

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

**Mertarvik Infrastructure Development
Nelson Island, Alaska
Final Environmental Impact Statement
Record of Decision**

September 1, 2019

EXECUTIVE SUMMARY

The Mertarvik Infrastructure Development Final Environmental Impact Statement (FEIS), released by the Denali Commission on March 1, 2018, analyzed the relocation of the community of Newtok, Alaska to a new town site at Mertarvik, Alaska. This FEIS included the construction of the replacement airport and ultimate closure of the existing Newtok, Alaska airport. The Federal Aviation Administration (FAA) was a cooperating agency for this FEIS. FAA's scope of analysis for the EIS is limited to potential effects of the FAA's airport related federal actions versus the potential effects of the relocation of the entire community. This Record of Decision (ROD) provides the final determinations and approvals by the FAA for federal actions needed for construction of a new airport at Mertarvik, Alaska and fulfills the Section 106 responsibilities of the FAA under the National Historic Preservation Act. The ROD also addresses the potential impacts of two connected actions (40 CFR 1508.25), specifically removal of the Newtok airport from the National Plan of Integrated Airport Systems (NPIAS) and Alaska Department of Transportation & Public Facilities (ADOT&PF) ultimate deactivation of the Newtok airport. Because the airport's design has moderately advanced since the March 2018 completion of the FEIS, ADOT&PF has proposed minor changes to the airport component of the alternative selected in the FEIS. On July 10, 2019, the FAA issued a 45-day public notice for these changes and for notification requirements under Section 106 of the National Historic Preservation Act to obtain any public comment. This ROD notes those changes and explains why the FAA has determined that those minor changes do not require the production and publication of a supplemental EIS.

In addition to including the actions proposed to address the need for a replacement airport (FAA's federal action) and the disposition of the existing Newtok Airport, the ROD also documents the purpose for the federal action, alternatives to the action, environmental impacts associated with the action and alternatives, and, where appropriate, mitigation measures to avoid, minimize, and mitigate environmental impacts. This ROD identifies the FAA's Modified Preferred Alternative for the final airport layout versus the Preferred Alternative defined in the FEIS. The FAA's Modified Preferred Alternative is also the environmentally Preferred Alternative.

The FAA's National Environmental Policy Act (NEPA) role in the EIS production and development was that of a cooperating agency (40 CFR 1501.6) responsible for assisting with the preparation of the draft environmental impact statement (DEIS) and final EIS (FEIS), published on December 29, 2017, and March 1, 2018, respectively. The Denali Commission, the Lead Federal agency, published a ROD for the overall project on April 19, 2018. The FAA produced this ROD to address the FAA's airport related, and connected actions, only. In developing the EIS, the Denali Commission and FAA relied on certain information provided by outside sources as authorized by the Council on Environmental Quality's regulations for implementing the NEPA (see 40 CFR 1506.5) process. The Denali Commission, as the lead Federal agency, was responsible for reviewing and independently verifying the accuracy of any information provided by outside entities including the ADOT&PF. The FAA was responsible for verifying the accuracy of its own information and any information it relied on for FAA's analyses. In keeping with its oversight responsibility, the Denali Commission consistently exercised control over the scope, content, and development of the EIS. The FAA ensured the scope, content and development adequately addressed FAA's NEPA responsibilities.

This ROD will be available online at the FAA's electronic ROD repository (see http://www.faa.gov/airports/environmental/records_decision/). For more information concerning the contents of this ROD or the FEIS, please contact:

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1. INTRODUCTION AND PROJECT OVERVIEW

This Record of Decision (ROD) discloses the Federal Aviation Administration's (FAA) final determinations and approvals for the federal actions necessary to construct a replacement airport at Mertarvik, Alaska. Through the alternatives selection process, the FAA has selected the Modified Preferred Alternative in place of the FEIS Preferred Alternative from the Denali Commission ROD issued on May 16, 2018. Therefore, FAA is disclosing the alternative it considers to be the best overall alternative in relation to serving the public interest, minimizing negative environmental impacts and achieving the purpose and need.

The ADOT&PF has proposed to construct and operate a replacement airport at Mertarvik, Alaska. Specifically this will be a replacement for the Newtok Airport that will eventually be lost to erosion. The airport will accommodate small, wheeled aircraft and will include a single runway with an apron (an area where aircraft are maneuvered and parked and where activities associated with the handling of flights can be carried out). An access road for the airport will be constructed from Mertarvik. The description of the FEIS Preferred Alternative is defined later in the ROD as is the description of the Modified Preferred Alternative analyzed in this ROD. Differences in the ROD airport's design/configuration as analyzed versus the FEIS are as follows:

1. The runway remains the same length and width but is re-aligned nine-degrees away from the community (counter-clockwise) to move it to higher topography. The effects of the re-alignment are:

- a less than one degree decrease in wind coverage,
- a 150,000 cubic yard reduction in fill required due to the topographic change,
- a reduction in obstruction to surface flows, therefore a reduction in the need for ditching and culvert installation and maintenance,
- a 10 percent reduction in constructed footprint,
- a reduction in wetland impacts, and
- an estimated \$2.7 million dollar reduction in construction costs.

