Meeting Summary

South Lawrence Trafficway Stakeholder Group
2nd Meeting
Marriott Hotel
6th and New Hampshire
Lawrence, Kansas

October 17, 2001

This is the meeting summary from the second meeting of the South Lawrence Trafficway Stakeholder Group. As we mentioned with the first summary, these summaries are not intended to be exhaustive in their coverage of the meeting, but to provide an overview with particular emphasis on key informational and action items. No attempt was made at the meeting to poll the group or build consensus. Thus, while points documented below are the views of some participants, they may or may not reflect the viewpoint of others around the table.

Stakeholder Representatives

Stakeholder representatives attending the meeting: Sharon Ashworth, Marvin Buzzard, Ron Durflinger, Linda Finger, Ann Gardner, Bob Johnson, Pat Kincaid, Martin Kennedy, Dan Lambert, Stan Loeb, Mary Loveland, Becky Manley, Carey Maynard-Moody, Steve Sublette, Joyce Wolf. The meeting was facilitated by Dennis Donald and John Huyler of The Osprey Group.

Meeting Goals

The meeting goals were:
- Receive information about and discuss recent developments and new information
- Discuss and identify important decision-making criteria for SLT alignment
- Analyze 32nd Street, 42nd Street and the No-Build alternatives in light of priority criteria
- Understand next steps in the SLT decision-making process

Recent developments and New Information

Corps of Engineers and the Environmental Review

The meeting opened with comments from Larry Cavin, Chief of the Regulatory Branch, U.S. Army Corps of Engineers. The Corps of Engineers is involved because it has responsibilities under Section 404 of the Clean Water Act, which is designed to regulate the dredging or filling of water in the United States and, in general, that includes wetlands and rivers and streams. Since the SLT does involve some fill and wetlands, the Corps of Engineers is involved. The Corps is the lead federal agency responsible for the environmental impact statement related to the project. KDOT has hired an engineering consultant, HNTB, to write the EIS within the Corps' guidelines.

The Kansas Department of Transportation is the applicant for the Section 404 permit. KDOT is expected to choose its preferred alignment which the Corps will then either approve or disapprove. Ultimately the Corps will either issue or deny a permit for fill material. The District

Engineer will ultimately make that determination which will be based upon considerable public input and the NEPA process.

The Corps has the responsibility to conduct the public interest review and make a public interest decision. In making this determination, the Corps takes into consideration not just wetlands or aquatic resources, they also consider endangered species, economics, social issues, air quality, noise and a wide variety of factors that must be evaluated in making a public interest decision.

A few questions followed.

Other permits needed. Mr. Cavin said that the Corps is likely not the only agency that will issue a permit. He mentioned the Kansas Department of Agriculture as an example of an agency that might be involved if the project were to impact a stream. He mentioned the Kansas Department of Wildlife would be involved if the project has any impact of endangered species. The state Department of Health and Environment also provides 401 certification that the project does not have a negative effect on clean water standards. He mentioned that if any state agency denies a needed permit, the Corps would automatically deny the 404 permit.

Timeline for EIS. Mr. Cavin stated that they are in the process of gathering information on cultural resources issues. This requires the Corps to consult nation to nation with Indian tribes that have been involved with Haskell University. This could be a time-consuming process and the Corps has not reached a conclusion about how the consultation process will proceed. Right now the schedule calls for the draft environmental impact statement to be available sometime in the spring. The final would follow later. Ordinarily a draft environmental impact statement is out for 45 days for comment. Then depending on the nature and number of comments that have to be addressed, the final environmental impact statement can follow in a matter of two or three months or longer.

Indian burial sites. Mr. Cavin said that the Corps has responsibility under NAGPRA, the Native American Graves and Repatriation Act. The Corps is required to protect, coordinate and consult over any Native American graves that might be there. Mr. Cavin, who noted this was not his personal area of expertise, did not go into specifics except to say the Corps would follow appropriate and required guidelines and procedures.

Role of public input. A question was asked about how the public has input into the selection of the preferred alignment? Mr. Cavin noted that part of the process in preparing the environmental impact statement is scoping, where they ask the public to raise their issues and concerns. Tonight is part of the scoping process. The Corps keeps records of the issues that are coming up in the community and what the community sees as preferred alternatives for the road alignment. Ultimately, the Corps will need to weigh what it is hearing as it makes a public interest decision.

