



**Department of Transportation
Federal Aviation Administration
Alaskan Region
Anchorage, Alaska**

**Angoon Airport
Final Environmental Impact Statement
and Section 4(f) Evaluation
Record of Decision**

October 21, 2016

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SUMMARY

This Record of Decision (ROD) provides the final determinations and approvals by the Federal Aviation Administration (FAA) for federal actions needed for construction of a land-based airport at Angoon, Hoonah-Angoon Census Area, Alaska.

This ROD includes descriptions of the actions proposed to address the need for the land-based airport. This ROD also documents the purpose and need for the actions, alternatives to the actions, environmental impacts associated with the actions and alternatives, and mitigation measures to avoid, minimize, and compensate for environmental harm. This ROD also discloses the federal and state actions needed before the actions may be implemented and provides findings and determinations concerning resources of special concern. The conditions of approval that must be met by the airport sponsor (the Alaska Department of Transportation and Public Facilities, hereafter “DOT&PF”) are listed. This ROD identifies the FAA's preferred alternative as well as the alternative selected by the FAA for implementation. The FAA’s preferred alternative is also the environmentally preferred alternative.

The FAA is responsible for the preparation and content of the draft environmental impact statement (DEIS) and final EIS (FEIS), published on January 9, 2015, and September 2, 2016, respectively, and this ROD. In developing the FEIS, the FAA relied on certain information provided by outside sources as authorized by the Council on Environmental Quality’s regulations for implementing the National Environmental Policy Act (NEPA) (see 40 CFR 1506.5). The FAA is responsible for reviewing and independently verifying the accuracy of any information provided by outside entities including the DOT&PF and cooperating agencies. In keeping with its oversight responsibility as the lead federal agency for the EIS, the FAA consistently exercised control over the scope, content, and development of the FEIS. The FAA selected a third-party contractor to assist with information verification and preparation of the FEIS.

An EIS website was established to help provide the public and interested parties with information concerning the progress and status of the NEPA and ANILCA processes. The website also includes maps and documents prepared for the project, which include the DEIS and FEIS, technical and scientific reports, newsletters, progress reports, and many others (see <http://angoonairporteis.com/>). This ROD will be posted on the EIS website. This ROD will also be available online at the FAA’s electronic ROD repository (see http://www.faa.gov/airports/environmental/records_decision/).

The FAA is responsible for the accuracy of all information in the FEIS and this ROD. For more information concerning the contents of this ROD or the FEIS, please contact:

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1. INTRODUCTION AND PROJECT OVERVIEW

This Record of Decision (ROD) provides the Federal Aviation Administration's (FAA) final determinations and approvals for the federal actions necessary to construct a land-based airport at Angoon, Hoonah-Angoon Census Area, Alaska. The FAA has selected Airport 12a with Access 12a for implementation, and this alternative is referred to hereafter as "the Project," "the selected alternative," or the "preferred alternative"). The federal actions identified in Section 9 of this ROD are necessary to implement the Project.

The Alaska Department of Transportation and Public Facilities (DOT&PF) has proposed to construct and operate a land-based airport near Angoon. The airport will accommodate small, wheeled aircraft and will include a single runway with an apron (an area where aircraft are maneuvered and parked and where activities associated with the handling of flights can be carried out). A new access road for the airport will need to be constructed. The Project includes the following attributes:

- **Runway:** Paved; 3,300 feet long and 75 feet wide, with future expansion to 4,000 feet long*
- **Runway safety areas:** 150 feet wide, centered on runway centerline, extending 300 feet beyond each runway end
- **Object free area:** 500 feet wide, centered on runway centerline, extending 300 feet beyond each runway end
- **Runway protection zone:** Standard visual approach dimensions of 500 × 1,000 × 700 feet
- **Single, perpendicular taxiway:** Paved
- **Aircraft apron:** Paved
- **Navigational aid:** Rotating beacon
- **Visual approach aid:** Precision approach path indicator
- **Runway lights:** Pilot-controlled, medium-intensity lights
- **Terminal space:** Sufficient area for a future terminal or passenger shelter
- **Lease lots:** 62,500 square feet available for leasing
- **Electrical control building and generator:** Near future terminal site
- **Perimeter fence:** For security and wildlife control
- **Passenger parking lot:** Paved, near future terminal site
- **Support facilities:** Future weather station, weather cameras, communication, wind cones, etc.
- **Access road:** Two, paved, 10-foot-wide lanes and 5-foot shoulders
- **Overhead utility lines:** Power and telephone lines located within the access road corridor**
- **Avigation easements:** For this project, avigation easements outside of airport property would provide DOT&PF the right to access areas to clear them of obstructions and maintain that clearance.

*Future expansion would be subject to additional environmental review when proposed for construction.

**Utility lines would only be installed if it is determined to be cost-effective.

Section 3 of this ROD describes the Project's purpose and need. Section 4 describes the alternatives the FAA considered for meeting the purpose and need, as well as the FAA's preferred alternative and the environmentally preferred alternative. As described in Section 4, the FAA has selected the preferred alternative for implementation. The FAA's preferred alternative is also the environmentally preferred alternative. Section 5 summarizes the environmental impacts of the alternatives.

1.1. Project Funding

The FAA understands that the DOT&PF will apply for federal grant-in-aid funding from the FAA's Airport Improvement Program. There are findings and determinations prescribed by statute and regulation that must be made by the FAA as preconditions to agency approvals of airport project funding applications (see Section 10 of this ROD). This ROD includes the environmental determinations necessary to establish eligibility for approval of grants for federal funding, and it provides the basis to proceed with those findings and determinations. However, this ROD neither grants federal funding nor constitutes a funding commitment. The FAA will review funding requests upon submission by the DOT&PF of a timely grant-in-aid application, and the FAA will make funding decisions in accordance with statutory and regulatory requirements.

1.2. Statutory Compliance

The FAA has conducted a thorough and careful environmental analysis of the potential environmental impacts of the Project. This analysis is disclosed in the FEIS. The FAA's Alaskan Region Regional Administrator has reviewed the FEIS and administrative record in support of the decision documented in this ROD.

The FAA is responsible for the preparation and content of the FEIS and this ROD in compliance with NEPA of 1969 (42 United States Code [USC] 4321 et seq.), the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR 1500–1508), and guidance contained in FAA Order 1050.1E, *Change 1, Environmental Impacts: Policies and Procedures* (referred to hereafter as FAA Order 1050.1E), and FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects* (referred to hereafter as FAA Order 5050.4B).¹

¹ The FAA released an update to 1050.1E, Chg 1 in July 2015 titled 1050.1F Environmental Impacts: Policies and Procedures. As stated in Order 1050.1F, because the updated order was released after publication of the DEIS, this final EIS doesn't show changes that would be caused by the updated order because the updated order does not apply to ongoing environmental reviews where substantial revisions to ongoing environmental documents would be required.

The FAA is responsible for reviewing and verifying the accuracy of any environmental information provided by outside entities. In keeping with its oversight responsibility, the FAA has consistently exercised control over the scope, content, and development of the EIS and related materials. The FAA selected a third-party contractor to assist in the preparation of the EIS and this ROD. The FAA used its own resources and the resources of the contractor to independently evaluate any environmental information and other submissions provided by cooperating agencies or other entities. In addition, the FAA and the contractor used environmental information submitted by the DOT&PF for development of the EIS only as permitted under 40 CFR 1506.5(a). The FAA and the contractor independently reviewed environmental information provided by the DOT&PF for accuracy and completeness. The FAA believes that its degree of supervision exercised over the contractor and its involvement in the preparation and review of the EIS and this ROD are consistent with CEQ regulations and its own orders and also fully demonstrate the integrity and objectivity of the EIS and this ROD.

2. LOCATION AND PROJECT SETTING

The small community of Angoon in Southeast Alaska is currently accessible only by seaplane and ferry. It is the only permanent settlement on Admiralty Island and is located about 55 miles south of Alaska's capital, Juneau, and about 700 miles east-southeast of Anchorage, Alaska's largest city and the location of many state government offices. (Figure 1 on the next page shows the location of Angoon.) The community is located on a peninsula surrounded on the west by Chatham Strait and on the north and east by Favorite Bay. Just beyond Favorite Bay to the north, east, and south is the nearly 1-million-acre Admiralty Island National Monument and Kootznoowoo Wilderness Area, referred to throughout this document as the "Monument–Wilderness Area."

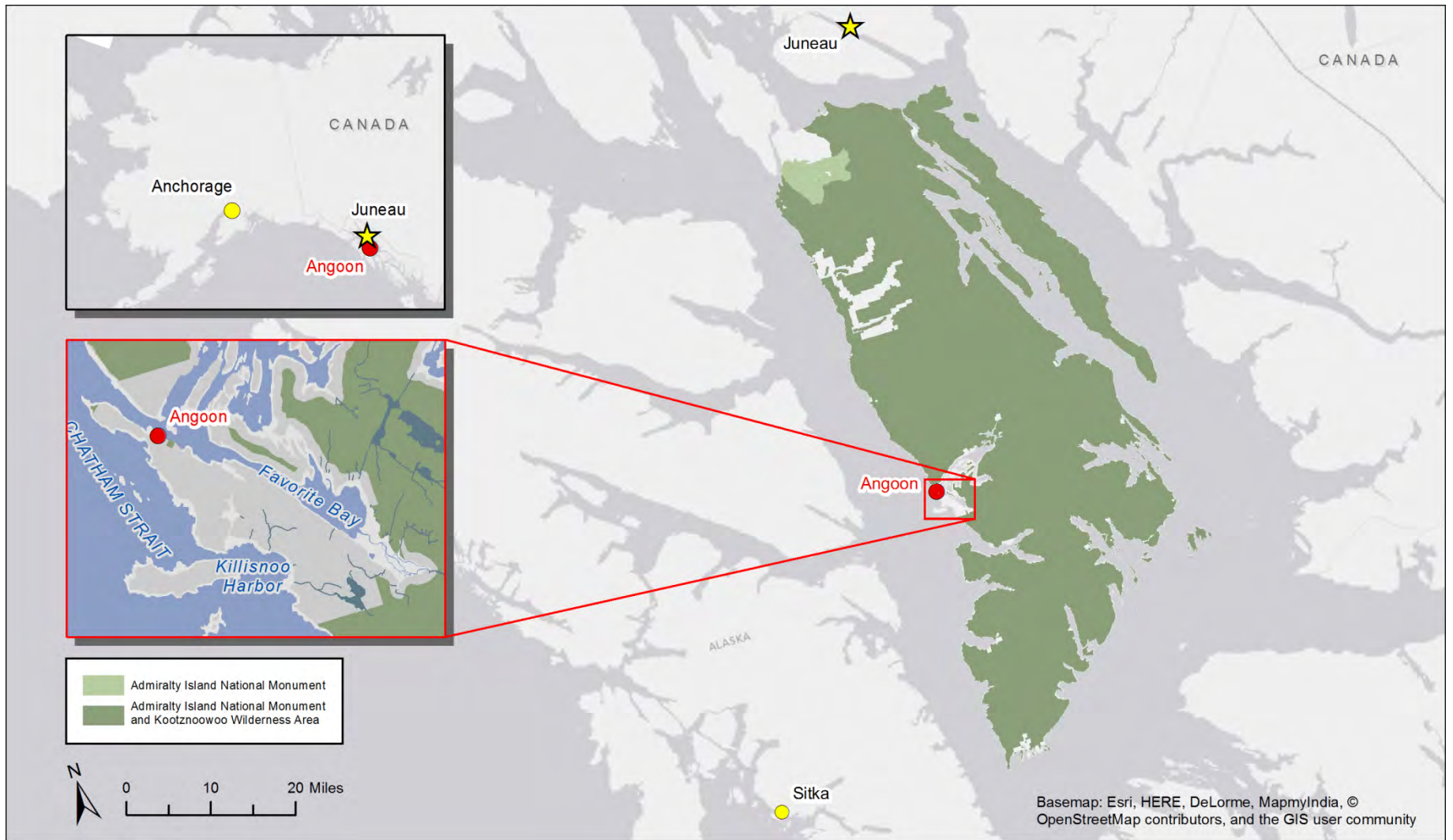


Figure 1. Location of Angoon and the Admiralty Island National Monument and Kootznoowoo Wilderness Area in Southeast Alaska.

3. PURPOSE AND NEED

The purpose and need is as follows:

Current transportation service to and from Angoon is solely by seaplane and ferry. These options do not provide sufficient availability and reliability in transportation to and from Angoon. A land-based airport will improve the availability and reliability of aviation transportation services to and from Angoon.

Like most communities in Southeast Alaska, Angoon has no road connections outside the local area because the ocean and terrain surrounding Angoon make construction and maintenance of roads and bridges to other communities impractical and prohibitively expensive. Seaplane service to and from Angoon is available approximately 44% of the hours in any given year. This percentage of time is determined by weather, lighting conditions, and water conditions in Favorite Bay. The ferry service provides a relatively low-cost travel option that can usually accommodate passenger demand but is unlikely to improve the availability and reliability of transportation to and from Angoon due to infrequent schedules and travel time.

A land-based airport will meet Angoon's unmet transportation needs by improving aviation availability and reliability. A land-based airport will have, or will allow for, the following:

- Runway lighting, allowing a pilot to safely land at night or in low-light situations
- The development of instrument procedures using a fixed runway threshold that will let pilots navigate to and land at the Angoon Airport during instrument flight rules weather conditions²
- Aircraft operations that are not affected by low temperatures

A land-based airport with runway lights, an instrument approach procedure, and a fixed threshold will improve the availability of aviation service to Angoon, allowing flights to occur 89%–94% of the total hours in a given year. This more than doubles the 44% of hours per year that seaplane service is currently available.

² The development of instrument procedures would be subject to environmental review

4. ALTERNATIVES

This section describes the sponsor's proposed action, the various alternatives to that action that have been considered, the FAA's preferred alternative, and alternatives not considered in detail in the FEIS.

4.1. All Alternatives Considered by the Agency

The FAA evaluated five alternatives (including the proposed action) that would meet the purpose and need. These are called the "action" alternatives. Any action alternative would require approval and funding from the FAA and other federal and state agencies to be constructed and operated. Along with the required "no action" alternative, the action alternatives represent the range of reasonable alternatives evaluated for environmental effects.

4.1.1. No Action Alternative

Key aspects of the no action alternative are as follows:

- No land-based airport or access road would be built.
- Air transportation options would remain as they exist today, meaning that
 - the Angoon Seaplane Base would continue to operate under visual flight rules (VFR) only and
 - no instrument procedures would be developed.

Under the no action alternative, current transportation services would continue.

4.1.2. Action Alternatives

The five action alternatives evaluated in the FEIS are as follows:

- Airport 3a with Access 2
- Airport 3a with Access 3
- Airport 4 with Access 2
- Airport 4 with Access 3
- Airport 12a with Access 12a (the preferred alternative, described in the following subsections)

All action alternatives have certain components in common. (see Section 1 for the details). These include runway length, size of lease lots, and design features of the access road. All action alternatives would require construction activities.

The differences between the alternatives are the result of each alternative's location, the terrain of that location, and access requirements specific to each location. For example, the exact area where aircraft would park would vary depending on the location of the runway ends or the access road, both of which are influenced by the terrain.

The location and general layout of each alternative is shown in Figure 2. The general characteristics and requirements for the alternatives are summarized and compared in Table 1. Aviation performance characteristics are described in Table ALT2 and Table ALT3 in Chapter 3 of the FEIS.

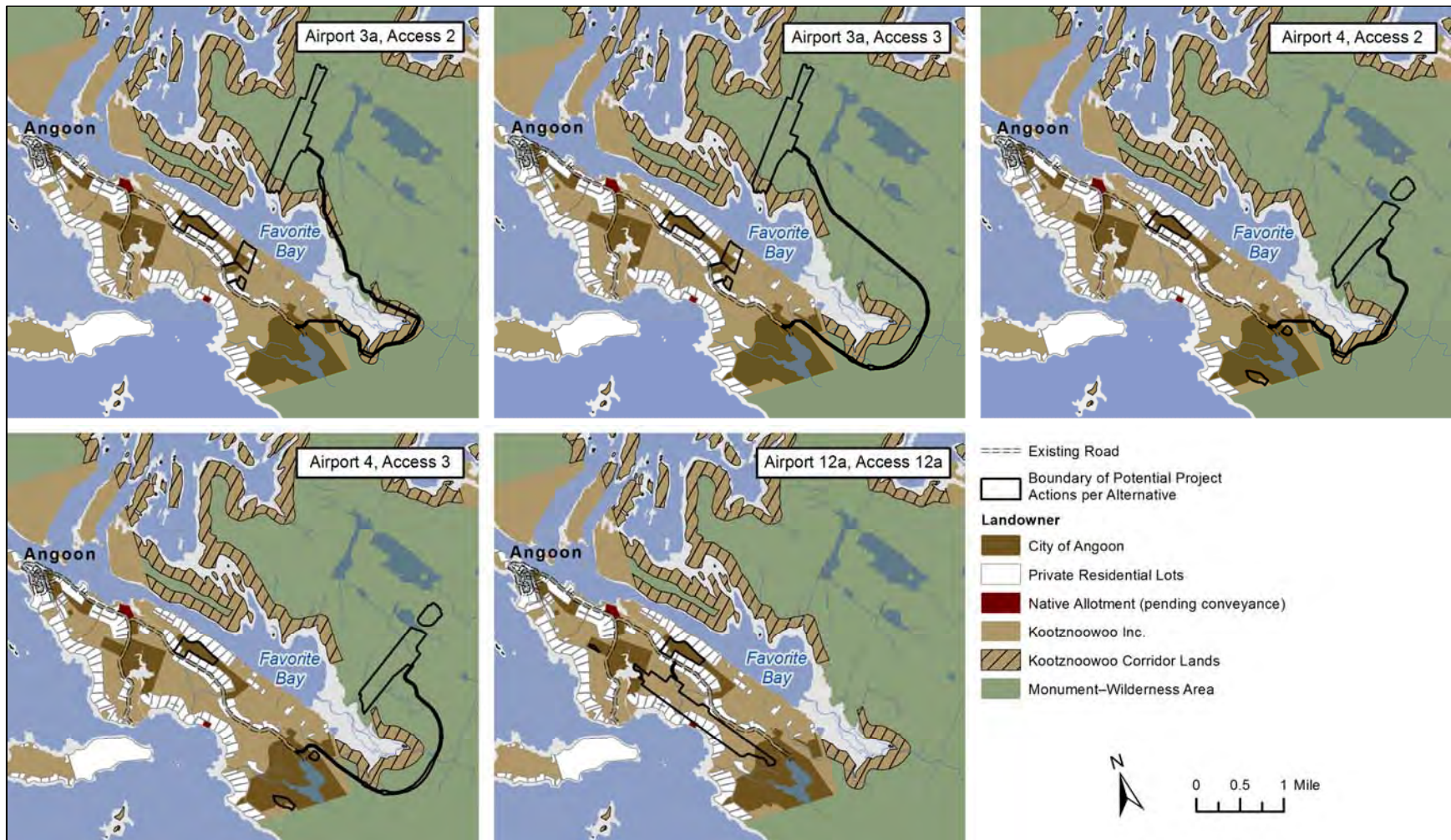


Figure 2. Location and general layout of the action alternatives.