2. The apron remains the same length and width but is moved 400 feet southeast to better align it with the re-aligned access road. The move results in similar impacts although in a different Palustrine shrub-scrub tundra wetland footprint.

3. The taxiway is also moved southeast as a result of the apron relocation. The effect of the move is similar impacts in a different palustrine shrub-scrub tundra wetland footprint.

4. The access road is re-aligned within the original footprint analyzed in the EIS to reduce the amount of fill materials required to construct it. The resulting cubic yardage reduction is a small portion of the total 150,000 cubic yard reduction in fill.
5. An Automated Weather Operating Station (AWOS) and access road, listed as an un-determined support facility in the EIS. The effect of the AWOS is an additional 32,300 square feet of fill (0.74 acres) in Palustrine Shrub Scrub habitat
6. The fill material haul route remains in the same alignment but has been shortened on airport by 2500 feet and eliminated off airport. The on airport effect of the elimination of 2500 feet of access road and fill is a minor reduction in impact to palustrine shrub scrub tundra wetland habitat. The off airport impact is a 3100-foot linear reduction in temporary access road construction. Forty percent of the road reduction would have been in Palustrine shrub-scrub wetland habitat and sixty percent in upland habitat.
7. Hill 377/395 (referred to as such because it appears on two different topographical maps with two different elevations) noted in the EIS as an obstruction (rock outcrop) along the alignment of the crosswind runway is now proposed to be a material source. ADOT&PF proposes to use it as a materials source and overburden disposal site. Therefore, the 35 acres of palustrine shrub-scrub habitat on this hill would be impacted by excavation of the materials site. That same footprint, however, would be backfilled with the excess overburden that in the FEIS analysis was going to be spread (fill) over approximately 35 acres of palustrine shrub-scrub tundra wetland. The “reclamation” of the 35 acres of materials site will be converted to upland habitat to preclude the creation of a wildlife attractant (pond) and a potential aviation hazard.

Section 2 of this ROD describes the Proposed Action location and setting. Section 3 of this ROD describes the Project’s purpose and need. Section 4 describes the alternatives the FAA considered for meeting the purpose and need, as well as the FAA’s Modified Preferred Alternative. As described in Section 4, the FAA has selected the Modified Preferred Alternative for implementation. Section 5 summarizes the environmental impacts of the alternatives. Each section will note the differences between the Preferred Alternative analyzed in the EIS and the Modified Preferred Alternative in this ROD.

1.1. Project Funding

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

1.2. Statutory Compliance

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

The FAA is responsible for reviewing and verifying the accuracy of any environmental information provided by outside entities that it utilized for the airport component of the EIS. In keeping with its oversight responsibility as a Cooperating Agency, the FAA has consistently exercised control over the scope, content, and development of the EIS and related materials it utilized to analyze impacts of the airport component of the overall project. The Denali Commission, the lead Federal agency, selected a third-party contractor, the U.S. Army Corps of Engineers, to assist in the preparation of the EIS. The FAA used its own resources, the resources of the Denali Commission and the resources of the contractor to independently evaluate any environmental information and other submissions provided, that related to the airport component of the project. In addition, the FAA and the contractor used design and environmental information submitted by the DOT&PF for development of the EIS only as permitted under 40 CFR 1506.5(a). The FAA, the Denali Commission, and the contractor independently reviewed environmental information provided by the DOT&PF for accuracy and completeness as appropriate. The FAA believes that its analytical processes and its involvement in the preparation and review of the EIS and this ROD are consistent with CEQ regulations and its own orders and fully demonstrate the integrity and objectivity of the EIS and this ROD.

2. LOCATION AND PROJECT SETTING

The village of Newtok is an Alaska Native community of 374 residents (2016 Department of Labor estimate) located near the southwest coast of Alaska on the banks of the tidally influenced Ninglick River. The riverbank of the Ninglick River is rapidly eroding toward Newtok at an average rate of nearly 70 feet per year. This erosion is a result of a combination of river scour, permafrost thawing and storm surge. The village has lost its barge landing and landfill to the erosion, will begin to lose houses potentially as early as 2019, and is expected to have its school, water source, and airport access threatened by 2020. Changes in local hydrology brought about by the erosion have also increased vulnerability to severe flooding, limited boat and barge access, and impaired waste management practices at the village. Mertarvik, Alaska is a 10,943 acre portion of Nelson Island nine miles upstream of Newtok, Alaska that was set aside by congress as the future location for the relocation of Newtok, Alaska via Public Law 108-129 in 2003.

3. PURPOSE AND NEED

The purpose of the Mertarvik replacement airport project is to provide the people of Newtok with safe, reliable passenger and cargo air transport meeting all applicable Federal and state requirements. The replacement airport is needed to serve the relocated community due to the pending loss of the land base the current community and airport reside on.