Section 404(b)1 guidelines. Mr. Cavin was asked to speak to the Section 404(b)1 guidelines set forth by the EPA and the Corps of Engineers for establishing whether or not a wetland permit is issued given the sequence of avoid, minimize, compensate. He noted that the sequencing relates to mitigation. The 404(b)1 guidelines require an assessment of the least environmentally damaging practical alternative. That is, the alternative must meet the project's objectives and provide the least environmentally damaging alternative. If the project cannot meet the guidelines, then the assessment is terminated and there is no public interest review. If the guidelines can be met, then the Corps moves to the public interest review and the assessment of impact. The initial task is to identify ways in which impacts can be avoided. If the impacts cannot be avoided, then

approaches to lessen the impacts will be considered. And, finally, if the impacts cannot be reduced, compensation will be considered.

The Lawrence-Douglas County Planning Commission Land Use Subcommittee

Mr. Kennedy provided an overview of the activities and conclusions of the subcommittee, created by the city-county Planning Commission to examine land use and the preferred SLT alignment alternative.

The charge given to the special land use committee was to review the proposed alignments for the SLT with respect to their individual impact on future land use, the growth of Lawrence and the urban growth areas, by focusing on the no-build, 32nd and 42nd Street alignments. This charge was the foundation of the committee's work and was expanded to include a review of all fourteen potential scenarios: thirteen alignment alternatives and a no-build alternative.

The committee looked at each of the alignments and considered nine different perspectives. These perspectives included KDOT's highway objective, impact on local traffic, flood plain implications, environmental implications, historical and cultural implications, land use growth and cost, economic implications, funding, and Army Corps mandated review. Based upon its review, several alignments were eliminated from further consideration. These included 42B, 38B, 38A, 35B and 35A.

Mr. Kennedy said it was a challenge to review the alignments and determine which would be best for the community in the way of land use and growth issues. The one the committee ended up with as the preferred choice was 32B. The committee preferred this alignment on a five to two vote.

Ms. Finger noted that more detailed information is available on the planning commission website www.lawrenceplanning.org. On the site, the committee has its majority and minority opinions as well as other information.

Ms. Finger also added that on September 8th the planning commission held a special meeting at which time they heard from the committee. The planning commission, in turn, voted as a full body, six to three, in favor of the 32B alignment.

Baker University

Dr. Lambert from Baker University described the work of a committee he created to examine potential mitigation of impacts on the Baker Wetlands. The original charge to the committee was to look at the conditions under which mitigation would make it appropriate to construct the SLT through the wetlands. The general charge was to look at all the proposed routes: 32nd Street, 35th Street, and 38th Street. However, he indicated that the principal focus was on 32nd Street.

Dr. Lambert described the conceptual thinking of the committee. He said there were three considerations. One was the potential for additional land that could provide sufficient buffer to ensure that there would be maximum protection of the wetlands from that point forward. He thought this might be the single most important consideration. Second, the committee is seeking the creation of the research and interpretive center to serve the people of this part of Kansas -- more specifically Douglas County and Lawrence -- and provide a facility that would be

associated with a regional or national class environmental area. The final consideration is that there be sufficient resources made available to the university for the ongoing management and educational programs associated with those wetlands.

He indicated that these are the concepts and the committee continues to work on the details associated with a mitigation package.

Traffic Projections

Mr. Flanagan from HNTB provided information about projected traffic volume under alternative scenarios for the SLT. He noted that the projections are generated from a traffic model and are a function of existing traffic counts and future land use, as identified by the City and County. The land use information remains in draft form, but it is the best available information.

He presented two data points to the Group. The data for 1998 is considered the base year and 2025 is the year used for developing projected traffic data. Assumptions used in the model include having a four-lane freeway for the SLT and 31st becoming a four-lane road as well during this time frame. Other roads are assumed to remain as they are.

Mr. Flanagan had exhibits for the Group that compared baseline and projected traffic under alternative SLT alignments. As an example, he noted that if the SLT were to be built along 31st Street, there would be roughly 28,000 vehicles per day today and the number would grow to 63,000 vehicles per day by 2025.

He mentioned that there has been some question as to the mix of traffic on the trafficway. He indicated that about 20 percent of the traffic is through traffic, for example, traffic moving from Kansas City to Topeka. There is about 40 percent that is either starting or ending in or out of Lawrence, but traveling beyond the city. There is 35 to 40 percent that is local traffic.

Decision-Making Criteria

Part of the goal for the meeting was to talk about preferred alignment alternatives. So the question was posed about the most important criteria the Group wanted to consider in its evaluation of the alternatives.