Table 1. Comparison of Characteristics and Construction Requirements

	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12a
Landownership	<ul style="list-style-type: none"> • Federal public lands (Monument–Wilderness Area) • Kootznoowoo, Inc. • City of Angoon 	<ul style="list-style-type: none"> • Federal public lands (Monument–Wilderness Area) • Kootznoowoo, Inc. • City of Angoon 	<ul style="list-style-type: none"> • Federal public lands (Monument–Wilderness Area) • Kootznoowoo, Inc. • City of Angoon 	<ul style="list-style-type: none"> • Federal public lands (Monument–Wilderness Area) • Kootznoowoo, Inc. • City of Angoon 	<ul style="list-style-type: none"> • Private • Kootznoowoo, Inc. • City of Angoon
Airport property	213 acres	213 acres	218 acres	218 acres	253 acres
Airport perimeter fence (acres inside fence)	98 acres	98 acres	100 acres	100 acres	96 acres
Impervious surface	29 acres	30 acres	26 acres	27 acres	20 acres
Terrain disturbance from Alternative Actions	109 acres	114 acres	93 acres	99 acres	78 acres
Terrain disturbance from Kootznoowoo, Inc. proposed material source	41 acres	41 acres	41 acres	41 acres	41 acres
Cut needed for construction	471,200 cubic yards	1,176,500 cubic yards	650,700 cubic yards	1,286,100 cubic yards	342,300 cubic yards
Fill needed for construction	409,000 cubic yards	379,000 cubic yards	553,400 cubic yards	554,600 cubic yards	291,700 cubic yards
Vegetation removal	136 acres	136 acres	62 acres	63 acres	117 acres
Avigation easement with tree felling	0 acres	0 acres	47 acres	47 acres	3 acres
Temporary use area	8 acres	5 acres	8 acres	5 acres	None required
Access road right-of-way	82 acres	90 acres	55 acres	62 acres	4 acres
Width of access road right-of-way	150–250 feet wide	150–225 feet wide	150–200 feet wide	150–225 feet wide	150 feet wide
Length of access road	4.4 miles	4.7 miles	2.9 miles	3.2 miles	0.2 miles
Bridge span at Favorite Creek	650 feet	450 feet	650 feet	450 feet	No bridge required
Number of culverts and stream reroutes	28	30	18	19	3
Truck trips	33,400	56,000	43,600	64,900	23,600
Barge trips	45	45	40	40	30
Construction duration	Up to three seasons	Up to three seasons	Up to three seasons	Up to three seasons	Up to two seasons

*Numbers presented for each action alternative are preliminary. Further refinements and a final design will follow this Record of Decision.

4.1.2.1. AIRPORT 3A WITH ACCESS 2 (PROPOSED ACTION)

Airport 3a with Access 2 is the DOT&PF's proposed action³. This alternative would be located on lands owned or managed by the U.S. Forest Service; Kootznoowoo, Inc.; and the City of Angoon. The airport would be located on the north side of Favorite Bay within the boundaries of the Monument–Wilderness Area. Access 2 would begin at the existing Bureau of Indian Affairs (BIA) Road, and travel around the southeastern end of Favorite Bay within 1,000 feet of the shoreline. This access road would be 20 feet wide, consisting of two 9-foot lanes with 1-foot shoulders, and would have a right-of-way sized for future expansion to two 10-foot lanes with 5-foot shoulders. It would require the construction of a bridge across Favorite Creek and would require access to the avigation easements on the Angoon peninsula for vegetation removal. Because this alternative would be located in the Monument–Wilderness Area, it would require a permit under Title XI of ANILCA.

4.1.2.2. AIRPORT 3A WITH ACCESS 3

The route of the access road would be the only difference between this alternative and Airport 3a with Access 2; the location and details for the airport would be the same. As with Access 2, Access 3 would begin at the existing BIA Road, but it would stay farther inland from the Favorite Bay shoreline. This access road would be 20 feet wide, consisting of two 9-foot lanes with 1-foot shoulders, and would have a right-of-way sized for future expansion to two 10-foot lanes with 5-foot shoulders. The bridge crossing at Favorite Creek would be located farther upstream than the bridge crossing for Access 2. Because this alternative would be located in the Monument–Wilderness Area, it would require a permit under Title XI of ANILCA.

4.1.2.3. AIRPORT 4 WITH ACCESS 2

Airport 4 with Access 2 would be located on lands owned or managed by the U.S. Forest Service; Kootznoowoo, Inc.; and the City of Angoon. The airport would be located on the east side of Favorite Bay. Access 2 would begin at the existing BIA Road and travel around the eastern end of Favorite Bay within 1,000 feet of the shoreline. This access road would be 20 feet wide, consisting of two 9-foot lanes with 1-foot shoulders, and would have a right-of-way sized for future expansion to two 10-foot lanes with 5-foot shoulders. A bridge crossing at Favorite Creek—the same bridge location as for Airport 3a with Access 2—would be required. Because this alternative would be located in the Monument–Wilderness Area, it would require a permit under Title XI of ANILCA.

4.1.2.4. AIRPORT 4 WITH ACCESS 3

The route of the access road would be the only difference between this alternative and Airport 4 with Access 2. The location and details for the airport would be the same. As with Access 2, Access 3 would also begin at the existing BIA Road, but it would stay farther inland from the Favorite Bay shoreline. This access road would be 20 feet wide, consisting of two 9-foot lanes with 1-foot shoulders, and would have a right-of-way sized for future expansion to two 10-foot lanes with 5-foot shoulders. The bridge crossing at

³Following the release of the FEIS, the DOT&PF provided a letter to the FAA stating that they do not object to the selection of Airport 12a and amended their proposed action to Airport 12a with Access 12a. Because Airport 3a has been called the proposed action in both the DEIS and the FEIS, this ROD continues to identify it as such.

Favorite Creek would be located farther upstream than the bridge crossing for Access 2, and the road would then go northwest to the proposed Airport 4 location. Because this alternative would be located within the Monument–Wilderness Area, it would require an ANILCA Title XI permit.

4.1.2.5. AIRPORT 12A WITH ACCESS 12A (FAA’S PREFERRED ALTERNATIVE, ENVIRONMENTALLY PREFERRED ALTERNATIVE AND SELECTED ALTERNATIVE)

Airport 12a with Access 12a would be located on lands owned or managed by private landowners; Kootznoowoo, Inc.; and the City of Angoon. Both the airport and access road would be on the Angoon peninsula southeast of the community of Angoon; no part of this alternative would be located on Monument–Wilderness Area lands. Access 12a would begin at the existing BIA Road and travel directly to the proposed airport location. Access 12a would begin at the existing BIA Road and travel directly to the proposed airport location. Unlike the access roads to Airport 3a or Airport 4, this road would be built to two 10-foot lanes with 5-foot shoulders and would require no bridge.

4.2. Federal Aviation Administration’s Preferred Alternative and Environmentally Preferred Alternative

The CEQ regulations (40 CFR 1502.14(e)) require that a lead agency must identify its preferred alternative in the FEIS and must identify the environmentally preferred alternative (40 CFR 1505.2(b)) in the ROD. The agency’s preferred alternative is the alternative that “the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors.” The environmentally preferred alternative is the alternative that best promotes the national environmental policies incorporated into Section 101 of NEPA. In general, this will be the alternative that results in the least impact to the environment while still meeting the purpose and need, and that best protects natural and cultural resources.

The Approving Official for this ROD has selected the preferred alternative based on a review of “each alternative’s ability to fulfill the agency’s mission while considering their economic and environmental impacts, and technical factors.” The FAA's preferred alternative is consistent with the mission of the FAA.

This section describes the FAA’s preferred alternative and the reasons for that preference. The FAA’s preferred alternative is also the environmentally preferred alternative.

4.2.1. Airport 12a with Access 12a

The FAA identified Airport 12a with Access 12a as the Preferred Alternative in the both the DEIS and the FEIS, and now selects Airport 12a with Access 12a for implementation. All alternatives with the exception of the no action alternative meet the purpose and need. Based on the factors presented below in Section 4.2.2, this alternative is also the FAA’s environmentally preferred alternative.

4.2.2. Factors Considered in the Agency's Decision

Among the three airport locations, there are small aviation differences based on instrument approach capability, minimums for visibility, and year-round availability. However, the FAA went through an extensive alternatives development process to ensure that any analyzed alternative would improve the availability and reliability of aviation service to and from Angoon. All action alternatives would double the current availability of air travel in and out of Angoon, and meet or exceed FAA standards for the type of aircraft that would use the proposed airport. Given that the aviation differences among all airport alternatives are so small, the FAA identified the preferred alternative based on the following three criteria:

- Social and environmental effects
- Section 4(f) regulations
- The effects on natural resources as outlined in 49 USC 47106(c)(1)(B)

The following is a summary of the FAA's findings for each of these criteria.

Social and environmental effects: The social and environmental analyses are summarized below in Section 5 and provided in full in Chapter 4 of the FEIS. Based on these analyses, Airport 12a with Access 12a has the fewest significant or adverse effects.

Section 4(f) regulations: The FAA is required to also evaluate effects to certain types of lands and resources referred to in this EIS as "Section 4(f) resources" or "Section 4(f) properties." Under Section 4(f) of the Department of Transportation Act of 1966, as amended by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law [PL] 109-59), the FAA cannot affect Section 4(f) resources or properties unless

- there is no feasible and prudent alternative to avoid such effects and the action in question includes all possible planning to minimize harm to the property in question or
- the use of that property will have a *de minimis* impact on it.

Based on the summary analysis in Section 4.4 in the FEIS and the full analysis in Appendix D of the FEIS, the FAA has found that Airport 3a with Access 2 (the proposed action), Airport 3a with Access 3, Airport 4 with Access 2, and Airport 4 with Access 3 would result in Section 4(f) physical use of the Monument–Wilderness Area. The no action alternative and Airport 12a with Access 12a would avoid physical use of Section 4(f) resources. The FAA has determined that Airport 12a with Access 12a is both feasible and prudent. The FAA has further determined that the no action alternative is not feasible and prudent in that its selection would not meet the purpose and need.

The effect on natural resources as outlined in 49 USC 47106(c)(1)(B): Under this statutory provision, the FAA cannot approve funding of a proposed airport development project that has significant adverse effects if a determination can be made that there is a possible and prudent alternative to the project, and that every reasonable step has been taken to minimize the adverse effect.

As summarized in Section 5 of this ROD, the FAA has determined that the DOT&PF's proposed action (Airport 3a with Access 2) would have significant adverse impacts to Section 4(f) resources, light emissions and visual resources, wetlands, wilderness, and the national monument. Airport 4 with either access road would have significant adverse impacts to Section 4(f) resources, wetlands, wilderness, and

the national monument. The FAA has determined that the significant effects to these resources, with the exception of wetlands, cannot be mitigated below the level of significance. Having determined that these alternatives would have a significant adverse effect, the FAA is required to determine if there is a possible and prudent alternative. The FAA has made the following determinations (Table 2)

Table 2. Prudence Criteria and Findings

FAA Order 5050.4B	FAA Finding
Does the alternative meet the project's purpose and need?	All action alternatives would meet the purpose and need for improving aviation availability and reliability.
Does the alternative cause extraordinary safety or operational problems?	None of the action alternatives would cause extraordinary safety or operational problems.
Are there unique problems or truly unusual factors present with the alternative?	<p>Airport 3a and Airport 4 would require the placement of an airport and access road within the Monument–Wilderness Area. Although this placement is allowed under ANILCA Title XI, the process has never been used for a wilderness area. The Angoon Airport would be the first if an alternative to build in the Monument–Wilderness Area is approved at all levels in the ANILCA Title XI and NEPA processes.</p> <p>The impacts to the Monument–Wilderness Area could not be avoided or entirely mitigated, and are incompatible with the desired conditions for the area, as detailed in Section 4.16 Wilderness Character and Section 4.19 Admiralty Island National Monument in the FEIS.</p>
Does the alternative cause unacceptable and severe adverse social, economic, or other environmental impacts?	Airport 3a and Airport 4 with either access would have significant impacts that could not be completely mitigated as summarized in Section 3.10 in the FEIS. Airport 12a with Access 12a would also have significant impacts to wetlands, but these impacts can be fully mitigated as described in Chapter 7 Mitigation in the FEIS.
Does the alternative cause extraordinary community disruption?	Airport 12a with Access 12a would require acquisition of 37 (6%) of the area's available home sites, and therefore its effects would be too small to result in large-scale shifts in population or to influence the pattern of growth (see evaluation of these effects in Section 4.12.3.3.6 in the FEIS). None of the action alternatives would be close to the town core and would therefore not cause extraordinary community disruption.
Does the alternative result in added construction, maintenance, or operational costs of an extraordinary magnitude?	As detailed in Section 3.5.3 in the FEIS, Airport 12a with Access 12a is the most cost-effective action alternative, costing approximately \$40 million dollars less than the most expensive alternative (Airport 4 with Access 2), and \$22 million dollars less than the proposed action (Airport 3a with Access 2). Compared to Airport 3a with Access 2, operation and maintenance costs for Airport 12a with Access 12a would be \$19,000 less (under Option 1) or \$15,000 less (under Option 2) to operate and maintain per year. (Discussion of the operations options are in Section 3.5.3.2 in the FEIS.)
Does the alternative result in an accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?	None of the alternatives would result in an accumulation of factors that collectively have unique adverse impacts or reach extraordinary magnitudes.

Based on this information, the FAA has determined that Airport 12a with Access 12a is a possible and prudent alternative to the significant adverse impacts that would be caused by the DOT&PF's proposed action. Therefore, the FAA has determined that Airport 12a with Access 12a is the preferred alternative and environmentally preferred alternative.

4.3. Other Alternatives Considered

The scoping process (see Appendix A of the FEIS) and many studies identified a broad spectrum of alternatives, including 15 different airport locations and five access road routes, other modes of airport access, different transportation systems, improvements to existing air service, and the possible use of existing nearby airports (in Kake, Hoonah, or Petersburg, for example) instead of constructing a new airport in Angoon (see *Alternatives Eliminated from Detailed Analysis* [SWCA 2014a, included as Appendix B in the FEIS]). After compiling this list of potential alternatives, the FAA screened each according to the following criteria:

1. Does it meet the purpose of and need for the project? If a possible alternative did not meet the purpose and need, it was eliminated from further consideration.
2. Are the alternatives that do address purpose and need reasonable from a NEPA perspective? In other words, would they be practical or feasible from an engineering perspective and an economic perspective? If a possible alternative was determined to not be practical or feasible, it was considered not reasonable and was eliminated from further consideration.

For an alternative to be considered reasonable, it must meet established aviation design and safety standards. Airports are designed in accordance with the airport reference code standards outlined in the FAA Advisory Circular *AC 150/5300-13A, Airport Design* (FAA 2012a). Any alternative carried through for detailed analysis in the FEIS must meet the minimum FAA standards for the following:

- Wind coverage
- Safe approaches and departures
- Obstacle and obstruction clearance
- Other factors relating to air navigation

Alternatives that passed the FAA screening were carried forward for detailed analysis in the FEIS, whereas alternatives that did not meet all screening criteria were dismissed from further consideration.

5. ENVIRONMENTAL IMPACTS

Before the FAA can decide whether to provide requested funding or an approval for the airport layout plan, they are required by NEPA to evaluate and publicly disclose the potential social and environmental effects of building and operating the proposed airport. The FAA is also responsible for ensuring that airport development projects provide for the protection and enhancement of natural resources and the quality of the environment (49 USC 47101(a)(6)). The EIS must be prepared in accordance with FAA Order 1050.1E and FAA Order 5050.4B.⁴

⁴ The FAA released an update to FAA Order 1050.1E in July 2015, which is titled 1050.1F Policies and Procedures for Considering Environmental Impacts. As stated in FAA Order 1050.1F, because the updated order was released after publication of the DEIS, this final EIS does not show changes that would be caused by the updated order because the updated order does not apply to ongoing environmental reviews where substantial revisions to ongoing environmental documents would be required.

The following impact categories are discussed in this ROD because one or more of the action alternatives would result in significant impacts:

- U.S. Department of Transportation Section 4(f) evaluation summary (Table 3)
- Light emissions and visual resources (Table 4)
- Wetlands (Table 5)
- Wilderness character (Table 6)
- Admiralty Island National Monument (Table 7) and Kootznoowoo Corridor Lands federal reserved rights (Table 8)

The following environmental impact categories are not addressed in this ROD because the action alternatives would not result in significant impacts:

- Air quality
- Compatible land use
- Biological resources: Terrestrial habitats and associated species
- Biological resources: Aquatic habitats and associated species
- Biological resources: Special status species
- Floodplains, stream geomorphology, and hydrology
- Hazardous materials, pollution prevention, and solid waste
- Cultural resources
- Energy supply, natural resources, and sustainable design
- Noise
- Socioeconomic conditions
- Subsistence resources and uses
- Water quality
- Climate change and greenhouse gas emissions
- Environmental justice and children's health and safety
- Construction effects

The FAA does not have established thresholds for five resource categories (stream geomorphology–hydrology, subsistence resources and uses, wilderness character, the national monument, and climate change–greenhouse gas emissions). However, because Airport 3a and Airport 4 with either access would be located on lands managed by the U.S. Forest Service, the FAA used other guidance to make determinations of significance for three of these resources—subsistence resources and uses, wilderness character, and the national monument.

In the case of subsistence resources and uses, ANILCA Title VIII (810(a)) requires a determination whether withdrawal; reservation; lease; permit; or other use, occupancy, or disposition of such lands would significantly restrict subsistence uses. The U.S. Forest Service commonly uses the thresholds of significance established for ANILCA Section 810 evaluations in the *Kunaknana v. Clark* case to make determinations of significance. In the case of wilderness character and the national monument, the FAA

consulted with the U.S. Forest Service and used their guidance to make determinations of significance specifically for this EIS to satisfy that agency's NEPA requirements.

Table 3. U.S. Department of Transportation Act Section 4(f) Evaluation Summary: Summary of Effects and Significance

	Effects	No Action	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12a
Summary of effects	Effects on historic properties	None	None	None	None	None	None <u>De minimis impacts to two Section 4(f) resources</u>
	Effects on publicly owned recreational properties	No physical use	238 acres subject to physical use	285 acres subject to physical use	263 acres subject to physical use	289 acres subject to physical use	None <u>De minimis impacts to two Section 4(f) resources</u>
<p>Note: Gray shading denotes use. <u>UNDERLINED AND STRIKEOUT TEXT SHOWS CHANGE FROM THE FEIS</u></p>							
Summary of significance	Would there be any significant effects?	Why would these effects be significant?					
	“Yes” for Airport 3a with either access and Airport 4 with either access	<ul style="list-style-type: none"> Section 4(f) does not use the wording “significant;” rather, it makes a determination of whether there would be use of historic properties or recreation properties. Airport 3a with either access road and Airport 4 with either access road would result in physical use of Section 4(f) resources. According to FAA Order 1050.1E, a significant effect occurs pursuant to NEPA when a proposed action either involves more than <i>de minimis</i> use of a Section 4(f) property, or is deemed a “constructive use” substantially impairing the Section 4(f) property, and mitigation measures do not eliminate or reduce the effects of the use below the threshold of significance. Because Airport 3a and Airport 4 with either access would result in physical use of a Section 4(f) property, this use would be considered significant under FAA thresholds. 					
“No” for Airport 12a with Access 12a	<ul style="list-style-type: none"> The <i>de minimis</i> impacts to Section 4(f) resources under Airport 12a with Access 12a would not be considered significant using the same thresholds described above. 						

