

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
NORTHERN REGION, PRECONSTRUCTION

FRANK H. MURKOWSKI, GOVERNOR

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
TELEPHONE: (907) 451-5106
FAX: (907) 451-5103
EMAIL: abigail_ogbe@dot.state.ak.us

August 9, 2005

Nightmute Airport Improvements
Project 51809
Environmental Re-Scoping

Mr. Kevin Morgan
Section Chief-North Section
U.S. Army Corps of Engineers
P. O. Box 6898
Elmendorf AFB, AK 99506-6898

Dear Mr. Morgan:

The Alaska Department of Transportation and Public Facilities (ADOT&PF), in cooperation with the Federal Aviation Administration (FAA), is developing a project to improve the Nightmute Airport. Comments have previously been requested from your agency for this project, however, the scope of the project has changed.

The purpose of this letter is to seek comments and consultation from agencies and local governments to ensure that all environmental concerns in light of the new project footprint are adequately considered. **Please review the following information and provide your comments, questions or concerns by September 12, 2005.** Detailed information about the proposed project within the updated footprint is presented below.

Project Location

Nightmute is located on Nelson Island, in western Alaska. It is 18 miles upriver from Toksook Bay and 100 miles west of Bethel. The community lies within Section 33, Township 5N, Range 88W, Seward Meridian, (approximately at Latitude 60.479440° N, and Longitude 164.72389° W). Nightmute is located in the Bethel Recording District. (See Figure 1, Location and Vicinity Map).

Project Purpose

The Nightmute Airport was originally constructed in 1976, and does not meet the current FAA design criteria for an A-I¹ Airport classification (ADOT&PF, 1999). The current airport condition jeopardizes the safety of users of the airport. The following deficiencies are identified:

- The runway length and width do not meet FAA safety design standards for an A-1 airport classification.
- The inadequate apron size, lack of taxiway, and proximity of the snow removal equipment building (SREB) to the runway, all fall short of the FAA safety design standards.

¹ A-I is an Airport Reference Code that designates Nightmute Airport as accommodating aircraft in Design Category A, Group I. Design Category A means the runway is designed for aircraft with a maximum approach speed of less than 91 knots. Group I designates aircraft of a maximum wingspan of less than 49 feet.

- The differential subsidence exhibited by the airport runway and the airport access road is a hazard to users of the airport.
- There is no power to the airport; therefore, no runway lighting. This is a serious safety concern especially during the dark winter days, and subsequently limits the airport operating hours.
- The Toksook River bank erosion threatens the airport access road.
- Crosswinds jeopardize landings on the existing runway as the existing facility provides only 67% wind coverage.

Proposed Improvements

The following describes the planned improvements to the Nightmute Airport (please note that some of the dimensions could change slightly due to refinements in the design).

- Expand the existing 50-ft by 1,600-ft runway to 75-ft by 3,200-ft.
- Extend the existing 100-ft by 2,000-ft runway safety area to 150-ft by 3,800-ft.
- Provide a 50-ft by 260-ft taxiway on a 79-ft wide safety area.
- Provide a new 150-ft by 255-ft parking apron.
- Provide a 100-ft by 100-ft maintenance and operations pad with two single bay Snow Removal Equipment Buildings.
- Install insulation under the runway extension to prevent permafrost thaw.
- Install a medium intensity lighting system.
- Install a lighted wind cone and segmented circle on a 125-ft by 125-ft pad.
- Provide a 30-ft by 60-ft Automated Weather Observation System (AWOS) Pad, two Precision Approach Path Indicator (PAPI) Pads, and install an unlighted wind cone.
- Extend the power line from the village to the airport.
- Rehabilitate the existing 4800-ft by 15-ft airport access road to repair the extreme differential settlement of the road and also to shift the road further away from the Toksook River, and realign it within the right-of-way. The width of the road will still be maintained at 15-ft.
- Provide erosion protection along the airport access road.
- Acquire airport property. The current property lease has expired. Property acquisition in-fee, as show in Figure 2a, will occur.

Please refer to Figures 2a and 2b, for a schematic representation of areas of proposed improvements. Figure 3 shows the existing and proposed airport fill limits. A photo sheet of the project area is also enclosed.

The project is scheduled for construction during the summer of 2006 and is estimated to be completed in the fall of 2007.

Material Sites

Material site #5 (MS 5), located approximately one mile north west of the existing runway will be used for this project. MS 5 is 700-ft by 1700-ft (approximately 27.3 acres). Please refer to Figure 4 for a schematic representation of the material site in relation to the haul road and the airport.

Project Scope Deviation from Previous Scope

Table 1 depicts the existing airport dimensions, previous scope and currently proposed airport dimensions.

**Table 1
Existing Condition of Airport Facilities at Nightmute, Previous and Current Project Scope**

| ITEM | EXISTING | PREVIOUS SCOPE | CURRENT SCOPE |
|---------------------|---------------|----------------|-----------------|
| RUNWAY | 50' x 1,600' | 75' x 3,200' | 75' x 3,200' |
| RUNWAY SAFETY AREA | 100' x 2,000' | 150' x 3,800' | 150' x 3,800' |
| TAXIWAY | NONE | 50' x 230' | 50' x 260' |
| TAXIWAY SAFETY AREA | NONE | 70' WIDE | 79' WIDE |
| APRON | 70' x 100' | 100' x 300' | 150' x 255' |
| BUILDING PAD | 35' x 50' | WITHIN APRON | NEW 100' x 100' |

Additional changes include:

- Erosion protections within the airport access road.
- Net increase of wetland impact is approximately 5.86 acres, for a total of 20 acres. Previous scope required 14.14 acres of wetlands.
- Use of the alternate haul route (currently the proposed haul route), which begins north of the community of Nightmute at an existing material site and traverses east along the lower portion of the slope to material site 5 (MS 5), rather than the shorter previously proposed haul route which runs from the airport road along the western edge of a large thaw pond to MS 5. The previous haul route included 900 linear feet of land originating at MS 5. The revised haul route is 0.7-mile origination at the existing material site north of Nightmute. The focus of this revision is to avoid possible impacts to archaeological resource (XBI-181) and also to avoid acquisition of Native land.
- Native allotment will no longer be acquired, thereby reducing the initially proposed right-of-way to be acquired.

Contained in Appendix A is relevant information needed from your agency. Appendix A also contains a synopsis of each Agency's previous comments/involvement and ADOT&PF action/response to environmental and agency concerns.

In addition to identifying any concerns or issues your agency might have with the project requirement or any other issues with the proposed airport improvements, we would appreciate your expertise to help us plan the project to best avoid and minimize environmental impacts. Please direct your comments and questions to Abigail Ogbe, Environmental Analyst, (907) 451-5106, or by email to abigail_ogbe@dot.state.ak.us.

Sincerely,

 Chuck Howe
 Environmental Coordinator

AO/dt

- Attachments:
- Figure 1: Location and Vicinity Maps
 - Figures 2a & 2b: Project Scope
 - Figure 3: Existing and Proposed Airport Fill Limits
 - Figure 4: Area of Potential Impact
 - Photo Sheet of the project area
 - Appendix A: Agency Specific Information and Questions
- cc: Gary Lincoln, Engineering Manager, ADOT&PF, Anchorage

APPENDIX A – AGENCY SPECIFIC INFORMATION AND QUESTIONS

The following is a synopsis of each agency's previous comments/involvement and ADOT&PF action/response to environmental and agency concerns. Concerns raised by each agency during previous scoping are presented in number format, and ADOT&PF response are bulleted below each concern. Also included are questions within your jurisdiction or area of expertise.

Alaska Department of Environmental Conservation (ADEC)

A July 2005, search of the ADEC Contaminated Sites database revealed an active site (AKARNG Nightmute FSA). This site is about 235 feet from the proposed haul road. Dave Pikul with the ADEC believes that the active site will not affect the project.

