



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services Anchorage
605 West 4th Avenue, Room 61
Anchorage, Alaska 99501-2249

WAES

JAN 17 2002

Ms. Patti Wightman
Alaska Department of Transportation and Public Facilities
Environmental Section
2301 Peger Road
Fairbanks, AK 99709-5316

Re [REDACTED]

Dear Ms. Wightman:

You have requested comments from the U.S. Fish and Wildlife Service regarding the Nightmute Airport expansion. The following information is in response to your request.

A field visit to the Nightmute Airport site was conducted on June 14, 2000, by Gary Wheeler of the Service and Laura Jacobs and Terri Horner of the Department of Transportation. The major focus of the trip was to check for nesting Steller's or spectacled eiders as well as to record the other biota of the area and help assess the impacts of the proposed airport improvements.

The general area near the airport is characterized by nearly level topography dotted by a number of small ponds and lakes. The Toksook River flows by the airport site several hundred feet to the west. The area to the south of the existing runway is mostly composed of low-growing ericaceous (heath) tundra dominated by crowberry, dwarf birch, Labrador tea, bog rosemary, lowbush cranberry, Alaska cotton, and sphagnum. Disturbed areas along the slopes of the existing runway are covered by a dense growth of alder.

The area to the south of the existing runway does not appear to provide good nesting habitat for spectacled or Steller's eiders. The area appears to be too dry in general and ponds too widely spaced as compared with areas typically thought to be good eider nesting habitat, and no eiders were observed during our field visit.

The acreage south of the runway does, however, provide highly productive habitat for a number of other waterfowl as well as shorebirds and passerines. Bird species observed in the area included tundra swan, white-fronted goose, Pacific loon, red-throated loon, mallard, green-winged teal, northern pintail, northern shoveler, greater scaup, long-tailed duck, black scoter, red-necked phalarope, bar-tailed godwit, long-billed dowitcher, western sandpiper, long-tailed jaeger, parasitic jaeger, arctic tern, mew gull, willow ptarmigan, common raven, Lapland longspur, savannah sparrow, and redpoll *sp.* Those species confirmed to be breeding in the vicinity of the airport (nests and eggs observed and photographed) included Pacific loon, red-

E.UD

throated loon, white-fronted goose, long-tailed duck, red-necked phalarope, and long-billed dowitcher.

Concerns and Recommendations:

1. Ponds and tundra habitat immediately adjacent to the existing Nightmute Airport provide valuable nesting and feeding habitat for a wide variety of waterfowl and shorebirds. Consequently, the footprint of the runway extension should be minimized to avoid this productive habitat.
2. As discussed in previous letters, the proposed runway extension would be sited near an outside bend of the Toksook River, and 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 Department should thoroughly evaluate the potential for this to occur and formulate alternatives to artificially hardening the riverbank if erosion was to threaten the runway.
3. We recommend that ADOT fully evaluate the amount of fill required for the project and design the borrow site(s) accordingly. Minimize the areal footprint of the borrow site by excavating to the maximum depth practicable at the proposed site(s). The footprint of the borrow site should be marked in the field and borrow site operation and rehabilitation plans should be formulated.
4. In order to fully meet 404 (b)(1) guidelines for the discharge of fill into wetlands, reasonable efforts should be made to avoid, minimize, restore, or compensate for those impacts caused by the applicant's project. Where wetlands in the Nightmute Airport project area provide significant habitat values to our trust resources, the Service, following our mitigation policy, will recommend mitigation actions, including compensation, to the Corps of Engineers prior to permit issuance.

Thank you for the opportunity to comment on your project. If you have any questions, please contact Fish and Wildlife Biologist Neil Stichert at (907) 271-1777.

Sincerely,



Ann G. Rappoport
Field Supervisor

cc:
COE , Regulatory
ADF&G, W. Dolezal



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services Anchorage
605 West 4th Avenue, Room 61
Anchorage, Alaska 99501-2249

in reply refer to
WAES

September 18, 2002

Faye E. DePalmer
US Army Corps of Engineers, Alaska District
Regulatory Branch
P.O. Box 898
Anchorage, Alaska 99506-0898

Re: Nightmute Airport Improvement Project (*consultation number 2002-0146*)

Dear Ms. DePalmer,

This letter is in response to your May 16, 2002 letter requesting concurrence with a finding of no effect on listed species or critical habitat as a result of proposed airport improvements at the Nightmute Airport. This project proposes to reconstruct and extend the runway, enlarge the safety area, construct a taxiway, apron, segmented circle and lighted windcone, building pad, snow removal equipment building, overhead powerline and electrical equipment enclosure, install medium-intensity lighting on the runway and taxiway, and rehabilitate 1.1 miles of airport access road.

