APPENDIX H

DOCUMENTATION OF FINDINGS AND DETERMINATIONS

Appendix H to this EIS includes a limited documentation set of relevant findings and determinations from federal and state agencies. Additional findings and determinations may be forthcoming during the comment period for the Final EIS. Permit decisions by all applicable agencies are expected to be issued after distribution of the Final EIS for the Airport projects.

Letter from Corps to SWCA documenting review and approval (with one exception) of the jurisdictional waters delineation conducted for the EIS. October 2, 2002.

SHPO approved the Area of Potential Effects used to conduct the cultural resources inventory via Issuance of Alaska Field Archaeology Permit Application. April 30, 2001.

SHPO concurred with FAA's finding that no sites in the APE are eligible for listing on the National Register of Historic Places and with the recommendations for additional fieldwork and research, with additional subsurface testing. January 16, 2003.

Letter from NMFS to FAA concerning the potential for Airport projects to affect endangered species, marine mammals, and essential fish habitat. July 12, 2002.

Letter of Agreement between FAA and the Corps for JNU Improvements. December 18, 2001.

Memorandum of Agreement between FAA and NMFS, USFWS, and ADF&G for JNU Improvements. November 20, 2001.

REPLY TO ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
JUNEAU REGULATORY FIELD OFFICE
JORDAN CREEK CENTER
8800 GLACIER HWY, SUITE 106B
JUNEAU, ALASKA 99801-8079

October 2, 2002

PROJECT 4682
FILE Communities
Cooperating Agencies

Regulatory Branch
East Section
FF-1981-0320

ADMIN RECORD

Mr. Ken Wallace
SWCA, Environmental Consultants
906 Stuart Street
Helena, Montana 59601-2425

Dear Mr. Wallace:

This pertains to the preparation of the Environmental Impact Statement (EIS) for proposed improvements to the Juneau International Airport (JIA), Juneau, Alaska. The Technical Working Paper Delineation of Jurisdictional Waters of the U.S., dated February 2002, and revised on September 2002, has been received in our office and evaluated. This letter provides comments to the referenced document in accordance with the Letter of Agreement between the Federal Aviation Administration (FAA) and the U.S. Army Corps of Engineers (Corps).

I have determined, based on a review of the information furnished in your preliminary wetland delineation report, on an on-site inspection of the airport grounds on July 8, 2002, and on other information available to our office, that the revised referenced document is acceptable for our purposes, with one exception. I am concerned with the "NE Development Area", which includes not only the low to moderately valued wetlands located between Wings and Temsco, but also includes the relatively high value wetlands just south of, and adjacent to, the Miller/Honsinger Pond. The wetland block between Temsco and Wings has been the site of seasonal mowing for ultralight aircraft use over a number of years to the point where the wetland character of the site is changing to a non-wetland character. The site to the east of Temsco, however, has been not been mowed or otherwise impacted. The "lumping" of these two dissimilar areas into one "development" block raises the concern that any impacts to either area would be viewed as relatively similar in severity, and requiring a similar mitigative response. This must not be the case.

Please contact me at (907) 790-4490, by FAX at (907) 790-4499, or by e-mail at john.c.leeds@poa02.usace.army.mil, or by mail at the letterhead address, if you have questions.

Sincerely,

John C. Leeds, III
Field Office Manager

RECEIVED
APR 12 2001
OHA

Alaska Field Archaeology Permit Application

Office of History and Archaeology
550 West 7th Avenue Suite 1310
Anchorage, AK 99501-3565

(907) 269-8721
(907) 269-8908 Fax
oha@alaska.net

Name of Applicant	Permit Number (Assigned by OHA)
SWCA, Inc. Environmental Consultants	2001-002
Institutional Affiliation	**Dates of Proposed Work**
	April 2001 – May 2002 (2 weeks total survey time)
Contact Information: Mail, Phone, Fax, E-mail	**Proposed Repository of Collected Items**
230 South 500 East Suite 380 Salt Lake City, UT (801) 322-4307 84102-2015 (801) 322-4308-Fax ttaylor@swca.com	University of Alaska Museum 907 Yukon Drive P.O. Box 756960 Fairbanks, AK 99775-6960
Separate Attachments: Research Design Purpose and Character of Proposed Work Specific Location or Area of Proposed Work on USGS 1:63360 map with UTM and Lat/Long locations of specific sites	**Type of Permit Requested: Survey, Testing, Excavation, Removal** Survey

The applicant has read and agreed to comply with the provisions of AS 41.35.080 and 11 AAC 16.020-16.090. Additional stipulations may be applied by the land manager or director. A preliminary report must be submitted *within 6 months* of completion of the fieldwork.

Signature of Applicant	Date 4/9/01
Signature of Field Supervisor: Lisa Murray Ellis, M.S., RPA	Date 4/9/01
Authorization of Land Manager: Dep. M, L, W Ron Schoenbach, SE Reg. Manager	Date 4/25/01
Authorization of DPOR Director	Date 4/30/01
Expiration Date of Permit: 5/31/2002	

JAN 2 I 2003

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

FRANK H. MURKOWSKI
GOVERNOR

550 W 7th Ave, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

January 16, 2003

File No.: 3130-1R FAA
3330-6N JUN-922, JUN-923, JUN-924

SUBJECT: Results of cultural resources survey done for Juneau International Airport EIS Juneau, AK

Patricia Sullivan
Federal Aviation Administration
U. S. Department of Transportation
Alaska Region, Airports Division
222 W. 7th Avenue
Anchorage, AK 99513-7587

Dear Ms. Sullivan:

We have reviewed the *Cultural Resource Investigations for the Juneau International Airport Environmental Impact Statement, City and Borough of Juneau* by SWCA, Inc. for conflicts with cultural resources under Section 106 of the National Historic Preservation Act. We concur that the three sites located as a result of the survey are not eligible for the National Register of Historic Places. We have assigned the following Alaska Heritage Resources Survey numbers to the sites:

Temporary Number	Site Name	AHRS Number
Site 4682-JUN-1	Asphalt Foundation	JUN-922
Site 4682-JUN-1	Concrete Footings	JUN-923
Site 4682-JUN-1	WW II Era Asphalt Runway	JUN-924

We concur with all of the recommendations for additional fieldwork and research presented in the report:

- Monitoring ground disturbing activities in the Northwest Development Area and Eastern RSA Study Area.
- Survey of the uplands at Stabler Point Quarry.
- Additional Native consultation regarding the Future CGJ Gravel Pit and Stabler Point Quarry.