Note: Supporting effects analysis and significance discussions can be found in Section 4.4.3 in the U.S. Department of Transportation Act Section 4(f) Evaluation Summary in the EIS. Gray shading denotes significant effects. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

Table 4. Light Emissions and Visual Resources: Summary of Effects and Significance

	Effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12a (preferred alternative)
Summary of effects	Light emissions	<ul style="list-style-type: none"> • Temporary visibility of lights and skyglow at night and during daytime low-light conditions from construction vehicles and illuminated construction areas and equipment • Long-term visibility of intermittent, brief, and low-intensity skyglow during airport operation at night and during daytime, low-light conditions 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Temporary visibility of lights and skyglow would be same as Airport 3a with Access 2 but would increase the existing light in these areas, contributing to existing skyglow • Long-term visibility of lights from Viewpoint 5 and long-term visibility of intermittent, brief, and low-intensity skyglow during airport operation at night and during daytime, low-light conditions
	Visual resources					
	Viewpoint 1	<ul style="list-style-type: none"> • Temporary visibility of bridge construction equipment • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • No visibility of construction actions • No visibility of airport, access road, or avigation easements in the long term
	Viewpoint 2	<ul style="list-style-type: none"> • No visibility of construction actions • Major contrasts from vegetation clearing for the airport, producing a long-term effect 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • No visibility of construction actions • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 4 with Access 2 	<ul style="list-style-type: none"> • Same as Airport 4 with Access 2
	Viewpoint 2a	<ul style="list-style-type: none"> • No visibility of construction actions • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2
	Viewpoint 4	<ul style="list-style-type: none"> • No visibility of construction actions • No visibility of airport, access road, or avigation easement in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2
	Viewpoint 5	<ul style="list-style-type: none"> • Temporary visibility of construction traffic and barge traffic • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Temporary visibility of construction traffic and barge traffic • Major contrasts from vegetation clearing for the airport, producing a long-term effect

Table 4. Light Emissions and Visual Resources: Summary of Effects and Significance

	Effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12a (preferred alternative)
	Viewpoint 6	<ul style="list-style-type: none"> • Temporary visibility of construction traffic • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Temporary visibility of construction traffic • Visibility of vegetation clearing at avigation easement along the Kootznahoo Road • No visibility of airport or access road
	Viewpoint 7	<ul style="list-style-type: none"> • Temporary visibility of construction traffic • No visibility of airport, access road, or avigation easements in the long term 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • No visibility of construction traffic • No visibility of airport, access road, or avigation easements in the long term
	Wilderness	<ul style="list-style-type: none"> • Temporary effects to opportunities for solitude from visibility of nighttime and low-light daytime light emissions from construction equipment and construction lights • Long-term effects to opportunities for solitude from visibility of airport developments and motorized equipment, and from nighttime and low-light daytime skyglow during airport operation 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Temporary effects to opportunities for solitude from visibility of nighttime and low-light daytime light emissions from construction equipment and construction lights • Long-term effects to opportunities for solitude from nighttime and low-light daytime skyglow during airport operation
<i>Note: Gray shading denotes significant effects</i>						
Summary of Significance	Would there be any significant effects?		Why would these effects be significant or not significant?			
	“Yes” for Airport 3a with either access <i>Note: U.S. Forest Service thresholds are used to determine the significance of effects for Airport 3a and Airport 4.</i>		Vegetation clearing for Airport 3a would be visible from Viewpoint 2 to the Favorite Bay shoreline, producing clearly observable deviations from the designated “High” scenic integrity in the U.S. Forest Service–administered Monument–Wilderness Area. The contrasts would not repeat the surrounding form, line, color, and texture, and would exceed the planning objectives for the area. Mitigation of visual contrasts within the airport site would not sufficiently reduce the contrasts below the significance threshold.			
	“No” for Airport 4 with either access and for Airport 12a with Access 12a		Airport 4 with either access would not be visible from any of the viewpoints and would therefore cause no effects to visual resources. Vegetation clearing for Airport 12a with Access 12a would be visible from Viewpoint 5 (Whaler’s Cove Lodge) and would cause long-term visual effects. However, because Airport 12a is not located on lands managed by the U.S. Forest Service, no visual resource significance thresholds would be exceeded unless the FAA determines, in consultation with the public, that these long-term effects would be visually objectionable. No comments were received during the DEIS comment period to indicate that the public, tribes, or agencies find the effects objectionable.			

Note: Supporting effects analysis and significance discussions can be found in Section 4.9.3 of Light Emissions and Visual Resources in the FEIS. Gray shading denotes significant effects. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

Table 5. Wetlands: Summary of Effects and Significance

	Effects	No Action	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12a
Summary of effects	Wetland fill and changes to wetland hydrology	0 acres	112 acres	99 acres	51 acres	43 acres	78 acres
	Wetland alteration	0 acres	86 acres	80 acres	43 acres	60 acres	99 acres
<i>Note: Gray shading denotes significant effects.</i>							
Summary of significance	Would there be any significant effects?	Why would these effects be significant?					
	"Yes" for all action alternatives	<ul style="list-style-type: none"> • Development of any of the airport and access alternatives would convert wetlands to uplands and result in the loss of all wetland functions and services in areas where wetlands were filled. • Reductions in wetland functions and services would occur as a result of wetland alteration due to vegetation clearing and tree felling. • Wetland functions and services would be reduced in areas where the loss of a portion of a wetland or of adjacent wetlands resulted in modifications to wetland hydrology and associated wetland functions and services. • The magnitude and extent of activities under all action alternatives would be considered significant under NEPA according to the significance criteria described in Section 4.15.3.5 in Wetlands in the FEIS. 					

Note: Supporting effects analysis and significance discussions can be found in Section 4.15.3 in Wetlands in the FEIS. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

Table 6. Wilderness Character: Summary of Effects and Significance

	Quality or resource contributing to public purposes	Specific action causing effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
Summary of effects to wilderness qualities	Untrammeled	<ul style="list-style-type: none"> • Construction actions and operations and maintenance actions 	<ul style="list-style-type: none"> • Seven construction actions and eight operations actions 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • 0 construction or operations actions
	Natural	<ul style="list-style-type: none"> • Construction actions and operations actions, and the downstream or watershed effects of those actions 	<ul style="list-style-type: none"> • 791 acres degraded 	<ul style="list-style-type: none"> • 817 acres degraded 	<ul style="list-style-type: none"> • 1,402 acres degraded 	<ul style="list-style-type: none"> • 1,418 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
		<ul style="list-style-type: none"> • Isolation of wilderness 	<ul style="list-style-type: none"> • 126 acres isolated 	<ul style="list-style-type: none"> • 679 acres isolated 	<ul style="list-style-type: none"> • 219 acres isolated 	<ul style="list-style-type: none"> • 374 acres isolated 	<ul style="list-style-type: none"> • 0 acres isolated
	Undeveloped	<ul style="list-style-type: none"> • Presence of developments 	<ul style="list-style-type: none"> • Eight types of developments introduced • 22 acres of developments introduced • Visibility of vehicles and maintenance equipment 	<ul style="list-style-type: none"> • Eight types of developments introduced • 28 acres of developments introduced • Visibility of vehicles and maintenance equipment 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Eight types of developments introduced • 25 acres of developments • Visibility of vehicles and maintenance equipment 	<ul style="list-style-type: none"> • No developments
		<ul style="list-style-type: none"> • Presence of motorized equipment 	<ul style="list-style-type: none"> • Motorized equipment for maintenance of vegetation, pavement, snow removal, aircraft operations, public vehicular access, and for electrical generation 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2

Table 6. Wilderness Character: Summary of Effects and Significance

	Quality or resource contributing to public purposes	Specific action causing effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
Summary of effects to wilderness qualities	Opportunities for solitude	<ul style="list-style-type: none"> • New or improved access to the wilderness area 	<ul style="list-style-type: none"> • 1,713 acres of new or improved access 	<ul style="list-style-type: none"> • 2,495 acres of new or improved access 	<ul style="list-style-type: none"> • 1,416 acres of new or improved access 	<ul style="list-style-type: none"> • 1,724 acres of new or improved access 	<ul style="list-style-type: none"> • 0 acres of new or improved access
		<ul style="list-style-type: none"> • Light emissions from construction 	<ul style="list-style-type: none"> • Skyglow visible in the wilderness area near the runway and access road for up to three construction seasons 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> • Skyglow would be visible from adjacent portions of the wilderness area for up to three construction seasons
		<ul style="list-style-type: none"> • Light emissions during operation 	<ul style="list-style-type: none"> • Intermittent, brief, and low-intensity skyglow from the airport's upward-directed runway lights and navigational aids in the immediate vicinity of the runway during approaches and takeoffs • 502 acres where headlights could be visible during night or daytime low-light conditions along the road corridor 	<ul style="list-style-type: none"> • Intermittent, brief, and low-intensity skyglow from the airport's upward-directed runway lights and navigational aids in the immediate vicinity of the runway during approaches and takeoffs • 735 acres where headlights could be visible during night or daytime low-light conditions along the road corridor 	<ul style="list-style-type: none"> • Intermittent, brief, and low-intensity skyglow from the airport's upward-directed runway lights and navigational aids in the immediate vicinity of the runway during approaches and takeoffs • 528 acres where headlights could be visible during night or daytime low-light conditions along the road corridor 	<ul style="list-style-type: none"> • Intermittent, brief, and low-intensity skyglow from the airport's upward-directed runway lights and navigational aids in the immediate vicinity of the runway during approaches and takeoffs • 630 acres where headlights could be visible during night or daytime low-light conditions along the road corridor 	<ul style="list-style-type: none"> • Intermittent, brief, and low-intensity skyglow from the airport's upward-directed runway lights and navigational aids in portions of the wilderness near the runway during approaches and takeoffs

Table 6. Wilderness Character: Summary of Effects and Significance

	Quality or resource contributing to public purposes	Specific action causing effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
	Opportunities for solitude	<ul style="list-style-type: none"> • Presence of developments and motorized equipment 	<ul style="list-style-type: none"> • 502 acres where developments or motorized equipment would be visible • Exceedance of recommended encounter rates for Recreation Opportunity Spectrum (ROS) classes • Unquantifiable use of airport access road for subsistence, recreation, and maintenance 	<ul style="list-style-type: none"> • 735 acres where developments or motorized equipment would be visible • Exceedance of recommended encounter rates for ROS classes • Unquantifiable use of airport access road for subsistence, recreation, and maintenance 	<ul style="list-style-type: none"> • 528 acres where developments or motorized equipment would be visible • Exceedance of recommended encounter rates for ROS classes • Unquantifiable use of airport access road for subsistence, recreation, and maintenance 	<ul style="list-style-type: none"> • 630 acres where developments or motorized equipment would be visible • Exceedance of recommended encounter rates for ROS classes • Unquantifiable use of airport access road for subsistence, recreation, and maintenance 	<ul style="list-style-type: none"> • No developments or motorized equipment in or visible from wilderness • Exceedance of recommended encounter rates for ROS classes

Table 6. Wilderness Character: Summary of Effects and Significance

	Quality or resource contributing to public purposes	Specific action causing effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
Summary of effects to wilderness qualities	Opportunities for solitude	<ul style="list-style-type: none"> Noise from aircraft 	<ul style="list-style-type: none"> Maximum of 26 additional minutes per day time above ambient (TAA) from existing conditions in wilderness boundary 186,551 acres of wilderness where aircraft noise above ambient could be heard by wilderness users for 1 minute or longer in a 24-hour period 	<ul style="list-style-type: none"> Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> Maximum of 31 additional minutes per day TAA from existing conditions in wilderness boundary 272,802 acres of wilderness where aircraft noise above ambient could be heard by wilderness users for 1 minute or longer in a 24-hour period 	<ul style="list-style-type: none"> Same as Airport 4 with Access 2 272,802 acres of wilderness where aircraft noise above ambient could be heard by wilderness users for 1 minute or longer in a 24-hour period 	<ul style="list-style-type: none"> Fewer than 10 additional minutes per day TAA from existing conditions within the wilderness boundary 270,262 acres of wilderness where aircraft noise above ambient could be heard by wilderness users for 1 minute or longer in a 24-hour period
		<ul style="list-style-type: none"> Noise from construction equipment and motor vehicles Noise from vehicles and maintenance equipment 	<ul style="list-style-type: none"> Temporary increases in noise from construction equipment and worker vehicles in localized areas near this alternative only during construction During operation, wilderness users near the airport would be able to hear vehicles and maintenance equipment. Because there would be an unquantifiable public use of motorized vehicles and equipment associated with subsistence, recreation, and maintenance along the airport access road, it is not possible to quantify noise levels. 	<ul style="list-style-type: none"> Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> Same as Airport 3a with Access 2 	<ul style="list-style-type: none"> Same as Airport 3a with Access 2

Table 6. Wilderness Character: Summary of Effects and Significance

	Quality or resource contributing to public purposes	Specific action causing effects	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
	Opportunities for primitive and unconfined recreation	<ul style="list-style-type: none"> • Presence of perimeter fence (restricting access) or pavement (hindering primitive and unconfined recreation) 	<ul style="list-style-type: none"> • 101 acres where primitive and unconfined recreation could no longer occur 	<ul style="list-style-type: none"> • 106 acres where primitive and unconfined recreation could no longer occur 	<ul style="list-style-type: none"> • 105 acres where primitive and unconfined recreation could no longer occur 	<ul style="list-style-type: none"> • 107 acres where primitive and unconfined recreation could no longer occur 	<ul style="list-style-type: none"> • 0 acres where primitive and unconfined recreation could no longer occur
Summary of effects to resources that contribute to public purposes	Unspoiled natural ecosystem	NA	<ul style="list-style-type: none"> • 893 acres degraded 	<ul style="list-style-type: none"> • 1,406 acres degraded 	<ul style="list-style-type: none"> • 1,449 acres degraded 	<ul style="list-style-type: none"> • 1,568 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
	Brown bears	NA	<ul style="list-style-type: none"> • 306 acres degraded 	<ul style="list-style-type: none"> • 895 acres degraded 	<ul style="list-style-type: none"> • 406 acres degraded 	<ul style="list-style-type: none"> • 584 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
	Eagles	NA	<ul style="list-style-type: none"> • 180 acres degraded 	<ul style="list-style-type: none"> • 216 acres degraded 	<ul style="list-style-type: none"> • 187 acres degraded 	<ul style="list-style-type: none"> • 210 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
	Cultural resources	NA	<ul style="list-style-type: none"> • 342 acres degraded 	<ul style="list-style-type: none"> • 379 acres degraded 	<ul style="list-style-type: none"> • 227 acres degraded 	<ul style="list-style-type: none"> • 232 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
	Customary and traditional subsistence uses	NA	<ul style="list-style-type: none"> • 148 acres degraded 	<ul style="list-style-type: none"> • 151 acres degraded 	<ul style="list-style-type: none"> • 104 acres degraded 	<ul style="list-style-type: none"> • 107 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
	Visual resources	NA	<ul style="list-style-type: none"> • 502 acres degraded 	<ul style="list-style-type: none"> • 735 acres degraded 	<ul style="list-style-type: none"> • 528 acres degraded 	<ul style="list-style-type: none"> • 630 acres degraded 	<ul style="list-style-type: none"> • 0 acres degraded
<p>Note: Gray shading denotes significant effects. *TAA = time above ambient. See Section 4.11.2.1.2 in Noise in the FEIS for more information.</p>							
Summary of significance	Would there be any significant effects?		Why would these effects be significant or not significant?				
	<p>“Yes” for Airport 3a and Airport 4 with either access Note: The FAA does not have established significance thresholds for wilderness character and does not set them in this EIS. Because Airport 3a and Airport 4 are on lands managed by the U.S. Forest Service, the FAA consulted with them and used their guidance to make determinations of significance.</p>		<ul style="list-style-type: none"> • The FAA finds that both Airport 3a and Airport 4 with either access road would be incompatible with the desired conditions set forth in the Wilderness Act and the U.S. Forest Service land management plan. By extension, the FAA therefore finds that the effects from any of the wilderness alternatives to wilderness qualities and public purposes would be significant. 				
<p>“No” for Airport 12a with Access 12a</p>		<ul style="list-style-type: none"> • Airport 12a with Access 12a would be compatible with the desired conditions of the Kootznoowoo Wilderness Area and therefore would have no significant effect on wilderness qualities and public purposes. 					

Note: Supporting effects analysis and significance discussions can be found in Section 4.16.3 in Wilderness Character in the FEIS. Gray shading denotes significant effects. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

Table 7. Admiralty Island National Monument: Summary of Effects and Significance

	Resource contributing to monument purposes	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
Summary of effects	Cultural history of the Tlingit Indians Archaeological and historical resources	<ul style="list-style-type: none"> • 575 acres (cultural) • 203 acres (subsistence) 	<ul style="list-style-type: none"> • 635 acres (cultural) • 171 acres (subsistence) 	<ul style="list-style-type: none"> • 377 acres (cultural) • 127 acres (subsistence) 	<ul style="list-style-type: none"> • 386 acres (cultural) • 109 acres (subsistence) 	<ul style="list-style-type: none"> • No effects
	Unspoiled coastal island ecosystem, including brown bears and bald eagles	<ul style="list-style-type: none"> • 923 acres (actions, watershed, and downstream) • 288 acres (isolation) • 718 acres (scenery) • Night and low-light skyglow during three seasons of construction and during approach and takeoff. Headlights from vehicle traffic. 	<ul style="list-style-type: none"> • 925 acres (actions, watershed, and downstream) • 945 acres (isolation) • 802 acres (scenery) • Night and low-light skyglow during three seasons of construction and during approach and takeoff. Headlights from vehicle traffic. 	<ul style="list-style-type: none"> • 1,473 acres (actions, watershed, and downstream) • 347 acres (isolation) • 624 acres (scenery) • Night and low-light skyglow during three seasons of construction and during approach and takeoff. Headlights from vehicle traffic. 	<ul style="list-style-type: none"> • 1,477 acres (actions, watershed, and downstream) • 544 acres (isolation) • 665 acres (scenery) • Night and low-light skyglow during three seasons of construction and during approach and takeoff. Headlights from vehicle traffic. 	<ul style="list-style-type: none"> • Night and low-light skyglow during three seasons of construction and during approach and takeoff. Headlights from vehicle traffic.
<i>Note:</i> Gray shading denotes significant effects.						
Summary of significance	Would there be any significant effects?	Why would these effects not be significant?				
	“Yes” for Airport 3a and Airport 4 with either access. <i>Note:</i> The FAA does not have established significance thresholds for monument purposes and does not set them in this EIS. Because Airport 3a and Airport 4 are on lands managed by the U.S. Forest Service, the FAA consulted with them and used their guidance to make determinations of significance.	<ul style="list-style-type: none"> • The FAA finds that both Airport 3a and Airport 4 with either access would be incompatible with the desired conditions set forth in the enabling legislation and the land management plan (U.S. Forest Service 2008a). By extension, the FAA therefore finds that the effects from any of the monument alternatives to monument purposes would be significant. 				
“No” for Airport 12a with Access 12a	<ul style="list-style-type: none"> • Airport 12a with Access 12a would be compatible with the desired conditions of the Kootznoowoo Wilderness Area and therefore would have no significant effect on monument purposes. 					

Note: Supporting effects analysis and significance discussions can be found in Section 4.19.3 in Admiralty Island National Monument in the FEIS. Gray shading denotes significant effects. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

Table 8. Kootznoowoo Corridor Lands Federal Reserved Rights: Summary of Effects and Significance

	Federal reserved right	Airport 3a with Access 2	Airport 3a with Access 3	Airport 4 with Access 2	Airport 4 with Access 3	Airport 12a with Access 12
Summary of effects	Right of public access and use	<ul style="list-style-type: none"> 3 acres enclosed by perimeter fence 	<ul style="list-style-type: none"> 3 acres enclosed by perimeter fence 	<ul style="list-style-type: none"> 0 acres enclosed by perimeter fence 	<ul style="list-style-type: none"> 0 acres enclosed by perimeter fence 	<ul style="list-style-type: none"> No effect
	Right of quiet enjoyment	<ul style="list-style-type: none"> Up to 26 additional minutes per day 4,542 acres where noise above ambient could be heard for 1 minute or longer Temporary localized increases from construction and vehicles Permanent localized increases from motorized equipment 	<ul style="list-style-type: none"> Up to 26 additional minutes per day 4,542 acres where noise above ambient could be heard for 1 minute or longer Temporary localized increases from construction and vehicles Permanent localized increases from motorized equipment 	<ul style="list-style-type: none"> Up to 30 additional minutes per day 4,542 acres where noise above ambient could be heard for 1 minute or longer Temporary localized increases from construction and vehicles Permanent localized increases from motorized equipment 	<ul style="list-style-type: none"> Up to 30 additional minutes per day 4,542 acres where noise above ambient could be heard for 1 minute or longer Temporary localized increases from construction and vehicles Permanent localized increases from motorized equipment 	<ul style="list-style-type: none"> Up to 31 additional minutes per day 4,542 acres where noise above ambient could be heard for 1 minute or longer No effect No effect
	Development rights	<ul style="list-style-type: none"> 55 acres of developments 	<ul style="list-style-type: none"> 22 acres of developments 	<ul style="list-style-type: none"> 23 acres of developments 	<ul style="list-style-type: none"> 3 acres of developments 	<ul style="list-style-type: none"> No effect
	<i>Note: Gray shading denotes significant effects.</i>					
Summary of significance	Would there be any significant effects?		Why would these effects be significant or not significant?			
	<p>“Yes” for Airport 3a and Airport 4 with either access</p> <p><i>Note: The FAA does not have established significance thresholds for federal reserved rights and does not set them in this EIS. Because the U.S. Forest Service has management jurisdiction over the federal lands (including the Kootznoowoo Corridor Lands), the FAA consulted with them and used their guidance to make determinations of significance.</i></p>		<ul style="list-style-type: none"> The FAA finds that both Airport 3a and Airport 4 with either access road would be incompatible with the desired conditions for federal reserved rights. By extension, the FAA therefore finds that the effects to the federal reserved rights would be significant. 			
<p>“No” for Airport 12a with Access 12a</p>		<ul style="list-style-type: none"> Airport 12a with Access 12a would not affect any of the federal reserved rights within the boundaries of the Kootznoowoo Corridor Lands, and its effects would therefore be compatible with the provisions and desired conditions as outlined in the enabling legislation. 				