4. ALTERNATIVES

This section describes the sponsor's proposed action, the various alternatives to that action that were considered, the process used to develop those alternatives prior to the initiation of the EIS process, the FAA's Modified Preferred Alternative, and alternatives not considered in detail in the FEIS. NOTE TO READER: As previously noted this ROD addresses the FAA's Federal Action and connected actions. Specifically, the construction and operation of an airport at Mertarvik, Alaska to replace the Newtok, Alaska airport. It does not address the community alternatives outside the FAA's scope of analyses, specifically the construction of all other community infrastructure.

4.1. All Alternatives Considered by the Agency

On November 17, 2003, in recognition of the needs and desires of the residents of the village of Newtok and in recognition of the imminent threat to the continued existence of their community as a whole, the U.S. Congress authorized Public Law 108-129, exchanging

land between the Newtok Native Corporation and the Department of the Interior (DOI). The Act exchanged 10,943 acres of USFWS land in the Yukon Delta National Wildlife Refuge in exchange for Newtok Native Corporation land. The intent and purpose of the land exchange directed by the U.S. Congress in the law was to provide a specific location the community of Newtok could move too. That location is named Mertarvik, Alaska.

As detailed below, the FAA, in concert with the sponsor (ADOT), moved through the reconnaissance report, airport site selection study, and conditional ALP approval process prior to participating in developing the EIS. As a cooperating agency, the FAA refined and further evaluated potential remaining replacement airport alternatives.

Because the proposed replacement airport had the same configuration, components, and footprint in all three-community layout plans considered in the EIS, and because the FAA's scope of analysis is limited to the airport infrastructure versus the entire community reconstruction, the FAA only evaluated the proposed action and no action alternatives for the replacement airport in the FEIS. Any action alternative, in this case the proposed action, would require approval and funding from the FAA and other federal and state agencies to be constructed and operated. Along with the required "no action" alternative, the action alternatives represent the range of reasonable alternatives evaluated for environmental effects of replacement airport construction and operation. After completion of the FEIS, the ADOT&PF, proposed a nine-degree realignment of the primary runway, a slight modification of the apron location, a slight modification of the access road alignment, and opening and then closing a materials source along the alignment of the potential future crosswind runway. This alternative became the Modified Proposed Alternative described and analyzed in this ROD.

4.1.1. Alternatives Development Process the FAA Used to Define the Airport Alternative Analyzed as the Preferred Alternative in the EIS

The ADOT&PF has been studying prospective sites at the Mertarvik community site since at least 2007, when they identified six potential locations for the new airport in a 2007 reconnaissance study conducted for the ADOT&PF by PDC Engineers Inc. (PDC 2008). That report carried three sites forward for more detailed analyses. ADOT then refined the reconnaissance report analysis and alternatives via a site selection study. ADOT's follow-up study for site selection also included development of an airport layout plan in December 2009. The culmination of these two studies resulted in the December 2012 Mertarvik Airport Site Selection Study report, also prepared by PDC Engineers Inc.

According to the ADOT&PF's March 2008 reconnaissance report (incorporated here by reference), three sites (Alternatives 2, 5, and 6) were eliminated based on information received from pilots, the public, and a site visit. The remaining three potential sites, designated Alternatives 1, 3, and 4, in the 2008 report, were then evaluated based on the following eight criteria:

- Orientation for wind;
- Proximity to the community;
- Airspace penetrations;
- Environmental impacts;
- Bird and wildlife hazards;
- Topography and soils;
- Separation distance between the airport and sewage lagoon and landfill;
- Site development and maintenance costs; and
- Proximity to material sources and the barge landing.

Airport layouts were then developed for the runway, apron, taxiway, and access route for the three identified alternative sites. In addition to the 2008 airport relocation reconnaissance study, ADOT&PF completed a follow-up study for site selection and development of a draft Airport Layout Plan (ALP) in 2012. In a letter dated May 22, 2014, the FAA informed the ADOT&PF that they had completed their review of and conditionally approved the updated ALP for the Newtok Airport at Mertarvik, Alaska. The proposed replacement airport's location and configuration defined in the conditionally approved ALP (with minor changes) are represented nearly identically in each of the three Community Layout Plan (CLP) alternatives. Since the FAA analyzed the airport infrastructure development, and as all CLP alternatives airports layouts had similar environmental conditions at each location with equivalent environmental impacts, the FAA only analyzed one proposed airport construction action and the no action.

In the collaboration between the Denali Commission and the FAA that occurred during the scoping process and preparation of this EIS, minor adjustments were made to both the airport layout plan and to the community site layout. The airport apron was flipped to the east side of the north-south runway and reshaped to fit within the airport boundary, and the airport road route was modified to better reflect the approach from the village center. The proposed locations of some community infrastructure were shifted to ensure that they did not intrude upon FAA restricted areas or other requirements. These modifications became part of the overall CLP alternatives analyzed in the EIS.