KDOT has a matrix that has identified 32 different considerations or criteria. These include traffic volume, wetlands and hydric soils, land use, energy, and socioeconomic impact. It reflects the breadth and complexity of considerations that are being examined.

Before the meeting the Group was surveyed about a subset of the criteria being used by KDOT. The survey asked the Group to rate on a scale of one to ten 16 different criteria. The goal was to come up with a limited set of the most important criteria, recognizing that they are all important, and then apply these criteria to the most likely alignments under consideration. The most likely options being 32nd, 42nd and the no-build alternative.

Reflecting the fact that all the criteria are important, each one of the 16 received at least one vote of “10”. The average vote ranged from 6.3 (project cost and consistency with land use plans) to 8.4 (impacts to a biologically diverse wetland). Two of the considerations (noise and visual impacts) received “10” votes from five of the twelve people who responded.

To determine which of the 16 criteria warranted consideration as the "most important" for the evening's discussions, the Group decided that the criteria with the most votes of 8, 9, or 10 should be considered. In this way, nine criteria emerged as the most important. With two that were rated quite close to one another (educational and recreational use of the Baker Wetlands) combined, the list was reduced to eight priority criteria.

The most important criteria at this point (not in order)were:

- Traffic volume on the trafficway and surrounding streets
- The educational and recreational use of the Baker wetlands
- Impacts to a biologically diverse wetland
- Displacement of homes and businesses
- Noise
- Visual impacts
- Historical and archeological sites
- Floodways and stream crossings

Considerations that came closest to being included, but did not make this cut, were impacts to farms and farmland and impacts to Haskell. The Group ultimately decided to combine noise and visual impacts and add impacts to Haskell to the list for discussion about the preferred alignments.

Analysis of 32nd Street, 42nd Street and the No-Build Alternatives

The Group then proceeded to evaluate the 32B, 42A, and the No-Build alternatives using the criteria it had identified as most important for the discussion. For each criterion, the Group evaluated the perceived benefits, drawbacks, and suggestions for mitigation. Highlights of the discussion are identified briefly below. Again, for those interested in much more detail, the complete transcript will be available on the project website at www.southlawrencetrafficway.com. Comments were provided by individuals and represent their views and not those of the entire Group.

1. Traffic

Alignment	Benefit	Drawback
32nd	▪ Opportunity to abandon 31st Street right-of-way ▪ Supports larger volume of traffic ▪ Less traffic impact on Township roads	▪ Eight lanes of traffic will significantly increase traffic south of Haskell campus ▪ Meets a short-term need, but fails to address longer-term planning considerations ▪ Might have more adverse impact on neighborhoods
42nd		▪ May do little to relieve city traffic congestion ▪ No opportunity to relocate 31st Street
No Action	▪ Belief that any new road construction will encourage more traffic	▪ No improvement to other streets under the no-build option ▪ Fails to address growing traffic needs in and outside the community ▪ It does not address the problem; it ignores the problem ▪ Mass transportation remedies are not a realistic solution for today

2. Educational and Recreations Use of the Baker Wetlands

Alignment	Benefit	Drawback
32nd	▪ Potential for additional educational facility as mitigation ▪ Potential for expanded number of acres (200-400 acres) of wetland or buffer	▪ Road will go through premier outdoor educational area ▪ Impact on Monarch migration and observation ▪ Impact on Haskell students who use wetland for science classes
42nd	▪ Avoids wetland impact	
No Action	▪ No impact on the wetland	

3. Impacts to a Biologically Diverse Wetland

Alignment	Benefit	Drawback
32nd		▪ Impact on Monarch butterfly observation and migration ▪ Loss of habitat, especially during construction ▪ Pollution, which will impact diversity ▪ Noise and light will impact diversity
42nd	▪ Avoids Baker Wetlands	▪ Will disturb riparian environments
No Action	▪ No impact on the wetland	

4. Displacement of homes and businesses

Alignment	Benefit	Drawback
32nd	▪ Displaces four homes versus seven on 42nd alignment	▪ Affects businesses near Haskell, but they may be avoided
42nd		▪ Impacts more homes ▪ 38 property owners will be affected
No Action	▪ No impact on existing businesses or homes	

5. Noise and visual impacts

Alignment	Benefit	Drawback
32nd	▪ Note: it would be useful to have a schematic that showed the visual impact from different points of view	▪ Drawback to wetland and its educational and recreational use ▪ Would directly affect Haskell sweat lodges and medicine wheel ▪ Any noise barrier will only reduce noise level to half the maximum
42nd		▪ Drawback to residents who live in the area
No Action	▪ Benefit to wetland and residences by not building the SLT	▪ Would require expansion of 31st and create more noise at Haskell ▪ No opportunity to mitigate noise and visual impacts unless there is a project