Note: Supporting effects analysis and significance discussions can be found in Section 4.19.3 in Admiralty Island National Monument in the FEIS. Gray shading denotes significant effects. Definitions for resource-specific terms can be found in the resource section or glossary in the FEIS.

6. MITIGATION AND MONITORING ACTIONS REQUIRED

The FAA and other federal agencies use a sequential approach in assessing possible ways to mitigate for adverse effects. The CEQ regulations for implementing NEPA (at 40 CFR 1508.20) define mitigation to include the following steps, considered in this order:

- Avoiding the effect by not taking a certain action or parts of an action, for example, routing a road to avoid wetlands
- Minimizing effects by limiting the degree or magnitude of the action; for example, varying the right-of-way width to minimize use of lands and clearing of vegetation
- Remedying the effects by repairing, rehabilitating, or restoring the affected environment, for example, replanting vegetation or re-establishing the flow pattern of a stream
- Reducing or eliminating the effect over time through preservation and maintenance operations during the life of the action, for example, conducting weed treatments along roads to minimize the spread of invasive or non-native species
- Compensating for the effect by replacing or substituting resources or environments, for example, investing in the cost of reconstructing, preserving, or rehabilitating wetlands elsewhere to offset the loss of wetlands in a given project area

The FAA has adopted all practicable means to avoid or minimize the adverse environmental impacts of the project. This section summarizes mitigation measures for all significant adverse impacts that cannot be avoided. There are no changes included in this ROD to the mitigation described in the FEIS. The following provides a summary of mitigation measures required for the project. The DOT&PF has agreed to implement the mitigation measures described herein.

6.1. Mitigation Measures Incorporated into the Alternatives

This section describes the mitigation measures incorporated into the selected alternative to avoid, minimize, or reduce environmental effects. A number of potential mitigation measures are identified below, but their adoption into the selected alternative will be dependent on a more refined analysis conducted during development of designs for the permitting process. Any such analysis will include further examination of the benefit of each mitigation measure relative to the cost and effort of implementing it.

6.1.1. Measures to Avoid Environmental Effects

The FAA has attempted to avoid environmental effects in two ways. Avoidance was considered as the FAA developed and refined alternatives to the proposed action. For example, early in the planning process, an alternative was developed that would have included constructing a bridge across Favorite Bay. The bridge across Favorite Bay was eliminated when it was determined to have significantly greater adverse effects than would other access alternatives on high-value intertidal areas and wetlands where Angoon residents practiced subsistence use.

The second method by which the FAA sought to avoid effects was through adherence to stipulations and protocols put in place by resource management agencies. These include, but are not limited to, the following:

- Avoid vegetation clearing in forest or woodland habitats during the migratory bird and raptor breeding season (April 15 through July 15). If construction is planned to occur during this time period, clearance surveys will be conducted and active nests will be avoided (U.S. Fish and Wildlife Service 2009a).
- Avoidance buffers around bald eagle nests will be established after consultation with the U.S. Fish and Wildlife Service. Appropriate permits will be acquired as necessary.
- Maintain a 600-foot, no-construction buffer around active Queen Charlotte goshawk nests during breeding season (March 15 to August 15) (U.S. Forest Service 2008a). Time construction to minimize effects to aquatic species by complying with timing windows established through consultation with the Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.

6.1.2. Measures to Reduce or Minimize Environmental Effects

During the airport planning and preliminary design process, the FAA developed many measures to either reduce or minimize project effects. These measures are incorporated into all action alternatives. Key measures incorporated into the analysis of project effects are as follows:

- Where fill will be necessary for the airport and access road, the fill footprint will be minimized to the extent practicable. Fill slopes will be constructed for stability based on material type to meet FAA and DOT&PF slope standards.
- Conduct a wildlife hazard assessment and, if necessary, implement an airport wildlife hazard management plan (WHMP) to minimize bird and wildlife hazards to airplanes. The WHMP will describe operations involving the harassment or otherwise taking of animals. The DOT&PF will obtain permits from the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service referred to as Public Safety and Depredation permits, respectively. WHMPs such as these, along with fencing around the airport operations area, will reduce the potential for wildlife hazards to airplanes. These plans also include hazing efforts that will discourage wildlife from being in the vicinity of the airport and therefore avoid strike potential. The WHMP will be subject to NEPA review by the FAA.
- Use pilot-activated runway lights: The use of runway lights that are on only when needed would minimize fuel needs and fuel consumption for airport operation.
- Maintain natural vegetation wherever possible without impairing sight distances: Keeping natural vegetation near the road and runway as much as possible will enhance natural filtration of pollutants contained in runoff.
- All fish-bearing stream crossings or re-routes will be made fish-passable per the Memorandum of Agreement between the Alaska Department of Fish and Game and DOT&PF for the Design, Permitting, and Construction of Culverts for Fish Passage
- Where feasible, steeper-than-average side slopes will be used to minimize impacts. Where fill will be necessary for the airport and access road, use of steeper-than-average side slopes will reduce the total area of direct effect from fill. In all cases, FAA and DOT&PF slope standards will be met.
- During the design phase of this project, materials sources will be tested for acid rock drainage (ARD) potential, and, during construction, the areas of terrain disturbance for the runways will be

tested. If the potential for ARD was identified, precautions will be taken that include not using that particular source rock as fill or for surfacing. It is important to keep rock with the potential for ARD away from the water table. If materials sources are shown to have potential for ARD, they will not be used near water. Alaska Storm Water Guide (Alaska Department of Environmental Conservation [ADEC] 2011b) Section 3.4.4 – Mining Considerations touches on this, but is not as detailed about what to do with ARD.

- The DOT&PF will develop an erosion and sediment control plan as a foundation for the development of the construction contractors' storm water pollution prevention plan (SWPPP) to comply with the Alaska Pollutant Discharge Elimination System (APDES) Construction General Permit.
- The DOT&PF will revegetate, rehabilitate, or restore temporary work sites when they are no longer necessary for construction or long-term maintenance.
- Cultural resource monitors will be used during construction to watch for the exposure of buried cultural resources hidden by dense vegetation. Standard protocols for reporting the discovery to the proper agencies and consulting with agencies and other consulting parties about the best way to address the discovery will be followed.
- The access road to Airport 12a will be designed to avoid the headwaters for the stream at Airport 12a (Stream 10).
- To minimize and avoid additional impacts to the surrounding wetlands and upland habitat in the vicinity of the airport footprint, the DOT&PF will route the north tributary of Stream 10 around the proposed apron to a site upstream of the existing confluence with the south tributary. Stream 10 will then remain within its existing streambed and pass beneath the Airport RSA/Runway via a bottomless arch to protect the natural substrate.

6.1.3. Best Management Practices during Construction and Operations

The following best management practices, or similar, will be employed during construction. Best management practices are relatively common activities in construction and are intended to prevent pollution, minimize environmental harm, and assure that appropriate response action is taken if unacceptable environmental effects occur. This list was developed based on experience with measures that have been implemented and shown to be successful on other projects. The ADEC has assumed responsibility for the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System program under the APDES. The DOT&PF will follow best management practices outlined in the ADEC's Alaska Storm Water Guide (ADEC 2011b) to best comply with the APDES Construction General Permit within the right-of-way. Additionally, the DOT&PF has standard practices they employ in the design and construction of roads and airports. These are detailed in the *Alaska Department of Transportation and Public Facilities Standard Specifications for Airport Construction* (DOT&PF 2014) and the *Alaska Department of Transportation and Public Facilities Standard Specifications for Highway Construction* (DOT&PF 2015).

- Conduct all on-site construction activities in accordance with *FAA Advisory Circular 150/5370-10F, Standards for Specifying Construction of Airports* (FAA 2011a).
- Follow FAA policies for complying with pollution control statutes and other best management practices during ongoing operations, including policies for fueling and cleaning airplanes and airport vehicles, and a hazardous waste management plan.
- Implement invasive species control per DOT&PF Southcoast Region Invasive Species Specification 201-3.07, Control of Invasive Plants.

- In wetland areas, use protective matting or slash to minimize destruction or removal of vegetation by heavy equipment, and to limit soil compaction where practicable.
- The DOT&PF will develop an erosion and sediment control plan as a foundation for the development of the construction contractors' SWPPP to comply with the APDES Construction General Permit. Best management practices described in the Alaska Storm Water Guide (ADEC 2011b) will be used for construction to best comply with the Construction General Permit.
- Reduce the use of deicers along roadways or runways during ongoing operations where possible.
- Use the minimum light intensities practicable during construction.
- Apply shielding to lights needed for construction so that light is directed downward and onto the work area where practicable.

6.1.4. Compensatory Mitigation

The FAA's selected alternative was chosen because it will have the least environmental impact of all the practicable alternatives. The avoidance and minimization measures identified above in Sections 6.1.1, 6.1.2, and 6.1.3 are the result of careful consideration by project planners and design staff, and represent input from numerous state and federal agencies with resource management responsibilities. Even with these measures, however, the selected alternative will still have adverse impacts, most notably to wetlands (177 acres) and other waters of the U.S. (1.13 acres).

In developing the mitigation plan, the FAA has carefully considered all relevant comments, including specific mitigation suggestions, provided by the agencies and the public during the comment period and public hearings on the DEIS. It was suggested that the FAA fund a watershed enhancement project in the area to provide increased ecological functions and values. The FAA reached out to several stakeholders, tribes, and agencies in an attempt to identify an enhancement project that could be done in the community of Angoon or on Admiralty Island. The FAA looked for projects in the community, on and around the island, and on other surrounding islands. Specific projects identified are discussed in Chapter 7 of the FEIS. Because most of Admiralty Island is a national monument and wilderness area, there are few opportunities to do meaningful wetland enhancement.

Development of compensatory mitigation for the Angoon Airport project has involved a number of state and federal agencies (see Chapter 9 of the FEIS) because of specific and overlapping regulatory authorities. Mitigation planning for loss of wetlands and other waters of the U.S. has been done to comply with the compensatory mitigation regulations of the U.S. Army Corps of Engineers (USACE) and the EPA because the USACE has permit authority over wetlands and other waters of the U.S. that will be affected by the project. Agency coordination on mitigation has included the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the EPA because they are commenting agencies on the Section 404 permit application. The Alaska Department of Fish and Game has also been included in the mitigation discussions because a Fish Habitat Permit is required to re-align Stream 10 at Airport 12a with Access 12a. All of the potential projects were discussed and vetted with the agencies.

The objectives for the mitigation for wetland and other waters of the U.S. impacts include the following:

- Develop mitigation that complies with the Final Compensatory Mitigation Rules

- Design the stream at Airport 12a (Stream 10) to maintain fish passage and minimize and avoid additional impacts to the surrounding wetlands and upland habitat in the vicinity of the airport footprint
- Replace wetland functions and values that will be lost as a result of the project
- Find mitigation that will benefit the community of Angoon
- Find mitigation that is in close proximity to the locations of impacts, ideally on Admiralty Island

Compensatory mitigation will consist of three components:

1. Providing the U.S. Forest Service with adequate funding to acquire an equal number of acres of wetlands and/or waters of the U.S. and associated buffer that will be impacted by the project to be incorporated into the Tongass National Forest
2. Designing the stream at Airport 12a (Stream 10) to maintain fish passage and minimize and avoid additional impacts to the surrounding wetlands and upland habitat in the vicinity of the airport footprint
3. Providing \$60,000 toward the removal of abandoned boats in Favorite Bay

As compensatory mitigation for the unavoidable impact of wetlands, the FAA will provide the U.S. Forest Service with adequate funding to acquire the same area of wetlands and/or waters of the U.S. and associated buffers from private parties to be incorporated into the Tongass National Forest. The purpose of the acquisition is to satisfy compensatory mitigation to offset unavoidable impacts to waters of the U.S. authorized through the USACE's issuance of Department of Army permits pursuant to the Clean Water Act. The acquired lands will consist of previously affected wetlands or waters of the U.S. in need of restoration or enhancement. The goal of the mitigation will be to restore hydrology and enhance an equal amount of degraded wetlands and/or waters of the U.S. and associated buffers that were affected by the project. The U.S. Forest Service has two property acquisition opportunities as of the writing of the FEIS that could satisfy the compensatory mitigation requirements for the Angoon Airport project: Cube Cove and Chuck River. If funding for design and construction of this project is available within the next 5 years, the FAA may be able to provide the U.S. Forest Service with funding to assist with the Cube Creek or Chuck River acquisitions.

Restoring and enhancing wetlands will improve wildlife habitat for bird, amphibian, and reptile species; increase floodplain storage; and improve water quality through sedimentation, filtration, microbial degradation, volatilization, and adsorption. At the discretion of the USACE, compensatory mitigation requirements associated with Department of Army permits may be satisfied by cooperating third-parties, including, but not limited to Department of Army permit holders, by 1) restoring or enhancing aquatic resources located on suitable lands composing the National Forest System and/or 2) contributing to the National Forest System by conveying to the U.S. Forest Service suitable lands within and adjacent to the boundaries of units of the National Forest System.

After the lands are acquired, the U.S. Forest Service will evaluate and assess the restoration needs and develop a plan for restoration and habitat enhancement. The lands acquired as compensatory mitigation shall be managed for the purposes of preserving streams, creeks, wetlands, and their buffers to the extent consistent with laws, rules, and regulations applicable to the administration and management of National

Forest System lands. Further, upon acquisition, the land acquired will not be utilized again as mitigation for any future Department of Army permit.

The FAA, DOT&PF, and U.S. Forest Service agree that the U.S. Forest Service is an appropriate recipient of properties acquired as compensatory mitigation associated with the USACE's issuance of Department of Army permits. As the lead federal agency in natural resource conservation, the U.S. Forest Service provides leadership in the protection, management, and use of the nation's forest, rangeland, and aquatic ecosystems. Through implementation of land and resource management plans, the U.S. Forest Service ensures sustainable ecosystems by restoring and maintaining species diversity and ecological productivity that helps provide recreation, water, timber, minerals, fish, wildlife, wilderness, and aesthetic values for current and future generations of people.

The land acquired for compensatory mitigation will be managed by the U.S. Forest Service and administered as "National Forest System lands" subject to all the applicable laws, rules, and regulations, including, but not limited to, the following: the Weeks Act of 1911, the Multiple Use Sustained Yield Act of 1960, the National Forest Management Act of 1976, the Endangered Species Act, the Clean Water Act, and NEPA. The land will be administered and managed as an area of multiple use as defined by the Multiple Use Sustained Yield Act of 1960 (16 USC 528–531), which defines watershed and wildlife and fisheries as among the several national forest uses. The land will be administered and managed in accordance with all applicable executive orders, including Executive Order 11988 pertaining to floodplain management and Executive Order 11990 pertaining to protection of wetlands. The lands will also be administered and managed pursuant to a national forest land and resource management plan, which among other things, will provide for coordination of watersheds, wildlife, and fish (16 USC 1604(e)(1)) and ensure consideration of watersheds, wildlife, and fish (16 USC 1604(g)(3)(A)).

The DOT&PF will request funding of \$60,000 toward removal of some of the abandoned boats in Favorite Bay. The DOT&PF will work with the community of Angoon to develop a removal plan. Removal of any boats will improve water quality, aquatic habitat, and shorebird habitat. Subsistence resources and access to these resources will also be improved because improvement of fish and invertebrate living conditions could ultimately lead to higher yields with a lower concentration of pollutants within organisms. The FAA determined the funding amount based on the areal coverage of the boats and the comparative cost of purchasing a credit at a mitigation bank. The abandoned boats cover about 2 acres along the shore of Favorite Bay. The cost to acquire a credit at a mitigation bank is about \$30,000 per acre.

During the final design of the project, to minimize and avoid additional impacts to the surrounding wetlands and upland habitat in the vicinity of the airport footprint, the DOT&PF will route the north tributary of Stream 10 around the proposed apron to a site upstream of the existing confluence with the south tributary. Stream 10 will then remain within its existing streambed and pass beneath the Airport RSA/Runway via a bottomless arch to protect the natural substrate. The DOT&PF has committed to working with the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service during final design to ensure appropriate measures are developed to protect the existing riparian habitat and general health of the stream. The design will take into consideration wildlife attraction and will be designed to avoid conflicts with aircrafts. The DOT&PF will develop a stream realignment work plan that will contain information on actual implementation, including timing, engineering drawings, measures to

avoid creating adverse effects during implementation/construction, and a monitoring plan with the Alaska Department of Fish and Game.

7. PUBLIC PARTICIPATION

The FAA used a wide range of public outreach practices throughout the project. The specific outreach practices listed below are required by FAA orders and CEQ regulations.

- Notices in the *Federal Register*:
 - The FAA published a notice of intent to prepare an EIS in the *Federal Register* on September 24, 2008. This notice announced the proposed project and provided details on how to submit comments on the proposed project.
 - The FAA published a notice of availability for the DEIS and details about the public comment period in the *Federal Register* on January 9, 2015.
 - The FAA published a notice of availability in the *Federal Register* for the FEIS on September 2, 2016.
- Formal public and agency scoping meetings:
 - In September 2008 the scoping period and scoping meetings were announced in newspapers and through other forms of advertising. Hardcopy announcements were mailed, and electronic copies were emailed to those on the project mailing list.
 - The scoping period ran from September 24, 2008 to December 31, 2008. During this period, scoping meetings were held in Anchorage, Angoon, and Juneau.
 - Comments received during the scoping period, including at the meetings, were used to clarify preliminary issues, determine the appropriate scope of environmental analysis, and gather new input on alternatives development.
 - The *Public and Agency Scoping Report* (SWCA 2009, included in the FEIS as Appendix A) provides details on this process as well as responses to comments received during the scoping period.
- Formal DEIS comment period:
 - The DEIS was released on January 9, 2015.
 - The release of the DEIS began the public comment period. This period ran from January 9, 2015 through March 20, 2015.
 - During the comment period, public hearings were held in Angoon and Juneau, Alaska, as well as Washington, D.C.
 - The comment period and public hearings were announced in newspapers and through other forms of advertising. Hardcopy announcements were mailed, and electronic copies were emailed to those on the project mailing list.
 - Comments were received during the public hearings, via email, and via U.S. Postal Service mail.
 - The FAA reviewed and responded to all comments received on the DEIS. These comments and responses are included in Appendix T of the FEIS, *Responses to Comments Received on Draft Environmental Impact Statement* (SWCA 2016).

In addition, to ensure meaningful involvement during this project, the FAA chose to use the following additional public outreach practices beyond those required by the CEQ:

- Advertisements and notices in newspapers and on the radio and television to disseminate information about project findings, upcoming public involvement activities, and key project milestones.
- Routine updates to the project website and the project Facebook page.
- Informational newsletters sent to the project contact list via mail and email. The newsletter describes updates on fieldwork or preparation of the EIS document, answers frequently asked questions, requests input, and clarifies aspects of the process.
- Community flyers and postcards to announce events.
- Informal visits to Angoon to provide in-person updates and receive input.
- Telephone calls to engage the public.

8. TRIBAL CONSULTATION

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments requires the FAA to establish regular and meaningful consultation and collaboration with tribal officials. Copies of relevant tribal consultation documents can be found in Documentation of Communications with Agencies and Tribes (included in the FEIS as Appendix Q).