We do have a concern regarding the survey methodology, however. We noted a lack of sub-surface testing (shovel test, soil probes). Due to the dense vegetation cover and large amount of Native use of the area, we recommend shovel testing throughout the high potential areas (level terrain, along the shore and near creeks) within all of the survey areas.

Please contact Stefanie Ludwig at 269-8720 if you have any questions or if we can be of further assistance.

Sincerely,

Judith E. Bittner
State Historic Preservation Officer

JEB:sll

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

July 12, 2002

ADMIN RECORD

PROJECT 4682
FILE Commitments Cooperating Agencies NMFS

Patricia Sullivan
Federal Aviation Administration
Alaska Region, Airports Division
222 West 7th Avenue #14
Anchorage, AK 99513

RE: Juneau International Airport Environmental Impact Statement

Dear Ms Sullivan:

Thank you for requesting information about the environmental laws which the National Marine Fisheries Service (NMFS) administers within the Alaska Region in regard to your project. NMFS has reviewed your preliminary information and offers the following comments specific to Section 7 of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), and the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) Essential Fish Habitat (EFH).

Endangered Marine Species

Section 7(a)(2) of ESA directs interagency cooperation "to insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species" or result in the destruction or adverse modification of critical habitat.

NMFS Alaska Region (AKR) is responsible for the administration of the ESA as it applies to certain cetaceans, pinnipeds, and marine fish. These include several species of whale, Pacific salmon[1], and the Steller sea lion. A Threatened and Endangered Species Summary Table specific to marine waters of Alaska is attached. Next, a determination is needed as to whether or not any of the species in the area may be affected

[1] Several Northwest Pacific salmon stocks grow to maturity in offshore areas of Alaska. Several of these stocks are listed as an endangered species. Please see the Summary of Salmon & Steelhead Listings at http://www.nwr.noaa.gov/ for further information. Any consultation requirement needs to be coordinated with the NMFS Northwest Region, Habitat Division, Portland, Oregon at (503) 231-6880 .

by the action. This determination should be coordinated with NMFS.

Steller sea lions and humpback whales frequent the nearshore waters of Fritz Cove where they feed on Pacific herring, eulachon, sand lance, various species of flatfish, and other marine fish species. The nearest Major sea lion Haulout is on Benjamin Island in Lynn Canal, approximately ten miles northwest of the Juneau International Airport. This haulout site is designated as Critical Habitat for the Steller sea lion under the ESA. Detailed descriptions of Critical Habitat areas are provided in 50 CFR part 226.12. Additional information can also be found on our web site at: http://www.fakr.noaa.gov/protectedresources/.

Marine Mammal Species

Marine mammals protected under the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C. 1361 *et seq.*(MMPA) (not endangered or threatened under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*), range throughout Alaska waters.

Marine mammal species which associate with marine waters may include several species of the smaller whales, porpoise, and seals. We believe humpback whales, harbor seals, and Stellar sea lions are most frequently observed near the project area.

Essential Fish Habitat (EFH)

A federal action that may adversely affect EFH must include an EFH assessment. The assessment can be either a separate document or clearly referenced in a support document, such as the environmental impact statement for the project, prepared by the federal action agency. An EFH assessment is outlined in 50 CFR Part 600.920. It is likely that required EFH assessment contents likely are already included in some form of your document. This information needs to be presented as a clearly referenced EFH assessment in order to satisfy the requirements of the provisions regarding EFH within the administration of the MSFCMA (16 U.S.C. 1801 et seq.). A federal action which does not adversely effect EFH will not require consultation with NMFS.

EFH has been designated in waters for anadromous fish, specifically salmon, and certain life stages of marine fish under NMFS jurisdiction. Please visit our web site at http://www.fakr.noaa.gov/habitat/ for additional EFH information regarding your project area.

We currently believe the proposed project is likely to adversely affect EFH resources. The FAA must, therefore, include an EFH analysis in the environmental document. Because a preferred fisheries and wetlands analysis is not yet completed for this project, we cannot offer any preliminary EFH conservation recommendations at this time. We are concerned, however, that the large area of rare emergent estuarine wetlands may be filled or otherwise degraded by the proposed project. These areas are very important spawning and rearing areas for marine forage and flatfish species and rearing habitat for several species of Pacific salmon. The forage fish produced in this estuarine habitat are vital to many species of marine mammals which frequent waters close to the proposed project site. As a cooperating agency in this EIS, NMFS is willing to discuss mitigation options with you with the goal of developing the project so that adverse effects to EFH are avoided, minimized, or mitigated.

We hope this information is useful to you in fulfilling any requirements under section 7 of the ESA, the MMPA, and EFH under the MSFCMA. Ms. Susan Walker (907-586-7646, susan.walker@noaa.gov) is the Alaska Region contact for this project.

Sincerely,

James W. Balsiger
For Administrator, Alaska Region

Attachment: Summary Table of ESA Species for Alaska

cc:
R. Spencer Martin, SWCA
Richard Enriquez, USFWS Juneau
Catherine Pohl, ADF&G Habitat Division, Douglas
Carl Schrader, ADF&G Habitat Division, Douglas
John Leeds, USACOE, Juneau
Chris Meade, EPA, Juneau

Table 1: The following species[2] and critical habitat occur in Alaska waters and have been provided protection under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*):

Listed species	*Stock*	*Latin Name*	*Status*
Blue whale		*Balaenoptera musculus*	Endangered
Bowhead whale		*Balaena mysticetus*	Endangered
Fin whale		*Balaenoptera physalus*	Endangered
Humpback whale		*Megaptera novaeangliae*	Endangered
Right whale		*Balaena (=Eubalaena) glacialis*	Endangered
Sei whale		*Balaenoptera borealis*	Endangered
Sperm whale		*Physeter macrocephalus*	Endangered
Steller sea lion	Western population	*Eumetopias jubatus*	Endangered
Steller sea lion	Eastern population	*Eumetopias jubatus*	Threatened
Northern Sea Otter*		*Enhydra lutris kenyoni*	Candidate
Chinook salmon*	Puget Sound	*Oncorhynchus tshawytscha*	Threatened
	Lower Columbia River		Threatened
	Upper Columbia River Spring		Endangered
	Upper Willamette River		Threatened
	Snake River spring/summer		Threatened
	Snake River fall		Threatened
Sockeye salmon *	Snake River	*Oncorhynchus nerka*	Endangered
Steelhead*	Upper Columbia River	*Onchorynchus mykiss*	Endangered
	Middle Columbia River		Threatened
	Lower Columbia River		Threatened
	Upper Willamette River		Threatened
	Snake River Basin		Threatened
Leatherback sea turtle		*Dermochelys coriacea*	Endangered

[2] In its definition of species, the Endangered Species Act of 1973, as amended, includes the traditional biological species concept of the biological sciences and "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature" (16 USC 1532). NMFS uses the term *evolutionarily significant unit* as synonymous with *distinct population segment* and lists Pacific salmon accordingly. For the purposes of section 7 consultations, these are all "species."

