

APPENDIX A: AGENCY CONCURRENCE LETTERS

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AGENCY CONCURRENCE LETTERS

Appendix A to this EIS includes a limited documentation set of relevant findings and determinations from federal and state agencies. Permit decisions by all applicable agencies are expected to be issued after issuance of the Record of Decision. The following documentation is found in this appendix:

Letter from National Marine Fisheries to FAA documenting findings for Essential Fish Habitat and the Endangered Species Act. May 9, 2007.

Letter from the Alaska Department of Fish and Game to the FAA documenting findings of consistency review for use of lands from the Mendenhall Wetlands State Game Refuge. June 11, 1007.

Letter from the Juneau International Airport to the Alaska Department of Natural Resources documenting consistency with the enforceable policies of the Alaska Coastal Management Program. June 27, 2007.

Letter from the Juneau International Airport to the FAA documenting consistency with the enforceable policies of the Alaska Coastal Management Program. June 11, 2007.



MAY 11 2007
UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

May 9, 2007

Patricia Sullivan, Project Manager
Alaskan Region Airports Division
Federal Aviation Administration, USDOT
222 West 7th Avenue, #14
Anchorage, AK 99513

Dear Ms. Sullivan:

The National Marine Fisheries Service (NMFS) has reviewed the Juneau International Airport Draft Environmental Impact Statement (DEIS) and the associated Biological Assessment (BA). In your letter to NMFS, you requested concurrence that the proposed action is not likely to adversely affect federally listed threatened, endangered or proposed species under NMFS' jurisdiction. You also requested concurrence that the proposed mitigation and conservation measures will adequately minimize impacts to Essential Fish Habitat (EFH), such that implementation of the preferred alternative will result in no significant adverse effects on EFH.

The proposed action area is located in Juneau, Alaska. Under the Preferred Alternative, RSA-5E, the proposed actions include the following: the addition of 230 feet of fill material on the west runway end; 850 feet of fill on the east runway end, which will block a main tidal slough and require relocation and construction of a slough around the end of the runway; widening of the lateral runway safety area (RSA) to encompass an additional 14 acres of graded surface area; relocation of Duck Creek and its confluence with the Mendenhall River through channel realignment and shortening by 200 feet; lengthening of the culvert system over Jordan Creek to 770 feet in order to accommodate the widened RSA; and fill of selected wetlands in the project vicinity as part of the airport's Wildlife Hazard Management Plan. The project will also include installation of navigational light towers, access road improvements, construction of a new snow removal equipment and maintenance facility, and development of new aircraft parking and storage facilities.

ESA Assessment

Endangered Species Act (ESA) listed species under NMFS' jurisdiction that may be affected by this action include the endangered humpback whale, the threatened eastern distinct population segment (eDPS) of Steller sea lion and the endangered western distinct population segment (wDPS) of Steller sea lion, as listed in the BA. Critical habitat has been designated for Steller sea lions in Alaska. No critical habitat has been designated for humpback whales throughout their range. Occurrences of humpback whales and Steller sea lions are uncommon in the vicinity of the project, but have been recorded in Fritz Cove, Auke Bay and Gastineau Channel. The nearest NMFS-documented Steller sea lion haulout is on Benjamin Island, approximately 18 miles northwest of Juneau International Airport. The nearest Steller sea lion critical habitat is also on Benjamin Island. No critical habitat



for sea lions has been designated in the project area. According to the BA, the FAA does not anticipate any direct effects on whales or sea lions, but indirect effects may result from impacts to the species' prey base. Habitat alteration at the action site and surrounding waters could affect listed species' prey due to short-term or long-term degradation of spawning and/or rearing habitats in the Mendenhall Wetlands, Duck Creek and Jordan Creek.

Based on the analysis provided in the Biological Assessment and draft EIS, the FAA has determined and NMFS concurs that the proposed project is not likely to adversely affect ESA-listed species under NMFS jurisdiction. Because no critical habitat has been designated in or near the action area, no adverse modification is anticipated. Any effects on listed species are expected to be either discountable (extremely unlikely to occur) or insignificant (effects so minimal that they could not be meaningfully measured, detected, or evaluated).