There were no records of any leaking underground storage tanks (LUST) during the July 2005 search of the LUST database.

A 401 Certificate of Reasonable Assurance was issued on July 22, 2002 (Toksook River 4, Reference No. 4-2000-0384, State I.D. No. AK 0205-09AA). The ADOT&PF will request for a new Certification for the new project scope.

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

- Identify any water quality concerns.
- Provide information and/or data on existing drinking water supplies in the project area.
- Identify any permits and/or clearances to be obtained from your agency for the proposed project.

Alaska Department of Fish & Game (ADF&G)

(Comments Received on February 23, 2000)

1. Methods, routes, time of year for movement of fill and Toksook River concern.
 - Material will be hauled from the mine site to the airport construction area via an existing road by the Toksook River and by a haul road constructed along the hillside; no impacts to the Toksook River are associated with this haul method. Hauling will take place in the summer of 2006, during construction.
2. Concern on the location of the airstrip in relation to the Toksook River and the potential for erosion.
 - Design assumptions will include erosion scour protection.
3. Title 41 authorization would be required for activities conducted below the ordinary high water mark of water bodies such as the Toksook River.
 - No activities will be conducted below the ordinary high water mark of any water body.

Please identify any permits and/or clearances to be obtained from your agency for the proposed project.

ADNR-Office of Project Management and Permitting (OPMP)

A final coastal zone consistency determination for the project was received from the Division of Governmental Coordination (now OPMP) on October 11, 2002. The Department will request a revision of the Coastal Zone Consistency Determination.

US Fish & Wildlife Service (USF&WS)

(Comments Received on April 19, 2000 & January 17, 2002)

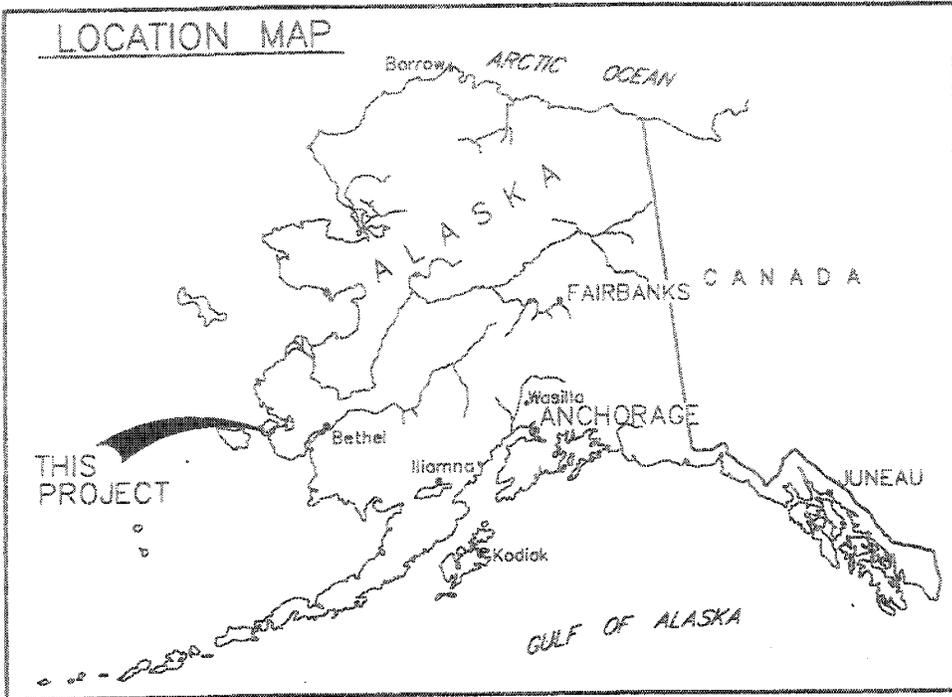
1. Impact to Spectacled and Steller's eiders (listed as threatened under the Endangered species act).
 - As a result of this concern a field trip was conducted with personnel from USF&WS and ADOT&PF on June 14, 2000. No Spectacled or Steller's eiders nests were found. Ann G. Rappoport (USF&WS, 01/17/2002) reported that the project area did not appear to provide good nesting habitat for Spectacled or Steller's. This survey may not have included Material Site 5 and recent project footprint changes.
2. Concern regarding tundra habitat and ponds in the area and requested that the runway extension be minimized to avoid impacts to productive habitat.
 - Efforts are being made to minimize impacts to productive habitat to the maximum extent possible. Due to the Nightmute terrain, all alternatives would impact tundra and ponds to certain extent. The following are steps taken to minimize the project impact on undisturbed land.
 - The new taxiway will utilize the original apron footprint, thus reducing the impact to undisturbed ground.
 - The rehabilitated airport access road will utilize much of the original access road footprint, thus reducing impact to undisturbed ground.
 - The proposed haul route minimizes wetland impacts by traversing the hillside and by using the existing airport access road.
3. Cautioned against revegetating the side slopes with grasses palatable to Geese, as this may cause aviation hazard.
 - Seeding is a principal tool to prevent erosion. Appropriate site-specific seed mix will be utilized to activate vegetation that will stabilize the slopes and allow native vegetation to establish itself.
4. Recommended silt fence at the toe-of-slope to prevent sediment from being washed into ponds and surrounding wetland areas.
 - Erosion & Sediment Control Plan and Storm Water Pollution Prevention Plan will be prepared and all necessary erosion prevention measures, including silt fences, will be utilized.
5. Concerns regarding the proximity of the Toksook River to the runway.
 - See response 2 under ADF&G.

Please identify any permits and/or clearances to be obtained from your agency for the proposed project.

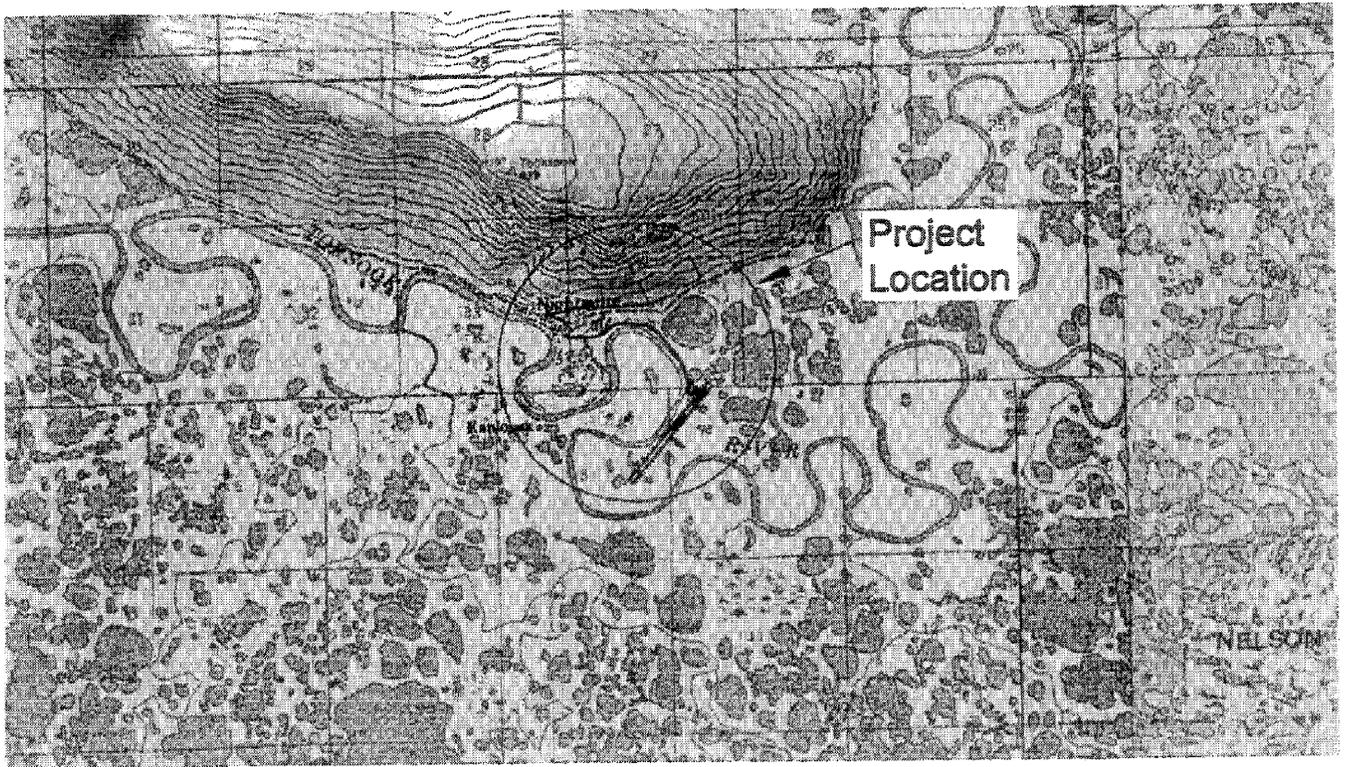
U.S. Army Corps of Engineer (USACE)