4.1.2. Action Alternatives

As previously stated, the result of the alternatives development process resulted in the FEIS analyzing the No Action and Proposed Action alternatives.

4.1.3. PROPOSED ACTION

Note to reader: As previously noted, the FAA's Proposed Action is a component of the overall Proposed Action analyzed in the EIS process because the FAA's scope of analysis for the EIS in relation to the FAA's authority and role is a subset of the overall proposed action (i.e. replacement airport construction versus overall community infrastructure construction). Because the airport's design has moderately advanced since the March 2018 completion of the FEIS, ADOT&PF has proposed minor changes to the airport component of the alternative selected in the FEIS. On July 10, 2019, the FAA issued a 45-day public notice for these changes and for notification requirements under Section 106 of the National Historic Preservation Act to obtain any public comment.

The Alaska Department of Transportation and Public Facilities (DOT&PF) has proposed to construct and operate a replacement airport at Mertarvik, Alaska. The airport will accommodate small, wheeled aircraft and will include a single runway with an apron. An access road for the airport will also be constructed. The Project includes the following attributes:

- **Runway:** Gravel surfaced; 4,000 feet long and 75 feet wide ¹
- **Runway Safety Areas:** 150 feet wide, 4,600 feet long centered on runway centerline
- **Runway Object Free Area:** 500 feet wide, 4,600 feet long centered on runway centerline
- **Runway Protection Zones:** 2 areas each 1,000 feet x 1,510 feet x 1,700 feet, located at each end of the runway
- **Taxiway A:** Gravel surfaced, 380 feet long x 50 feet wide ²
- **Aircraft Apron:** Gravel surfaced, 350 feet x 400 feet ³
- **Navigational Aids:** Lighted wind cone and segmented circle
- **Visual Approach Aid:** Precision approach path indicator, Runway Edge Identifier Lights
- **Runway Lights:** Medium-intensity runway lights
- **Snow Removal Equipment Buildings:** Two, 60-foot long by 40-foot wide, each
- **Support facilities:** Weather station and communications to be determined
- **Access road:** Two lane gravel ⁴
- **Overhead utility lines:** Power lines located within the access road corridor

- **Automated Weather Observing System (AWOS):** Automated weather reporting station and access road ⁵
- **Timing of Construction:** 2020-2021 (approximately May to October for most construction work, although preparatory work such as quarrying and positioning material may take place throughout the year).
- **Fill Material Haul Route:** Would cross airport property from the hill 377/395 materials site to the primary runway along the potential future crosswind runway alignment. ⁶

Changes in the design and configuration of the airport as analyzed in the FEIS versus this ROD are as follows:

1. The runway remains the same length and width but is re-aligned nine-degrees away from the community (counter-clockwise) to move it to higher topography. The effects of the re-alignment are: a less than one degree decrease in wind coverage; a 150,000 cubic yard reduction in fill required due to the topographic change; a reduction in obstruction to surface flows, therefore a reduction in ditching and culvert installation and maintenance; a 10 percent reduction in constructed footprint; a reduction in wetland impacts and an estimated \$2.7 million dollar reduction in construction costs.
2. The apron remains the same length and width but is moved 400' southeast to better align it with the re-aligned access road. The effect of the move is similar impacts in a different Palustrine shrub-scrub tundra wetland footprint.
3. The taxiway is also moved southeast as a result of the apron relocation. The effect of the move is similar impacts in a different palustrine shrub-scrub tundra wetland footprint.
4. The access road is re-aligned within the original footprint analyzed in the EIS to reduce the amount of fill materials required to construct it. The effect of this re-alignment is a small percentage of the 150,000 cubic yard fill reduction by the runway realignment and a small percentage of the reduced fill footprint.
5. Construction of an AWOS and corresponding access road, previously listed as an un-determined support facility in the EIS. The effect of the AWOS is an additional 32,300 square feet of fill (0.74 acres) in Palustrine Shrub Scrub habitat
6. The fill material haul route remains in the same alignment but is shortened on airport by 2,500 feet and eliminated off airport. The on airport effect of the elimination of 2500 feet of access road and fill is a minor reduction in impact to palustrine shrub scrub tundra wetland habitat. The off airport impact is a 3100 foot reduction in fill. Forty percent of which would have been in Palustrine shrub-scrub wetland habitat and sixty percent in upland habitat.

The Hill 377/395 Materials Source, a component of the Modified Preferred Alternative only is referred to as such because it appears on two different topographical maps with two different elevations. It is noted in the EIS as an obstruction (rock outcrop) along the alignment of the crosswind runway. ADOT&PF now proposes to use it as a materials source and overburden disposal site. Therefore, 35 acres of palustrine shrub-scrub habitat would be impacted by excavation of the materials site. That same footprint would be backfilled with the excess overburden from the FEIS analysis that was going to be spread (fill) up to 35 acres of palustrine shrub-scrub tundra wetland. The “reclamation” of the 35 acres of materials site would convert the site to upland habitat to preclude the creation of a wildlife attractant (pond) and potential creation of aviation hazard from species using it.

