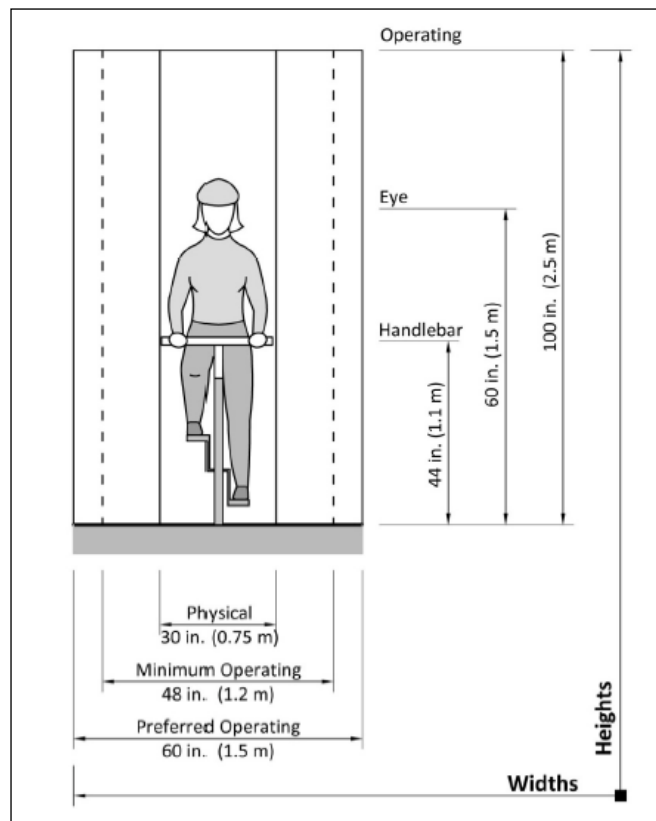
122. The description of impacts under Alternative 3 makes the following claim:

Road bicyclists who are seeking an alternative to The Highway 101 along Lake Crescent would have the option of riding on the newly developed SRRT, although riders continuing through the area would need to ride on East Beach Road or the Joyce Road to connect to areas outside of the park.

Where is the justification for this statement? This EA assumes bicyclists will actually use a path that is only 6 feet wide and contains an 18% grade? The 1999 AASHTO Guide for the Development of Bicycle Facilities (currently under 2010 revision) is the definitive source of standards for shared use paths and requires a width of 10 feet (8 feet in rare instances) and a grade not to exceed 5% (this may only be exceeded for short distances, with rest stops). These have been developed over years of research and public input and is what have been determined for bicyclists to be **safe and enjoyable**. As stated in the 1999 AASHTO Guide:

“Grades greater than 5 percent are undesirable because the ascents are difficult for many bicyclists to climb and the descents cause some bicyclists to exceed the speeds at which they are competent or comfortable. On some shared use paths, where terrain dictates, designers may need to exceed the 5 percent grade recommended for bicyclists for some short sections.” (This is followed by guidelines).

The diagram below is the recommended operating bicycle widths from the Draft 2010 AASHTO Guide.



Even assuming the Minimum Operating Width for one bicyclist is 48”, an 8-foot wide trail is barely wide enough for two bicyclists to pass. With this in mind, the Preferred Alternative 3 is proposed as an unsafe bicycle trail. The EA is actually offering a choice: **Continue the unsafe bicycle use along Highway 101, or use a bicycle trail that has been designed to be unsafe.**

123. **The EA needs to analyze the potential use of the trail by bicyclists based on quantifiable standards of safe bicycle use,** much like water and air quality, tree removal count, soil excavation, wildlife impacts and other impact topics in this chapter. Simply assuming “If you build it they will come” is a nice idea, but represents a fatal flaw in the analysis.

124. A statement on accessibility is made for Alternative 3:

However, the trail section from the existing Lyre River parking lot to Segment C of the SRRT would not be developed to provide an accessible grade due to the steepness of the slope, adjacent private lands, and disturbance to other park resources and values.

As stated on pages 14-15 of these comments, the reasons stated here for not meeting accessibility are not defensible, and have not shown to be true.