The USACE issued Section 404 Permit #4-200-0384/Toksook River 4 on November 7, 2002, for impacts to 14.14 acres of wetlands. Wetland delineation and functional analysis will be completed for the entire project area and the ADOT&PF will request a permit modification or a new permit for the project.

Please identify any additional permits and/or clearances to be obtained from your agency for the proposed project.



T 5 N, R 00 W, SEC 34 & 33
T 4 N, R 00 W, SEC 2 & 3
SEWARD MERIDIAN
U.S.G.S. BARD INLET (6-7,8-6,C-7,C-8) ALASKA

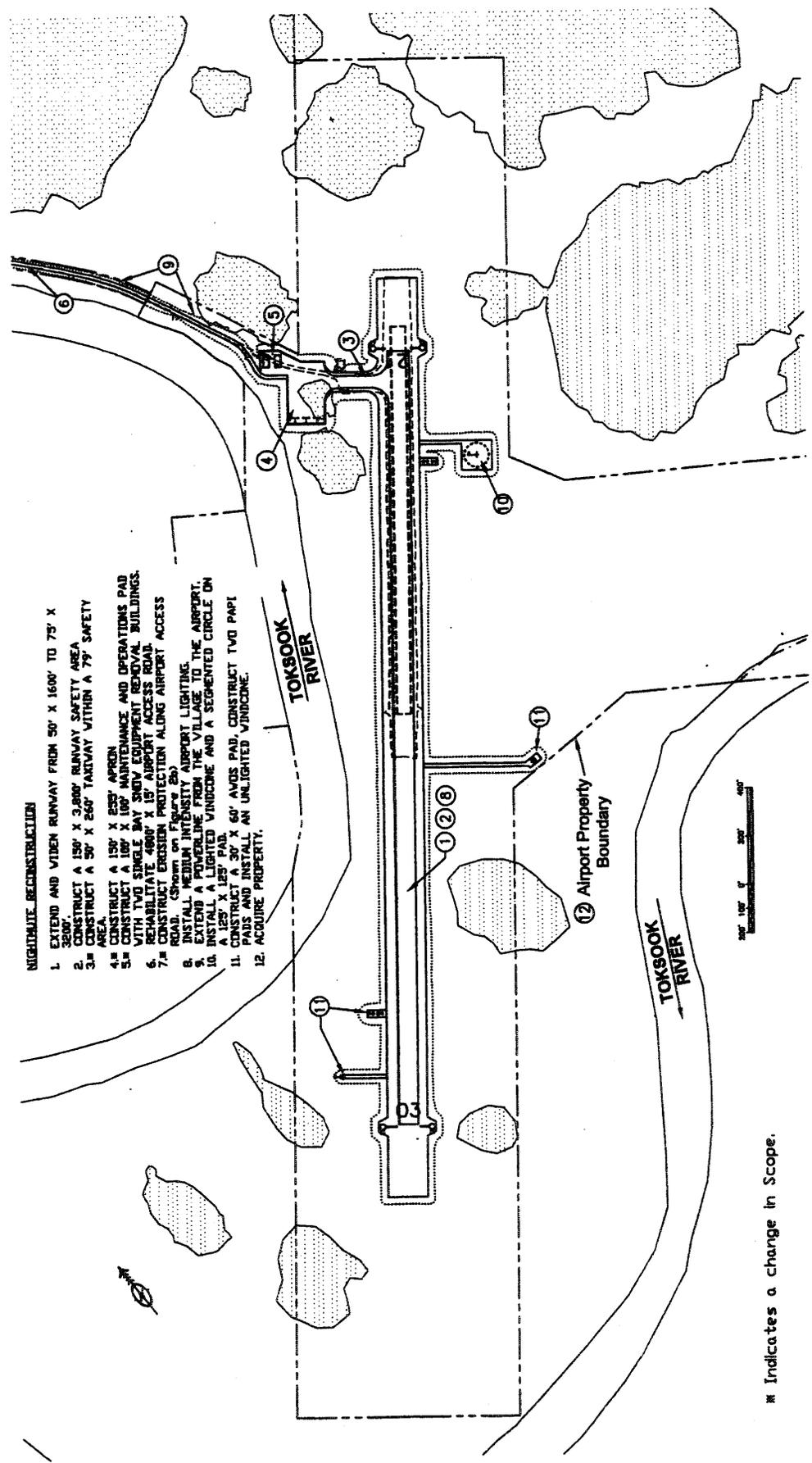


STATE OF ALASKA
**DEPARTMENT OF TRANSPORTATION
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CENTRAL REGION—DESIGN AND CONSTRUCTION—AVIATION

Nightmute Airport Improvements
51809

Location and Vicinity Maps
Figure 1

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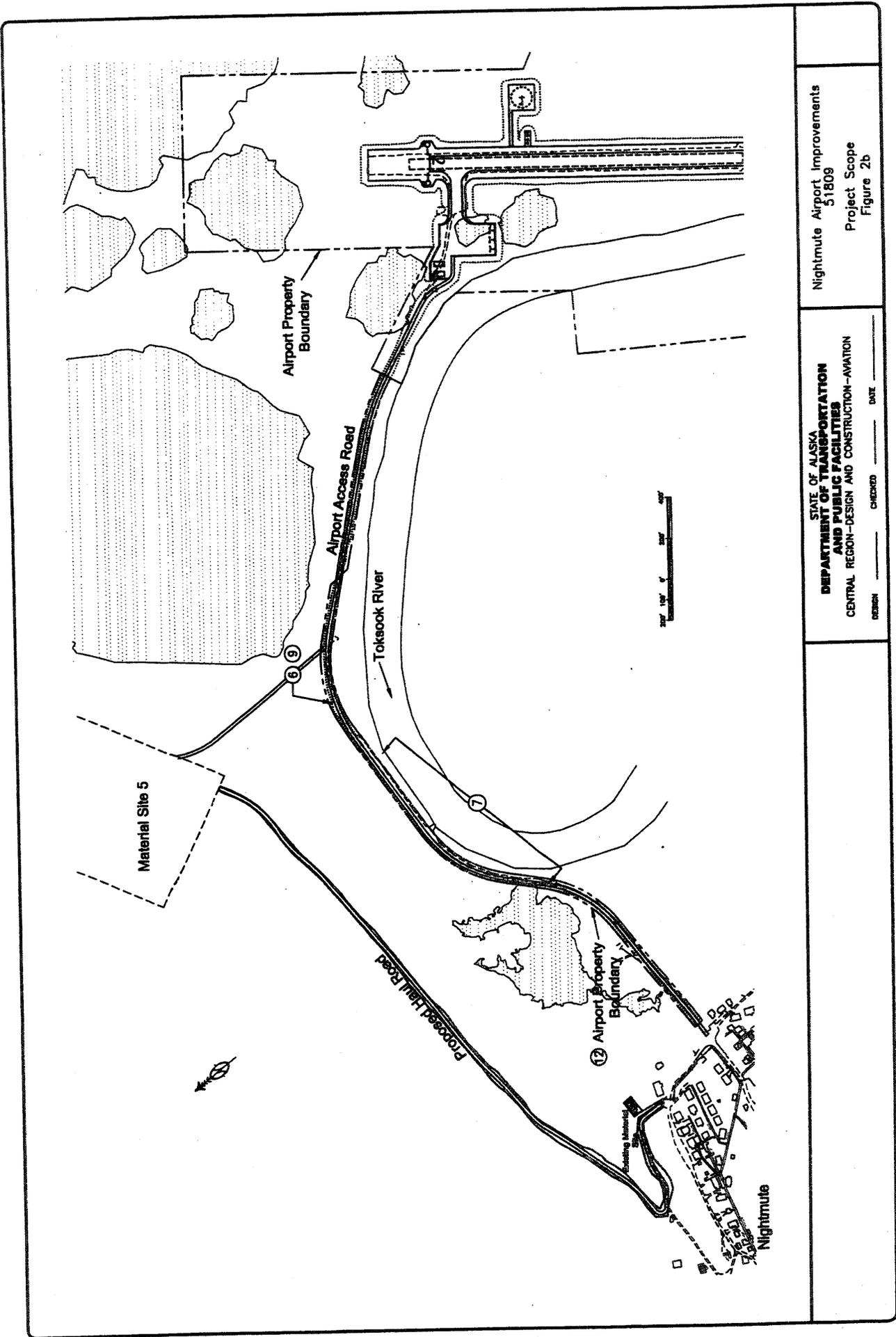


