



Public Advisory Group (PAG) Meeting 2 Questions

Questions received during the PAG meeting

- John Corlett: How many fatalities occur annually due to rockfall events?
- John Donahue: What are the projected costs for maintenance of the proposed rockfall barriers over the next 20 years?
- John Donahue: I'm not sure that the diagram and the description of how the money is spent actually explained the question from, I think it was from Ms. Chamberlain. I think what she was asking is where in the federal budget is this money coming from? And is it from Federal Highways and how do they determine which projects they're going to fund in New Jersey?
- John Donahue: I would just suggest that, in many organizations that deal with infrastructure, the projected cost of maintenance over the next few decades is an integral part of the decision-making process. I know in the National Parks Service, for example, they won't let you build anything because capital improvements — it's sometimes easier to get funding for that than it is for the actually staffing and operation and maintenance of buildings or roads. So, I'm just asking shouldn't that be considered as part of the determination for which alternative is selected and whether or not it's actually economically feasible? And that can be answered later when the cost figures for maintenance are determined as well.
- Mark Zakutansky: My question is on timing. A number of these consultations with agencies, whether it's on species or the SHPO determination on impacts to the Appalachian Trail, may adjust the alternative, so could you speak to the timing of your consultation with different agencies and the timing of a preferred alternative and how that will all work together?
- Mark Zakutansky: Thank you. A follow-up question, please. There is not currently a Section 7 determination available for wild and scenic, there is not currently a SHPO determination for effects to the Appalachian National scenic trail. You're expecting those documents to be completed and available by the winter of 2020/2021 and to be coordinated on your timeline. Is that correct? Because that seems optimistic.
- Mark Zakutansky: Thank you very much. One final question on the studies. Appreciate the outline on the slide regarding studies. Are there any field studies that need to be completed that have not yet been completed either based on the seasonality of species present or otherwise?
- John Donahue: Usually, an EA examines the proposal and at least one alternative. Will you have an alternative in the EA?
 - Recognizing that an EA can, when necessary, simply examine the proposal and nothing else, normally an EA does have at least one alternative that is examined along with the one that is being proposed, so I was asking, first, what is the alternative that is being examined in the EA?
 - John Donahue: Just want to clarify the first one: so, there is no other alternative being examined in the Environmental Assessment other than the proposal?
- John Donahue: Do you recognize that significant impacts included positive as well as negative impacts and don't you believe the project will have long-term positive significant impacts that justify the huge expenditure of fiscal resources?
 - Okay, thank you. And then the other thing — I think I had written this in my question for the agenda. Significant impacts—normally it makes people think of adverse impacts, but as I understand the case law, significant impacts can be positive as well as negative so even — I assume that everyone at New Jersey DOT believes that this would have significant long-term impacts for safety, but that raises the question of how can you have a Finding of No Significant Impacts when, in fact, you're spending — there is a huge expenditure of fiscal resources in order to accomplish the project, I would imagine because you believe it's going to have significant long-term positive impacts.
- Mark Zakutansky: Thank you very much and slightly building on John's questions. An Environmental Impact Statement is the type of study that I've seen conducted for projects with much smaller impacts and with lower dollar figures than this. In fact, I've seen them of course, you know, taking place for much larger projects as well. And it is my understanding that the goal of the Environmental Assessment is to determine if the Environmental Impact Statement is needed. So, my question is, and I realize this is open-ended, how likely does the project team think it is that the finding of the EA is such that an EIS will be required? Could you ballpark? Do you think we're 50/50 heading in an EIS direction? Do you think it's lower? I certainly would believe that an Environmental Impact Statement may likely be the outcome that we will see recommended in an EA or needed because of the findings identified in an EA. Would the team like to comment on that?