125. The clumping of the impacts on page 201 does not differentiate how Visitor Access Objectives and Visitor Experience Objectives will be met or differentiate by alternatives. There are six objectives stated on pages 36-37 of this EA, yet with the exception of Scenery, they are lumped together for the Impact Assessment. As stated on Page 36:

The Action Alternatives described in this chapter vary in how the park proposes to meet the management objectives defined for each goal, but differ primarily in the extent to which the objectives of Goal 2 (Improve Visitor Experience) are met.

If the EA stated it was important enough to differentiate between alternatives, why are these objectives clumped together for the Impact Assessment? Without a means to demonstrate the stated difference this represents a fatal flaw in the analysis.

Pages 202-204.

Soundscapes

126. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

127. No blasting or helicopter use is anticipated in the County Alternative 4. This needs to be corrected in the description of the direct and indirect analysis.

Pages 205-207

Scenery and Visual Resources

128. The information provided for this analysis is incorrect, and has been revised in the information provided with the County revised alternative proposal.

129. This analysis is flawed and needs complete revision. Under the revised County Alternative 4 and the new information provided with this, there will be **26** more trees >11” removed in Segments B and C than the NPS Preferred Alternative 3. Over a distance of 2 miles for these segments, this is hardly a discernable difference.

To construct an accessible grade in the location would require the clearing of vegetation in areas up to 50 feet wide to allow for excavation and grading. This would be highly noticeable to people who own land downslope and adjacent to the project area. This cleared width may also be visible from Lake Crescent and Highway 101.

130. Segment D will see 45 more trees removed for Alternative 4 compared to Alternative 3, however this construction is on a slope, away from the lake, and hidden by the abundance of other thick-canopy trees on the slope. A similar mid-slope example is Camp David Jr. Road. With an average of 60-foot width clearing, this road is not visible from Lake Crescent or Highway 101. The current Phase 1 trail is not visible from either location. Additionally the area of greatest disturbance will be within the approximately 750’ between the railroad grade and the intersection with the old logging road. This is not above private property owners as assumed in the EA. The County alignment follows the old road above the private property owners. This is a road that was constructed between 1965 and 1971, and had clearing limits of 40’ to 50.’ Although there will be some tree removal along this road grade, this removal will not be “*highly noticeable to people who live downslope*” as stated in the EA. Furthermore, much of the portion above the private property owners will be a full cut, meaning the trail and grade will be following the road grade but lower in elevation. This full cut will shield the private owners from construction equipment and users.

131. Perhaps the greatest concern on this section is these statements and impact assessment seem to have been made without any real study or data to verify the claims. Has a Viewscape Analysis or similar Landscape Analysis been done? These are common, simple tools to assess potential impacts on different view points. **Without any meaningful data the assessment is highly subjective, capricious and arbitrary.**

Pages 207-210.

Park Operations and Safety

Public health and safety refers to the ability of the NPS to provide a healthy and safe environment for visitors and employees, and to protect human life and provide for injury-free visits and appropriate responses when accidents and injuries occur.

132. This analysis seems to have missed one of the main management objectives stated on pages 22 and 36:

Provide safe pedestrian and bicycle access through the Lake Crescent area for visitors and the traveling public and reduce conflicts between non-motorized and motorized uses.

Why is absolutely no mention made of **safety of ONP visitors along Highway 101**? This includes visiting bicyclists who are continually at risk due to the narrow shoulders of Highway 101 around Lake Crescent. It also applies to visiting motorists, who are also at risk as they seek to avoid collisions with bicyclists on the trip around the Lake. **This is one of the main reasons for doing this project.** These concerns started with the WSDOT Lake Crescent Alternatives Analysis (1997), continued with the Lake Crescent Management Plan (1998), and has been brought out countless times in public scoping (including 86 out of 143 comments in July-August 2010). It was a main issue expressed by Clallam County in its August 3, 2010 scoping letter. The fact that this has been ignored in this impact assessment dealing with visitor safety is completely unacceptable. The construction and usability of the trail has a direct impact on the continued safety of visiting users (motorists and bicyclist) along Highway 101. How will each alternative address the concern of getting bicyclists off this dangerous stretch of highway?

Additionally, no analysis is given on the safety of the trail itself. As stated previously, **the NPS Preferred Alternative 3 proposes a trail that meets no standards of safety, for either wheelchair users or bicyclists.** In fact, the steep 18% grade and narrow 6-foot width would be considered **unsafe** by AASHTO standards, the recognized authority on bicycle and shared use paths. There are many safety aspects of outdoor recreation that must be assumed by the visitor, however, when the NPS knowingly proposes a facility that is unsafe to its users it must assume the consequences and potential litigation.