NIGHTMUTE RECONSTRUCTION

1. EXTEND AND WIDEN RUNWAY FROM 50' X 1600' TO 75' X 3200'.
2. CONSTRUCT A 150' X 2,500' RUNWAY SAFETY AREA.
3. CONSTRUCT A 50' X 260' TAXIWAY WITHIN A 75' SAFETY AREA.
4. CONSTRUCT A 150' X 250' APRON.
5. CONSTRUCT A 100' X 100' MAINTENANCE AND OPERATIONS PAD WITH TWO SINGLE BAY SNOW EQUIPMENT REMOVAL BUILDINGS.
6. REHABILITATE 4800' X 15' AIRPORT ACCESS ROAD.
7. CONSTRUCT EROSION PROTECTION ALONG AIRPORT ACCESS ROAD. (Shown on Figure 2b)
8. INSTALL MEDIUM INTENSITY AIRPORT LIGHTING.
9. EXTEND A POWERLINE FROM THE VILLAGE TO THE AIRPORT.
10. INSTALL A LIGHTED WINDCONE AND A SEGMENTED CIRCLE ON A 125' X 125' PAD.
11. CONSTRUCT A 30' X 60' AVIS PAD. CONSTRUCT TWO PAI PADS AND INSTALL AN UNLIGHTED WINDCONE.
12. ACQUIRE PROPERTY.

■ Indicates a change in Scope.

| | |
|--|---|
| STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES CENTRAL REGION-DESIGN AND CONSTRUCTION-AVIATION | Nightmute Airport Improvements 51809 Project Scope Figure 2a |
| DESIGN _____ CHECKED _____ DATE _____ | |



Nightmute Airport Improvements
51809
Project Scope
Figure 2b

STATE OF ALASKA
**DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**
CENTRAL REGION—DESIGN AND CONSTRUCTION—AVIATION

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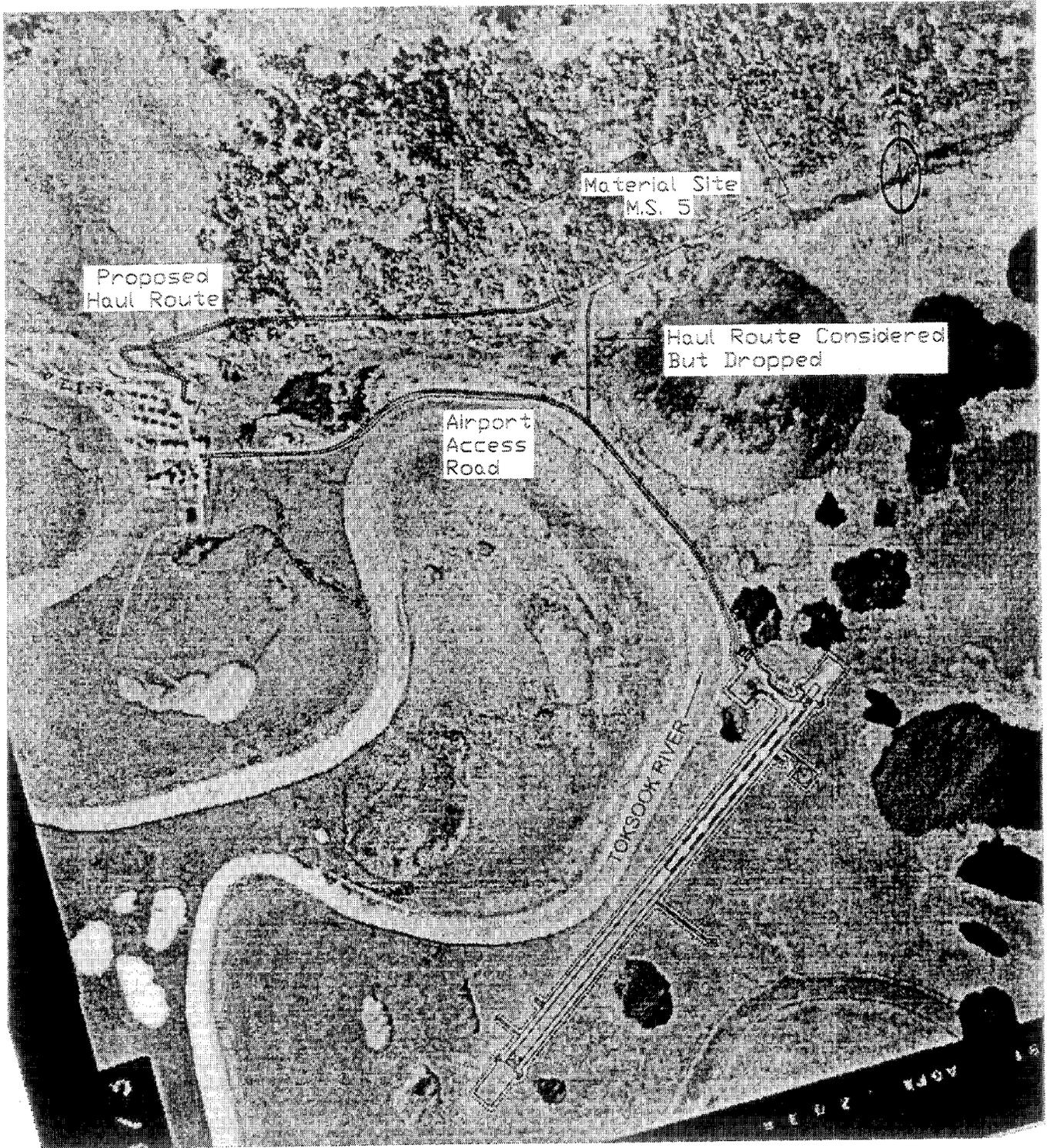