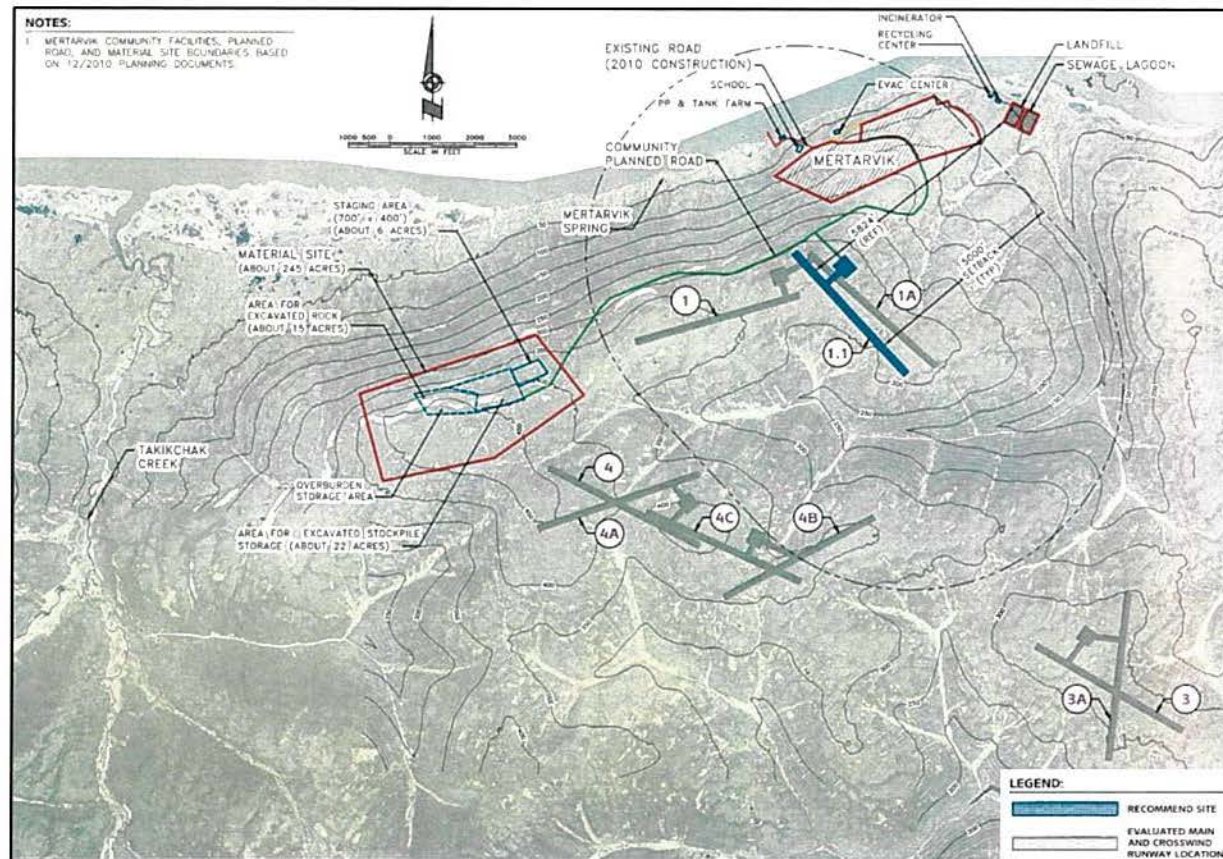


Figure 1. Mertarvik Airport Alternative Locations considered in the 2008 Reconnaissance Study, 2012 Site Selection Study and prior Community CLP Layouts.