133. With this in mind, Alternative A “No Action” continues the unsafe practice of bicyclists traveling along Highway 101. This is similar to the same reasoning used under Wetlands for the No Action Alternative. This should be stated: **Impacts to human safety that are ongoing are adverse, site specific, long-term, and major, due to risk of human life.**
134. Under CFR 1508.27 (b) (2), “The degree to which the proposed action affects public health or safety” is a major factor in evaluating intensity with regards to an action’s significance. How can this EA make a ruling on significant or non-significant actions without considering this obvious element?
135. No analysis is made of the **ability of ONP to conduct maintenance of the trail** under the different alternatives. This was an issue raised by Clallam County in its August 3, 2010 scoping letter. How easy will it be for equipment such as dump trucks, pickup trucks or graders to access a 6’ (or less) trail under Alternatives 2 and 3? Will such equipment be able to negotiate a boardwalk to cross the wetlands of Segment D – or even negotiate an 18% grade as proposed for these alternatives? The benefit of such maintenance equipment to access the 8’ paved width and favorable grades of Alternative 4 need to be shown. The inability of mechanized equipment to access the trail means more reliance on hand labor, longer job time, and resulting impact to park maintenance staff. These issue assessments are totally ignored in this EA.
136. Additionally, the ability of such maintenance crews and equipment to respond to **human and resource emergencies**, such as rock slides, drainage and culvert obstructions or visitor emergencies is a key difference in the alternatives, and needs to be included in the analysis. In much the same way as maintenance access, the ability of ONP to respond to a potential damage of resources, such as a

blocked culvert, is directly related to the ability to get needed crew and equipment to the site fast. For example, failure to respond quickly to a blocked culvert with an excavator can lead to a trail washout and impact to water quality of the lake. Will Alternatives 2 and 3 rely on foot access and hand labor to remove a large rockslide? The ability to drive an emergency vehicle to a visitor accident can mean the difference between life and death. Can an emergency vehicle from Port Angeles drive over a boardwalk, 6' wide trail, and 18% grade from the Lyre River – or does it have to drive around Lake Crescent and come in from Camp David Jr. Road? What if the ONP boat is unavailable due to bad weather? These issues assessments are totally ignored in this EA

Pages 210-213.

Land Use

137. This impact analysis is flawed by the fact that prior statements in this EA (page 108) have stated:

The NPS stated during public scoping that this planning process only applies to lands within Olympic National Park, and that no expansion would be proposed on private lands by Olympic National Park.

There is no record of land acquisition being a public concern, this is not an issue in the NPS/County agreement, and this was never presented as an issue in this EA. The County revised Alternative 4 requires approx. 1,500 sq. ft. of right-of-way from a landowner willing to negotiate. This statement by ONP staff has no basis in reason and in fact, is in conflict with Management Objective 10 from the LCMP, which states:

Continue to purchaser private property in the Lake Crescent Area under an opportunity purchase situation when a willing seller is present.

In a phone conversation with Rick Wagner of the NPS –Pacific West Regional Office, Lands Resources on 8/12/11, he informed Clallam County **that no one from ONP had even contacted his office on this project.** Mr. Wagner is the leading lands expert for ONP, and has overseen dozens of land acquisitions from inholders around Lake Crescent, including two purchases recently made for Phase 1. Why was no attempt even made to solicit his advice?

Thus, to make any type of reasonable impact assessment with the misinformation and bias presented from NPS would seem impossible.

Appendix A Mitigation Measures

Page 229.

Special Status Species

No clearing of vegetation or major construction activity would occur within suitable habitat for northern spotted owl or marbled murrelet during the breeding season. Work in areas adjacent to suitable habitat would occur outside of the early breeding season to ensure that noise related disturbance is avoided or minimized.

138. These timing and seasonal restriction need to be made clearer. What exactly are the dates of the above? A chart may be more useful to explain this and the other restriction of this section.

Conduct work between two hours after sunrise and two hours before sunset when such work includes the use of equipment which produces noise above 92 decibels (such as chainsaws, heavy equipment, and helicopters) and would occur between April 1 and September 15.