Consultation with the following Alaska Native groups continued throughout the FEIS process until the FAA issued this record of decision:

- Angoon Community Association, the village tribal government
- Kootznoowoo, Inc., the village-level Alaska Native corporation
- Sealaska Corporation, the regional Alaska Native corporation
- Central Council of the Tlingit and Haida Indian Tribes of Alaska, the Southeast Alaska regional tribal government

Consultation between the FAA and the Angoon Community Association began on April 30, 2008, and included the following topics:

- Consultation under Section 106 of the National Historic Preservation Act, April 2008
- A formal communications protocol, July 2008
- Cultural resources fieldwork results provided on video, 2009
- Elimination of the Hood Bay alternative from detailed analysis (see SWCA 2014a, *Alternatives Eliminated from Detailed Analysis*, included in the FEIS as Appendix B), November 2009
- Informal community visits by the FAA, 2011–2013

The FAA established a memorandum of understanding in September 2008 with Kootznoowoo, Inc., which accomplished the following:

- Described the roles and responsibilities of each entity
- Provided Kootznoowoo, Inc. with an advance review of EIS sections that relate to Kootznoowoo, Inc.'s landownership
- Invited Kootznoowoo, Inc.'s input on mitigation measures that would be implemented on their lands

- Established Kootznoowoo, Inc. as an active participant throughout the EIS process

Sealaska Corporation and the Central Council of the Tlingit and Haida Indian Tribes of Alaska were invited to become formal consulting parties. Although neither party formally accepted those invitations, they have both provided input. On November 22, 2009, the Central Council of the Tlingit and Haida Indian Tribes of Alaska submitted a letter supporting the Angoon Airport FEIS action alternatives. Sealaska Corporation provided scoping comments during the scoping period.

9. AGENCY ACTIONS AND APPROVALS

The FAA's actions, determinations, and approvals necessary for this project to proceed include:

- Mixed approval of Airport Layout Plan
- A determination that the environmental analysis prerequisites associated with any future Airport Improvement Program (AIP) funding applications have been fulfilled pursuant to 49 U.S.C.47101.
- Determination of effects upon safe and efficient utilization of air space (14 CFR Part 77)
- Approval for relocation, installation, and/or upgrade of various navigational aids (14 CFR Part 77, 170 and 171)

Permits and approvals from other federal agencies required to implement the Project include a Clean Water Act Section 404 Individual Permit from the USACE and a Fish Habitat Permit from the Alaska Department of Fish and Game.

10. AGENCY FINDINGS AND DETERMINATIONS

The FAA makes the following determinations for this project based upon a careful review of the attached FEIS, comments on the DEIS, and the supporting documentation and information.

10.1. Federal Aviation Administration Determinations under Provisions of the Airport and Airways Improvement Act (49 USC 47106 and 47107)

The FAA understands that the DOT&PF may apply for federal grant-in-aid funding approvals in conjunction with its decision to proceed with the implementation of project and mitigation measures covered by this ROD. There are numerous findings and determinations prescribed by law that must be made by the FAA as preconditions to agency approvals of airport project funding applications. Any grant-in-aid or approval would also reflect appropriate statutory and regulatory assurances and other terms and conditions for FAA's action. This ROD provides the basis to proceed with making those findings and determinations. The agency will make any necessary funding determinations in conjunction with its consideration of appropriate applications and availability of funding.

The following determinations are prescribed by the statutory provisions set forth in the Airport and Airway Improvement Act of 1982, as codified in 49 USC 47106 and 47107.

10.1.1. The Project is Reasonably Consistent with Existing Plans of Public Agencies Responsible for Development in the Area (49 USC 47106(a)(1))

The determination prescribed by this statutory provision is a precondition to agency approval by the FAA of airport project grant funding applications. To make this determination, the FAA considered local land use and development plans and requested confirmation from local authorities concerning consistency determinations.

Lands in the vicinity of the selected alternative are owned by Kootznoowoo, Inc., the State of Alaska, individual private landowners, and the City of Angoon. Kootznoowoo, Inc. is the for-profit Alaska Native (village) corporation for the community of Angoon. The corporation is the single largest non-federal landowner in the Angoon area. Kootznoowoo, Inc. was initially granted surface rights to approximately 2,772 acres of land in the Angoon area through the Alaska National Claims Settlement Act (ANCSA). Some of these lands were recently reconveyed as zoned or planned residential areas to Kootznoowoo, Inc.'s shareholders, as public lands to the City of Angoon, or as personal use sites to long-time users. Kootznoowoo, Inc. also owns all subsurface estate on the Angoon peninsula east of the Kootznoohoo Road (Naoroz 2014). Approximately 869 land parcels near Angoon are privately owned. Public land records for Angoon are incomplete, however, leaving the exact number of parcels unclear. Of these parcels, 629 private lots were established in 10 subdivisions through a home site program authorized under ANILCA, and titles to these lots were conveyed to the private owners from Kootznoowoo, Inc. in 1997. Angoon is the only permanently inhabited community on Admiralty Island. City of Angoon–owned lands are limited to approximately 260 acres that were conveyed to the City by Kootznoowoo, Inc. under ANCSA.

To be compliant with existing plans, the City of Angoon will need to rezone some lands acquired by the DOT&PF for the selected alternative, because permitted uses for these lands do not include an airport. The City of Angoon passed a resolution in support of the selected alternative in April 2016. The DOT&PF will have to acquire private, zoned, or planned residential properties within the airport property boundary. This long-term acquisition will be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (PL 91-646), which covers any private lands, including those conveyed under ANCSA. While no formal discussions with private landowners have occurred about this potential acquisition, all contacted landowners have allowed the FAA access to their lands for field studies. Acquisition of Kootznoowoo, Inc. lands will likely take the form of a land purchase, long-term lease, or perpetual easement. The general manager of Kootznoowoo, Inc. has verbally indicated that, at the discretion and final approval of the board of directors, the corporation would consider transferring lands to the airport sponsor if Airport 12a is selected (Naoroz 2014).

Prior to the release of the DEIS in January 2015, the FAA was given information that Kootznoowoo, Inc. deeded 111.36 acres of land around the Salt Lagoon to the City of Angoon as part of a reconveyance of land under ANCSA Section 14(c)(3). This area is referred to as “City Park.” Furthermore, the FAA was informed that at the same time Kootznoowoo, Inc. also deeded a 107.4-acre parcel of land along the BIA Road to the City of Angoon. This area is referred to as “Central Park.” Both parcels were recorded on the reconveyance plat (the official map of parcels being deeded to the new owners of the parcels). The two parcels were included on that plat as public parks owned by the City of Angoon (Naoroz 2009). Following the release of the DEIS, the FAA met with the mayor of Angoon to further discuss the platted parks. During this meeting, the mayor indicated that the deeds for conveying the land to the City were

never finalized. Because of this, the platted parks are not currently publicly owned; rather, they remain in the ownership of Kootznoowoo, Inc., a non-public entity. However, the mayor indicated that the City was in the process of revising the 14(c)(3) conveyances with Kootznoowoo, Inc. Once that is completed, the final paperwork will be filed to complete the land transfer. The City did not have a projected timeframe for the completion of this paperwork at the time of the meeting.

There are no developed parks or recreational facilities currently present on either platted park parcel. The area in City Park was historically used for berry picking, but such activity has occurred very rarely, if at all, over the last several years because of possible contamination from runoff from the community's landfill and sludge lagoon (Thompson and Thompson 2009). The Central Park property is primarily used incidentally as part of the broader landscape in which subsistence use takes place; however, in late 2015 the mayor of Angoon indicated that he has observed people occasionally picnicking in the area.

The City of Angoon does not have a current master plan or other land management plan in place. Previous plans, which were developed prior to the reconveyance of the intended park property, have expired and are no longer in force. The only documentation of the intended purposes for the parcels is in the draft reconveyance plan (Sheinberg Associates 1997) and its related reconveyance plat map. This plan documents Kootznoowoo, Inc.'s desired uses of the lands platted as parks, but does not necessarily constitute planning on behalf of the City of Angoon (the public property owner) to manage the parcels expressly for these purposes, designate permissible activities, or develop these parcels (as appropriate) to support designated recreational activities. The information provided in the draft reconveyance plan and the related selection data sheets for the two parcels provides a broad range of desired and potential uses, and identifies the primary purposes of these lands as both preservation of open space and recreation. As described in the draft reconveyance plan, the two park parcels under consideration here were assigned dual purposes. Furthermore, the FAA consulted with the City of Angoon regarding the latter's intent for the management of these parcels. The City of Angoon indicated that the lands would be managed to protect subsistence uses and that the City of Angoon has no plans at this time to develop them as parks (M. Kookesh, Jr. 2014). In August 2015, the mayor stated his desire and intent to develop the lands around the Salt Lagoon as a memorial park. He did not address any intent regarding Central Park. The FAA does not consider the mayor's statements, in and of themselves, as management plans, and the mayor did not provide any documentation to formalize the City's plans to manage the Salt Lagoon lands as a park.

Based on this review of information, the FAA determined that there is no substantive evidence of formal or informal designation by the City of Angoon of either parcel as public recreational property, and available evidence indicates the officials with jurisdiction over the land (i.e., the City of Angoon) intend manage the lands for subsistence rather than public recreational uses. The selected alternative will not alter the use of these lands.

Based on this information and the ability for the City to rezone lands to be compliant with existing plans, the FAA has determined the selected alternative is reasonably consistent with existing plans of public agencies responsible for development in the area. The FAA is satisfied that it has fully complied with 49 USC 47106(a)(1).

10.1.2. The Interests of Communities in or near the Project Location Have Been Given Fair Consideration (49 USC 47106(b)(2))

The determination prescribed by this statutory provision is a precondition to agency approval by the FAA of airport development project grant funding applications. The FAA used a wide range of public outreach practices throughout the project to engage the community of Angoon.

Section 7 of this ROD summarizes the public outreach practices, and Section 8 summarizes the tribal consultation. More information on the FAA's public involvement activities is provided in Appendix Q of the FEIS, which also includes correspondence with interested agencies. Appendix A to this ROD contains the agency concurrence letters received.

In light of the information above, the FAA has determined that, throughout the environmental process from its earliest planning stages through publication of the FEIS and through public comment on the FEIS, fair consideration was given to the interests of communities in or near the Project location.

10.1.3. To the Extent Reasonable, the Airport Sponsor Has Taken or Will Take Actions to Restrict Land Uses in the Airport Vicinity, including the Adoption of Zoning Laws, to Ensure the Uses are Compatible with Airport Operations (49 USC 47107(a)(10))

The determination prescribed by this statutory provision is a precondition to agency approval of airport development project grant funding applications. To be compliant with existing plans, the City of Angoon will need to rezone some lands acquired by the DOT&PF for the selected alternative because permitted uses for these lands do not include an airport. The City of Angoon passed a resolution in support of the selected alternative in April 2016. The DOT&PF will have to acquire private, zoned, or planned residential properties within the airport property boundary. This long-term acquisition will be done in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (PL 91-646), which covers any private lands, including those conveyed under ANCSA. While no formal discussions with private landowners have occurred about this potential acquisition, all contacted landowners have allowed the FAA access to their lands for field studies. Acquisition of Kootznoowoo, Inc. lands will likely take the form of a land purchase, long-term lease, or perpetual easement. The general manager of Kootznoowoo, Inc. has verbally indicated that, at the discretion and final approval of the board of directors, the corporation would consider transferring lands to the airport sponsor (Naoroz 2014).

In light of the information above, the FAA is satisfied that the DOT&PF will take actions necessary to restrict land uses in the vicinity of the airport to ensure the allowed uses are compatible with airport operations.

10.1.4. A Certification From The Airport Sponsor That It Has Provided An Opportunity For a Public Hearing (49 USC 47106(c)(1)(A)(i)).

The determination prescribed by this statutory provision is a precondition to agency approval for grant funding applications for airport development projects involving the location of a new airport or new

runway or a major runway extension. As summarized in Section 7 of this ROD and detailed in Chapter 9 of the FEIS, public hearings were held during the public comment period beginning January 9, 2015. Hearings were held in Angoon and Juneau, Alaska, as well as Washington, D.C. Hearings were held on the following dates:

- Tuesday, March 3, 2015, Juneau, AK Centennial Hall, 101 Egan Dr. 6-9 PM Public hearing
- Thursday, March 5, 2015, Angoon, AK Angoon Community Association Building, 315 Heendae Rd. 2-7 PM afternoon and evening hearing
- Tuesday, March 10, 2015, Washington, D.C. Holiday Inn, 550 C St., SW. 2-5 PM ANILCA Title XI public hearing

The comment period and public hearings were announced in newspapers and through other forms of advertising. Hardcopy announcements were mailed, and electronic copies were emailed to those on the project mailing list. The DOT&PF was present and participated in these public hearings.

10.1.5. Certification from The Sponsor that the Airport Management Board has Voting Representation from the Communities in which the Project would be located or that the Sponsor has Informed the Community That They Have the Right to Petition the Department of Transportation Secretary About a New Airport Location (49 USC 47106(c)(1)(A)(ii)).

The determination prescribed by this statutory provision is a precondition to agency approval for grant funding applications for airport development projects involving the location of a new airport or new runway or a major runway extension. The DOT&PF sent a letter to the City of Angoon mayor Albert Howard on August 24, 2016 informing the community they have the right to petition the Secretary about a new airport locations. The letter included guidance on how the petition process works. This letter was also sent to FAA and is included in the administrative record. No response was received from the mayor.

10.1.6. Finding That No Possible And Prudent Alternative To The Project Exists And That Every Reasonable Step Has Been Taken To Minimize The Adverse Effect (49 USC 47107(c)(1)(B))

Under this statutory provision, the FAA cannot approve funding of a proposed airport development project that has significant adverse effects if a determination can be made that there is a possible and prudent alternative to the project and that every reasonable step has been taken to minimize the adverse effect. Based on the information provided in Table 2 in Section 4.2.2 of this ROD, the FAA has determined that Airport 12a with Access 12a is a possible and prudent alternative to the significant adverse impacts that would be caused by the other action alternatives. In addition, Executive Order 11990 requires that a federal agency must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds that: (1) there is no practicable alternative to such construction and (2) the action includes all practicable measures to minimize harm to the wetlands. In making this finding, the head of the agency may take into account economic, environmental, and other

pertinent factors. The FAA's selected alternative was determined in part because it will have the least environmental impact of all the practicable alternatives.

10.1.7. 9.3.1 The FAA has Given the Project the Independent and Objective Evaluation Required by the Council on Environmental Quality (40 CFR 1506.5)

As documented in the FEIS and this ROD, the FAA has rigorously explored and objectively evaluated all reasonable alternatives for meeting the Project's purpose and need (see 40 CFR 1502.14(a)). The process included the FAA selecting a consultant/contractor through a competitive process to assist in conducting the environmental review, which included identifying the Project purpose and need, identifying reasonable alternatives, fully analyzing and disclosing potential environmental impacts, and developing appropriate mitigation measures. The FAA directed the technical analysis provided in the DEIS and FEIS. From its inception, the FAA has taken a strong leadership role in the environmental evaluation of the Project and has maintained its objectivity.

10.2. Compliance with Laws, Regulations, and Executive Orders

This section addresses compliance with laws, regulations, and executive orders not specific to the FAA's regulatory authority.

10.2.1. Endangered Species Act of 1973 (16 USC 1531 et seq.)

Section 7(a)(2) of the Endangered Species Act ensures that actions authorized, funded, or carried out by federal agencies will not jeopardize the continued existence of any endangered or threatened species or adversely modify their critical habitat. Through completion of a biological assessment, the FAA has determined the project may affect, but is not likely to adversely affect, humpback whales and Steller sea lions for the following reasons:

- A 2% increase in the average annual mortality rate would equate to an additional 0.016 individuals injured or killed. This change in the baseline mortality rate is minor and discountable.
- Project actions and effects will be short term: 30 trips over two construction seasons.
- The average Southeast Alaska vessel speed of 8.5 knots should allow animals sufficient time and space to move out of vessels' paths.
- Steller sea lions typically use habitats that are closer to shore and use open water navigation channels less frequently.

The project will not affect Steller sea lion designated critical habitat because Steller sea lion designated critical habitat does not occur in the action area.

10.2.2. Migratory Bird Treaty Act of 1918 (16 USC 703–712; Executive Order 13186)

The Migratory Bird Treaty Act of 1918 prohibits the take of all migratory birds and bird parts (including eggs, nests, and feathers). The FEIS documents the FAA's consideration of the potential for impacts to

migratory birds and, in particular, birds of special (protected) status and conservation concern. No significant adverse impacts to migratory birds will result from implementing the selected alternative. The FAA also developed and documented avoidance and minimization measures to be incorporated into the Project to reduce possible impacts or “take” to protected migratory bird populations in the region around the Project.

10.2.3. Bald and Golden Eagle Protection Act of 1940 (16 USC 668 et seq.)

This law provides for the protection of the bald eagle and the golden eagle by prohibiting, except under certain specified conditions, the taking, possession, and commerce of the birds or any of their parts, eggs, and nests. Because golden eagles require large open spaces to hunt, and because the Angoon area is heavily forested, golden eagles are not likely to use the area around the Project. Due to the large bald eagle population on Admiralty Island and the abundance of suitable eagle nesting habitat in and around the Project area, no long-term effects to the Admiralty Island population of bald eagles would be expected as a result of implementation of the selected alternative.

Avoidance buffers that will be used during construction around bald eagle nests will be established after consultation with the U.S. Fish and Wildlife Service. Appropriate permits will be acquired as necessary.

10.2.4. Marine Mammal Protection Act of 1972 (16 USC 1361–1421)

The Marine Mammal Protection Act prohibits, with certain exceptions, the taking of marine mammals and the importation of marine mammals and marine mammal products into the United States. The FAA has determined there will be no significant adverse effects on marine mammals from the selected alternative. The DOT&PF will be required to comply with requirements of the Marine Mammal Protection Act during construction activities.

10.2.5. Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303 and 23 USC 138)

Section 4(f) of the Department of Transportation Act of 1966 was recodified as 49 USC 303(c), but is still commonly referred to as “Section 4(f).” This law provides for the protection of publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance, and public or private historic sites of national, state, or local significance. The FAA may not approve a project requiring the use of Section 4(f) resources unless there is no prudent and feasible alternative to the use of such land, and the project includes all possible planning to minimize harm resulting from the use.

Airport 3a with Access 2 (the proposed action), Airport 3a with Access 3, Airport 4 with Access 2, and Airport 4 with Access 3 would result in Section 4(f) physical use of the Monument–Wilderness Area. Airport 12a with Access 12a (the selected alternative) will result in *de minimis* impacts to two cultural resources that are considered Section 4(f) resources. The no action alternative would avoid physical use of Section 4(f) resources, but it does not meet the purpose and need.

Only the no action alternative would avoid all use of Section 4(f) resources. None of the action alternatives considered by the FAA would fully avoid Section 4(f) resources. Airport 12a with Access 12a would avoid physical use of Section 4(f) resources. The FAA has determined that Airport 12a with

Access 12a is both feasible and prudent. The FAA has determined that the no action alternative is not prudent in that it would compromise the action to such a degree that the purpose and need would not be met. For these reasons, the no action alternative is not a viable alternative to avoid using Section 4(f) resources. See Section 4.4 U.S. Department of Transportation Act Section 4(f) Evaluation Summary in the FEIS for further information.

10.2.6. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Department of Transportation Order 5610.2(a), Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order 12898 requires federal agencies to provide public involvement for low-income or minority populations. This includes demographic analysis identifying and addressing potential action impacts on low-income or minority populations that may experience a disproportionately high and adverse effect. The Department of Transportation Order 5610.2(a) outlines the Department of Transportation commitment to the principles of environmental justice and presents a program for department-wide implementation. Order 5610.2(a) specifies that all administrations within the Department of Transportation, including the FAA, will ensure that any of their respective programs, policies, or activities that would have a disproportionately high and adverse effect on minority or low-income populations will only be carried out if a substantial need for the program, policy, or activity exists, based on the overall public interest, and alternatives that would have less adverse effects on protected populations and that still satisfy the need either would have other adverse social, economic, environmental, or human health impacts that are severe, or would involve increased costs of extraordinary magnitude. Additionally, the Project would only be carried out if further mitigation measures or alternatives that would avoid or reduce the disproportionately high and adverse effect are not practicable.

In accordance with this executive order and Department of Transportation order, the FAA provided opportunities for meaningful public involvement by minority and low-income populations (see Section 7 of this ROD). In addition, the FAA analyzed potential impacts to minority and low-income populations (see Section 4.18 of the FEIS).

The proposed land-based airport would provide critical improvements to transportation availability and reliability compared to existing ferry and seaplane transportation options. The FAA has determined that there will be no disproportionate adverse effects to low-income or minority residents as a result of the proposed project.