American Peregrine Falcon*		*Falco peregrinus anatum*	Delisted
Short-tailed Albatross*		*Diomedea albatrus*	Endangered
Aleutian Canada Goose*		*Branta canadensis leucopareia*	Delisted
Steller's Eider*		*Polysticta stelleri*	Threatened

Designated critical habitat

Species Group	General Reference Area
Whales	No critical habitat has been designated for the above referenced whales in Alaskan waters.
Steller sea lion	Shelikof Strait Area, Bogoslof Area, and Seguam Pass Area (50 CFR Part 226.12)
Pacific Salmon*	No critical habitat has been designated for salmon species in Alaskan waters.

*The northern sea otter, American peregrine falcon, Aleutian Canada goose, short-tailed albatross, and Steller's eider are under the jurisdiction of the U.S. Fish and Wildlife Service at 907-786-3542. All salmon species are under the jurisdiction of NMFS, Northwest Regional Office, Seattle, Washington at (503) 230-5400.

LETTER OF AGREEMENT
BETWEEN
FEDERAL AVIATION ADMINISTRATION, ALASKA
AND THE
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT
FOR THE
JUNEAU INTERNATIONAL AIRPORT IMPROVEMENTS

This Agreement is established and entered into by and between the Federal Aviation Administration, Alaskan Region, hereafter referred to as FAA, and the U.S. Army Corps of Engineers, Alaska District, hereafter referred to as Corps. The FAA has determined that FAA approval for the proposed improvements by the City and Borough of Juneau (CBJ) for the Juneau International Airport, as summarized in Attachment A, constitutes a major Federal action significantly affecting the quality of the human environment and that an Environmental Impact Statement (EIS) is required. This Agreement acknowledges FAA as the lead Federal agency and the Corps as a cooperating agency in preparation of the EIS. A goal of this Agreement is to foster a working atmosphere of cooperation that serves the mutual interests of both parties and the public in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4332) and as detailed in the Council for Environmental Quality (CEQ) regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500).

The FAA has statutory authority to promote and develop a safe and efficient nation-wide system of airport's adequate to meet the current and projected growth in aviation (49 U.S.C. 47101). In carrying out its statutory responsibilities, the FAA is responsible for ensuring that its actions are in compliance with NEPA. The FAA's Airports Program is responsible for analyzing the environmental impacts and consequences of a proposed Federal action involving airports. As the lead Federal Agency the FAA is responsible for supervision of preparation of the EIS (40 CFR ¶1501.5(a)), and for requesting the Corps to participate in the EIS as a Cooperating Agency (40 CFR ¶1506.6).

The Corps has statutory authority under: Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 U.S.C. 403) to require Department of Army (DA) permits for structures or work in or affecting navigable waters of the United States; Section 404 of the Clean Water Act (CWA) of 1977 (33 U.S.C. 1344) for the discharge of dredged and/or fill material into waters of the United States, including wetlands; and, under Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413) for the transport of dredged material for the purpose of dumping it into ocean waters.

I. PURPOSE

The purpose of this Agreement is to:

1. Provide a cooperation and coordination framework between the FAA and Corps that fosters timely and efficient preparation of the Draft (DEIS) and the Final (FEIS) for the proposed JIA improvements,
2. Define the respective roles, obligations, and jurisdictional authority of the FAA and Corps in the environmental evaluation and review process,

Letter of Agreement for Juneau International Airport Improvements
Federal Aviation Administration U.S. Army Corps of Engineers

3. Confirm the designations of the FAA as Lead Agency and the Corps as a Cooperating Agency in preparation of the EIS, with both agencies maintaining respective jurisdictional responsibility as are established in the previously cited authorities; and
4. Prepare a single EIS for the proposed Juneau airport improvement that satisfies the NEPA compliance requirements for the FAA and the Corps.

The EIS is being prepared under the authority of NEPA, and in compliance with the CEQ Regulations. The EIS will be prepared in accordance with FAA's Environmental Handbook, Order 5050.4 and the Corps' requirements under 33 CFR 225, Appendix B, Environmental Operating Procedures and Documents for Regulatory Actions.

FAA and the Corps intend to develop and process the EIS in such detail and completeness so that the Corps can issue, modify or deny DA permit authorizations for the proposed activities upon completion of the Corp's Record of Decision concurrently with FAA's approval process.

II. STATEMENT OF MUTUAL BENEFITS AND INTEREST

It is in the interest of and beneficial to the Federal government and the public:

- That FAA and Corps work together in meeting their NEPA compliance responsibilities.
- That FAA and Corps coordinate efforts under this agreement in order to maximize use of available resources and minimize duplication in those areas of overlapping agency responsibilities;
- For FAA and Corps to identify and resolve issues associated with each party's responsibilities and jurisdiction prior to issuance of the DEIS, FEIS, and public review processes.

III. THE FAA SHALL

1. Be the lead agency, have primary responsibility for meeting the compliance requirements of NEPA and the preparation of the DEIS and FEIS for the JIA improvement projects. In this capacity, the FAA will ensure that the EIS includes information needed to address the Federal and state compliance requirements of all cooperating agencies including Corps, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Alaska Department of Fish and Game. This includes the inclusion of the Corps' independent 404(b)(1) evaluation in the EIS.

2. Consult/meet with the Corps regarding the EIS issues of concern, range of EIS alternatives considered, and associated mitigative measures to be analyzed in the EIS.

3. Consult with the Corps, but retain sole responsibility for determining which alternative is selected as the FAA preferred alternative.

4. Include an analysis of FAA's preferred alternative and a reasonable range of alternatives sufficient to meet NEPA and 404(b)(1) guideline (40 CFR 230) requirements associated with the Corps DA permit responsibilities.