Because spectacled eiders and possibly Steller's eiders breed in the vicinity of the project area the Service cannot concur with a finding of no effect. Moreover, because the improvements to the airport will occur during the summer when eiders may be nesting, and the proposed airstrip will be approximately twice the length of the existing airstrip, the Service is concerned that spectacled or Steller's eiders nests may be destroyed. However, based on the June 14, 2000 site visit by Gary Wheeler of the Service, destruction of spectacled or Steller's eider nests is unlikely.

Furthermore, the Service has expressed concern regarding the proposed installation of medium-intensity lighting on the runway and taxiway, and the construction of a segmented circle and lighted wind cone. During bad weather, spectacle and Steller's eiders may collide with lighted structures, particularly when the light is solid red, as it is on the wind cone. On August 8, 2002, I contacted Sarah Conn (ADOT) to gather more information with regard to the proposed lighting of the wind cone and runway. Because the lights will be illuminated on an on-demand basis, the flood lights will be shielded (as per email communication with Sara Conn on 8/9/02), and because spectacled and Steller's eiders are present in the Nightmute area mainly during summer, when lights will not be necessary, the Service concurs with the assessment that this project is not likely to adversely affect listed species (as per telephone communication with Faye De Palmer on 9/18/02). Preparation of a biological assessment or further consultation under section 7 of the Act regarding this project is not necessary at this time. If project plans change, additional information on listed or proposed species becomes available, or new species are listed that may be affected by the project, consultation should be reinitiated.

This letter relates only to federally listed or proposed species and/or designated or proposed critical habitat under our jurisdiction. It does not address species under the jurisdiction of National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, or Bald and Golden Eagle Protection Act.

This concludes section 7 consultation on the proposed Airport Improvement Project in Nightmute, Alaska. If you have any questions please contact me at (907) 271-1467. In future correspondences regarding this project please refer to consultation number 2002-0146.

Sincerely,



Ellen W. Lance
Endangered Species Biologist

Cc: Sarah Conn, ADOT

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RE: [Fwd: Nightmute Area of potential effect]]

Subject: RE: [Fwd: Nightmute Area of potential effect]]
From: "Pikul, Dave" <Dave_Pikul@dec.state.ak.us>
Date: Wed, 27 Jul 2005 10:44:57 -0800
To: Abigail Ogbe <abigail_ogbe@dot.state.ak.us>

I don't see that the Armory site will impact your project. If for some reason you hit petroleum impacted soil during the project, I don't expect you will, I'm sure we can work out a quick solution.

Dave

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

From: Abigail Ogbe [mailto:abigail_ogbe@dot.state.ak.us]
Sent: Tuesday, July 26, 2005 1:18 PM
To: Pikul, Dave
Subject: [Fwd: Nightmute Area of potential effect]]

Dave, the Armory is about 235 feet from the haul route. See the attached figure. How would this affect our project, and what would DEC require us to do?

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

Subject:Re: [Fwd: RE: [Fwd: Nightmute Area of potential effect]]
Date:Tue, 26 Jul 2005 12:42:44 -0800
From:Crane Johnson <crane_johnson@dot.state.ak.us>
To:Abigail Ogbe <abigail_ogbe@dot.state.ak.us>
CC:Gary E Lincoln <gary_lincoln@dot.state.ak.us>
References:<42E67149.7070908@dot.state.ak.us>

Abigail,

Measuring from our survey information the Armory is 235' from the curve in the haul route. Attached is the APE figure showing the armory.

Crane

Abigail Ogbe wrote:

> Crane, please see Dave's email below. How far is the AKARNG Armory
> from our APE?