10.2.7. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

Under this executive order, federal agencies are required, to the greatest extent practical and required by law, to identify and address environmental health risks and safety risks to children. The FAA has determined there will be no change in risk to health or safety for children caused by the selected alternative.

10.2.8. Executive Order 11990, Protection of Wetlands

Under this executive order, a federal agency must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds that: (1) there is no practicable alternative to such construction and (2) the action includes all practicable measures to minimize harm to the wetlands. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors.

The FAA's selected alternative was determined in part because it will have the least environmental impact of all the practicable alternatives. The avoidance and minimization measures identified above in Section 6 of this ROD are the result of careful consideration by project planners and design staff, and they represent input from numerous state and federal agencies with resource management responsibilities. Even with these measures, however, the selected alternative will still have adverse impacts to 177 acres of wetlands. The no action alternative would not affect wetlands, but it is not practicable because it does not meet the purpose and need. The FAA finds that there is no practicable alternative to the Project's construction in or around wetlands. The Project's mitigation plan includes all practicable measures to minimize harm to wetlands that may result from this direct effect. This Project complies with Executive Order 11990 and Department of Transportation Order 5660.1A.

10.2.9. Executive Order 11988, Floodplain Management

This executive order, together with applicable Department of Transportation and FAA orders, establishes a policy to avoid construction within a 100-year floodplain where practicable and, where avoidance is not practicable, to ensure that the construction design minimizes potential harm to or within the floodplain. The selected alternative will not result in construction within a 100-year floodplain.

10.2.10. Coastal Zone Management Act (16 USC 1451)

Alaska's program expired on June 30, 2011. Therefore, the federal consistency provisions of the Coastal Zone Management Act no longer apply to this project.

10.2.11. National Historic Preservation Act of 1966 (16 USC 470)

This act requires federal agencies having direct or indirect jurisdiction over proposed undertakings to consider the undertakings' effects on properties listed in or eligible for listing in the National Register of Historic Places; such properties are referred to as "historic properties". The agencies must consult with the state historic preservation officer when deciding if an undertaking has the potential to affect historic properties. If an undertaking has the potential to do so, further consultation is needed to determine if the effects would be adverse. The FAA conducted an evaluation of potential impacts to historic resources resulting from the project in accordance with Section 106 of the National Historic Preservation Act. As a result of this evaluation, the FAA has found that the selected alternative resulted in a finding of no adverse effects for historic properties in its area of potential effects. No known historic properties are located in the direct effects area of potential effects for this alternative. Three known historic properties are located in the visual area of potential effects, and one is located in an area where construction-related vibration may occur.

The FAA submitted determinations of eligibility and findings of no adverse effects for the selected alternative, and received concurrence from the Alaska state historic preservation officer on those determinations.

11. DECISION AND ORDER

Approval by the FAA to implement the selected alternative signifies that applicable federal requirements relating to airport planning and improvement have been met and permits the DOT&PF to proceed with the project. This decision does not constitute a commitment of funds under the Airport Improvement Program (AIP); however it does fulfill the environmental prerequisites to approve applications for grants of AIP funds for the proposed project in the future. (49 U.S.C. 47101).

Decision

For the reasons summarized in this ROD, which are supported by disclosures and analysis presented in detail in the FEIS, the FAA has determined that the Project, consisting of the selected alternative, is reasonable, feasible, and prudent.

After reviewing the FEIS and related materials, I have carefully considered the FAA's goals and objectives in relation to various aeronautical aspects of the project. The review included the purpose and need the project would serve, alternative means of achieving the purpose and need, the environmental impacts of the alternatives, and the mitigation necessary to preserve and enhance the environment.

Under the authority delegated to me by the Administrator of the FAA, I find that the selected alternative described in this ROD is reasonably supported and approved. I therefore direct that actions be taken to carry out this decision, including the following:

1. Determinations under 49 USC 47106 and 47107 pertaining to funding by the FAA of airport development, including mixed approval of the Airport Layout Plan in accordance with 49 USC 47107(a)(16) for the selected alternative. This would include the initial buildout with the following components:
 - **Runway:** Paved; 3,300 feet long and 75 feet wide
 - **Runway safety areas:** 150 feet wide, centered on runway centerline, extending 300 feet beyond each runway end
 - **Object free area:** 500 feet wide, centered on runway centerline, extending 300 feet beyond each runway end
 - **Runway protection zone:** Standard visual approach dimensions of 500 × 1,000 × 700 feet
 - **Single, perpendicular taxiway:** Paved
 - **Aircraft apron:** Paved
 - **Navigational aid:** Rotating beacon
 - **Visual approach aid:** Precision approach path indicator
 - **Runway lights:** Pilot-controlled, medium-intensity lights

- **Terminal space:** Sufficient area for a future terminal or passenger shelter
- **Lease lots:** 62,500 square feet available for leasing
- **Electrical control building and generator:** Near future terminal site
- **Perimeter fence:** For security and wildlife control
- **Passenger parking lot:** Paved, near future terminal site
- **Support facilities:** Future weather station, weather cameras, communication, wind cones, etc.
- **Access road:** Two, paved, 10-foot-wide lanes and 5-foot shoulders
- **Overhead utility lines:** Power and telephone lines located within the access road corridor
- **Avigation easements:** For this project, avigation easements outside of airport property would provide DOT&PF the right to access areas to clear them of obstructions and maintain that clearance.

Future expansion would be conditionally approved subject to additional environmental review when proposed for construction.

2. Application of the avoidance and minimization measures, conservation measures, monitoring and reporting requirements, and best management practices described in Section 6 of this ROD in the design and construction of the project
3. Approval under 49 USC 47107 et seq. of the project's eligibility for federal grant-in-aid funds under 49 USC 47104
4. Determination, through the aeronautical study process, of any off-airport objects that might be obstructions to the navigable airspace under the standards and criteria of 14 CFR 77 (49 USC 40103(b) and 40113)
5. Determination under the standards and criteria of 14 CFR 157 (49 USC 40113(a)) as to the appropriateness of proposals for airport development from an airspace utilization and safety perspective based on aeronautical studies
6. Development of new instrument procedures (per 49 USC 40113 and 44701)
7. Review and subsequent approval of an Airport Certification Manual for the airport (per 14 CFR 39)

This decision is consistent with the FAA's statutory mission and policies, and is supported by the environmental findings and conclusions presented in the FEIS and this ROD. Finally, based upon the administrative record of this project, I certify, as prescribed by 49 USC 44502(b), that implementation of the selected alternative is reasonably necessary for use in air commerce.

Approved and Ordered



Signature

October 21, 2016

Date

Kerry B. Long
Regional Administrator, Alaskan Region

Right of Appeal

This ROD constitutes a final order by the FAA Administrator. Under 49 USC 46110(a), this record of decision is subject to the exclusive judicial review by either (1) United States Court of Appeals for the District Columbia Circuit or (2) the U.S. Circuit Court of Appeals for the circuit in which the person who seeks review resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 USC 46110(a). Any party seeking to stay the implementation of this ROD must file an application with FAA prior to seeking judicial relief, as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.

Appendix A.

Agency Concurrence Letters



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airports Division

Alaskan Region
222 West 7th Ave #14
Anchorage, Alaska 99513

September 9, 2016

Marc Luiken
Commissioner, Alaska Department of Transportation and Public Facilities
3132 Channel Drive
P.O. Box 112500
Juneau, AK 99811-2500

RE: Draft Tentative Disapproval of the Alaska National Interest Lands Conservation Act Title XI Application

Dear Commissioner Luiken,

The Federal Aviation Administration has reviewed the Alaska National Interest Lands Conservation Act (ANILCA) Title XI application submitted by the Alaska Department of Transportation and Public Facilities (DOT&PF) on January 9, 2015. This application was submitted for consideration of Airport 3a with Access 2 located in the Admiralty Island National Monument and Kootznoowoo Wilderness Area (referred to hereafter as the Monument–Wilderness Area). Per ANILCA Section 1104(e), an environmental impact statement is required in connection with the application, and the *Angoon Airport Draft Environmental Impact Statement and Section 4(f) Evaluation* was submitted as supporting information with the application. On February 17, 2015, pursuant to subsection (d) of ANILCA Section 1104, the FAA determined that the application contained sufficient information to be deemed adequate according to the criteria in ANILCA Section 1104(g). ANILCA Section 1104(g) requires that within 4 months of the release of a final EIS, each federal agency concerned shall make a decision to approve or disapprove the ANILCA application in accordance with applicable law. The *Angoon Airport Final Environmental Impact Statement and Section 4(f) Evaluation* (referred to hereafter as the final EIS) was released on September 2, 2016.

Under ANILCA Title XI, agencies shall consider and make detailed findings supported by substantial evidence with respect to ANILCA Section 1104(g)(2). The FAA's findings under these criteria are detailed in Chapter 5 of the final EIS (included as Attachment A) and are the basis for the FAA's draft tentative disapproval of the application. This tentative disapproval would be submitted to the President and Congress if the DOT&PF continues with the ANILCA process, as required in ANILCA Section 1106(b)(1). These findings are summarized as follows:

(A) The need for, and economic feasibility of, the transportation or utility system

The FAA finds that Airport 3a with Access 2 would meet the Angoon Airport project's stated purpose and need by allowing flights during approximately 94% of the total hours in a given year. This more than doubles the 44% of hours per year that current seaplane service is available. Funding sources for Access 2 to Airport 3a remain uncertain. Due to the high cost of the access road relative to the cost of airport construction, and due to limited funding available in the FAA's Airport Improvement Program, the FAA has determined that it cannot fund the construction of this access road. The DOT&PF would be responsible for providing the funding necessary to construct the access road under this alternative. If the DOT&PF could secure funding for the access road, the FAA finds that Airport 3a with Access 2 could be economically feasible.

(B) Alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit

The FAA finds that Airport 12a with Access 12a, which is not located in the Monument–Wilderness Area, is an economically feasible and prudent alternative to Airport 3a with Access 2. Airport 12a with Access 12a would cost approximately \$22 million dollars less to construct than would Airport 3a with Access 2, and \$15,000 to \$19,000 less per year to operate and maintain, depending on which maintenance option is chosen. The FAA finds that Airport 12a with Access 12a is a prudent alternative to Airport 3a with Access 2 based on FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions* (Table 1).

Table 1. Findings of Feasibility and Prudence for Airport 12a with Access 12a

FAA Order 5050.4B	FAA Finding
Does the alternative meet the project's purpose and need?	Airport 12a with Access 12a would meet the purpose and need for improving aviation availability and reliability. Airport 12a would improve the availability of aviation service to Angoon by allowing flights during approximately 89% of the total hours in a given year. In comparison, Airport 3a with Access 2 would increase the availability of aviation service to Angoon by allowing flights during approximately 94% of the total hours in a given year.
Does the alternative cause extraordinary safety or operational problems?	Airport 12a with Access 12a would not cause extraordinary safety or operational problems, nor would any of the other action alternatives.
Are there unique problems or truly unusual factors present with the alternative?	<p>There are no unique problems or unusual factors present at Airport 12a with Access 12a. In comparison, Airport 3a with Access 2 would require the placement of an airport and access road within the Monument–Wilderness Area. Although this placement is allowed under ANILCA Title XI, the process has never been used for a wilderness area. The Angoon Airport would be the first if an alternative to build in the Monument–Wilderness Area is approved at all steps in the ANILCA Title XI and NEPA processes.</p> <p>The impacts to the Monument–Wilderness Area could not be avoided or entirely mitigated, and would be incompatible with the desired conditions for the area, as detailed in section 4.16 Wilderness Character and section 4.19 Admiralty Island National Monument in the final EIS.</p>
Does the alternative cause unacceptable and severe adverse social, economic, or other environmental impacts?	<p>The only impacts identified as significant at Airport 12a with Access 12a is to wetlands, but these impacts can be fully mitigated as described in Chapter 7: Mitigation. Therefore, Airport 12a with Access 12a would not cause unacceptable and severe adverse social, economic, or other environmental impacts.</p> <p>In comparison, Airport 3a with Access 2 would have significant impacts to the Monument–Wilderness Area, to Section 4(f) resources (see section 4.4 U.S. Department of Transportation Act Section 4(f) Evaluation Summary in the final EIS), and to visual resources (see section 4.9 Light Emissions and Visual Resources in the final EIS). These significant effects could not be completely mitigated and would therefore cause unacceptable environmental impacts.</p>
Does the alternative cause extraordinary community disruption?	Airport 12a with Access 12a would require acquisition of 37 (6%) of the area's available home sites, and, therefore, its effects would be too small to result in large-scale shifts in population or to influence the pattern of growth (see evaluation of these effects in section 4.12.3.3.6 Socioeconomics in the final EIS). Therefore, this alternative would not cause extraordinary community disruption. Airport 3a with Access 2 is not close to the town core and would not cause extraordinary community disruption.

Table 1. Findings of Feasibility and Prudence for Airport 12a with Access 12a

FAA Order 5050.4B	FAA Finding
Does the alternative result in additional construction, maintenance, or operational costs of an extraordinary magnitude?	Airport 12a with Access 12a is the most cost-effective alternative, costing approximately \$22 million dollars less to construct than Airport 3a with Access 2 and \$19,000 less (under Option 1) or \$15,000 less (under Option 2) to operate and maintain per year. (Discussion of the operations options are in section 3.5.3.2 of Chapter 3: Alternatives in the final EIS.)
Does the alternative result in an accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?	None of the alternatives would result in an accumulation of factors that collectively have unique adverse impacts or reach extraordinary magnitudes.

(C) The feasibility and impacts of including different transportation or utility systems in the same area

The FAA finds that there are no other transportation or utility systems that could be located in area of Airport 3a with Access 2 at this time. The FAA knows of two possible improvements in the area: a new water source for the community of Angoon and a new power line that would be fed by a hydroelectric system. The new water source would be considered a utility system under ANILCA, but there is insufficient information to assess the feasibility and effects of including a water facility in the same location as Airport 3a with Access 2 at this time. With respect to a hydroelectric system, should such a system be established, the DOT&PF reserves the right to connect to that electrical grid via an above-ground transmission line located in the access road right-of-way.

(D) Short- and long-term social, economic, and environmental impacts of national, state, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles

The final EIS details the potential social, economic, and environmental effects from Airport 3a with Access 2 in the "project effects" subsection of each resource section in Chapter 4. The following is a summary of significant impact determinations. (A summary table of effects and significance can also be found in Table ANILCA4 in Attachment A.)

The FAA has determined that construction and operation of Airport 3a with Access 2 would not result in significant impacts to the following resources:

- Air quality
- Compatible land use
- Aquatic and terrestrial habitats, associated species, and special status species
- Floodplains, stream geomorphology, and hydrology
- Hazardous materials, pollution prevention, and solid waste
- Cultural resources
- Energy supply, natural resources, and sustainable design
- Noise
- Socioeconomic conditions
- Subsistence resources and uses
- Water quality
- Climate change and greenhouse gas emissions
- Environmental justice and children's health and safety

Table ANILCA4 in Attachment A summarizes the reasons these impacts are not significant. The effects to each resource are analyzed fully in Chapter 4 of the final EIS.

The FAA has determined that construction and operation of Airport 3a with Access 2 would result in significant impacts to the following resources:

- U.S. Department of Transportation Act Section 4(f) properties
- Light emissions and visual resources
- Wetlands
- Wilderness character
- Admiralty Island National Monument

Table ANILCA4 in Attachment A summarizes the reasons these impacts are significant. The effects to each resource are analyzed fully in Chapter 4 of the final EIS.

(E) The impacts, if any, on the national security interests of the United States that may result from approval or denial of the application for a transportation or utility system

The FAA finds that the national security interests of the United States would not be affected by the approval or denial of the application for Airport 3a with Access 2 for the following reasons:

- The project would not introduce new or unsecured means of foreign access into the country nor would it provide new or unsecured access to sensitive military or economic establishments of national interest.
- The project would not weaken the political stability or the international standing of the United States, nor would it result in environmental degradation or contamination that could threaten the existence of the United States.
- The project would not provide or limit access to energy sources or natural resources such as water, land, or minerals that are important to national defense or political or economic power.

(F) Any impacts that would affect the purposes for which the federal unit or area concerned was established

Two overlapping but distinct federal units are involved: the Kootznoowoo Wilderness Area and the Admiralty Island National Monument. Additionally, Section 506(a)(3)(C) of ANILCA conveyed the rights, title, and interest in lands in parts of the national monument from mean high tide to approximately 660 feet inland to Kootznoowoo, Inc. Known as the Kootznoowoo Corridor Lands, these lands are still also considered part of the national monument, and the federal government has reserved certain rights to these lands. The following are the FAA's findings regarding the compatibility of Airport 3a with Access 2 with these three land units.

- **Kootznoowoo Wilderness Area**
 - The FAA finds that effects to wilderness qualities would be incompatible with the desired condition of the Kootznoowoo Wilderness Area as set forth by the Wilderness Act and the 2008 *Tongass National Forest Land and Resource Management Plan*. All effects to public purposes would be incompatible with desired conditions for brown bear and eagle habitat, natural ecological processes as they relate to hydrology and stream function, visual (scenic) resources, and subsistence resources and uses. No specific effects on known cultural sites were identified for Airport 3a with Access 2; therefore, effects would be compatible with desired conditions for cultural resources. This alternative would, however, increase the challenge of managing Tlingit cultural sites and other historical sites.
- **Admiralty Island National Monument and Kootznoowoo Corridor Lands**
 - The FAA finds that Airport 3a with Access 2 would be incompatible with the desired conditions set forth in the enabling legislation and the Forest Service's land management plan based on the following:

- While the effects of Airport 3a with Access 2 would be compatible with the desired conditions of the Admiralty Island National Monument, challenges for managing Tlingit cultural sites and other historical sites would be increased.
- Some subsistence use areas would be adversely affected, but the construction and operation of Airport 3a with Access 2 would not limit the ability of subsistence users to access subsistence resources, nor would the overall abundance of subsistence resources be reduced.
- With respect to the unspoiled coastal island ecosystem and its contributions to all national monument purposes, all effects from Airport 3a with Access 2 would be incompatible with the desired conditions.
- By extension, the FAA finds that all effects from Airport 3a with Access 2 would be incompatible with the desired conditions for the federal reserved rights of the Kootznoowoo Corridor Lands.

(G) Measures that should be instituted to avoid or minimize negative impacts

The FAA finds that further mitigation measures would need to be developed for impacts to visual resources, wilderness character, and the national monument's purposes and federal reserved rights if the application for Airport 3a with Access 2 is approved at all steps in the ANILCA Title XI and NEPA processes.

(H) The short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

The FAA finds that public benefits would result from Airport 3a with Access 2. The project would provide a long-term public benefit by meeting the needs of the residents of Angoon for improved availability and reliability of transportation services to and from Angoon. Other public benefits would include improved and new access to subsistence resources and additional revenue and jobs for the community of Angoon.

Under Airport 3a with Access 2, access would be improved to 2,021 acres of subsistence use areas, and new access would be opened to as many as 725 acres of subsistence use areas. Airport 3a with Access 2 would generate \$1,382,780 in economic benefit, \$23,403 in sales taxes, and approximately 15 new jobs during airport construction and operation.

In the event that the application is approved by the President and Congress, the FAA and other federal agencies with permitting authority can impose terms and conditions on the transportation and utility system as outlined in ANILCA Section 1107(a). The FAA and cooperating agencies have developed a preliminary set of terms and conditions that would be imposed if the application is approved at all steps in the ANILCA Title XI and NEPA processes. Additional terms and conditions will be required if the Airport 3a with Access 2 application is approved.

- Field surveys for cultural resources will be completed and concurrence on determinations of effect will be received from the state historic preservation officer as required by 36 Code of Federal Regulations (CFR) 800.
- Information regarding proposed avoidance, minimization, and compensatory mitigation will be developed per 33 CFR 325.1(d)(7).
- To satisfy the Endangered Species Act of 1973, the biological assessment conducted for Airport 12a with Access 12a will be supplemented with information about Airport 3a with Access 2 before the U.S. Forest Service issues the special use authorization.
- To comply with the Magnuson-Stevens Fishery Conservation and Management Act, an essential fish habitat assessment will be completed for all affected anadromous streams before the U.S. Forest Service issues the special use authorization.
- Mitigation measures must be developed for impacts to wetlands, floodplains, visual resources, wilderness character, and the national monument's purposes and federal reserved rights.