139. This needs corrections. Impact thresholds for the marbled murrelet can be found in the *Biological Assessment Preparation Advance Training Manual* (WSDOT 2011). Maximum noise levels from common construction equipment can be found here, and are based on the data derived from dozens (in some cases, hundreds) of samples taken of heavy construction equipment used in actual projects. Typical chainsaw levels are given as 84 decibels (L_{max}), nowhere near the 92 dB threshold. The rules for combining noise levels when multiple pieces of equipment are being used must always be considered.

140. Consideration must also be given to potential impacts to other resources (such as increased erosion potential and resulting water quality impacts), when operating outside of the seasonal windows, such as October to March. It is possible to operate within the breeding season if care is taken to identify murrelet non-suitable habitat areas (such as Segment D), and realistic measurements are obtained from construction equipment that will actually be used.

Summary of Comments

The summary presented here is only offered as an aid to the reader. These are not to be used as a substitute for the detailed 140 comments contained in the document.

1. The EA changed the Purpose and Need from the original statement given to the County and made available to the public, omitting accessibility.
2. The EA fails to adequately address accessibility, even though this was a goal stated in the GMP. Accessibility is barely mentioned in the Impact Assessment, and instead is combined with other Visitor Use aspects (such as bicycling), thereby diluting its importance. This is a major Management Objective of the EA, and was a main part of the Purpose and Need, before being revised for this EA.

Including a non-ADA accessible section of trail as in Alternatives 2 and 3 is insulting to people with disabilities. How can this possibly be justified when the objective from the GMP was to make this trail universally accessible?

3. We must remember that the decision to develop the trail into a multiple-use facility has already been made in the LCMP. Improvements to trailheads, interpretation and picnic areas associated with the trail were also included. The decision to make this trail universally accessible has already been made in the GMP. Both documents were done under public scoping, and these implementation elements were made to address issues generated at the local, state and federal level. The objective here is to accomplish these goals while protecting the park's diverse natural and cultural resources and providing visitors with the access, facilities and education to enjoy them. The Purpose and Need must reflect this. The reviewers and the public must understand that this is a proposal for an action that carries out previously directed implementation elements. Although the No Action Alternative must be part of any EA, any other alternative that fails to meet this Purpose and Need should be eliminated from further discussion.
4. Alternatives 2 and 3 do not meet the Purpose and Need. They do not provide for a universally accessible trail, as identified in the GMP. The GMP called for the Spruce Railroad Trail to be developed as a universally accessible trail, not just a portion of it. Leaving portions of the trail (especially a trail with 2 end points) inaccessible is an insult to people with disabilities. It is like saying one has a Purpose and Need of getting to the second floor of a home. A 15-step flight of steps has been designed, but the top two steps are missing. "You'll have to be content with just going up and down the first 13 steps."
5. The CBA (Choose By Advantages) process of August 2-3, 2011 was tainted by Deputy Superintendent Todd Suess's statement that a "FONSI could not be issued for an alternative that required land acquisition." This would have placed a bias against ONP staff from giving serious consideration to the County Alternative 4, or Alternative 5. In fact, Alternative 5 was eliminated from further discussion in the EA in part due to the private land acquisition needed (see below).

6. The CBA gave a biased weighting to Total Accessible Trails at the Lake Crescent /SRRT (Provide for Visitor Enjoyment). Why were the total miles of Phase 1 and Phase 2 included? Phase 1 should not have been part of this CBA analysis. By including it, it falsely gave credit to accessible mile already completed, and diluted the fact that portions of Alternative 2 and 3 were not accessible. The CBA gave Alternative 2 seven miles of accessible trail (by combining Phase 1 and 2) when it should be only one. Likewise the CBA gave Alternative 3 nine miles of accessible trail, when it should only be three. If this reasoning was followed through the CBA analysis, ALL impacts should have been evaluated by combining Phase 1 and Phase 2. For example, total excavation and total tree removal would have been used for Phase 1 and 2, which would have diluted the impacts of Alternatives 4 and 5. The CBA should have simply stated “Accessible Trail.” Having only portions of the trail that are accessible would not be given credit.
7. No mention is made of the *2008 Programmatic Agreement between NPS, NFS, Clallam County and the Washington SHPO Regarding the ODT Construction and Preservation of the Spruce RR*. This is a legal agreement signed by NPS, NFS, Clallam County and the DAHP to meet the provisions of Sections 106 and 110 of the NHPA, in regards to the Spruce RR grade and its eligibility for inclusion in the National Register of Historic Places. This is a legal document that guides “all phases of the undertaking” including tunnel restoration, log cribbing, removal of talus slide across the grade, etc. Changes to this require all parties to follow the Dispute Resolution Process in the Agreement.
8. Eliminating the “standard AASHTO” alternative (Alternative 5) from further consideration in the EA was not justified, when it fully met the Purpose and Need. One of the reasons given for eliminating this alternative was due to the need for acquiring a small amount (1500 sq. ft.) of right-of-way from a private inholder. In justifying this decision, the following was given:

The NPS stated during public scoping that this planning process only applies to lands within Olympic National Park, and that no expansion would be proposed on private lands by Olympic National Park.

There was no justification for such a statement. It was not an issue raised by the public, not an issue previously stated in the EA, and is contrary to the LCMP management objective of acquiring lands in the Lake Crescent watershed from willing sellers. ONP staff never consulted with the NPS-Seattle office on land acquisition. This office believes the owner would be a willing seller.

No justification is made for the “extent of impact” claim for not making segment D accessible under the preferred alternative.

9. The EA fails to address the issue of **Visitor Safety** – specifically **bicyclist safety on Hwy 101**. This was a main reason for the project, one of the stated objectives (pages 22 and 36 of the EA) and one of the greatest concerns from the public scoping. It was one of the main issues brought forth by Clallam County during the public scoping of July-August 2010. Fully 86 out of the 143 comments received during this scoping period voiced concerns about bicyclist safety and the need to get cyclists off Hwy 101. Even though 80% of respondents voiced these concerns, and it was identified as a Visitor Access objective, this issue was completely ignored in evaluating the impacts of each alternative. How can an alternative be analyzed in terms of meeting this important objective without even a hint of mention in the rest of the document? Its exclusion is almost unimaginable, and produces a fatal flaw in the inability of the EA to address this issue.

10. The EA discusses the “extent of disturbance to native soils and vegetation” as a reason to not develop segment D to accessible standards (page 70). However The EA fails to disclose that the impacts in Segment D for the County alternative are all within second-growth trees, logged in the 1950’s; nor that the majority of the route for this segment follows an old road that was constructed in the late 1960’s to early 1970’s. It fails to disclose that this same area was determined to be “Non-suitable nesting habitat” for the marbled murrelet by ONP’s own biological assessment completed in 2004. This appears to present a bias against development of this segment by withholding important information on the existing conditions.

11. Although some sections are cited, the EA ignores the discussions in Archeologist Ward Tonsfeldt’s 2009 report on width issues on Phase 1, specifically his conclusion:

“The agreed-upon target width of 8’ for the asphalt and 4’ for the equestrian path would satisfy any interpretation of the Secretary of the Interior’s standards for maintaining historic character, at least as far as width.”

Since this seems to be a factor in the current Phase 2, it must be disclosed. The EA also fails to disclose the work done by Dave Lasorsa and Rich James of Clallam County in researching the historical construction records of the Spruce Railroad #1. These records show the width of the historic railroad bed to be at least 16 feet and most often 18 feet.

12. The EA is subjective, arbitrary and capricious in assigning impact intensities to many of the resources. There is no reasoning given what constitutes “noticeable change” for moderate geologic/soils impacts as opposed to “highly noticeable change” for major impacts. There is no stated reason for discerning the given tree diameter classes as “minor” “moderate” or “major” impacts

13. The EA assumes different construction seasons for the County Alternative 4 and thus assigns higher impact levels for Wildlife and ESA species, even though nothing in the document indicates different construction timing for the action alternatives. In fact, the mitigation measures set the same construction timing and seasons for all action alternatives.

14. The EA ignores the AASHTO Guide for the Development of Bicycle Facilities. This is the definitive source of standards for shared use paths and requires a width of 10 feet (8 feet in rare instances) and a grade not to exceed 5% (this may only be exceeded for short distances, with rest stops). These have been developed over years of research and public input, and is what have been determined for bicyclists to be **safe and enjoyable**. The NPS Preferred Alternative assumes bicyclists will use a trail with a unsafe width (6’) and unsafe grade (18%).

In stronger terms, the NPS Preferred Alternative 3 is proposing an unsafe path for both bicyclists and wheelchair users. The choice being offered is to continue the unsafe use along Highway 101, or attempt a bicycle path that has been designed to unsafe standards.