>
> ----- Original Message -----
> Subject: RE: [Fwd: Nightmute Area of potential effect]
> Date: Tue, 26 Jul 2005 08:50:43 -0800
> From: Pikul, Dave <Dave_Pikul@dec.state.ak.us>
> To: Abigail Ogbe <abigail_ogbe@dot.state.ak.us>

>
>
> It's really hard to say if your project goes near the AKARNG Armory
> using the site figure (1996 photo) in the file and your aerial. Do
> you have people out there that can locate the Armory on your figure?
> The report states that the armory is located on a steep hillside above
> the village bulk fuel storage. Surrounding properties include the
> bulk fuel storage facility to the southwest, a former BIA school 900

RE: [Fwd: Nightmute Area of potential effect]]]

> feet to the southwest and private residences 300 feet tot eh south.
> That's about all I have. If you need more, I can contact the AKARNG
> for more information.

>

>

> Dave

>

> -----Original Message-----

> *From:* Abigail Ogbe [mailto:abigail_ogbe@dot.state.ak.us]

> *Sent:* Monday, July 25, 2005 11:03 AM

> *To:* Pikul, Dave

> *Subject:* [Fwd: Nightmute Area of potential effect]

>

> Dave, did you get my voice message last week? Please let me know
> what you found out about the active contaminated site in relation
> to the Nightmute Airport Improvements. Please let me know what I
> need to do if the site is within the project's area of potential
> effect.

>

> Thanks,

> --

> 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

>

>

>

> ----- Original Message -----

> Subject: Nightmute Area of potential effect

> Date: Thu, 21 Jul 2005 08:29:04 -0800

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

> Organization: DOT & P.F. Environmental

> To: David J Pikul <dave_pikul@dec.state.ak.us>

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STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER

FRANK H. MURKOWSKI, GOVERNOR

550 West 7th Avenue, Suite 1020
Anchorage, Alaska 99501-3562
Phone: (907) 269-8600
Fax: (907) 269-8947

February 13, 2006

Alaska Department of Transportation & Public Facilities
Northern Region
2301 Peger Road
Fairbanks, AK 99709-5316

Re: Department of the Army, POA-2000-384-M
Improvements to Village of Nightmute Airport Facilities (Sect. 34, T5N, R88W, SM)

Dear Sir or Madam:

In connection with the above referenced project, I have enclosed a Fact Sheet on Water Rights in Alaska (see page two for information on temporary water use permits) and Section 11 AAC 93.035 from the Alaska Administrative Code. Please review 11 AAC 93.035 to determine if you need to file an Application for Temporary Use of Water for this project. Please note that effective February 15, 2006, the application fee for a temporary water use permit changes to \$350.00 per application regardless of water quantity, and there will be a limit of five water sources per application. The revised application form should be available online at www.dnr.state.ak.us after February 15, 2006. I can be reached at telephone number (907) 269-8609 if you have questions.

Sincerely,



Michael Walton
Natural Resource Specialist
Water Resources Section

Enclosures

RECEIVED
FEB 16 2006

Fact Sheet



Division of Mining, Land & Water – August 2003

Water Rights in Alaska

What are water rights?

A water right is a legal right to use surface or ground water under the Alaska Water Use Act (AS 46.15). A water right allows a specific amount of water from a specific water source to be diverted, impounded, or withdrawn for a specific use. When a water right is granted, it becomes appurtenant to the land where the water is being used for as long as the water is used. If the land is sold, the water right transfers with the land to the new owner, unless the Department of Natural Resources (DNR) approves its separation from the land. In Alaska, because water wherever it naturally occurs is a common property resource, landowners do not have automatic rights to ground water or surface water. For example, if a farmer has a creek running through his property, he will need a water right to protect his use. Using water without a permit or certificate does not give the user a legal right to use the water.

How do I obtain a water right?

To obtain water rights in Alaska, you should submit an application for water rights to the DNR office in the area of the water use. After your application is processed, you will be issued a permit to drill a well or divert the water. Once you have established the full amount of water that you use beneficially and have complied with all of the permit conditions, a certificate of appropriation will be issued. This is the legal document that establishes water rights.

What costs are involved?