Letter of Agreement for Juneau International Airport Improvements
Federal Aviation Administration U.S. Army Corps of Engineers

5. Provide to the Corps an EIS work schedule from initiation to completion of the Record of Decision. Work elements involving the Corps shall be mutually agreed upon. Attachment B to this Agreement illustrates the critical steps in the EIS process during which the Corps would provide guidance, review, analysis, or other assistance as required.

6. In consultation with the Corps, include in the EIS written materials that are not prepared by the Corps but which are requested by the Corps to meet NEPA compliance and regulatory permitting requirements. Materials include Technical Reports for Purpose and Need and Alternatives; descriptions of waters of the United States, including wetlands and water resources; description of biological resources; impact assessments to aquatic resources including wetlands; and development and evaluation of mitigative measures.

7. Include in the EIS written materials prepared by the Corps, which allows the Corps to meet its NEPA and DA permitting requirements. Should disputes arise over inclusion of written material in the EIS, disputes would be resolved in accordance with Part V.8 and 9, below.

8. Provide Corps with copies of the preliminary draft(s) of the DEIS and FEIS and other written materials as referenced in Part III.6, above, in a timely manner.

9. Revise as appropriate, drafts of the DEIS and draft of the FEIS in response to comments/concerns/issues identified by the Corps.

10. In consultation with the Corps, hold public workshops, information meetings and public hearings for the EIS and permitting process (33 CFR 325).

11. Ensure that Corps receives copies of all comments received during development of the DEIS (e.g. scoping comments) and on the DEIS and FEIS during the public comment periods. FAA shall provide an initial identification of those comments pertaining to the Corps' expertise or regulatory authority, which may require the Corps to prepare or assist FAA in preparing a written response for inclusion in the EIS.

12. Ensure that the DEIS and FEIS cover pages identify the Corps as a cooperating agency and that the introduction section of the DEIS and FEIS briefly describes the Corps' role as a cooperating agency.

13. Provide 21 working days for review of the preliminary draft of the DEIS and 30 working days for the draft FEIS. FAA will provide the Corps with the other work products as identified in Part III.6 in a timely manner prior to submittal of the preliminary draft EIS.

Letter of Agreement for Juneau International Airport Improvements
Federal Aviation Administration U.S. Army Corps of Engineers

IV. THE CORPS SHALL

1. Provide FAA with timely identification of significant issues, mitigation measures, and alternatives for FAA to consider for inclusion in the DEIS and FEIS related to the Corps NEPA, CWA Section 404, and RHA Section 10 authorities.

2. Review preliminary draft(s) of the DEIS and provide comments to FAA within 21 working days of date of receipt. The Corps will review the draft FEIS and provide comments to FAA within 30 working days. In the event there are additional drafts of either the DEIS and/or the FEIS a mutually agreed upon time frame will be established. The Corps will provide comments on interim work products related to the development of the EIS within 21 working days of receipt.

3. The Corps will, early in the EIS process, provide guidance and specific direction to the FAA concerning work needed for the EIS to fulfill the Corps regulatory evaluation and decision-making process, such that FAA can develop those sections of the EIS in accordance with the Corps needs.

4. Manage and be accountable for its own resources, such as people, time, money, and any contractor assistance, to assist FAA in the development of the EIS.

5. Be responsible for preparation of all documents associated with Department of Army permits, including the Corps' independent 404(b)(1) evaluation, public interest review and the Corps Record of Decision.

6. Provide assistance to FAA in developing joint public notices for proposed projects concurrent with the DEIS or FEIS in accordance with 33 CFR 325.3.

7. Include in the DEIS a preliminary draft 404(b)(1) evaluation. All issues raised in conjunction with the preliminary draft evaluation will be addressed in the draft 404(b)(1) attached to FEIS. The final 404(b)(1) evaluation and determination will be included as part of the Corps' Record of Decision.

8. Defer to the FAA in aviation and airfield operational matters, such as selection of design aircraft for practicability analysis, or feasibility of alternative runway safety area designs.

V. FAA AND THE CORPS AGREE AND UNDERSTAND THAT

1. FAA is the lead agency and has primary responsibility for ensuring that the EIS will meet the NEPA compliance requirements and provides the information to address the compliance requirements of all cooperating agencies.

2. That a draft DA permit application for the Proposed Action shall be received by the Corps concurrent with receipt of the Preliminary DEIS. FAA shall make a good faith effort to ensure that the draft DA permit application is complete.

Letter of Agreement for Juneau International Airport Improvements
Federal Aviation Administration U.S. Army Corps of Engineers

3. Nothing in this agreement alters, amends or affects in any way the statutory or regulatory authorities of the Corps or FAA.

4. The Corps and FAA shall work in good faith to ensure that issues of mutual concern are resolved prior to issuance of any documents for public review. Both parties agree to fully explore issues before coming to conclusions, and to commit to searching for opportunities for resolution designed to contribute to an efficient and accurate EIS.

5. The FAA and Corps agree that the NEPA analysis of alternatives shall incorporate the 404(b)(1) guideline requirements for alternative analysis for those activities involving placement of dredged and fill material into waters of the U.S.

6. Each agency will be responsible for the preparation of the Record(s) of Decision necessary for their respective permit decision process or project approvals.

7. This agreement in no way restricts FAA or the Corps from participating in similar activities with other public or private agencies, organizations, and individuals. FAA and the Corps' Regulatory Branch agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project, and will take all necessary steps to ensure that no conflict of interest exists with any consultant, counsel, or representatives they may employ in this undertaking (40 CFR ¶1506.5).

8. Should significant differences exist between the Corps and FAA on the scope, analyses, or conclusions in the EIS, every effort, including innovative approaches to problem solving, will be made to resolve these differences. If such differences cannot be resolved at the appropriate staff level, the issues would be elevated to the FAA Branch Manager and Corps Section Chief level. If issues remain unresolved they would then be elevated to FAA's Airports Division Manager and the Corps Regulatory Branch Chief for resolution.

9. If, after elevation, significant differences still exist between FAA and the Corps on the scope, analyses, or conclusions in the EIS, then FAA, as lead agency, after consulting with the Corps, will determine if the differing positions can be clearly presented in the EIS document. If the differing positions can be clearly presented, then they will be included in the EIS for public review and comment. If the EIS does not fully reflect the Corps position(s), the Corps may issue a supplemental EIS or EA, or may provide written notice to terminate this agreement.

