

U.S. Department of  
Homeland Security

United States  
Coast Guard



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DEC 07 2011

## MEMORANDUM

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

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

To: John D. Porcari  
Deputy Secretary of Transportation

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

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

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

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

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

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

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

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

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

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

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