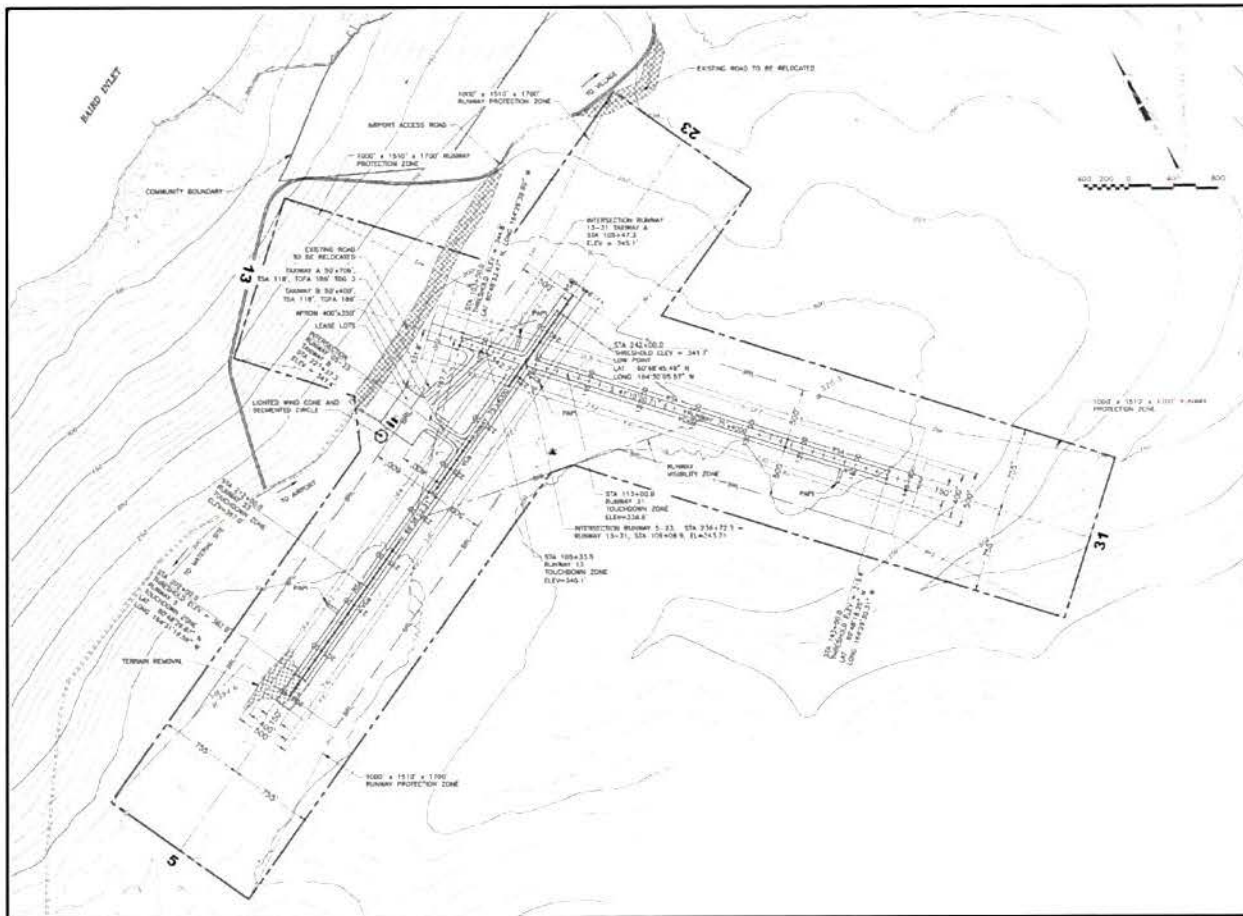
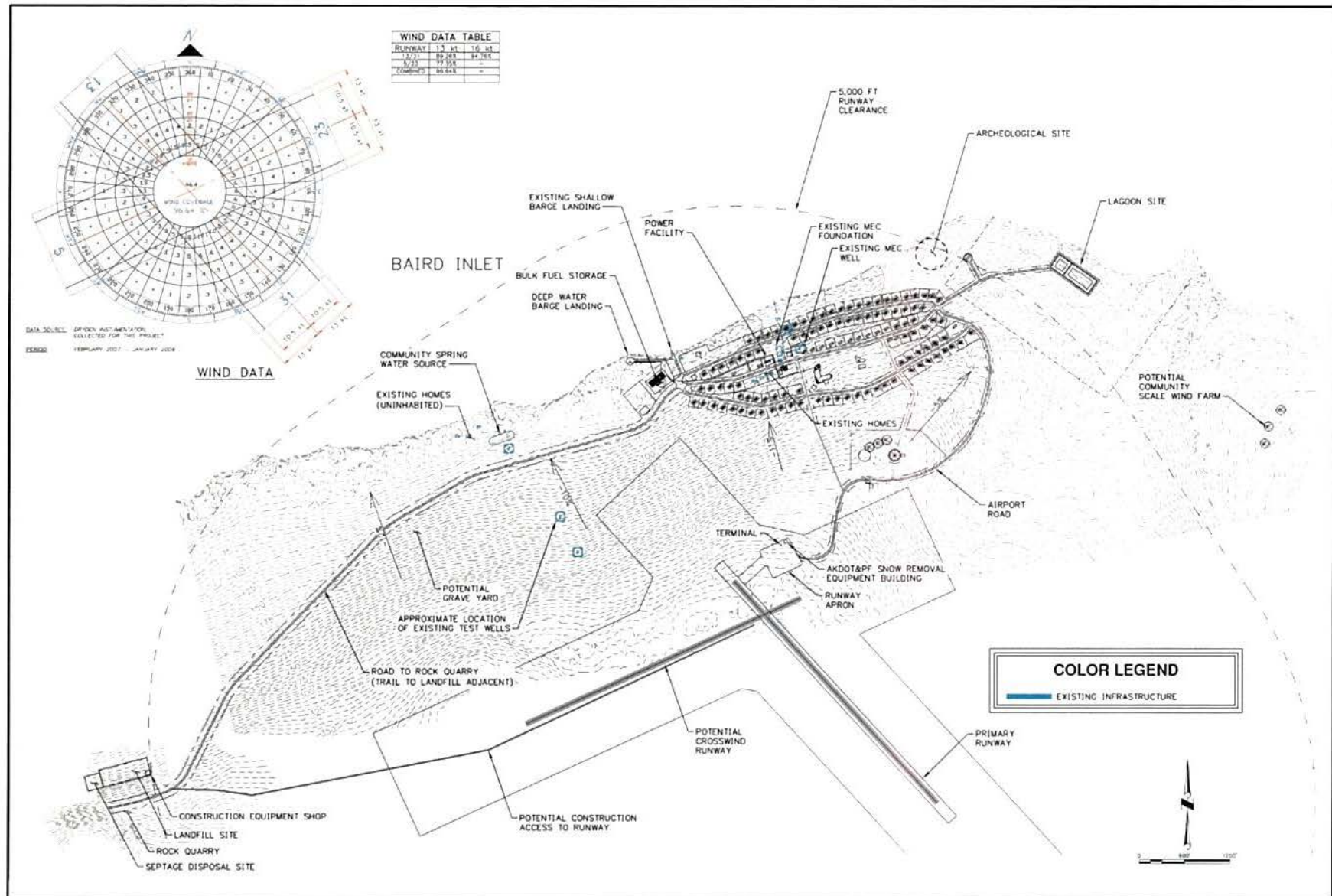