A. Humpback whales

The potential for whales to be affected by this project depends on the frequency of their occurrence in or around the action area. Due to the shallow water depths around the project site, humpback whales are very uncommon in this area. Occurrences of humpback whales have not been documented in the Mendenhall Wetlands. Therefore, it is unlikely that the proposed actions will have any direct effect on the species. The placement of fill in the tidelands and alteration of fish habitats in Duck Creek and Jordan Creek may have an effect on some prey species, but such effects are not expected to impact whale foraging opportunities in Auke Bay or Fritz Cove.

Construction at the project site is likely to increase the frequency and duration of noise in the vicinity. However, no blasting or other harmful noise-generating activities are proposed for this project, so any noise impacts on whales in Fritz Cove, Auke Bay and Gastineau Channel are expected to be discountable. Therefore, any potential effects of the project on whales are expected to be insignificant (effects so minimal that they could not be meaningfully measured, detected, or evaluated) or discountable (effects are extremely unlikely to occur).

B. Steller sea lions

Steller sea lions have been documented in the vicinity of the Mendenhall Wetlands and are known to forage in the adjacent waters of Fritz Cove and Auke Bay. Given that the eDPS of Steller sea lion is common throughout coastal Southeast Alaska and known to range widely, it is reasonable to expect that they may be present near the project site on occasion. It is also possible that individuals from the wDPS may forage in the vicinity occasionally. No critical habitat has been designated for Steller sea lions in or around the action area. Because the proposed action area is not known to be an important sea lion foraging area and sea lions are rarely observed in the vicinity, any impacts on sea lion foraging and prey availability are expected to be insignificant.

Conclusion

NMFS concurs with the FAA's determination that the planned action is not likely to adversely affect ESA-listed species or designated critical habitat under NMFS jurisdiction.

Given the limited scope of the action in marine waters and the low probability of interactions between project activities and protected species or their habitats, NMFS concludes that this action will have, at most, an insignificant effect on the listed species or critical habitats under NMFS jurisdiction.

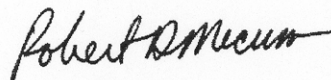
Re-initiation of consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) take of a listed species occurs, (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered, (3) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered, or (4) a new species is listed or critical habitat designated that may be affected by the action.

EFH Conservation Measures

The draft FEIS includes conservation recommendations that were provided to the FAA by NMFS staff to reduce and mitigate for unavoidable impacts to EFH. These conservation recommendations include construction of a slough channel at the relocated end of Runway 26 to maintain existing drainage patterns and convey tidal waters from high intertidal marsh habitat north of the runway into Gastineau Channel, using bottomless arch culverts in anadromous channels, and installing light grates in the extended Jordan Creek culvert. Considerable effort has also been expended to ensure that project developments will have minimal impacts to wetlands and EFH, and a thorough mitigation plan has been developed that will compensate for unavoidable loss or impairment of habitat functions. NMFS concurs with the FAA's determination that the preferred alternatives incorporate appropriate mitigation and conservation measures that will minimize or compensate for impacts to EFH and that the projects will not cause significant impacts to EFH.

NMFS appreciates the long and dedicated efforts of the FAA to fully engage in efforts to avoid, minimize and mitigate for any adverse impacts to the aquatic environment. Please contact Erika Phillips, Protected Resources Division (586-7312) with any questions regarding ESA issues or Sue Walker, Habitat Conservation Division (586-7646) regarding EFH and conservation measures.