STATE OF ALASKA
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 CENTRAL REGION-DESIGN AND CONSTRUCTION-AVIATION

Nightmute Airport Improvements
 51609

Existing and Proposed Fill Limits
 Figure 3

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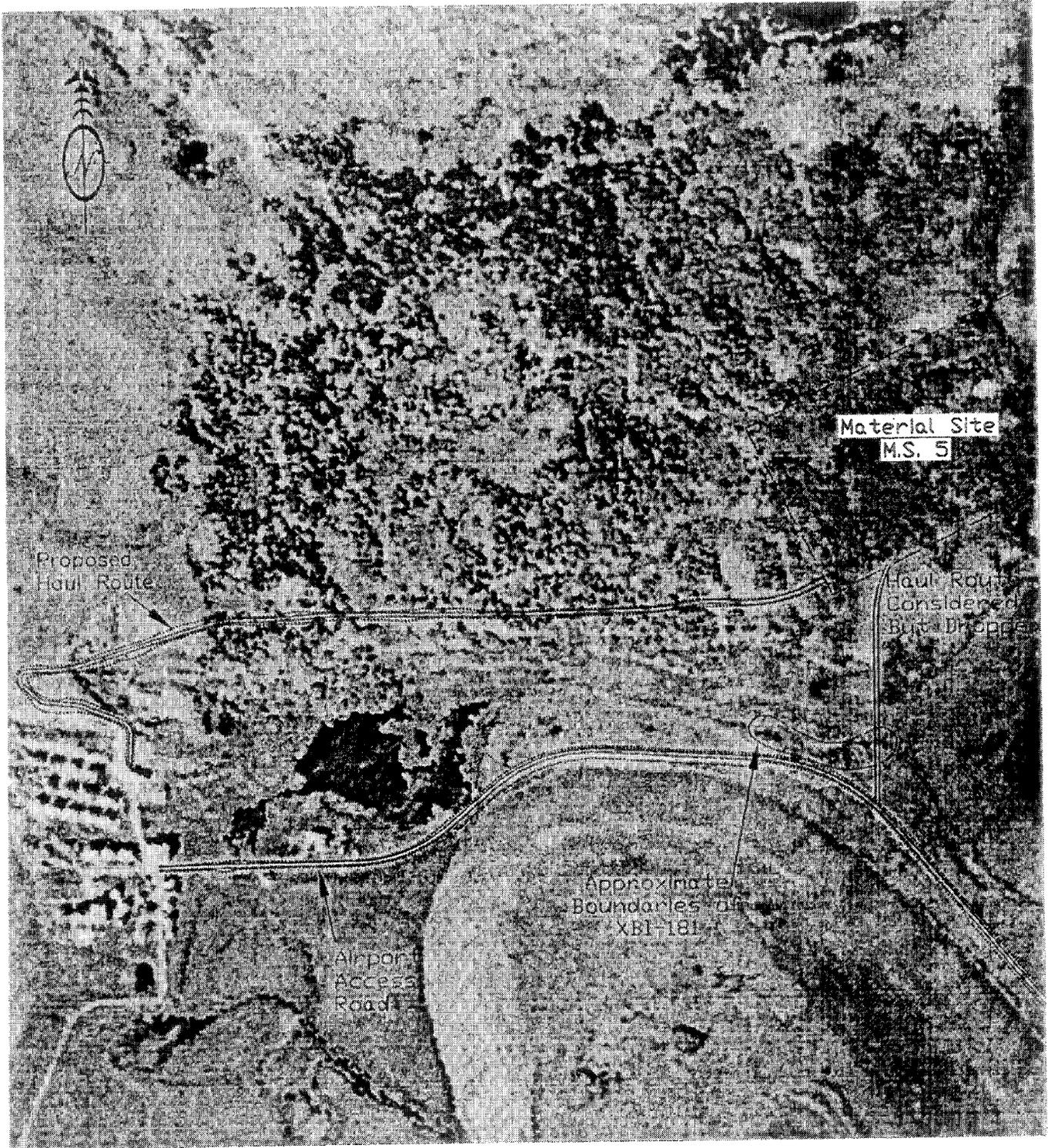


STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES
 CENTRAL REGION--DESIGN AND CONSTRUCTION--AVIATION

Nightmute Airport Improvements
 51809

Area of Potential Impact
 Figure 4

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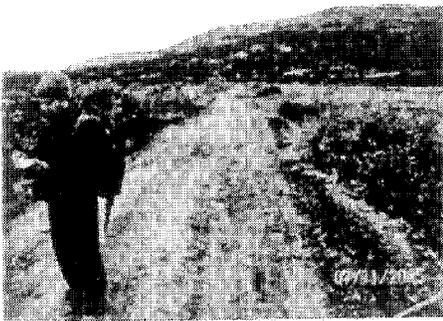
STATE OF ALASKA
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 AND PUBLIC FACILITIES
 CENTRAL REGION—DESIGN AND CONSTRUCTION—AVIATION

Nightmute Airport Improvements
 51809
 Haul Route to M.S. 5
 XBI-181
 Figure 5

Confidential

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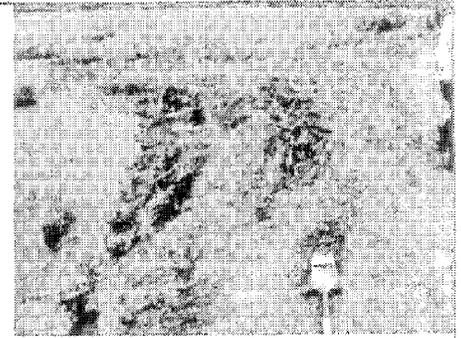
Photo Sheet for Nightmute Airport Improvements. Project 51809



Typical condition of the airport access road. Heavily rutted.



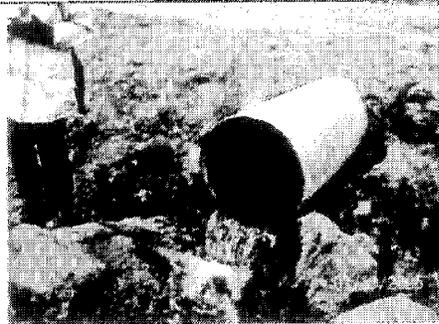
Airport access road looking back towards the airport.



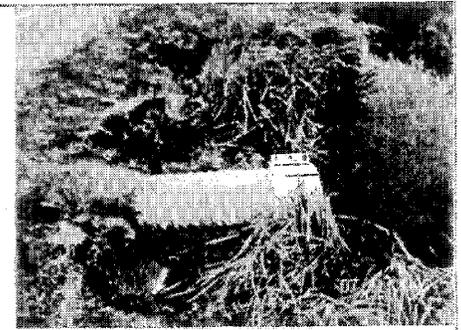
Access road adjacent to the large lake near town. Note the longitudinal cracking.



Access road adjacent to the large lake with typical vegetation.



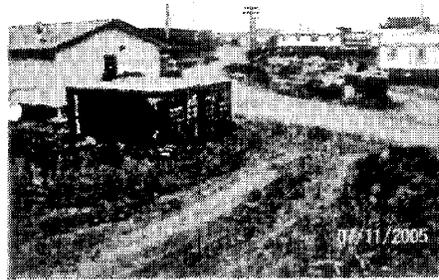
Outlet of the only culvert along the airport access road



Inlet of the culvert. This is a small lake



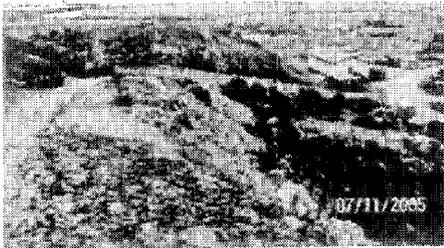
Beginning of the proposed haul route. Up into an existing pit and then traversing up to the left.