An application for water rights must be accompanied by the filing fee of:

- \$50 for the use of 5,000 gallons per day (gpd) or less;
- \$100 for the use of more than 5,000 gpd but less than 30,000 gpd;
- \$200 for the use of 30,000 gpd or more but less than 100,000 gpd;
- \$300 for the use of 100,000 gpd or more but less than 500,000 gpd;
- \$500 for the use of 500,000 gpd or more but less than 1,000,000 gpd;
- \$1,000 for the use of 1,000,000 gpd or more except \$1,500 for the use of 1,000,000 gpd or more outside the hydrologic unit from which it was removed (hydrologic units are based on

the most current U.S.G.S. Hydrologic Unit Map of Alaska).

To ensure that the public is notified of proposed water uses, you may be required to pay the cost of a legal advertisement in at least one issue of a local newspaper in the area of the proposed water use. Public notice is required if the appropriation is over 5,000 gallons per day; if it comes from an anadromous fish stream; or if the water source has a high level of competition among water users. In addition, permit and certificate (including temporary water use permit) holders are subject to an annual \$50 water right administrative service fee for any non-domestic use of more than 500 gpd. Domestic water users of less than 1,500 gallons per day are exempt from the fee.

Why should I apply for water rights?

1. If you have water rights, you have legal standing to assert those rights against conflicting water users who do not have water rights.
2. A person with water rights has priority to use water over persons who later file for water rights from the same source.
3. Anyone who diverts, impounds, or withdraws a significant amount of water for use, without a permit or certificate, is guilty of a misdemeanor (AS 46.15.180). A significant amount of water is defined by 11 AAC 93.970(14) as:
 - The use of more than 5,000 gallons of water in a single day from a single water source; or,
 - The regular daily or recurring seasonal use of more than 500 gallons of water per day for 10 days or more per year from a single water source; or
 - The non-consumptive use of more than 30,000 gallons of water per day (0.05 cubic feet per second) from a single water source; or,
 - Any water use that might adversely affect the water rights of other appropriators or the public interest.
4. By filing for water rights, you provide valuable information about water use and water availability in Alaska. Water right records are updated and maintained in a state-wide computer system. This system contains data on

customers, water right status, water source (well depth or water body name), type of water use, water quantity, period of water use, water right priority date, and legal description (meridian, township, range, section, quarter sections, latitude and longitude, subdivision name or survey number, tract, block, and lot). Currently, the water right database has over 23,000 records. This information allows state water managers to estimate present uses of water, determine how much water is available from streams and aquifers in the state, protect established water right holders, prevent over-appropriation of water sources, and manage the state's water resources.

What other water resources authorizations are available from the Department of Natural Resources?

- **Dam Safety:** A certificate of approval is required for constructing or modifying a dam that impounds 50 acre-feet of water and is a least 10 feet high, or is a least 20 feet high, or poses a threat to life and property. An application form and the fee prescribed by 11 AAC 005.10 should be filed with the Department of Natural Resources.
- **Instream Flow:** A certificate is required for maintaining a specific flow in a portion of stream or water level in a lake. An instream flow reservation can be made to protect fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes. An application form and the fee prescribed by 11 AAC 005.10 should be filed with the Department of Natural Resources.

How do I obtain authorization for short-term water use (temporary water use permit)

A temporary water use permit may be needed if the amount of water to be used is a significant amount, the use continues for less than five consecutive years, and the water to be used is not already appropriated. This permit does not establish a water right but will avoid conflicts with fisheries and existing water right holders. The application fee for a temporary water use permit is the same as for a water right.

Where can I get more information?

More information is available in the Department of Natural Resources' fact sheets on Administrative Service Fee, Dam Safety in Alaska, Reserving Water for Instream Use, Federal Reserved Water Rights, Glacier Ice Harvesting in Alaska, Alaska

Water Resources Board, and Alaska Hydrologic Survey. Further information and application forms may be obtained from the following offices or visit our web site www.dnr.state.ak.us.