Sincerely,



Robert D. Mecum
Acting Administrator, Alaska Region

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

F-007

SARAH PALIN, GOVERNOR

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June 11, 2007

Ms. Patti Sullivan, Project Manager
FAA, Airports Division-Alaska
222 W. 7th Ave., #14
Anchorage, AK 99513-3813

Dear Ms. Sullivan:

The Alaska Department of Fish and Game (ADF&G) has reviewed the Final EIS and Section 4(f) Evaluation for the Juneau International Airport Projects for compliance with provisions in the Mendenhall Wetlands State Game Refuge (MWSGR) management plan for the City and Borough of Juneau to acquire refuge land for airport expansion. Proposed projects that will affect refuge land and resources include the relocation of the mouth of Duck Creek, west end wetlands fill as part of implementing the Wildlife Hazard Management Plan, expansion of runway safety areas (RSAs), and construction of MALSRS lights with a service road extending east of the runway. Modifications to the existing MALSRS lights on refuge land extending west of the runway may also be necessary. The MALSRS lights project is sponsored by the Federal Aviation Administration (FAA) and requires easements, but not acquisition of refuge land. The remaining projects are sponsored by Juneau International Airport (JNU) and require acquisition of about 17 acres of refuge land.

The refuge management plan lists 4 conditions that must be met before JNU can acquire refuge land for airport expansion:

1. There must be a significant public need for the expansion which cannot be reasonably met off-refuge or through use of alternative transportation modes and technologies;
2. Use of refuge lands must be avoided or minimized to the maximum extent feasible;
3. All impacts to the refuge and refuge resources must be fully mitigated through restoration and/or replacement; and;
4. The expansion project cannot create a hazardous attraction to waterfowl.

The following is my understanding of how JNU and FAA have sought to meet those conditions based on project descriptions and rationales in the FEIS.

Significant Public Need That Cannot Be Met Off-Refuge

Relocating the mouth of Duck Creek and filling wetlands at the west end of the runway will eliminate attractions to waterfowl and other large birds that pose serious hazards to aircraft. This

need to enhance public safety cannot be met off-refuge without moving the airport. In addition, the statute establishing the refuge requires the ADF&G to assist JNU in eliminating hazardous attractions to waterfowl on refuge property adjacent to the runway.

Expanding RSAs to enhance public safety has been mandated by the FAA and is a condition of JNU retaining its certification to operate in its current capacity. FAA and JNU have agreed that standard RSA construction rather than engineered material arresting system (EMAS) construction is more appropriate for JNU. The need to expand the RSAs cannot be met off-refuge.

Use Of Refuge Lands Avoided Or Minimized

The proposed acquisition of refuge lands for the West End Wetlands Fill project seeks the minimum amount of refuge land necessary to accomplish the goal of the project.

When viewed in the context of the numerous goals, regulations, and recent legislation bearing on this project, the preferred RSA alternative (5E) minimizes the amount of refuge land needed for the project. Further, the FAA recently determined that a 600-foot-long RSA will provide adequate undershoot protection for landing aircraft. To incorporate this change, JNU will allow planes landing and departing to the east and to the west to use different runway thresholds, thereby reducing the planned extension of the runway by 400 feet and eliminating the need to acquire refuge land at the east end of the runway.

Impacts To The Refuge Must Be Fully Mitigated

JNU has worked with ADF&G and other agencies to develop a fees-in-lieu plan to mitigate impacts to refuge resources and other wetlands affected by the projects. To replace MWSGR land transferred to JNU ownership, JNU will supply the Southeast Alaska Land Trust (SEAL Trust) with funding sufficient to purchase the functional capacity unit (FCU) equivalent of refuge land taken for the projects. The amount of funding dedicated to replacing refuge land will be based on an average of 126.3 FCUs per acre of refuge and a December 2005 appraisal of wetlands values around the refuge of \$30,000 per acre. To ensure the best chance of success, the portion of the mitigation plan addressing replacement of refuge land will be initially over-funded. The term "replace" means that JNU's agent, SEAL Trust, will provide fee-simple ownership of acquired lands to the State of Alaska. SEAL Trust will also receive funding to cover the administrative costs of acquiring land, and an advisory committee, on which ADF&G will have a seat, will review all parcels SEAL Trust nominates for acquisition.