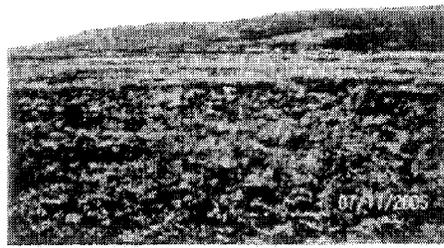
Looking down at the town end of the new haul route. The trucks would go down this hill and then up and around the new store (Red building in the distance)



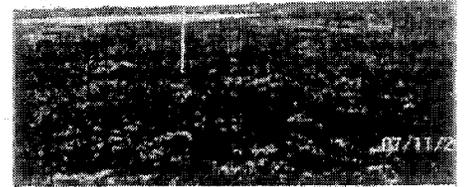
View from the hillside that the proposed haul route will head up looking back towards town.



The proposed haul route will head up this rough road.



A view from the end of the proposed runway looking towards town.



Looking the opposite direction of the runway on the left, showing trail markers. Photo taken from the southern end of the proposed runway.



Proposed runway with close up of trail marker. The markers indicate a winter trail that will be relocated.



Typical vegetation along the Toksook river



Bank failure along the Toksook river. This is the area where the river is closest to the access road



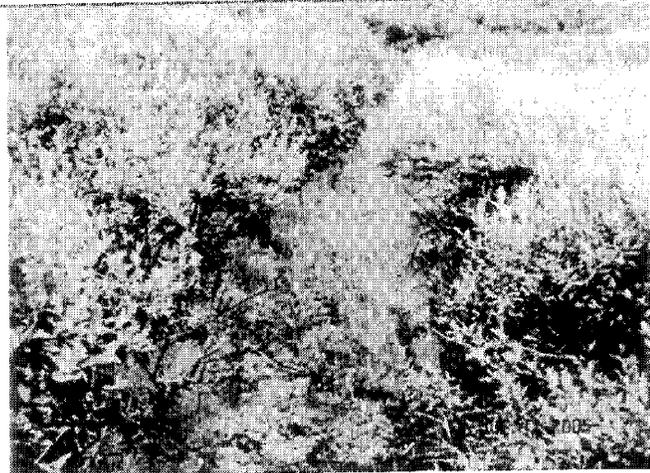
Typical bank failure along the Toksook river



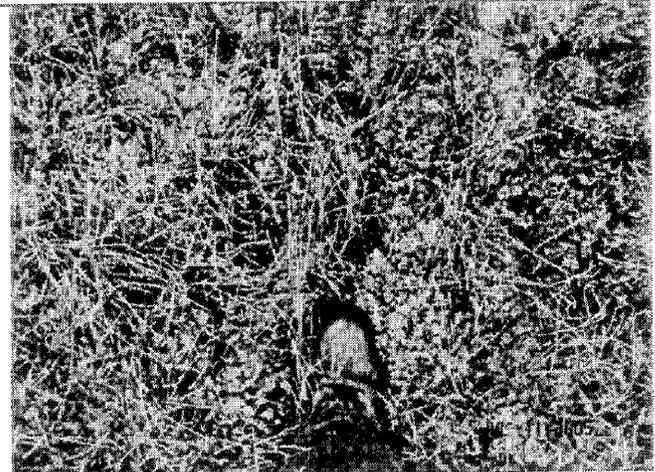
View looking towards the airport where the river is closest to the access road



View looking towards the proposed material site (MS 5)



Vegetation in the proposed material site (MS 5)



Typical vegetation in the runway extension



Looking north of the existing runway



Looking south of the existing runway

**Nightmute Airport Improvements
Project 51809
Agency Environmental ReScoping Letter
Mailing List
as of 8/9/05**

Group Manager, Realty Division
Bureau of Land Management
222 W. 7th Avenue #13
Anchorage, AK 99513-7599

Ms. Colleen Burgh
NEPA Coordinator
U.S. Environmental Protection Agency
222 W. 7th Avenue, #19
Anchorage, AK 99513-7588

Mr. Jeff Davis
Mat-Su Area Manager
State of AK Dept. of Natural Resources
Office of Habitat
Management&Permitting
333 Raspberry Road
Anchorage, AK 99518-1599

Ms. Jeanne Hanson
Habitat Conservation
National Marine Fisheries Service
222 W. 7th Avenue, #43
Anchorage, AK 99513-7577

Ms. Amanda Henry
Project Review Specialist
State of AK Dept. of Natural Resources
Office of Project Management/Permitting
550 W. 7th Avenue, Suite 1660
Anchorage, AK 99501

The Honorable Lyman Hoffman
Alaska State Senate
State Capitol Room 514
Juneau, Alaska 99801-1182

The Honorable Mary Kapsner
House of Representatives
Alaska State Capitol, Room 424
Juneau, AK 99801-1182

Ms. Mel Langdon
Water Quality Division
State of AK DEC
555 Cordova Street
Anchorage, AK 99501

Ms. Pam Lewis
Statewide Chief
State of AK DOT&PF
Aviation Leasing & Land Development
2301 Peger Road
Fairbanks, AK 99709-5316

The Honorable Mark Mark
Mayor
City of Nightmute
P. O. Box 90010
Nightmute, AK 99690

Mr. Kevin Morgan
Section Chief-North Section
U.S. Army Corps of Engineers
P. O. Box 6898
Elmendorf AFB, AK 99506-6898

Ms. Ann Rappoport
Field Supervisor
U.S. Fish & Wildlife Service
605 W. 4th Avenue, Room G-61
Anchorage, AK 99501

Subject: Nightmute Airport Improvements

From: "Lawrence R. Peltz" <Lawrence.Peltz@noaa.gov>

Date: Fri, 12 Aug 2005 12:51:17 -0800

To: Abigail Ogbe <abigail_ogbe@dot.state.ak.us>

Abigail,

The National Marine Fisheries Service (NMFS) has reviewed the Environmental Re-Scoping Letter for the Nightmute Airport Improvements Project #51809. The described action will not result in any adverse effect to Essential Fish Habitat (EFH). No EFH Assessment is required and NMFS does not offer any EFH Conservation Recommendations. Further EFH consultation is not necessary. NMFS has no objection to the project. Please contact me if yo have any questions. Thanks.

Subject: Project #51809, Nightmute Airport Improvements

From: "Donna L. Graham" <Donna.Graham@noaa.gov>

Date: Wed, 17 Aug 2005 13:33:28 -0800

To: abigail_ogbe@dot.state.ak.us

The National Marine Fisheries Service (NMFS) has reviewed the PCN for applicant SOA DOT, activity Airport Repair & Construction, Project #51809, Nightmute Airport Improvements.

The described action will not result in any adverse effect to Essential Fish Habitat (EFH). No EFH Assessment is required and NMFS does not offer any EFH Conservation Recommendations. Further EFH consultation is not necessary. NMFS has no objection to the project. Please contact Larry Peltz at (907) 271-1332 or e-mail larry.peltz@noaa.gov if you have questions. Thanks.



United States Department of the Interior

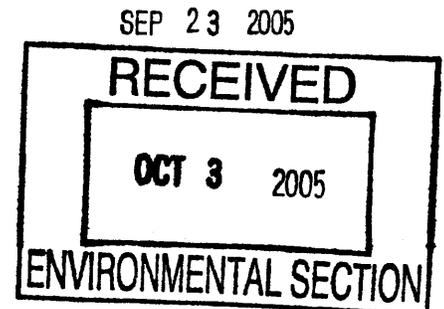
FISH AND WILDLIFE SERVICE

Anchorage Fish & Wildlife Field Office
605 West 4th Avenue, Room G-61
Anchorage, Alaska 99501-2249

IN REPLY REFER TO:

AFWFO

Mr. Chuck Howe
Environmental Coordinator
Alaska Department of Transportation and Public Facilities
P.O. Box 196900
Anchorage, Alaska 99519-6900



Re: Nightmute Airport Improvements
Re-Scoping Comments

Dear Mr. Howe:

The U.S. Fish and Wildlife Service (Service) has reviewed your letter of August 9, 2005, requesting environmental re-scoping comments on the Nightmute Airport Improvements Project. As described in your letter, the key features of this project include:

- Expanding the existing runway to 75 ft by 3,200 ft.
- Extending the existing runway safety area to 150 ft by 3,800 ft.
- Land and property acquisition as shown in Figure 2 of the review letter.
- Providing a new 150 ft by 255 ft parking apron.
- Providing a 100 ft by 100 ft maintenance and operations pad and storage buildings.
- Installation of a medium intensity lighting system along the runway and a lighted wind cone on a 125 by 125 ft pad.
- Provision of a 30 ft by 60 ft Automated Weather Observation System (AWOS) pad, two Precision Approach Path Indicator (PAPI) pads and install an unlighted wind cone.
- Extension of the power line from the village to the airport.
- Rehabilitation of the existing 4800 ft by 15 ft wide airport access road. Some realignment with current right of way is proposed. Erosion protection along the road will be undertaken.
- Development of a materials site and an access road to such a site to acquire necessary fill for airport and road construction. Some of these sites may be in wetlands; determination is pending.
- Development of possible disposal site for excavated waste materials (as yet an undescribed action).