**Department of Natural Resources
Public Information Center**

550 West 7th Avenue, Suite 1250
Anchorage, AK 99501-3557
Phone: 907-269-8400
Fax: 907-269-8901

Public Information Center

3700 Airport Way
Fairbanks, AK 99709
Phone: 907-451-2705
Fax: 907-451-2706

**Division of Mining, Land & Water
Water Resources Section**

550 West 7th Avenue, Suite 1020
Anchorage, AK 99501-3562
Phone: 907-269-8600
Fax: 907-269-8947

Water Resources Section

400 Willoughby Ave., 4th Floor
Juneau, AK 99801
Phone: 907-465-3400
Fax: 907-586-2954

Water Resources Section

3700 Airport Way
Fairbanks, AK 99709
Phone: 907- 451-2790
Fax: 907- 451-2703

70. Departmental investigations.

80. Public notice.

90. Objections.

100. Exemptions to notice.

110. Hearings.

115. Closure of an application for a water right.

120. Issuance of a permit to appropriate water.

125. Cancellation of permits.

130. Issuance of a certificate of appropriation of water.

140. Water wells.

141. Application for a reservation of water.

142. Content of application.

143. Incomplete applications.

144. Departmental investigations.

145. Adjudication of applications.

146. Issuance of a certificate of reservation of water.

147. Review of reservation of water.

11 AAC 93.035. Requirement to apply for the use of a significant amount of water

(a) A significant amount of water is that amount of water for which an application for a water right or an application for a temporary water use authorization is required, as described in (b) of this section.

(b) A person shall file an application for a water right under 11 AAC 93.040 or for a temporary water use authorization under 11 AAC 93.220 before

(1) the consumptive use of more than 5,000 gallons of water from a single source in a single day;

(2) the regular daily or recurring consumptive use of more than 500 gpd from a single source for more than 10 days per calendar year;

(3) the non-consumptive use of more than 30,000 gpd (0.05 cubic feet per second) from a single source;

or

(4) any water use that may adversely affect the water rights of other appropriators or the public interest.

(c) A person using less than the amount of water described in (b) of this section acquires no water right or priority unless an application is filed and a permit or certificate is issued under 11 AAC 93.035 - 11 AAC 93.140. The use of water without a permit or certificate is subject to appropriation by others, and the use of water without a water right is subject to curtailment in order to supply water to lawful appropriators of record or to protect the public interest.

History: Eff. 8/20/2004, Register 171

Authority: AS 46.15.010

AS 46.15.020

AS 46.15.080

11 AAC 93.040. Application for a water right

(a) A person may not lawfully appropriate a significant amount of water of the state without first obtaining a permit to appropriate, a certificate of appropriation, or a temporary water use authorization under this chapter.

(b) An application for a water right must be made on a form provided by the department. The form must be completed in accordance with the instructions furnished to the applicant.

(c) An application must include the following items:

(1) the applicable application fee prescribed in 11 AAC 05.010;

(2) evidence that the applicant has a present possessory interest in the property where the water is to be beneficially used, as shown by a copy of the deed, patent, license, leasehold agreement, mining location certificate, or other instrument, or a copy of a completed application that has been filed with the appropriate agency to acquire permission for the use of federal, state, or municipal property;

(3) a map identifying

(A) the section, township, range, and meridian, and showing the property boundary, for the point of water withdrawal, impoundment, or diversion;

(B) the route of water transmission;



Abigail Ogbe
<abigail_ogbe@dot.state.ak.us>
02/27/2006 04:02 PM

To Dana_Seagars@fws.gov
cc "Heer, Marcia L POA"
<Marcia.L.Heer@poa02.usace.army.mil>,
Allan.G.Skinner@poa02.usace.army.mil, Gary Lincoln
bcc

Subject Re: Mitigation for Tooksook River (Nightmute Airport Expansion)

History: This message has been forwarded.

The DOT&PF recognizes the need to mitigate for the entire 19 acres of wetlands. We will pay the appropriate compensation mitigation fee of \$9,500.

Dana_Seagars@fws.gov wrote:

>Abigail:

>

>In my review of the subject Public Notice, I discovered the Army Corps of
>Engineers is only addressing the need to provide mitigation for the 4.85
>acres addressed by this proposed permit modification. As background, the
>initial version of the project went to the Corps and a permit was issued
>for about 14 acres; no compensatory mitigation was asked for nor granted
>under the original permit. Subsequently, the project was set aside.
>Eventually it was reactivated in 2005 and redesigned. The Fish and
>Wildlife Service, the Corps and the ADOT worked together in this redesign,
>following the terms of the "2003 Airport MOU." Now that we are looking at
>actual and full implementation of the project, we believe full
>consideration should be given to the wetlands impacts of the complete
>project. This project now proposes to eliminate a total of 18.99 acres of
>wetlands. Under the MOU, the appropriate compensatory mitigation for these
>losses should be \$9500 (\$500/acre x 19).