- A wetlands delineation and identification of waters of the U.S. will be completed and jurisdictional determinations will be received from the U.S. Army Corps of Engineers before the U.S. Forest Service issues the special use authorization. Information regarding proposed avoidance, minimization, and compensatory mitigation will be developed per 33 CFR 325.1(d)(7).
- In addition to the best management practices identified in the EIS to control, detect, and monitor for invasive species, an invasive plant management plan will be developed and control measures will be implemented to comply with Executive Order 13112.
- All best management practices listed in Chapter 7 of the final EIS relevant to Airport 3a with Access 2 will be included as terms and conditions to comply with Executive Order 11988; Executive Order 11990; the Bald and Golden Eagle Protection Act of 1940 (as amended); Executive Order 12962; Clean Water Act Sections 319(b)(2)(f), 319(k), and 313; and Executive Order 12088.
- Substantial changes to the proposed action would be subject to additional NEPA review.
- If major steps toward implementation of the proposed action have not commenced within 3 years of approval of the final EIS, a written reevaluation must be prepared in accordance with Paragraph 9-2 of FAA Order 1050.1F unless a decision has been made to prepare a new or supplemental EIS.
- The DOT&PF will be required to meet conditions to receive grant-in-aid funding from the FAA's Airport Improvement Program for a new runway, including but not limited to, an Airport Layout Plan, cost benefit analysis, and land acquisitions, as necessary.

The FAA respectfully provides this information regarding its findings as related to the ANILCA Title XI application submitted by DOT&PF for Angoon Airport Alternative 3a with Access 2. As stated above, and given the findings and supporting evidence, the FAA would provide a tentative disapproval of the application to the President and Congress if the DOT&PF continues with the ANILCA process.

Sincerely,



Kristi A. Warden
Deputy Division Manager
Alaskan Region, Airports Division

cc: Beth Pendelton, U.S. Forest Service
Chad VanOrmer, U.S. Forest Service
Leslie Grey, FAA
Randy Vigil, USACE
Linda Speerstra, USACE
Verne Skagerberg, DOT&PF
John Barnett, DOT&PF
Amanda Childs, SWCA



File Code: 2700
Date: September 7, 2016

Honorable Marc Luiken
Commissioner
Alaska Department of Transportation and Public Facilities
P.O. Box 112500
Juneau, Alaska 99811

COPY

Dear Commissioner Luiken:

The Forest Service has reviewed the Alaska National Interest Lands Conservation Act (ANILCA) Title XI application submitted by the Alaska Department of Transportation and Public Facilities (DOT&PF) on January 9, 2015. This application was submitted for consideration of Airport Alternative 3a with Access 2 located in the Admiralty Island National Monument and Kootznoowoo Wilderness Area (Monument-Wilderness Area). According to Title XI Section 1104(e), an environmental impact statement (EIS) is required in connection with the application, and the Angoon Airport Draft Environmental Impact Statement and Section 4(f) Evaluation was submitted as supporting information with the application.

On March 8, 2016, under Title XI Section 1104(d), the Forest Service determined that the application contained sufficient information to be deemed adequate according to the criteria in Section 1104(g). Section 1104(g) requires that within four months of the release of a final EIS, each federal agency concerned shall make a decision to approve or disapprove the application. The Angoon Airport Final EIS and 4(f) Evaluation was released on September 2, 2016.

Under ANILCA Title XI, agencies shall consider and make detailed findings supported by substantial evidence with respect to Section 1104(g)(2). The Federal Aviation Administration's findings are detailed in Chapter 5 of the Final EIS (included as Attachment A) and are the basis for our draft tentative disapproval of the application. This draft tentative disapproval will be submitted to the Secretary of Agriculture for review prior to a final determination sent to the President and Congress if the DOT&PF continues with the Title XI process, as required in Section 1106(b)(1). These findings are summarized as follows:

(A) The need for, and economic feasibility of, the transportation or utility system

We concur with the FAA's finding that Airport Alternative 3a with Access 2 would meet the Angoon Airport project's stated need by allowing flights during approximately 94% of the hours per year. This more than doubles the 44% of hours per year that current seaplane service is available. Due to the cost of the access road relative to the cost of airport construction, and limited funding available in the FAA's Airport Improvement Program, the FAA has determined that it cannot fund the construction of this access road. The DOT&PF would be responsible for providing the funding necessary to construct the access road under this alternative. If the DOT&PF could secure funding for the access road, we find that Airport 3a with Access 2 could be economically feasible.



(B) Alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit

We find that Airport Alternative 12a with Access 12a, which is not located in the Monument–Wilderness Area, is an economically feasible and prudent alternative to Airport 3a with Access 2. Airport Alternative 12a with Access 12a would cost approximately \$22 million dollars less to construct than would Airport 3a with Access 2, and \$15,000 to \$19,000 less per year to operate and maintain, depending on which maintenance option is chosen. We find that Airport Alternative 12a with Access 12a is a prudent alternative to Airport Alternative 3a with Access 2 based on FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions* (Table 1).

Table 1. Findings of Feasibility and Prudence for Airport Alternative 12a with Access 12a with comparisons to Alternative 3a with Access 2

FAA Order 5050.4B	FAA Finding
Does the alternative meet the project’s purpose and need?	Airport Alternative 12a with Access 12a would meet the purpose and need for improving aviation availability and reliability. Airport 12a would improve the availability of aviation service to Angoon by allowing flights during approximately 89% of the total hours in a given year. In comparison, Airport Alternative 3a with Access 2 would increase the availability of aviation service to Angoon by allowing flights during approximately 94% of the total hours in a given year.
Does the alternative cause extraordinary safety or operational problems?	Airport Alternative 12a with Access 12a would not cause extraordinary safety or operational problems, nor would any of the action alternatives.
Are there unique problems or truly unusual factors present with the alternative?	There are no unique problems or unusual factors present at Airport Alternative 12a with Access 12a. In comparison, Airport Alternative 3a with Access 2 would require the placement of an airport and access road within the Monument–Wilderness Area. The impacts to the Monument–Wilderness Area could not be avoided or entirely mitigated, and would be inconsistent with the desired conditions

Table 1. Findings of Feasibility and Prudence for Airport Alternative 12a with Access 12a with comparisons to Alternative 3a with Access 2

FAA Order 5050.4B	FAA Finding
	for the area, as detailed in section 4.16 Wilderness Character and section 4.19 Admiralty Island National Monument in the Final EIS.
Does the alternative cause unacceptable and severe adverse social, economic, or other environmental impacts?	<p>The significant impacts for Airport Alternative 12a with Access 12a are to wetlands. These impacts can be fully mitigated as described in Chapter 7: Mitigation. Therefore, Airport 12a with Access 12a would not cause unacceptable and severe adverse social, economic, or other environmental impacts.</p> <p>Airport Alternative 3a with Access 2 would have significant impacts to the Monument–Wilderness Area, to Section 4(f) resources (see section 4.4 U.S. Department of Transportation Act Section 4(f) Evaluation Summary in the final EIS), and to visual resources (see section 4.9 Light Emissions and Visual Resources in the Final EIS). These significant effects could not be completely mitigated and would, therefore, cause unacceptable environmental impacts.</p>
Does the alternative cause extraordinary community disruption?	<p>Airport Alternative 12a with Access 12a would require acquisition of 37 (6%) of the area’s available home sites. Its effects would be too small to result in large-scale shifts in population or to influence the pattern of growth (see evaluation of these effects in section 4.12.3.3.6 Socioeconomics in the Final EIS). This alternative would not cause extraordinary community disruption.</p> <p>Airport Alternative 3a with Access 2 is not close to the community core and would not cause extraordinary disruption.</p>
Does the alternative result in additional construction, maintenance, or operational costs of an extraordinary magnitude?	<p>Airport Alternative 12a with Access 12a is the most cost-effective alternative, costing approximately \$22 million dollars less to construct than Airport 3a with Access 2 and \$19,000 less (under Option 1) or \$15,000 less (under Option 2) to operate and maintain per year. Discussion of the operations options are in section 3.5.3.2 of Chapter 3:</p>

Table 1. Findings of Feasibility and Prudence for Airport Alternative 12a with Access 12a with comparisons to Alternative 3a with Access 2

FAA Order 5050.4B	FAA Finding
	Alternatives in the Final EIS.
Does the alternative result in an accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?	None of the alternatives would result in an accumulation of factors that collectively have unique adverse impacts or reach extraordinary magnitudes.

(C) The feasibility and impacts of including different transportation or utility systems in the same area

We find that there are no other transportation or utility systems proposed in the area of Airport Alternative 3a with Access 2 at this time. The Forest Service knows of two possible improvements in the area: a new water source for the community of Angoon and a power line that would be a component of a planned hydroelectric project. The new water source would be considered a utility system under ANILCA. There is insufficient information to assess the feasibility and effects of including a water facility in the same location as Airport Alternative 3a with Access 2.

(D) Short- and long-term social, economic, and environmental impacts of national, state, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles

The Final EIS discloses the social, economic, and environmental effects from Airport Alternative 3a with Access 2 in the project effects subsection of each resource section in Chapter 4. The following is a summary of significant impact determinations. A summary table of effects and significance can also be found in Table ANILCA4 in Attachment A of the Final EIS.

We have determined that construction and operation of Airport Alternative 3a with Access 2 would not result in significant impacts to the following resources:

- Air quality
- Compatible land use
- Aquatic and terrestrial habitats, associated species, and special status species
- Floodplains, stream geomorphology, and hydrology
- Hazardous materials, pollution prevention, and solid waste
- Cultural resources
- Energy supply, natural resources, and sustainable design

- Noise
- Socioeconomic conditions
- Subsistence resources and uses
- Water quality
- Climate change and greenhouse gas emissions
- Environmental justice and children's health and safety

Table ANILCA4 in Attachment A summarizes the reasons these impacts are not significant. The effects to each resource are analyzed in Chapter 4 of the final EIS.

We have determined that construction and operation of Airport Alternative 3a with Access 2 would result in significant impacts to the following resources:

- U.S. Department of Transportation Act Section 4(f) properties
- Light emissions and visual resources
- Wetlands
- Wilderness character
- Admiralty Island National Monument resources

Table ANILCA4 in Attachment A summarizes the reasons these impacts are significant. The effects to each resource are analyzed in Chapter 4 of the final EIS.

(E) The impacts, if any, on the national security interests of the United States that may result from approval or denial of the application for a transportation or utility system

We find that national security interests would not be affected by the approval or denial of the application for Airport Alternative 3a with Access 2 for the following reasons:

- The project would not introduce new or unsecured means of foreign access into the country nor would it provide new or unsecured access to sensitive military or economic establishments of national interest.
- The project would not weaken the political stability or the international standing of the United States, nor would it result in environmental degradation or contamination that could threaten the existence of the United States.
- The project would not provide or limit access to energy sources or natural resources such as water, land, or minerals that are important to national defense or political or economic power.

(F) Any impacts that would affect the purposes for which the federal unit or area concerned was established

Two overlapping but distinct federal units are involved: the Kootznoowoo Wilderness Area and the Admiralty Island National Monument. Additionally, Section 506(a)(3)(C) of ANILCA conveyed the rights, title, and interest in lands in parts of the national monument from mean high tide to approximately 660 feet inland to Kootznoowoo, Inc. Known as the Kootznoowoo Corridor Lands, these lands are considered part of the national monument. The federal government has reserved certain rights to these lands. The following are our

findings regarding the compatibility of Airport Alternative 3a with Access 2 with these three land units.

- **Kootznoowoo Wilderness Area**

- The Forest Service finds that effects to wilderness qualities would be inconsistent with the desired condition of the Kootznoowoo Wilderness Area as set forth by the Wilderness Act and the 2008 Tongass National Forest Land and Resource Management Plan.
- All effects to public purposes would be incompatible with desired conditions for brown bear and eagle habitat, natural ecological processes as they relate to hydrology and stream function, visual (scenic) resources, and subsistence resources and uses.
- No specific effects on known cultural sites were identified for Airport Alternative 3a with Access 2; therefore, effects would be compatible with desired conditions for cultural resources. This alternative would, however, increase the challenge of managing Tlingit cultural sites and other historical sites because of increased access to the area.

- **Admiralty Island National Monument and Kootznoowoo Corridor Lands**

- We find that Airport Alternative 3a with Access 2 would be inconsistent with the desired conditions set forth in the Monument's enabling legislation and the 2008 Tongass National Forest Land and Resource Management Plan based on the following:
 - While the effects of Airport Alternative 3a with Access 2 would be consistent with the desired conditions of the Admiralty Island National Monument, management of Tlingit cultural sites and other historical sites would become more difficult because of increased access to the area.
 - Some subsistence use areas would be adversely affected, but the construction and operation of Airport Alternative 3a with Access 2 would not limit the ability of subsistence users to access subsistence resources, nor would the overall abundance of subsistence resources be reduced.
 - With respect to the unspoiled coastal island ecosystem and its contributions to all national monument purposes, all effects from Airport Alternative 3a with Access 2 would be inconsistent with the desired conditions.
- By extension, we find that all effects from Airport Alternative 3a with Access 2 would be inconsistent with the desired conditions for the federal reserved rights of the Kootznoowoo Corridor Lands.

(G) Measures that should be instituted to avoid or minimize negative impacts

We find that further mitigation would need to be developed for impacts to visual resources, wilderness character, and the national monument's purposes and federal reserved rights if the application for Airport Alternative 3a with Access 2 is approved in the ANILCA Title XI and NEPA processes.

(H) The short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

We find that public benefits would result from Airport Alternative 3a with Access 2. The project would provide a long-term public benefit by meeting the needs of the residents of Angoon for improved availability and reliability of transportation services to and from Angoon. Other public benefits would include improved and new access to subsistence resources and additional revenue and jobs for the community of Angoon.

Under Airport Alternative 3a with Access 2, access would be improved to 2,021 acres of subsistence use areas; new access would be opened to as many as 725 acres of subsistence use areas. Airport Alternative 3a with Access 2 would generate \$1,382,780 in economic benefit, \$23,403 in sales taxes, and approximately 15 new jobs during airport construction and operation.

If the application is approved by the President and Congress, the Forest Service will establish terms and conditions on the transportation and utility system as outlined in ANILCA Title XI Section 1107(a). The FAA and cooperating agencies have developed a preliminary set of terms and conditions that would be included if the application is approved in the ANILCA Title XI and NEPA processes. Additional terms and conditions required if the Airport Alternative 3a with Access 2 application is approved. For example:

- Field surveys for cultural resources will be completed and concurrence on determinations of effect received from the State Historic Preservation Officer as required by 36 Code of Federal Regulations (CFR) 800.
- Information regarding proposed avoidance, minimization, and mitigation will be developed per 33 CFR 325.1(d)(7).
- To comply with the Endangered Species Act of 1973, the biological assessment conducted for Airport Alternative 12a with Access 12a will be supplemented with information about Airport Alternative 3a with Access 2 before the Forest Service issues a special use authorization.
- To comply with the Magnuson-Stevens Fishery Conservation and Management Act, an essential fish habitat assessment will be completed for all affected anadromous streams before the Forest Service issues a special use authorization.
- Mitigation measures must be developed for impacts to wetlands, floodplains, visual resources, wilderness character, and the national monument's purposes and federal reserved rights.
- A wetlands delineation and identification of waters of the United States will be completed and jurisdictional determinations will be received from the U.S. Army Corps of Engineers before the Forest Service issues a special use authorization.
- In addition to the best management practices identified in the Final EIS to control, detect, and monitor for invasive species, an invasive plant management plan will be developed and control measures implemented to comply with Executive Order 13112.
- All best management practices listed in Chapter 7 of the Final EIS relevant to Airport Alternative 3a with Access 2 will be included as terms and conditions to comply with

Executive Order 11988; Executive Order 11990; the Bald and Golden Eagle Protection Act of 1940 (as amended); Executive Order 12962; Clean Water Act Sections 319(b)(2)(f), 319(k), and 313; and Executive Order 12088.

- Substantial changes to the proposed action would be subject to additional environmental analysis under NEPA.
- If major steps toward implementation of the proposed action have not commenced within three years of approval of the Final EIS, a written reevaluation must be prepared in accordance with Paragraph 9-2 of FAA Order 1050.1F unless a decision has been made to prepare a new or supplemental EIS.
- The DOT&PF will be required to meet conditions to receive grant-in-aid funding from the FAA's Airport Improvement Program for a new runway, including but not limited to, an Airport Layout Plan, cost benefit analysis, and land acquisitions, as necessary.

The Forest Service provides our findings for the ANILCA Title XI application submitted by DOT&PF for Angoon Airport Alternative 3a with Access 2. As stated above, and given the findings and supporting evidence, the Forest Service would provide a draft tentative disapproval of the application to the Secretary of Agriculture for review prior to a final determination being sent to the President and Congress if DOT&PF continues with the ANILCA Title XI process.

Sincerely,



BETH G. PENDLETON
Regional Forester

cc: Leslie Grey, FAA; Randy Vigil, USACE; Verne Skagerberg, ADOT&PF



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOST REGION

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September 9, 2016

Darrin Kelly
Special Uses Permit Administrator
Admiralty National Monument
US Forest Service
8510 Mendenhall Loop Road
Juneau, AK 99801

Re: ANILCA Title XI Application for Angoon Airport

In January 2015 we submitted an ANILCA Title XI Application concerning our proposal to construct a new airport for Angoon, Alaska. You subsequently accepted our application and it has been under consideration concurrent with the Environmental Impact Study that FAA has been conducting for the airport project.

On September 2, 2016, the FAA released its Final EIS which identifies a preferred alternative that is different from our proposed action. The preferred alternative, Site 12A, has also been adopted by the community in a supporting resolution passed by the Angoon City Council on April 22, 2016. Given the community's support for Site 12A and its identification as the FAA's preferred alternative, we do not object to its selection and hereby amend our proposed action to Site 12A.

Because Site 12A does not incorporate any lands within a Conservation System Unit, the ANILCA Title XI process is not required for its construction and we anticipate no further action regarding our application, which is hereby withdrawn.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Coffey".

Michael J. Coffey
Director, Southcoast Region

cc:

Leslie Grey, FAA Angoon Airport EIS Project Manager
Susan Magee, ADNR Alaska State ANILCA Program Coordinator

"Keep Alaska Moving through service and infrastructure."



THE STATE
of **ALASKA**
GOVERNOR BILLY WALKER

Department of Transportation and Public Facilities

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September 9, 2016

Randal Vigil
Juneau Field Office
U.S. Army Corps of Engineers
Regulatory Division
P.O. Box 22270
Juneau, AK 99802-9998

Re: ANILCA Title XI Application for Angoon Airport

In January 2015 we submitted an ANILCA Title XI Application concerning our proposal to construct a new airport for Angoon, Alaska. You subsequently accepted our application and it has been under consideration concurrent with the Environmental Impact Study that FAA has been conducting for the airport project.

On September 2, 2016, the FAA released its Final EIS which identifies a preferred alternative that is different from our proposed action. The preferred alternative, Site 12A, has also been adopted by the community in a supporting resolution passed by the Angoon City Council on April 22, 2016. Given the community's support for Site 12A and its identification as the FAA's preferred alternative, we do not object to its selection and hereby amend our proposed action to Site 12A.

Because Site 12A does not incorporate any lands within a Conservation System Unit, the ANILCA Title XI process is not required for its construction and we anticipate no further action regarding our application, which is hereby withdrawn.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Coffey".

Michael J. Coffey
Director, Southcoast Region

cc:

Leslie Grey, FAA Angoon Airport EIS Project Manager
Linda Speerstra, USACE Regulatory Division, Chief, Southeast Section
Susan Magee, ADNR Alaska State ANILCA Program Coordinator

"Keep Alaska Moving through service and infrastructure."