We look forward to reviewing the draft environmental assessment for this airport improvement project. We offer the following scoping comments and recommendations:



Fair

Land Ownership Issues: According to our Realty Division, the airport facility (runway) is located in Sections 2 and Section 3 of Township 4 North, Range 89 West, Seward Meridian. The land was conveyed to Nunakauiak Yupik Corporation by IC 534 for the surface estate. The subsurface estate was reserved to the United States. Therefore, the Service owns the subsurface of the land the airport runway is built upon.

Before the land was conveyed to the Nunakauiak Yupik Corp., the Service had issued the State DOT a right-of-way permit for that airport facility. During the time that the right-of-way permit was in effect, the Service allowed the State DOT to occupy and use the land for the airport runway. The Service owned both the surface and the subsurface estate of the land.

After the land was conveyed, the Service waived and transferred the administration of the airport right-of-way to the Native Corporation. Since conveyance, the Service has only subsurface ownership of the land.

As to the involvement of the Service, concerning its ownership of the subsurface estate during the airport improvement work by DOT (widening and lengthening), the only prohibition is that the DOT may not take any of the material excavated (otherwise known as "cut and fill"), during the course of the construction, move it someplace else and use that material for another purpose. The DOT would be allowed to use the cut and fill material provided it is used within 500 ft for use in the same footprint. The DOT is allowed to stockpile material excavated during the course of the airport improvement, but it may not take it elsewhere and use it for some other purpose. There are no permits required from the Service or any type of involvement by the Service for the airport improvements, as to the U.S.'s subsurface estate ownership, as long as the excavated material ("cut and fill") is used as described above.

The location of the Material Site #5 is found within Section 34, Township 5 North, Range 88 West, Seward Meridian. Although Material Site #5 is found within the borders of the Yukon Delta National Wildlife Refuge, it is not located on Refuge land. The land was conveyed to NGTA Incorporated by Interim Conveyance (IC) 624, as to the surface estate and to Calista Corporation by IC 625 as to the subsurface estate.

Wetlands: Since initial consideration of this project in 2000, our agencies have entered into the "2002 Memorandum of Agreement Among the Federal Aviation Administration, U. S. Army Corps of Engineers, Alaska Department of Transportation and Public Facilities, U. S. Fish and Wildlife Service, and the Alaska Department of Fish and Game Regarding Impacts to Wetland and Other Aquatic Resources, Mitigation and Airport Improvement Projects in Alaska" (Airport MOU). We will need confirmation from the ADOT that the environmental review for this project will be conducted under the terms of the Airport MOU.

Review materials provided to date provide only a broad indication that a total of 20 acres of wetlands are proposed to be impacted. No wetlands maps, nor specific details concerning the amounts of wetlands proposed to be affected by individual aspects and alternatives of the project,

are provided in the review materials. Subsequent environmental documents (e.g., the planned Environmental Assessment [EA]) will need to include detailed wetlands maps and accompanying tables clearly delineating and documenting the amount of wetland acres proposed to be affected by each component of each alternative. For example, the amount of wetland acres to be filled to construct the apron or the building pad is not provided in the material supplied. Additionally, any wetlands impacts resulting from the construction of the Materials Site access road are not discussed or identified. Such specifics are required early in the scoping process as was agreed under the Airport MOU. This information is necessary for documenting and calculating compensation as prescribed by the MOU. As an example, we call your attention to the clear, GIS based, documentation submitted for the Pilot Station Airport; that information greatly facilitated our review process.

Appendix I of the Airport MOU provides guidance on Avoidance and Minimization Procedures (AMPs). We believe design aspects of several project components need to be re-evaluated in light of paragraphs 2), 3), and 4) of the AMPs. Specifically, we call attention to the positioning of the 100-ft by 100-ft maintenance and operations pad and the new 150-ft by 255-ft parking apron. Both of these components are proposed to be placed on filled higher value wetlands (e.g., open water, emergent). Under the terms of paragraph 4), measures to minimize such loss are to be taken, including locating the improvements outside of such high value habitat. We recommend these improvements be repositioned on higher, drier ground either adjacent to the northeastern terminus of the runway or that they be moved to the south side of the runway adjacent to the area proposed as the site for the new lighted wind cone.

The high value of such wetlands to migratory birds has been noted in numerous other documents. We anticipate the Draft EA will include a precise and thorough assessment of impacts to wetlands based on updated, precise imagery with clear overlays of proposed project elements. The Draft EA should propose and discuss appropriate steps to be taken for avoiding, minimizing, and or compensating for any adverse project effects, in accordance with the Clean Water Act. Therefore, with respect to wetlands, the Service recommends the ADOT provide:

- An accurate estimate of the acreage to be affected (wetlands and uplands) by each project alternative and element (e.g., options for materials sites, roads, debris dumps, and airport facilities) in order to calculate any potential compensation under the MOA.
- A clear description of how compliance with the Avoidance and Minimization Procedures (included as Appendix 1 to the MOA) will be achieved.
- As discussed in previous letters on earlier phases of this project, the proposed runway extension and the road to the village are sited on an outside bend of the Toksook River. We are concerned about the potential for the river to erode and threaten the runway extension, effectively negating the purpose and need for the project. The ADOT should thoroughly evaluate the potential for this to occur and formulate alternatives to artificially hardening the riverbank if erosion was to threaten the runway and reconstructed access road.

Migratory Birds and other Avian Resources: The Service's bald eagle nest database does not contain any known nests for the project area. However, the lack of such data does not mean no bald eagles or their nests are present. Palustrine and scrub-shrub wetlands and upland shrub habitat in the project area likely provide nesting and feeding habitat for shorebirds, waterfowl, and passerines. Migratory birds, are protected under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-712). Pursuant to the MBTA it is illegal to "take" migratory birds, their eggs, feathers or nests. "Take" includes by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. The MBTA does not distinguish between "intentional" and "unintentional" take. In Alaska, all native birds except grouse and ptarmigan (which are separately protected by the State of Alaska) are protected under the MBTA. Exceptions such as legal hunting exist under the MBTA, of course, but in general there is no exception for "take" associated with land development activities.

The Service is the federal agency responsible for administering the MBTA. Besides protection, this includes providing information to the public about birds and the law, and providing recommendations and guidelines for compliance. The Service does not issue permits for incidental take of migratory birds under the MBTA. It is important to remember that final responsibility for compliance rests with the individual conducting the potentially lethal activity.

If you follow the accompanying timing recommendations, the Service will generally concur that you are in compliance with the MBTA, even if some early or late nests are inadvertently destroyed. However, flagrant violations, such as purposely destroying a known nest or chicks, may still face prosecution, so do not hesitate to contact the Service for advice or assistance if you have any questions or believe you have an unusual situation not addressed by the guidelines provided in this letter.