10. Throughout the EIS process it is anticipated that draft technical reports will be made available to the Corps for discussion and for their review and comment. It is understood by both parties to this Agreement that these draft reports are not ready for public review. The FAA and Corps agree to keep confidential and protect from public disclosure any and all FAA documents received prior to determination of suitability for public review by the FAA, subject to the Freedom of Information Act (FOIA). The FAA agrees to keep confidential and protect from public disclosure any and all Corps documents received prior to determination of

Letter of Agreement for Juneau International Airport Improvements
Federal Aviation Administration U.S. Army Corps of Engineers

suitability for public review by the Corps, subject to FOIA. [Note: this does not apply to required coordination with or between cooperating agencies].

11. The FAA and Corps encourage open and direct communication concerning all matters of the EIS between our two agencies, including FAA's third party consultant for the EIS. It is understood that the FAA is responsible for directing the work and actions of the consultant, and any work requested by the Corps beyond that included in the Consultant's scope of work must be approved by FAA.

12. This agreement requires no transfer of appropriated funds.

13. This Agreement does not alter the Corps responsibilities under its regulatory program to conduct an independent review of the Draft and Final EIS during the public review and comment periods.

14. The primary contacts for this Agreement are:

FAA: Patricia Sullivan (907) 271-5454 e-mail patricia.sullivan@faa.gov	Corps: John Leeds III (907)790-4490 john.c.leeds@poa02.usace.army.mil

For the second level, the primary elevation and coordination contacts are:

Barbara Johnson Manager, Planning and Programming Branch (907) 271-5459	Glen Justis Chief, East Section Regulatory Branch (907) 753-2712

15. Modifications to the scope of this agreement shall be made by the issuance of a bilaterally executed modification prior to any changes being implemented. The Corps or FAA may terminate this agreement by providing a 30-day written notice to the other party.

16. This Agreement is effective as of the last signature date below:

By: for Byron K. Huffman, FAA
Airports Division Manager

Date: 12-7-01

By: Glen Justis, Chief
SouthEast Section,
Regulatory Branch

Date: 5 Dec 2001

Attachment A Description of proposed improvements for JIA
Attachment B Schematic for Collaborative Process

Page 6

Letter of Agreement for Juneau International Airport Improvements
Attachment A – Description of Proposed Improvements

(2) Provide sufficient navigational lighting to improve pilot alignment with the runway at JIA during poor weather conditions

The Airport is situated in a mountainous region of Southeastern Alaska, creating limitations on flight operations, which must safely clear the mountains. Air Traffic control has been constantly improving facilities and seeking system improvements to increase the ability of JIA to safely serve the passenger and cargo demand of the Juneau region. Enroute air traffic within Alaska are handled by the Anchorage Air Route Traffic Control Center (ARTCC), while traffic landing at and taking off from Juneau Airport are handled by the Juneau Air Traffic Control Tower (ATC).

Juneau ATC does not have radar service due to the mountainous terrain that surrounds the Airport. Aircraft arriving and departing JIA on an Instrument Flight Rule (IFR) flight plan must be handled in a non-radar environment, which increases the separation requirements between aircraft, and results in a much slower flow of operations during peak periods.

Further complexity exists in landing/takeoff operation, such as the offset approach to Runway 08, due to the mountainous terrain that obstructs a standard straight-in approach to this runway. Alaska Airlines has developed and implemented "special-use" approach and departure procedures to each end of the runway, which are dependent on existing threshold locations. With the existing aircraft fleet mix, passenger/cargo loads, aircraft operational performance, use of the Runway 08 "special-use" departure procedures (i.e., the Lemon Creek, Fox, and the Gastineau Channel Departures) enable aircraft to safely operate to and from JIA.

Because of the complexity of aircraft flight into the Airport, a number of navigational aids are available to flight operations at JIA:

- Sisters Island Very High Frequency Omni-Directional Range (VOR) is located 24 miles southeast of JIA. This navaid provides course guidance to aircraft by way of a VHF radio frequency;
- Sisters Island Tactical Air Navigation (TACAN) facility provides ultra-high radio frequency. Because the VOR and TACAN are co-located they are referred to as VORTAC;
- Two Non-Directional Beacon (NDB) facilities provide approach support at JIA. One located on Sisters Island is called the Elephant NDB and provides the initial fix for the NDB-1 approach to JIA. The second NDB is located on Coghland Island, which establishes the final approach bearing for the NDB-1 approach and the missed approach procedure for the NDB-1 and LDA-1 approaches.
- The Mendenhall NDB, located about one-mile west of the Airport on the Mendenhall Peninsula, is used primarily for course direction for aircraft west bound when departing Runway 8.
- Also located on the Mendenhall Peninsula is the JIA Localizer Directional Aid (LDA), which provide the approach path for exact alignment of an aircraft on the final approach to JIA. The LDA is offset from the runway orientation by 20 degrees to allow proper alignment with the final approach course from the west and to direct traffic away from the mountains on the northwest side of the Airport. Distance Measuring Equipment (DME) is collocated with the LDA.
- Runway specific lighting that aids in navigation includes:
  - Runway end 8 is served by the LDA, NDB, Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR), Visual Approach Slope Indicator (VASI), High Intensity Runway Lights (HIRL) and runway centerline lights; and

- Runway end 26 is served by the GPS, a VASI, HIRL, Runway End Identifier Lights (REIL), and runway centerline lights.

In 1997 Alaska Airlines working with CBJ and the FAA implemented global positioning system (GPS) to reduce the minimums on Runway 26 to a 337-foot ceiling and one-mile visibility using Required Navigational Performance (RNP) procedures. Alaska has equipped all of their B737 series aircraft with GPS receivers for use of the GPS approach procedures at JIA.

Even with these navigational aids, conditions arise that affect the ability of aircraft to land and depart from the Airport. Weather is categorized by the FAA as Visual Flight Rule (VFR) conditions and Instrument Flight Rule (IFR) conditions that occur the remainder of the year. VFR conditions occur whenever the cloud ceiling is at least 1,000 feet above ground level and the visibility is at least three statute miles. IFR conditions occur when the reported cloud ceiling is at least 500 feet, but less than 1,000 feet, and/or visibility is at least one statute mile, but less than three statute miles. Poor Visibility and Ceiling (PVC) conditions exist whenever the cloud ceiling is less than 500 feet and/or the visibility is less than one statute mile.

Operating conditions at JIA are rather complex due to the mountainous terrain and changing weather and winds. Most aircraft are capable of operating into/out of JIA during VFR conditions. However, during IFR conditions, special procedures are required to ensure that aircraft maintain adequate clearances from the surrounding terrain. Alaska Airlines has developed and received approval to use special approach and departure procedures when operating during poor weather conditions at JIA.