6. Historical and archeological sites

Alignment	Benefit	Drawback
32nd		▪ Unmarked graves ▪ Historical significance for Haskell students who tried to get away from assimilation practices
42nd		▪ Records of burials, of graves of indigent and poor people who resided in Douglas County in the latter half of the 1800s and early part of the 1900s, unmarked poor-farm graves ▪ Other historically significant pre-Civil War sites ▪ Historic farms ▪ Blanton's Bridge is close to the crossing of the 42nd-A alignment.
No Action	▪ Ensures historical sites remain intact	

7. Floodways and stream crossings

Alignment	Benefit	Drawback
32nd	▪ Does not impact the Wakarusa River ▪ No river crossings needed ▪ Gives the city the opportunity to address flooding problems on the southern side of town	▪ Runoff, water quality issues, sedimentation, impacts to habitat ▪ Impacting the wetland is significant ▪ Wetland helps control flooding and its loss in acres will reduce this ability
42nd		▪ Runoff, water quality issues, sedimentation, and concerns related to terrestrial and aquatic wildlife ▪ Potential impact to wildlife migration ▪ Higher costs to build necessary bridges ▪ The number of crossings, the amount of elevated highway would have to be much larger on 42nd Street.
No Action	▪ Avoids wetlands, floodways and streams	

8. Impacts on Haskell University

Alignment	Benefit	Drawback
32nd	▪ Allows the mitigation of 31st Street	▪ Expanded 31st, moved somewhat to the South and adjacent to the SLT, is a drawback to Haskell ▪ Haskell has spiritual, cultural, historical, academic and environmental concerns ▪ Impact on medicine wheel and sweat lodges ▪ Estimated 500 unmarked graves in the area ▪ Students use wetlands every day ▪ Requires extensive consultation process with tribal governments
42nd		
No Action		

SLT Alignment Preferences

After evaluating the alternatives according to eight specific criteria, the Group was asked for its thoughts about their preferred alternative. By their nature, some negative comments about one alignment are viewed as positive considerations for another. Comments are grouped below as comments in favor of one of the three alternatives discussed in depth.

Comments in Favor of 32nd B

- Allows mitigation that, with additional acreage, will buffer and protect the Baker Wetlands
- Helps Baker because of expanded acreage
- Potential for expanding the education opportunities at Baker, including a possible endowment
- Reduces traffic on Township roads
- Does more to reduce local traffic congestion
- Little impact on neighborhoods with no exit on Louisiana
- City has opportunity to address storm water issues
- Building south of the river will place more infrastructure burden on the city
- 42nd will expand the urban growth area sooner
- Cost is a factor; it might preclude 42nd from becoming a reality
- 32nd Street provides an interior high-speed conduit east-west that can service us well into the future
- There's no perfect solution. While not perfect, this alignment does attempt to address the needs of all the groups that have expressed opposition up to this point
- Allows the elimination of 31st Street and the reconnection of the Haskell campus
- Retains 31st Street functionality, but allows it to be relocated
- This is the most direct route

Comments in Favor of 42nd A

- The trafficway should avoid the wetlands
- Mitigation should be viewed with caution: there's no way to fully compensate for the noise and visual impact of ten lanes of traffic going through the wetlands
- Could support 42nd as long as we keep 31st Street
- Better opportunity to avoid litigation
- Moving 31st 200 feet to the south and making it four lanes rather than two and having it adjacent to the trafficway is not viewed as a benefit to Haskell
- There are spiritual concerns at Haskell and some of the ceremonies are done at night, and the lighting of ten lanes of highway traffic will affect the ceremonies
- Culturally and historically building through the wetland is of concern to Haskell
- There is concern about the amount and variety of species diversity at the wetlands

Comments in Favor of the No Action Alternative

- Highways are sprawl magnets; they adversely impact the environment and they promote traffic
- As long as we are accommodating the car, the quality of life in this region and in Lawrence is not going to be enhanced

Next Steps in the Process

Mr. Flanagan outlined next steps in the process.

a. The draft EIS is expected to be out early next year, which will, among other things, identify a preferred alignment alternative.
b. Public hearings will be held once the draft EIS is publicly available.
c. A final EIS will then be prepared.
d. A decision will be made and then, assuming it is approved, a permit will be issued.