Vegetation clearing during the nesting period of a species would be likely to harm or kill adults and nestlings. Note that nesting periods may vary according to region, species and annual conditions. For the Yukon-Kuskokwim Delta region, the nesting periods for most birds using shrub or open wetlands habitat are: May 5 – July 25, except for Canada geese and swans the nesting period is April 20 – July 15. Therefore, the Service recommends the following be included as a mitigation measure in the upcoming Draft EA and in any subsequent contract provisions:

- To prevent impacts to nesting migratory birds, no vegetation clearing, fill placement, excavation, or other construction activities shall be conducted between May 5 and July 25, except at sites which have been sufficiently disturbed or altered (e.g., with fill, plastic, or other materials that will cover nesting habitat) by May 5 to eliminate suitable nesting habitat (except note exceptions for swans and Canada geese, above).
- We understand site visits have not turned up any anecdotal observations of bald eagle nests. We recommend you conduct a bald eagle nest survey to a distance of a ¼ mile of the outer boundaries of the overall newly re-configured project area to determine if bald

eagle nests are present. If any are located, you should notify our office to relay these data and to discuss any measures that may be needed to protect nesting eagles.

- The specific amount in acres of wetlands habitat to be lost to migratory birds as a result of this project must be clearly identified and detailed in the EA (see "Wetlands," above).

Airport lighting: It is our understanding based on a review of previous correspondence (September 18, 2002) between our agencies that the lighting for the proposed wind cone and airstrip will be designed to an "on-demand" basis and that all flood lights will be shielded. These considerations are important to reducing adverse effects to migratory birds and eiders. The Draft EA should confirm whether or not such design considerations will in fact be implemented as part of this redesigned project.

Proposed extension of the power line from the village to the airport: Elevated power lines adjacent to airports are hazards to aircraft and human safety. From a trust resource perspective, power lines and supporting poles can be attractants as roosts for bald eagles and other raptors. Such use poses a threat of electrocution for birds landing on lines on unshielded poles. Furthermore, there has been increasing awareness of mortality to migratory birds due to strikes with static power lines. Given these concerns, we recommend serious consideration be given to burying these utilities underground in, or along side of, the reconstructed roadway. This recommendation seems particularly appropriate to this project as roadway reconstruction is already a planned component of the project. In the event this option is not selected, we recommend you follow the practices for shielding and design of power lines and poles as described in "Suggested Practices for Raptor Protection on Power Lines: the state of the art in 1996 (Avian Power Line Interaction Committee, 1996. Edison Electric Institute and the Raptor Research Foundation. Washington, D. C.).

Revegetation and Buffer Strips: Areas where terrain obstructions are removed or relocated (e.g., sides along the repositioned roadway and new runway extension) should be revegetated to reduce erosion. If vegetation along road corridors and the airport facilities is disturbed to eliminate terrain obstructions, these areas should be immediately stabilized and then revegetated with native vegetation. The Service recommends that the following be included as a mitigation measure in the Draft EA and in any subsequent contract provisions:

- All bank cuts, slopes, fills, or other exposed earthwork attributable to this project shall be immediately stabilized, and revegetated with vegetation native to the local area selected to avoid introduction of non-Native invasive plant material. This will help to prevent erosion which may occur both during and after the project.
- Sediment prevention measures (silt fences) shall be placed and maintained along the toe of all fill areas adjacent to waters of the United States, including wetlands, to prevent the introduction of sediments. These devices shall remain in place until fill and other exposed earthwork attributable to the project are stabilized and revegetated.

Endangered and Threatened Species: Our records indicate that the proposed airport improvements and related activities do not have the potential to adversely affect federally listed or proposed species and/or designated or proposed critical habitat within the action area of the proposed project. In view of this, requirements of section 7 of the Endangered Species Act (Act) have been satisfied. However, obligations under section 7 of the Act must be reconsidered if new information reveals project impacts that may affect listed species or critical habitat in a manner not previously considered or if this action is subsequently modified in a manner which was not considered in this assessment.

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under the jurisdiction of the Service. In future correspondences regarding this consultation please refer to consultation number 2005282.

Thank you for the opportunity to provide comments and recommendations. If you have any questions regarding these recommendations, please contact project biologist Dana J. Seagars at 271-2871, or by email at dana_seagars@fws.gov.

Sincerely,



Ann G. Rappoport
Field Supervisor

Attachment

cc: Marcia Heer, ACOE
Jeanne Hanson, NMFS
FAA
Mac MacLean, DNR

Subject: RE: Nightmute Airport Improvements, Project 51809: Erosion Protection

From: Nancy J Ihlenfeldt <nancy_ihlenfeldt-mcnay@dnr.state.ak.us>

Date: Wed, 26 Oct 2005 10:30:32 -0800

To: 'Abigail Ogbe' <abigail_ogbe@dot.state.ak.us>

Abigail:

Thank you for following up on this project. No, DOT will not need a Fish Habitat Permit from the OHMP for the described work adjacent to the Toksook River as long as everything is conducted above the ordinary high water line. However; my professional opinion I am not impressed with this bank protection technique as I have seen it tried in several instances and it has not worked. Some of the reasons: (1) adding the weight of the rock to the top of an already unstable (and unvegetated) bank puts you at a high risk for serious erosion problems, (2) the "launch" approach tends to only work when there is extensive scour at the toe of the bank, not bank loss due to high water events (which is what the figure you sent me depicts), (3) no chance to incorporate or encourage the growth of vegetation adjacent to the road or on the stream bank, (4) not a permanent solution to an extensive (~1,100 linear feet) reach of the river. My suggestion would be to slope the bank back towards the new road to at least a 2:1 and place the riprap on the bank. As highwater events recede, silt will be deposited in the gaps of the riprap and natural grasses and shrubs have a good chance of re-establishing the area.

If you have any questions, please let me know.

Thank you,

Nancy Ihlenfeldt
Habitat Biologist
AK Department of Natural Resources
Office of Habitat Management & Permitting
Fairbanks Office
907-459-7287

-----Original Message-----

From: Abigail Ogbe [mailto:abigail_ogbe@dot.state.ak.us]
Sent: Tuesday, October 25, 2005 1:11 PM
To: Nancy J Ihlenfeldt
Subject: Re: Nightmute Airport Improvements, Project 51809: Erosion Protection

Nancy,
Attached is a drawing showing how the erosion protection will be placed on the road and work will not be done below the ordinary high water line of the river. Crane is very convinced that this can be achieved. According to Crane " Rip rap will be pre-placed on the surface within the ROW. As the river encroaches on the ROW the rip rap will fall into the river and provide some additional stream erosion protection. We will not be working below the ordinary high water line".

Will we need a permit for this?

Nancy J Ihlenfeldt wrote:

Abigail:
Thanks. That was my assumption - I do not know how they will provide erosion protection for the road without placing material on the bank of the river, unless they are proposing to relocate the road.

Nancy Ihlenfeldt
Habitat Biologist

AK Department of Natural Resources
Office of Habitat Management & Permitting
Fairbanks Office
907-459-7287

-----Original Message-----

From: Abigail Ogbe [mailto:abigail_ogbe@dot.state.ak.us]
Sent: Thursday, September 01, 2005 3:00 PM
To: Nancy J Ihlenfeldt
Subject: Re: Nightmute Airport Improvements, Project 51809

Thanks for your comments Nancy. We will send future correspondence to the Fairbanks OHMP office.

During the preparation of the Agency scoping letters, the Design Engineer informed me that work will not be done below the OHW of the Toksook River. I will contact him tomorrow to clarify this one more time. I am not sure how the erosion protection can be done and completely avoid the river, especially the area where the river is very close to the road.

We may also need to do an EFH assessment.

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Abigail Ogbe
Environmental Analyst
ADOT&PF
2301 Peger Rd, Fairbanks, AK 99709
Phone: (907)451-5106 (fax 5103)
Email: abigail_ogbe@dot.state.ak.us