Therefore, in consideration of the Airport's existing approach instrumentation (i.e., the "public-use" and "special-use" non-precision instrument approaches to the runway and historical meteorological records), the Airport can be expected to experience VFR conditions approximately 90.1% of the time. It is expected that the Airport would be below minimums approximately 9.9% of the time in consideration of the published "public-use" approaches. In consideration of the "special-use" approaches authorized for use by Alaska Airlines, the Airport can be accessed under IFR conditions an additional percentage of time annually ranging from 6.9% to 8.2%, depending on which runway is utilized for landing, and be below minimums between 1.7% and 3.0% of the time annually.

When the Airport is below minimums, aircraft are not capable of landing or taking off, creating delays and in some cases, flight cancellations. On an annual basis, this translates to affecting accessibility to the Airport by 149 hours to 262 hours per year (or 6-11 days per year) when weather conditions are below operating minimums. As a result, flight schedule reliability is affected. The City and Borough of Juneau propose technological improvements that would improve pilot alignment during poor weather and associated safety with landing aircraft during poor weather.

(3) Provide sufficient facilities to efficiently meet current and future requirements for Snow Removal Resources, Fuel Farm Access, and aircraft parking for general aviation users.

During the Master Plan, a number of facility improvements were identified based on current space or facility deficiencies as well as insufficient capacity for future growth in aviation activity. As was noted earlier, a number of these facility needs are not ripe for decision at this time. However, the EIS will address the following specific facility types, which are not dependent upon satisfying the needs for other functional elements of the Airport.

Letter of Agreement for Juneau International Airport Improvements
Attachment A – Description of Proposed Improvements

Snow Removal Resources:
The existing airport maintenance building, located immediately north of the commercial aircraft apron, is about 5,200 square feet in size. It has served as the Snow Removal Equipment (SRE) storage and maintenance building since the early 1950s with only minor repairs since it was originally built. The building was designed to accommodate three airfield pieces of snow removal equipment: a grader, loader, and a plow truck. An adjacent hangar, built in the 1940s, serves as a storage building for sand, pavement deicing/anti-icing compounds, and other materials and supplies.

The Master Plan identified an inventory of 20 pieces of snow removal equipment that it either had acquired or has pending orders for, plus eleven maintenance vehicles/equipment that do not require indoor storage. The Master Plan estimated that about 37,100 square feet to accommodate the indoor vehicle/equipment, plus about 9,500 feet to store sand, would be sufficient space to accommodate current operations as well as future fleet acquisitions.

The current SRE building does not meet current building codes, employee accessibility laws, and worker safety codes (Occupational Safety and Health Administration). As a result, many pieces of equipment are left outside. The snow removal equipment contains a notable amount of sensitive electronic controls that fail more rapidly when exposed to inclement weather. The heavy equipment that is stored outside is subjected routinely to freeze-up and long-term damage, even though where possible it is covered with tarps. Regular winter conditions in Juneau include a number of freeze/thaw cycles and freezing precipitation. The snow removal equipment must be prepared to mobilize on short notice in order to maintain the runway and taxiways in safe condition. As a result, the Airport staff must spend substantial time each winter performing tasks such as thawing engine blocks on the heavy equipment. This work delays airfield operations and other critical work, such as keeping the runway surface cleared to a condition suitable for landing and takeoff during wet snow and standing rain experienced frequently during the winter in Juneau.

General Aviation Needs
General Aviation at JIA can be classified by fixed wing aircraft and rotary wing aircraft (helicopters). Existing and future facilities required to efficiently accommodate these types of operations include:

Fixed Wing:
When the Master Plan was prepared there were 259 single-engine and multi-engine[6/] fixed wing aircraft in need for land based facilities. These, as well as transient aircraft were accommodated west of the terminal area (West End General Aviation Area), and east of the terminal area (East End General Aviation Area). Based on conditions at that time, the Master Plan then predicted the future need for facilities. In preparing the EIS, a review of these forecast needs was conducted. While slight differences were identified the total requirement for general aviation resources is about the same.

6/ Not including helicopter (rotary wing) aircraft, float planes or air carrier jets.

Letter of Agreement for Juneau International Airport Improvements
Attachment A – Description of Proposed Improvements

TABLE A-2
Fixed Wing Aircraft Requirements

Resource	Current	Forecast Need 2005	Forecast Need 2015
Based Aircraft			
Single-Engine – land	251	257	270
Multi-Engine – land	22	23	24
Itinerant/GA Apron (acres)	2.9	2.6	2.8
Based Aircraft GA Apron (acres)	16	12.0	12.9
Hangar Space			
T-Hangars (# of hangars/acres)	138/3.2	140/16.1	148/17.0
Exec/Corp (# of hangars/acres)	10/1.2	11/2.2	13/2.6
Helicopters (# of hangars/acres)	NA	36/8.0	39/8.5
Total (acres)	**23.7**	**40.9**	**43.8**

Source: Barnard Dunkelberg & Company, October 2001. A slight difference in the space allocation was found during the review of the Master Plan. The difference, a result of using updated space requirements for hangar space, shows that when apron and hangar space requirements are summarized, that a slight reduction in total acreage would be needed in year 2015 over what was predicted by the Master Plan.

The current space available to fixed wing aircraft does not meet the space requirements as the airport has a lengthy wait list for space. The current greatest deficiency occurs with the availability of transient aircraft parking followed by T-hangars. As a result, aircraft are parked in obscure places or with insufficient space that is cramped, result in unnecessary aircraft movement, lack adequate separation between aircraft and operational surfaces, and as a result, present potential safety concerns. Anticipated aviation demand indicates that the need for T-hangars, and Executive/Corporate hangars is expected to increase during the planning horizon (2015) by 432% and 116% respectively.

Rotary Wing (Helicopter) Needs:
When the Master Plan was prepared, there were 31 helicopters based at JIA primarily supporting the growing tourism industry of Southeast Alaska. These aircraft were parked near the facilities of their operators, including TEMSCO, Alaska Coastal, NorthStar Trekking, and Silver Bay Lodging. The Master Plan found that sufficient facilities existed to support current rotary wing aircraft, however, with the anticipated growth in tourism added helicopter demands would arise. The forecast of future activity at JIA indicates that there could be a need for as many as a total of 39 helicopter parking positions needed through the planning horizon of 2015 for the existing operators, as well as 7 (6 additional) parking positions for transient helicopter parking; the Master Plan identified the need for 14 additional parking positions for rotary wing aircraft. About 12,500 square feet (0.3 acre) of additional pavement is required to support the additional rotary wing parking positions. This space include temporary pads used for 4 ERA helicopters during summer of 2001.