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- Mark Zakutansky: Perhaps, a small clarifying follow-up. Has the project team or the NJDOT considered the — what would have to play out should — a process that you have in the back pocket should that occur?
 - The question was, has the project team or New Jersey DOT considered a process that would create and develop an EIS. So should the EA conclude that there are significant impacts, is there, you know, a folder, kind of, or a back pocket ready to go for how you would move forward in developing an EIS? Like, is that in your work plan, should it be necessary?
- John Donahue: Yeah, following up with what Mark was saying, you know, in reality, you're doing an enormous amount of work and studies and consultation for the EA, it wouldn't be that much more additional work for an EIS, but what the EIS does do is a couple of things. It creates a timeframe where there has to be, you know, 30 days, 60 days for comments, you have to answer the comments from the public. So, I guess, following up on what Mark had said, what you have said about the amount of work that's already being put together. Why not consider going straight to an EIS and save all the money you would spend on an EA to determine that there are significant impacts?
 - One final question on this issue, if I could: who would be the responsible official to sign the Finding of No Significant Impacts?
- Maryann Carroll: How do you advertise the public meetings to the general public and broad interest groups?
- John Donahue: Will you be holding public hearings where members of the public have an opportunity to speak to the issues of the project? Considering that this project can potentially impact two units of National Park System and the national trail, the Appalachian Trail, as well as towns in two states, doesn't it seem prudent to invite the public to speak at a public hearing?
- Mark Zakutansky: Are there any other highway projects proposed, planned on the TIP or other near the project site that we are discussing today? I ask the question to ensure that if nearby projects are being considered to ensure that the NEPA process has the appropriate scope of geographic review and avoids segmentation.
 - Thank you, the question was to clarify if there are any other adjacent or nearby projects that would qualify for a NEPA assessment to ensure that the work undertaken by this group regarding the Rockfall Project in this section of Route 80 is covering the correct geographic scope to avoid the segmentation that is not permitted under NEPA. So, if there was an adjacent project that's in the pipeline to come up within the next five years or project within the vicinity, we would recommend a comprehensive NEPA analysis looking at all of those projects as a whole. So, I'm wondering if the project team can speak to the tip or any other planning documents that may or may not identify projects that may be needed in the future in a reasonable geographic boundary?
- John Donahue: Are there other improvement projects in planning or design or simply for fund requests that might be viewed as cumulative impacts?
- John Donahue: As you review projects for next meeting, can you include PennDOT and Bridge Commission Projects in the same general area?
- Mark Zakutansky: Thank you. Regarding the public comments — and I appreciate all the work this team is putting in to working with stakeholders and engaging the public — could you describe how public comments received will be categorized and responded to? Does that take place in the EA, the draft Environmental Assessment, or will there be other opportunities for the project team to provide some responses to the comments?
- Maryann Carroll: So, I sent a note to Scott today with some questions that are very specific to the aesthetics and really trying to better understand what the final product will look like from many different angles, from the Pennsylvania side, from a driver's viewscape, and from the river. Scott indicated that you are going to be working on some sort of modeling, but I'm wondering, in terms of timeframe, what you're looking at, because that's going to be ultimately very important for the wild and scenic partnership to understand what is it going to look like and the preferred alternative or the preferred — what is the term you use? The preferred recommendation. Can we see that sooner than later, I guess is basically my question?
 - I was, that you'll be discussing in the future. And I guess I should be a little bit more specific as well that having sketch elevations or sketch renderings are great, but so much of what we care about with wild and scenic has to do with user experiences, so if there is a way to have some sort of video modeling that certainly would also be helpful as well.
- John Donahue: Yeah, two items that I think would be great for future discussion: one is that the National Parks Service has an obligation to certify that the Project will not be impairing the resources, you know, there is — to protect and allow visitation in such a manner as to leave the resources unimpaired, so a 60-foot wall in front of these geological resources... And the second is the term "natural resources;" when there are damages to natural resources, they are usually judged according to the lost use that the public suffers. You know, for





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example, when the power line is built people will never walk the Appalachian Trail again without seeing that powerline. That's a lost use. And since the scenery is critical here in something — you know, a wonder of the world like the Delaware Water Gap — I would like to see us have some discussion of that lost use and how the National Parks Services might determine that this is or is not an impairment from both the river and from the mountains.

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