>

>When the ADOT agrees to mitigate for the entire project and provides
>assurance the appropriate funds will be provided to the Conservation Fund,
>we will be able to follow the approach agreed upon in the MOU and submit a
>"no objection" comment to the subject Public Notice. I look forward to
>your reply to the ACOE and the Service in the affirmative.
>For your information Alan Skinner at the Corps, granted us a 15 day
>extension on the comment period to account for this issue and to provide
>for the return of their Project Biologist assigned to this project, Ms.
>Marcia Heer.

>

>Sincerely,
>Dana J. Seagars
>Wildlife Biologist/GIS Coordinator
>U.S. Fish & Wildlife Service
>Anchorage Fish & Wildlife Field Office
>605 West Fourth Avenue, G-62
>Anchorage, AK 99501
>(907)271-2871

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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



United States Department of the Interior

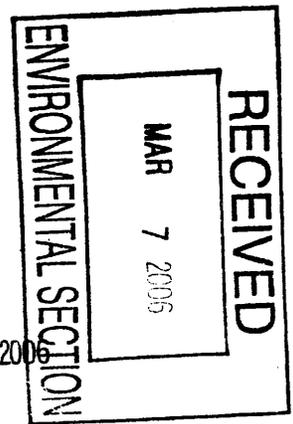
FISH AND WILDLIFE SERVICE

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

AFWFO

Colonel Timothy J. Gallagher, District Engineer
U. S. Army Corps of Engineers, Alaska District
Post Office Box 898
Anchorage, Alaska 99506-0898

MAR - 3 2006



Re: POA-2000-384-M
Tooksok River

Dear Colonel Gallagher:

We have reviewed the referenced Public Notice of Application by the Alaska Department of Transportation and Public Facilities (ADOT&PF) for the fill or excavation of up to 4.85 acres of jurisdictional wetlands associated with the Nightmute Airport expansion and improvement project. We understand this project will be administered according to the January 2003, Memorandum of Agreement among the ADOT&PF, Federal Aviation Administration, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Alaska Department of Fish and Game (Airport MOA), including the use of wetland Avoidance and Minimization Procedures. We have earlier provided scoping comments to the applicant on the Draft Environmental Assessment for the project.

We note the Public Notice identifies the applicant as having proposed a contribution of \$2,500 to the Alaska Wetland Contribution Fund as compensation for the proposed wetland loss of 4.85 acres addressed by this Permit Modification. The original permit, issued prior to 2002, identified and authorized a loss of approximately 15.2 acres. However, the project was never funded and permitted impacts were not initiated. Subsequently, the Airport MOU was implemented (2002). Therefore, in accordance with the MOA, we believe appropriate compensatory mitigation is required as described by the Airport MOA to address the proposed loss of the entire 19.89 wetlands acres. We have contacted representatives of the ADOT&PF and have received their commitment to this level of compensation (e-mail February 28, 2006, enclosed). Therefore, at this time, the Service has no further objection to issuance of this permit, subject to:

- (a) the receipt of the agreed upon compensation to the Conservation Fund; and,
- (b) the incorporation into this project's work plan of the Service's Recommended Time Periods for Avoiding Vegetation Clearing in Alaska to Protect Migratory Birds (attached).

We have determined this project does not pose adverse effects to threatened or endangered species and preparation of a Biological Assessment or further consultation are not required at this time. The Service has no further comment on the referenced project and does not object to permit issuance.

These comments are submitted in accordance with provisions of the Endangered Species Act of

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1973 (87 Stat. 844) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended: 16 U.S.D. 661 et seq.) and constitute the report of the Department of the Interior. They are also intended for use in your determination of 404(b)(1) Guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) relating to protection of fish and wildlife resources. We appreciate this opportunity to comment. Please contact Mr. Dana J. Seagars (907-271-2888) should you have any questions concerning these comments.

Sincerely,



Ann G. Rappoport
Field Supervisor

Enclosures

cc: Abigail Ogbe, ADOT&PF, Fairbanks