Fuel Farm Access:
The fuel storage tanks at JIA are located just west of Taxiway "C-1" and north of Taxiway "A". The tanks consist of one Jet-A with a capacity of 50,000 gallons and one AVGAS 100LL consisting of 25,000 gallons. Access to and from the fuel farms is not direct, and refueling tanker trucks are required to travel on Alex Holden Way. Alex Holden Way is a public thoroughfare, and many of these vehicles exceed the weight limitations for licensing on this public street. As a result, improved vehicular access to and from the fueling facilities is needed.

Letter of Agreement for Juneau International Airport Improvements
Attachment A – Description of Proposed Improvements

(4) Implement a Wildlife Management Plan for JIA in accord with FAR Part 139.

Airports that accommodate commercial service air carriers are required to maintain an operating certificate in accord with Federal Aviation Regulation Part 139 to show that the Airport is property and adequately equipped, and able to conduct safe operations, pursuant to the Federal Aviation Act of 1958. One of the requirements of an airport's certification is that it conducts an ecological study/wildlife hazard assessment, and if necessary, establishes a wildlife hazard management plan. FAR Part 139 requires wildlife Management Plans when any of the following events occur on an airport:

- An air carrier aircraft experiences a multiple bird strike or engine ingestion;
- An air carrier aircraft experiences a damaging collision with wildlife other than birds;
- Wildlife of a size or in numbers capable of causing an event noted above is observed to have access to any flight pattern or movement.

Such a plan addresses the responsibilities, polices, and procedures necessary to reduce wildlife hazards. In accordance with 14 CFR Part 139.37(e), the plan is the responsibility of the Airport operator, the City and Borough of Juneau. CBJ has operated subject to airport policies that include a wildlife hazard management plan.

In April 2001, a Wildlife Hazard Assessment[7/] was completed for JIA. The conclusions of the Department of Agriculture assessment were that hazards continue to exist at JIA, and an improved Wildlife Hazard Management Plan is necessary to implement habitat modifications and management actions that will reduce potential for aircraft collisions with wildlife. The presence of bird strikes at JIA, as well as the abundance of wildlife in the vicinity of the Airport necessitates the implementation of a Wildlife Hazard Management Plan.

7/ *Wildlife Hazard Assessment for the Juneau International Airport, Juneau Alaska*, United States Department of Agriculture, April 2001.

Letter of Agreement between FAA and Corps for Juneau International Airport Improvements

Attachment B – Schematic for Collaboration Process

Scoping
FAA will provide Corps with copies of all scoping comments as requested, and scoping summary table. Corps will provide scoping comments to FAA.

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Purpose and Need
Corps will review the Draft Technical Working Paper documenting the "Purpose and Need" statements for the projects, and provide comments to FAA concerning "purpose" requirements consistent with 404(b)(1) process requirements and need under public interest requirements.

→

Alternatives Analysis
FAA will incorporate 404(b)(1) guidelines requirements and the results of environmental studies into development of alternatives to facilitate an integrated analysis. Corps will review the Draft Technical Working Paper for alternatives and provide comment to FAA for consistency with the Corps' regulatory program requirements.

↓

Technical Papers
FAA will develop technical working papers for select sections of the EIS documenting Wetlands and Water Resources. Corps will review the Draft Technical Working Paper for these resources and provide comments to FAA for consistency with the Corps Regulatory evaluation requirements.

←

Mitigation Planning
FAA is responsible for developing preliminary mitigation plans. The Corps, in consultation with other cooperating agencies, will provide input for mitigation requirements and opportunities, and guidance for development of mitigation plans. The Corps is solely responsible for determining mitigation requirements necessary for DA regulatory compliance.

↓

Preliminary Draft EIS
FAA will provide Corps with a Preliminary DEIS for review and comment. A draft DA permit application for the Proposed Action shall be received by the Corps concurrent with receipt of the PDEIS. Corps will provide FAA with substantive, timely comments on the PDEIS and the draft DA permit.

→

Draft EIS
The Draft EIS will contain the application for the 404 permit. FAA and Corps will work together to publish a joint public notice of the DEIS availability and requests for comment for both the NEPA process and DA permit process requirements pursuant to the Corps public procedures as stated in 33 CFR 325.3.

→

Final EIS and RODs
FAA and the Corps will maintain separate authority and responsibility for execution of their Records of Decision. The agencies will provide assistance to each other as needed in responding to comments and developing decision rationale.

ADMIN RECORD

PROJECT 46 8
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MEMORANDUM OF AGREEMENT
Juneau International Airport
Juneau, Alaska

COOPERATING AGENCY AGREEMENT

This MEMORANDUM OF AGREEMENT (MOA) is by and between the Federal Aviation Administration (FAA) as Federal lead agency, and the National Marine Fisheries Service (NMFS), US Fish and Wildlife Service (FWS), and Alaska Department of Fish and Game (ADF&G), as cooperating Federal and State agencies in the proposed Juneau International Airport (JIA) improvements, which are the subject of an environmental impact statement (EIS) under the National Environmental Policy Act of 1969 (NEPA), as amended (42.USC § 4332).

I. PURPOSE.

The purpose of this MOA between the FAA and the NMFS, FWS, and ADF&G is:

(1) to formalize and provide a framework for the cooperation and coordination that will be necessary to successfully complete the EIS for proposed improvements at the JIA in a coordinated, timely, and efficient manner;

(2) to define the respective roles, obligations, and jurisdictional authority of each entity in the environmental review process;

(3) to confirm the formal designation of the FAA as lead agency with full responsibility for the Draft Environmental Impact Statement (DEIS), Final Environmental Impact Statement (FEIS), and Record of Decision (ROD);

(4) to confirm the formal designation of the NMFS, FWS, and ADF&G as cooperating agencies with their respective jurisdictional responsibilities and expertise in the environmental review process on the proposed project; and

(5) to ensure that the working relationship between the FAA and the NMFS, FWS, and ADF&G meets the purposes and intent of NEPA and its accompanying regulations.

II INTRODUCTION.