The statute creating the MWSGR allows for only privately-owned land within or abutting the described refuge boundary to be eligible for acquisition and addition to the refuge. All parties to the mitigation plan understand that SEAL Trust's ability to replace refuge land will depend on the willingness of property owners to sell their land and that making newly acquired lands part of the MWSGR will require an act of the legislature. If, within a reasonable period, SEAL Trust is unable to acquire sufficient land to replace lost refuge land, funding dedicated to replacing refuge land will be eligible for use in acquisition of wetlands elsewhere.

Must Not Create A Hazardous Attraction To Waterfowl

All projects described in the FEIS were designed by JNU or FAA, and none will create a hazardous attraction to waterfowl. Further, the mitigation plan stipulates that JNU will have a seat on the advisory committee that will review parcels SEAL Trust nominates for acquisition. One role JNU will fulfill is to ensure that land acquired to replace refuge land will not create

hazardous attractions to waterfowl. However, JNU and FAA will not limit acquisition of existing wetlands near the airport to replace lost refuge land.

Based on our review of the FEIS and Section 4(f) Evaluation, we believe the projects as described meet the conditions set forth in the MWSGR Management Plan for JNU to acquire refuge land for airport expansion. ADF&G looks forward to working with JNU and FAA during the ACMP review and eventual permitting process.

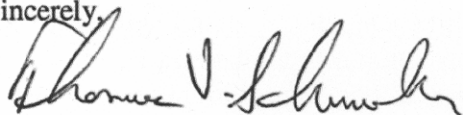
Other Comments

At the May 14, 2007 agency meeting to discuss the FEIS for JNU, FAA and its consultants mentioned the need to reconfigure the existing west end MALSR lights to accommodate the planned eastward shift of the runway. FAA did not have detailed plans for how the MALSR lights would be reconfigured, but acknowledged that some MALSR fixtures would need to be moved.

The photos attached to these comments depict sections of the access route used to service the west end MALSR on the MWSGR. Wetlands have been deeply rutted, and a buried electrical cable has been exposed by erosion. Further, we can find no record of an access easement or current special areas permit allowing vehicular access. Habitat damage and operating without permits are both unacceptable situations for a State Game Refuge.

To resolve these issues, ADF&G suggests that FAA or JNU apply for appropriate easements from ADNR similar to those being sought by FAA for the planned east end MALSR lights and access road. Perhaps applications and public comment processes for both could be combined. The department also requests that FAA or JNU submit a design for building an improved at-grade road for muddier portions of the currently used east end MALSR access route. We look forward to reviewing the situation with you and working toward a mutually agreeable resolution.

Sincerely,



Tom Schumacher
ADF&G, Habitat Biologist

Enclosure

cc by e-mail:

Neil Barten ADF&G/WC
Ryan Scott, ADF&G/WC
Mark Fink, ADF&G/SF
Brady Scott, ADNR/MLW
Sherri Ellis, SWCA



Juneau International Airport

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Suite 200

June 27, 2007

Joseph Donohue
Natural Resource Manager
State of Alaska
Department of Natural Resources
P.O. Box 110030
Juneau, AK 99811-1030

Dear Mr. Donohue:

The Alaska Coastal Management Plan contains enforceable policies that apply statewide. This letter is to certify that Juneau International Airport has reviewed those enforceable statewide policies and for the proposed activities which are evaluated in the Final Environmental Impact Statement, the Airport will comply with the those enforceable policies.

Sincerely,

David R. Palmer
Airport Manager

JUN 15 2007



Juneau International Airport

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Suite 200

June 11, 2007

Patricia Sullivan
FAA Airports Division
222 W. 7th Avenue, #14
Anchorage, AK 99513-7587

Dear Ms. Sullivan:

The Juneau Coastal Management Plan no longer has enforceable policies applicable to the Juneau Runway Safety Project, they were repealed by SB 102 in 2005.

The Alaska Coastal Management Plan does have enforceable policies that apply statewide. The purpose of this letter is to certify that Juneau International Airport has reviewed those enforceable statewide policies and for the proposed activities which are evaluated in the Final Environmental Impact Statement, will comply with the those enforceable policies.

Sincerely,

David R. Palmer
Airport Manager

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