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation and Public Facilities

SOUTHCOAST REGION

6860 Glacier Highway
PO Box 112506
Juneau, Alaska 99801-2506
Main: (907) 465-1763
Toll free: (800) 575-4540
Fax: (907) 465-2016
TTY-TDD: (800) 770-8973
dot.state.ak.us

September 9, 2016

Ms. Leslie Grey
FAA Alaska Region Airports Division
222 West 7th Ave. #14
Anchorage, AK 99513

Re: ANILCA Title XI Application for Angoon Airport

In January 2015 we submitted an ANILCA Title XI Application concerning our proposal to construct a new airport for Angoon, Alaska. You subsequently accepted our application and it has been under consideration concurrent with the Environmental Impact Study that FAA has been conducting for the airport project.

On September 2, 2016, the FAA released its Final EIS which identifies a preferred alternative that is different from our proposed action. The preferred alternative, Site 12A, has also been adopted by the community in a supporting resolution passed by the Angoon City Council on April 22, 2016. Given the community's support for Site 12A and its identification as the FAA's preferred alternative, we do not object to its selection and hereby amend our proposed action to Site 12A.

Because Site 12A does not incorporate any lands within a Conservation System Unit, the ANILCA Title XI process is not required for its construction and we anticipate no further action regarding our application, which is hereby withdrawn.

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Michael J. Coffey
Director, Southcoast Region

cc:

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Michael J. Coffey
Director, Southcoast Region

cc:

Linda Speerstra, USACE Regulatory Division, Chief, Southeast Section
Susan Magee, ADNR Alaska State ANILCA Program Coordinator

"Keep Alaska Moving through service and infrastructure."



Federal Aviation Administration

Memorandum

Date: 08 Sept 2016

To: Leslie Gray, Airports Division, Environmental Protection Specialist, AAL-614

From: *for Raymond R. Anderson*
Vered Lovett, Manager, Engineering Services, AJW-W1

Subject: Angoon Airport ROD

We have reviewed the Draft Record of Decision (ROD) prepared by the Alaska Region, Airports Division, for the New Land-Based Airport, Angoon, Alaska. It is determined that potential actions by Western Service Area (WSA) Engineering Services (ES) as identified in the attached Technical Review Memo have been evaluated and included in the FEIS and ROD.

Attachment

**Technical Review Memo
for
RECORD OF DECISION
NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
New Land-Based Airport
Angoon, Alaska**

SUMMARY: The Alaska Region Airports Division completed a Record of Decision (ROD) for the proposed new land-based airport near Angoon, Alaska. This document was prepared in accordance with requirements under the National Environmental Policy Act (NEPA) to conduct environmental impacts analysis for major federal actions. The ROD is the formal decision document confirming federal approval of the Final Environmental Impact Statement and authorizes the project to proceed. The Airports Division requested concurrence by Western Service Area Engineering Services (WSA ES) that the ROD have identified and included potential actions by WSA ES.

The ROD includes the following actions that may be provided by WSA ES:

- The Automated Weather Observing System (AWOS) would most likely be relocated for Alternative 12A. It would also most likely need to be relocated for the other Alternatives as well.
- The weather cameras system (WCAM) would likely be relocated with the AWOS for Alternative 12A. For the other Alternatives it is not known if the WCAM may need to relocate as a stand-alone facility if the AWOS is relocated to a location that does not meet requirements for the WCAM.
- Based on coverage analysis by Spectrum Engineering, the Remote Communications Outlet (RCO) does not need to relocate to support any of the three alternatives.

This NEPA document has been reviewed for WSA ES according to the requirements of FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures, July 16, 2015*. It is determined that potential actions by WSA ES resulting from the proposed new airport have been evaluated and included in the ROD. This document would support a NEPA analysis for included WSA ES actions.

RECOMMENDATION: It is recommended that the WSA ES proceed with concurrence.

ATO WSA ES Technical Review Memo
for NEPA RECORD OF DECISION
New Land-Based Airport, Angoon, Alaska

Submitted by:

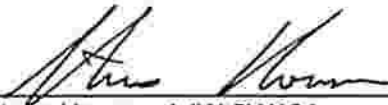


John J. Louie, AJW-2W15Q
Environmental Engineer
ATO/TOMWSA/Engineering Services/

9/8/2016

Date

Approved by:



Steve Houser, AJW-2W12A
Manager, Anchorage EnRoute/Terminal Engineering
ATO/TOMWSA/Engineering Services

9/8/2016

Date



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

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Fax: 907.465.2016
TTY-DDD 800-770-8973

August 24, 2016

Mayor Howard
City of Angoon
PO Box 189
Angoon, AK 99820

RE: Notification of Right to Petition the Secretary for New Airport Locations, Angoon Airport

Honorable Mayor Howard,

I am writing this letter to inform you of the Angoon community's right to petition the Secretary of Transportation about the proposed Angoon Airport per U.S. code 49 USC 47106.(c)(1)(A)(ii). As the sponsor, the DOT&PF is required to meet specific requirements in order to be eligible for consideration of Airport Improvement Program (AIP) funding, and this notification meets the certification requirement (49 USC 47106.(c)(1)(A)(ii)). We understand that the City of Angoon passed Resolution No. 16-08 in support of Airport 12a with Access 12a. However, this letter is being sent to provide you with the information on petitioning prior to FAA issuing a final decision on the airport location.

The FAA has informed the DOT&PF that the Final EIS will be released on September 2, 2016. Following the release of the EIS, there is a mandatory "wait period" before FAA can issue a final decision. This wait period is a minimum of 30 days. The FAA will inform the City of Angoon and the community of their decision.

The Federal Aviation Administration (FAA) issued guidance on the procedures and processes to be followed under this section of the Airport and Airway Improvement Act (AAIA) on March 30, 2016 in the Federal Register. I have attached this guidance for your reference.

Please contact John Barnett at 465-4504 or Verne Skagerberg at 465-4477 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Coffey".

Michael J. Coffey
Director, Southcoast Region

Enclosures (1)

cc: Leslie Grey, FAA

"Keep Alaska Moving through service and infrastructure."

Guidance on the Procedures and Process To Petition the Secretary Under the Airport and Airway Improvement Act

A Notice by the Federal Aviation Administration on 03/30/2016

Summary

This final policy establishes the procedures and processes to petition the Secretary under the Airport and Airway Improvement Act 49 U.S.C. 47106(c)(1)(A)(ii). The Federal Aviation Administration (FAA) issued guidance on the procedures and process to petition the Secretary under 49 U.S.C. 47106(c)(1)(A)(ii) in the Federal Register on August 4, 2015. This guidance is intended to provide detail and clarity about who may petition the Secretary, when such a petition may be filed, how the petition may be made, and the procedures and process to petition the Secretary under this Section of the Airport and Airway Improvement Act.

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- **DATES:**
- **SUPPLEMENTARY INFORMATION:**
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- **B. Form and Substance**
- **C. Time To File a Petition**
- **D. Definitions**
- **(1) Location of an Airport**
- **(2) Location of a Runway**
- **(3) Major Runway Extension**
- **(4) Communities in Which the Project Is Located**
- **E. Other Considerations**
- **F. Agency Response**
- **Footnotes**

DATES:

Effective Date: The Guidance becomes effective immediately upon publication in the Federal Register.

SUPPLEMENTARY INFORMATION:

By Federal Register Notice issued on August 4, 2015 (80 FR 46380), the FAA notified the public of the issuance for public comment of proposed Guidance on the Procedures and Process to Petition the Secretary under the Airports and Airway Improvement Act. FAA requested comments, suggestions and recommendations that would assist the agency in assessing and understanding the potential effects and implications of providing guidance on the procedures for and process of the right to petition the Secretary under 49 U.S.C. Section 47106(c)(1)(A)(ii). The Notice called for public comments to be received by FAA on or before October 5, 2015. No comments were received by that date. Other than editorial changes and one minor clarification, this final Guidance is identical to the proposed guidance.

I. Background

In 1982, Congress enacted the Airport and Airway Improvement Act (AAIA) (Pub. L. 97-248). Relevant portions of the AAIA are codified in 49 U.S.C. Chapter 471, Subchapter I, Airport Improvement. The AAIA, among other items, established the current-day Airport Improvement Program (AIP) that is administered by the FAA's Office of Airports. Through the AIP, the FAA provides grants to public agencies—and, in limited cases, to private airport owners and operators—for the planning and development of public-use airports that are included in the National Plan of Integrated Airport Systems (NPIAS). The current AIP program built on earlier grant programs that are funded through a variety of user fees and fuel taxes. For more information on the history of the AIP and predecessor grant programs, see <http://www.faa.gov/airports/aip/>.

The AAIA also provides certain prerequisites and conditions that an airport sponsor must meet in order to be eligible for consideration of AIP funding. In 1992, Congress amended various provisions of the AAIA with the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act, Public Law 102-581. Section 113(b), Public Access and Participation with Respect to Airport Projects, amended Section 509(b)(6)(A) of the AAIA (49 U.S.C. 47106(c)(1)(A)) by inserting the following:

(ii) the sponsor of the project certifies to the Secretary that the airport management board either has voting representation from the communities where the project is located

or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

The Secretary of the U.S. Department of Transportation has delegated the responsibility to respond to a petition under Section 47106 to the Administrator of the FAA, **49 CFR 1.83(a)(9)**. The Administrator has further delegated the authority to administer this provision to the Associate Administrator for the Office of Airports (ARP-1). Order 1100.154A.⁴⁴The requirement for a sponsor to provide such certification to the FAA is incorporated into FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions, par. 1203.

II. Purpose

After receiving a small number of submissions under this provision, the Associate Administrator for the Office of Airports has determined it would be helpful and appropriate to provide the public with more guidance on the procedures and processes associated with this provision:

The Secretary may approve an application under this subchapter for an airport development project involving the location of an airport or runway or a major runway extension only if the sponsor certifies to the Secretary that the airport management board has voting representation from the communities in which the project is located or has advised the communities that they have the right to petition the Secretary about a proposed project[.]

49 U.S.C. Section 47106(c)(1)(A)(ii).

III. Final Guidance

A. Where To File

The Secretary of the U.S. Department of Transportation has delegated the responsibility to respond to a petition under Section 47106 to the Administrator of the FAA. Accordingly, any petition under this statutory provision should be addressed to the Associate Administrator for the Office of Airports, 800 Independence Avenue SW., Washington, DC 20591.

B. Form and Substance

The statute does not prescribe any specific format for the submission of a petition. The petition should be a concise statement describing the project to which the petitioner

objects, and clearly indicating the petitioner's specific objection to the project. The petition must also include a description of the result the petitioner is seeking. The petition should normally not exceed ten (10) pages. Upon application from the petitioner, the Secretary will consider extending the length of a petition for a large, complex project. Petitions must be legible and must be signed by the petitioner(s), who must be a duly authorized representative(s) of the community (see Section III.D.4 of this Federal Register notice). The FAA will not consider any petition that is not signed by the petitioner(s).

C. Time To File a Petition

A petition filed under section 47106(c)(1)(A)(ii) should be filed only after the Airport Sponsor notifies a community of its right to file a petition.

Petitions to the Secretary pursuant to Section 47106(c)(1)(A)(ii) must be submitted within thirty (30) days after the FAA gives notice that the sponsor has presented evidence that the requirements of Section 47106(c)(1)(A)(ii) have been fulfilled. Although the environmental analysis and the grant decisions are separate processes and decisions, grant-related findings that are preconditions of issuing a grant are often made in the environmental Record of Decision (ROD). Typically, the FAA demonstrates that the sponsor has satisfied the requirements of Section 47106(c)(1)(A)(ii) in its Final Environmental Impact Statement (FEIS). Generally, the FEIS will contain a certification from the Airport Sponsor either that each community in which the project is located has a voting member on its airport management board, or that each community in which the project is located has been advised of its right to petition the Secretary. Normally the Airport Sponsor will have notified each of the communities prior to the publication of an FEIS, allowing communities at least 30 days to prepare and file a petition.¹²¹ The thirty-day time to file ensures that communities without voting representation on the airport management board have the same ability to object to or provide input on a project prior to a final decision that grant-related preconditions have been met as those communities that do have voting representation on the airport management board. Additionally, the 30-day period coincides with the Council on Environmental Quality's (CEQ) requirement that imposes a 30-day "cooling off" period on federal agencies between the publication of an FEIS and a ROD. However, the FAA may also provide notice that the sponsor has fulfilled the requirements of Section 47106(c)(1)(A)(ii) through a Draft EA, a Final EA, a Draft EIS, or via a separate Federal Register Notice. This type of FAA notice would also start the 30-day time limit for a community to file a petition pursuant to Section 47106(c)(1)(A)(ii).

D. Definitions

(1) Location of an Airport

For purposes of Section 47106(c)(1)(A)(ii), location of an airport means approval of an airport at a location where no airport exists. This definition is consistent with the definition of the term airport location approval found in FAA Order 5050.4B, National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions (April 2006). Order 5050.4B defines airport location approval as approval of a new public use airport at a location where no airport exists. (Order 5050.4B, ¶¶ 9.p and 203). In interpreting Section 47106(c)(1)(A)(ii), it is appropriate to be consistent with other FAA interpretations of similar terms. Defining the term location of an airport consistently with the definition in the most current version of Order 5050.4B avoids confusion that could be caused by applying different definitions depending on the circumstances of the inquiry.

(2) Location of a Runway

While other FAA documents have referred to the location of a runway, none have defined the term. Because the term is similar to the term “location of an airport,” it is appropriate to define the terms in a similar manner. For purposes of Section 47106(c)(1)(A)(ii), location of a runway refers to decisions approving the site of a new or relocated runway where a runway does not currently exist.

(3) Major Runway Extension

Order 5050.4B defines a major runway extension as one that creates a significant impact to an affected environmental resource (including noise), or one that permanently removes a relocated threshold.¹⁴¹ Removal of a dislocated threshold is not considered a runway extension.¹⁴¹ The definition of major runway extension that appears in Order 5050.4B, ¶9.1 will be used in interpreting Section 47106(c)(1)(A)(ii).

(4) Communities in Which the Project Is Located

The term community is not defined in the statute. In the enabling legislation, this provision was entitled “Public Participation With Respect to Airport Projects.” The term “community” will be defined as a jurisdictional authority, that is, a political subdivision of a state, such as a town, township, city, or county. Defining community as a jurisdictional authority is consistent with the context of Section 47106(c). For example, in subsection (A)(i) the statute speaks of “objectives of any planning that the community has carried out.” Typically, only political subdivisions of a state, such as those described above, would have planning authority. Similarly, in the FAA's experience, only a jurisdictional authority or political subdivision would be considered for voting

representation on the airport's governing authority. It is only in the absence of such voting representation of a jurisdictional authority or political subdivision that the statute provides the opportunity to petition the Secretary.

Defining community as a jurisdictional authority or political subdivision is also consistent with the definition of community in Order 5050.4B, ¶1203(b)(1).

Accordingly, only a political subdivision of a state that enjoys general jurisdiction, or a Tribal government meets the definition of community in this context. Political subdivisions of a state that have a specific, substantive authority, such as water districts or school districts, do not adequately represent the interests of the community at large. They are not required to balance the interests of the whole community on a wide range of issues. Rather, they seek to promote their specific substantive interest. Additionally, water districts or school districts would not normally be invited to sit on an airport management board. Thus, only a political subdivision of a state which enjoys general jurisdiction is a community entitled to file a petition under Section 47106(c)(1)(A)(ii).

Finally, under the statute, a community is only eligible to petition under Section 47106(c)(1)(A)(ii) if the project is located in the community. If land is disturbed in the community, then the project is considered to be located in that community. The courts have also provided instruction on when a project is located in a community. In *City of Bridgeton v. FAA*, 212 F. 3d 448 (8th Cir. 2000), the court determined that a community in which there was no construction and no significant noise impact could not challenge the failure to notify it that it could petition the Secretary. Thus, outside the construction context, a project may be located in a community only if the project will have a significant impact on the community. For example, where a project will cause a significant noise impact on a community, the project is located in that community. If the project does not create a significant impact in the community, the community will have no right to petition the Secretary.

E. Other Considerations

There are currently ten states that participate in the FAA's State Block Grant Program (SBGP). Under the program, the State agency (usually the aviation division of the state Department of Transportation) assumes responsibility for administering AIP grants for non-primary airports (including several categories of AIP funds). See 49 U.S.C. Section 47128. As part of the responsibility, the state assumes various responsibilities for the FAA including reviewing and approving proposed changes to the Airport Layout Plan (ALP) and compliance with the National Environmental Policy Act (NEPA).

The FAA interprets 49 U.S.C. Section 47106(c)(1)(A)(ii) as not being generally applicable to a project approved and administered as part of a state block grant. The plain language of this statutory provision states that this Section is triggered when a proponent submits a project grant application to the FAA. In the case of the SBGP, no such request is made because most of the funds are given to the states as a block (except for AIP Discretionary funds), and the state assumes responsibility for administering those funds. Participants in the SBGP are required to engage communities according to FAA guidance and to circulate the draft EA if warranted. However, in cases where the project may involve a request for AIP Discretionary funding, or other extraordinary circumstances, the FAA may determine that a community meeting the requirements set forth herein may have the right to petition the Secretary in connection with an AIP grant. Petitions involving a SBGP project must include facts describing the extraordinary circumstances that they believe justify the Secretary entertaining the petition.

F. Agency Response

The FAA will provide a written response to a petition to the Secretary. The FAA may respond by outlining the issues raised in the petition and providing its responses either within the environmental ROD, or it may elect to respond in a separate document.

Authority:

49 U.S.C. 47106(c)(1)(A)(ii), 14 CFR part 1.

Issued in Washington, DC, on March 22, 2016.

Elliott Black,

Director, Office of Airport Planning and Programming APP-001.

[FR Doc. 2016-07165 Filed 3-29-16; 8:45 am]

BILLING CODE 4910-13-P

Footnotes

1. For clarity, this guidance will continue to use the term “Secretary” in this context.

[Back to Context](#)

2. Should the FAA prepare an Environmental Assessment (EA) for a project to which § 47106(c)(1)(A)(ii) applies, or an EIS under MAP-21, Section 1319, the time to file a petition to the Secretary will begin to run when the community is informed of its right to file such a petition by the airport sponsor and will expire 30 days after such notification.

Back to Context

3. A relocated threshold leaves the pavement usable only for taxiing.

Back to Context

4. Pavement beyond a dislocated threshold is available for takeoff.

Back to Context

Appendix B.

Comments on the Final Environmental Impact Statement



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

September 14, 2016

Ms. Leslie A. Grey
Environmental Protection Specialist AAL-614
Federal Aviation Administration
Alaskan Region, Airports Division
222 W. 7th Avenue, #14
Anchorage, Alaska 99513-7587

Dear Ms. Grey:

We have reviewed the Federal Aviation Administration Final Environmental Impact Statement and Section 4(f) Evaluation for the Angoon Airport (EPA Project # 08-057-FAA) in Angoon, Alaska. Our review was conducted in accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act. We previously rated the Draft EIS, which identified Alternative 12a with 12a Access as the Preferred Alternative, EC-1 (Environmental Concerns-Adequate Information).

With our review of the Final EIS, we continue to support the Federal Aviation Administration's selection of Alternative 12a with 12a Access in the Record of Decision, as it is environmentally preferable to the other airport location and access road alternatives for nearly all resource categories. As we stated in our comments on the Draft EIS, in addition to avoiding designated Wilderness, Alternative 12a with 12a Access requires substantially less fill, impervious surface, and terrain disturbance, as well as fewer water body crossings, culverts, stream diversions, truck trips and barge trips. We also continue to note that it is the least costly alternative and is similar to other alternatives in instrument approach capability, minimums for visibility, and year-round availability. Overall, we believe Alternative 12a with 12a Access satisfactorily meets the purpose and need while clearly resulting in less environmental impacts.

We also appreciate the inclusion of several minor recommendations identified in our previous comment letter in the Final EIS. We recognize the extensive mitigation included in the Final EIS and recommend all proposed mitigation be carried forward into the Record of Decision, particularly with regard to mitigation activities involving Stream 10. Finally, we commend the FAA for the extensive outreach and stakeholder involvement, which occurred with this EIS. It is no doubt that such efforts have contributed to a more comprehensive and thoughtful document and outcome.

Thank you for the opportunity to review this Final EIS. If you have questions about our comments, please contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Christine B. Littleton".

Christine B. Littleton, Manager
Office of Environmental Review and Assessment