Under the policies, directives, plans, and operations of the FAA, and under the directives of NEPA and its accompanying regulations, the FAA, as lead agency, is responsible for requesting the participation of "any other Federal agency which has jurisdiction by law" to be a cooperating agency (40 CFR § 1506.6). The NMFS and FWS, through the Endangered Species Act (ESA), have jurisdiction by law in evaluating impacts of the JIA proposed improvements. In this particular EIS process, the ADF&G also has jurisdiction under state law. Additionally, the FAA, NMFS, FWS, and ADF&G all have interests in maintaining the "quality of the human environment" as it relates to any potential adverse impacts of the proposed JIA improvements. The FAA invites all these agencies to participate as Cooperating Agencies.

It is acknowledged that the FAA, as lead agency, has the responsibility for the content of the Draft EIS, Final EIS and its conclusions. It is further acknowledged that the FAA seeks the full participation of the cooperating agencies. To this end, the FAA will provide copies of all documents necessary for EIS review including technical reports, preliminary EIS, draft EIS, final EIS and all comments and information necessary for the EIS

and its conclusions. The cooperating agencies will also share information and technical expertise in order to evaluate the environmental impacts of the proposed improvements at the JIA and all alternatives, including the possibility of selecting an alternative of "no action." It is the intention of this MOA to establish a working atmosphere of cooperation among the participants where full recognition and respect to the authority and responsibility of one another is recognized.

NOW, THEREFORE, the parties agree as follows:

(1) The FAA, as lead agency, requests that the cooperating agencies review the DEIS and FEIS and comment on impacts, within their relative jurisdictions and expertise, on the surrounding environment. The cooperating agencies' reviews will be within the umbrella of the NEPA and related legislation and limited to the proposed FAA action.

(2) The FAA, as lead agency, will ensure full access to FAA expertise, data, information, analyses, and comments received relative to the cooperating agencies' environmental reviews, so that they may competently carry forth their respective responsibilities under Federal and state law and this agreement.

(3) The cooperating agencies will assist in developing responses to the comments received on the DEIS and FEIS that pertain to agencies' areas of expertise. Similarly, the FAA maintains primary responsibility to respond to inquiries that relate to its special expertise, jurisdiction and role as lead agency.

(4) The cooperating agencies agree to fully review the technical and scientific data supplied by the FAA. The FAA will incorporate to the maximum extent possible, the comments, recommendations, and/or data submitted by the cooperating agencies in the DEIS and FEIS.

(5) The FAA, as lead agency, will retain ultimate responsibility for the determination of the purpose and need of the project, which alternative is selected, what mitigation measures will be included in the project, and the conclusions of its environmental analysis. This does not preclude the right of the cooperating agencies to comment and submit their independent recommendations to the FAA in these areas, and for their comments and recommendations to be incorporated into the DEIS and FEIS, to the maximum extent possible. The cooperating agencies will assist the FAA in developing those mitigation measures pertaining to impacts affecting areas within the respective agency's expertise.

(6) The FAA will provide the cooperating agencies with a preliminary DEIS. The cooperating agencies will then provide the FAA with their respective environmental reviews for consideration by the FAA. The environmental reviews will be incorporated into the DEIS to the maximum extent possible. This same procedure will be applied in seeking preliminary comments from the cooperating agencies on the FEIS. The cooperating agency's comments and conclusions will remain within the scope of their respective jurisdictions and special expertise.

(7) The parties to this MOA agree to participate in this EIS in good faith and make every effort to resolve any perceived areas of conflict. All of the parties agree to fully explore issues before coming to conclusions, and to commit to searching for opportunities for resolution designed to contribute to an efficient and accurate EIS.

(8) The FAA will promptly inform the cooperating agencies of all schedule changes that would affect their input into the document. Allowances will be made to give adequate time for response.

(9) Throughout the EIS process it is anticipated that draft technical reports will be made available to the cooperating agencies for discussion and for their review and comment. It is understood by all parties to this MOA that these draft technical reports are not ready for public review. The cooperating agencies agree to keep confidential and protect from public disclosure any and all FAA documents received prior to determination of suitability for public review by the FAA, subject to the directives of the Freedom of Information Act. The FAA agrees to keep confidential and protect from public disclosure any and all cooperating agency documents received prior to determination of suitability for public review by the appropriate cooperating agency, subject to the Freedom of Information Act.

(10) The parties agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project. The cooperating agencies will take all necessary steps to ensure that no conflict of interest exists with any consultants, counsel, or representatives they may employ in this undertaking. 40 CFR § 1506.5(c)

(11) The cooperating agencies agree to prepare and submit to the FAA their written comments within 21 days of receipt of technical reports. The cooperating agencies agree to prepare and submit their written comments and data for inclusion in the DEIS within 30 days of receipt of the preliminary DEIS prepared by the FAA, if practicable. Cooperating agencies agree to prepare and submit to FAA its written discussion and data for inclusion in the FEIS within 45 days of receipt of the published DEIS. The cooperating agencies agree to submit responses to comments, within their respective areas of expertise, within 30 days from receipt of those comments.

(12) It is the intention of all the parties that this MOA will terminate when the FAA issues its Record of Decision (ROD). If proposed implementation or mitigation requires further involvement of the cooperating agency(ies), a new MOA will be negotiated specific to that involvement.

(13) This MOA requires no transfer of appropriated funds.

(14) This MOA is effective upon execution of the signature of each party.

Memorandum of Agreement
Juneau International Airport
Environmental Impact Statement

(15) It is anticipated that the EIS process will continue past September 31, 2002. Therefore the continuation of this MOA beyond September 31, 2002 is subject to the availability of funds for each agency. A 30-day written notification will be provided prior to an agency's withdrawal from participation in this MOA. Withdrawal by an agency from the MOA will not reduce or increase the commitment and participation of the other agencies to this agreement.

(16) The point of contact for each party to this MOA is:

FAA Patti Sullivan, (907) 271-5454, patricia.sullivan@faa.gov
NMFS Linda Shaw, (907) 586-7012, linda.shaw@noaa.gov
USFWS Richard Enriquez, (907) 586-7021, richard_enriquez@fws.gov
ADF&G Ben Kirkpatrick, (907) 465-4288, ben.kirkpatrick@adfg.state.ak.as

Byron K. Huffman
Manager, Airports Division
Federal Aviation Administration

10/12/01
Date

For James W. Balsiger
Regional Administrator
National Marine Fisheries Service

11/5/01
Date

for David Allen
Regional Director
US Fish and Wildlife Service

23 Oct 01
Date

Frank Rue
Commissioner
Alaska Department of Fish and Game

11.20.01
Date