Figure 2. 2014 Mertarvik Airport ALP Configuration

(Note: Regarding Figures 2, 3 and 5, the Crosswind Runway is shown as it is a component of the Airport Layout Plan Ultimate configuration it's potential impacts were not analyzed in the EIS or this ROD as it is not currently a reasonably foreseeable component of the airport project.)



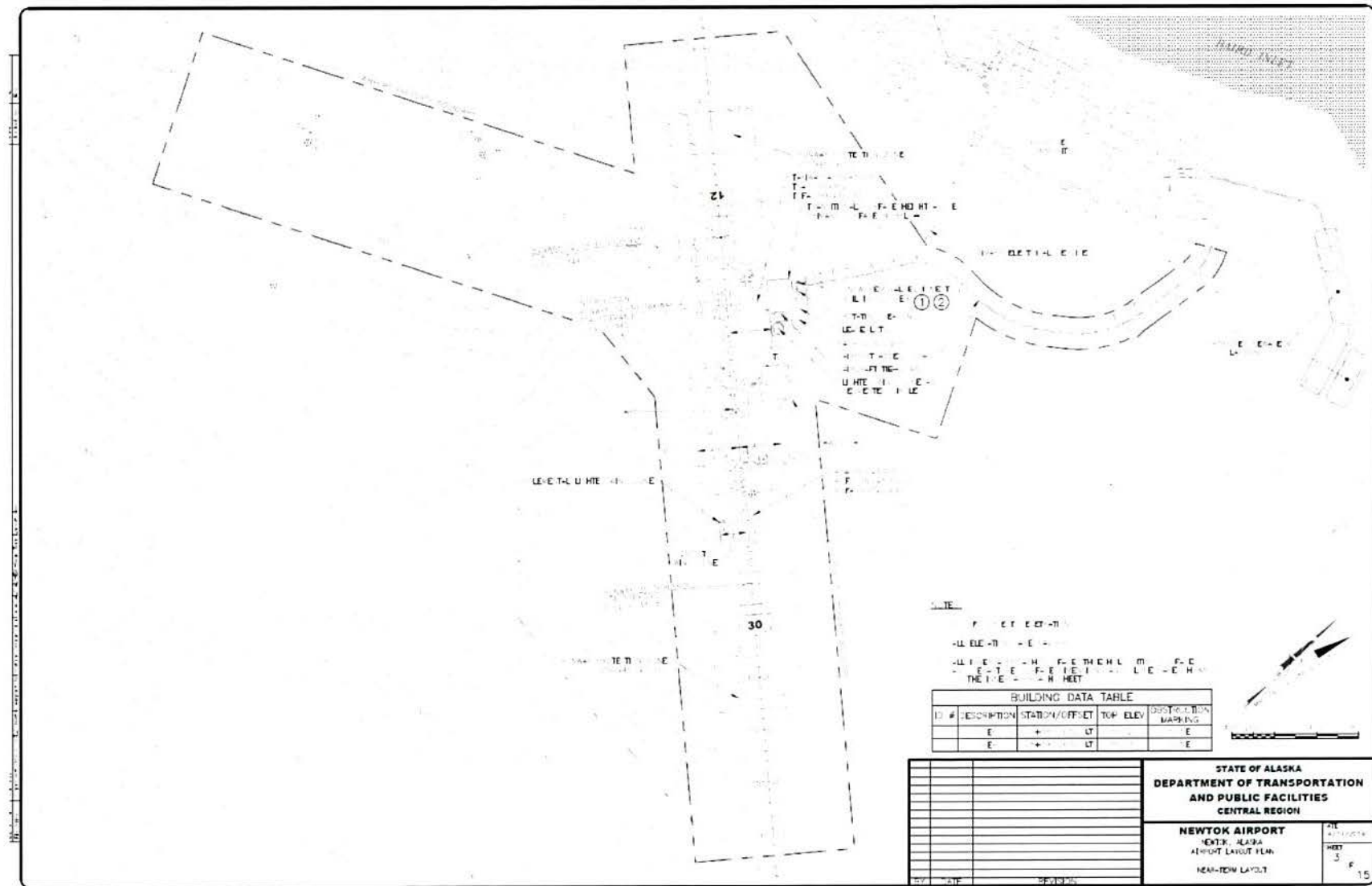


Figure 4. ROD Preferred Alternative Airport Configuration – Near Term Layout (Primary runway only)

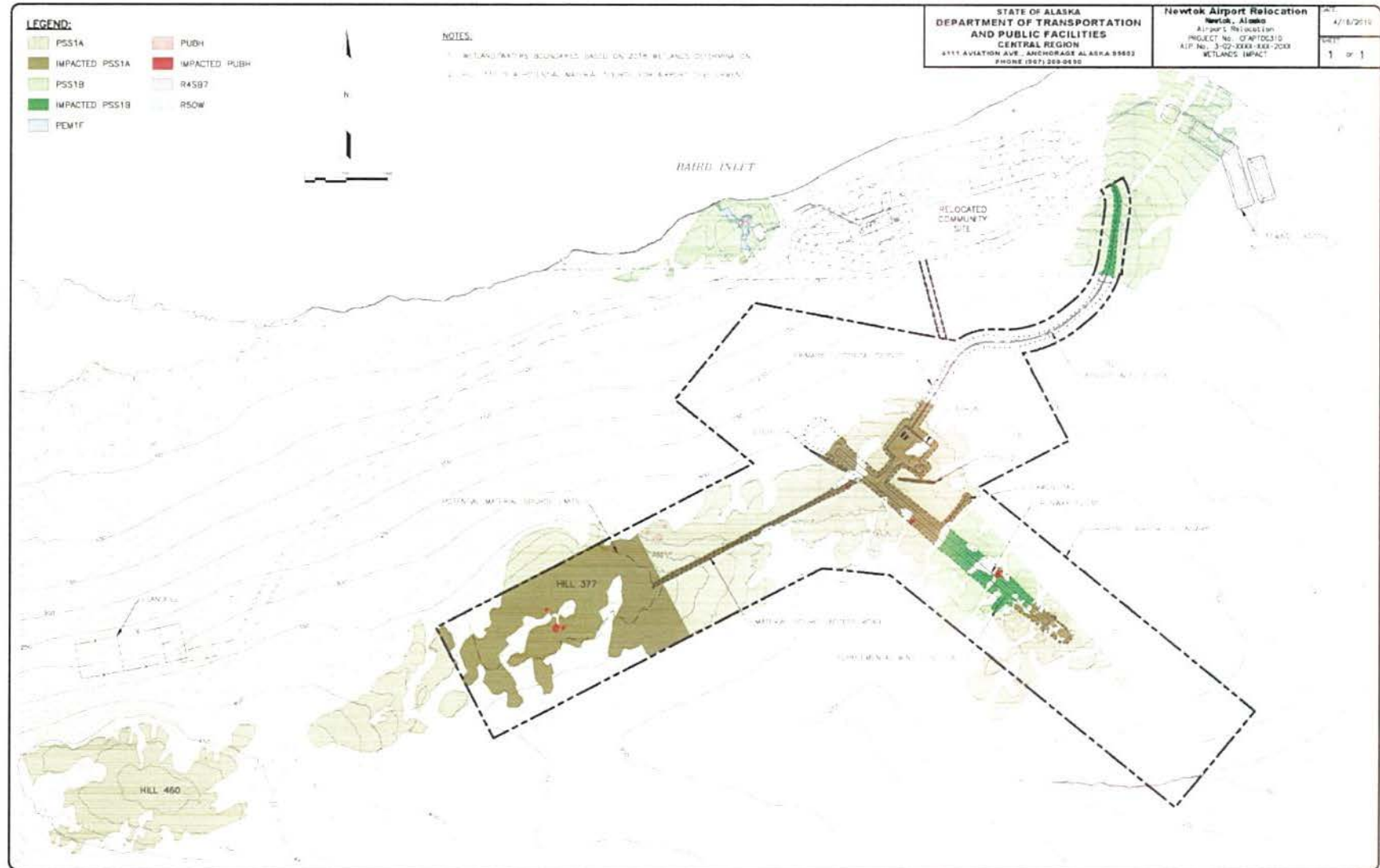


Figure 5. Mertarvik Airport ROD Preferred Alternative (9-degree re-alignment) depicting Hill 377/395 Materials Site and airport wetland impacts.

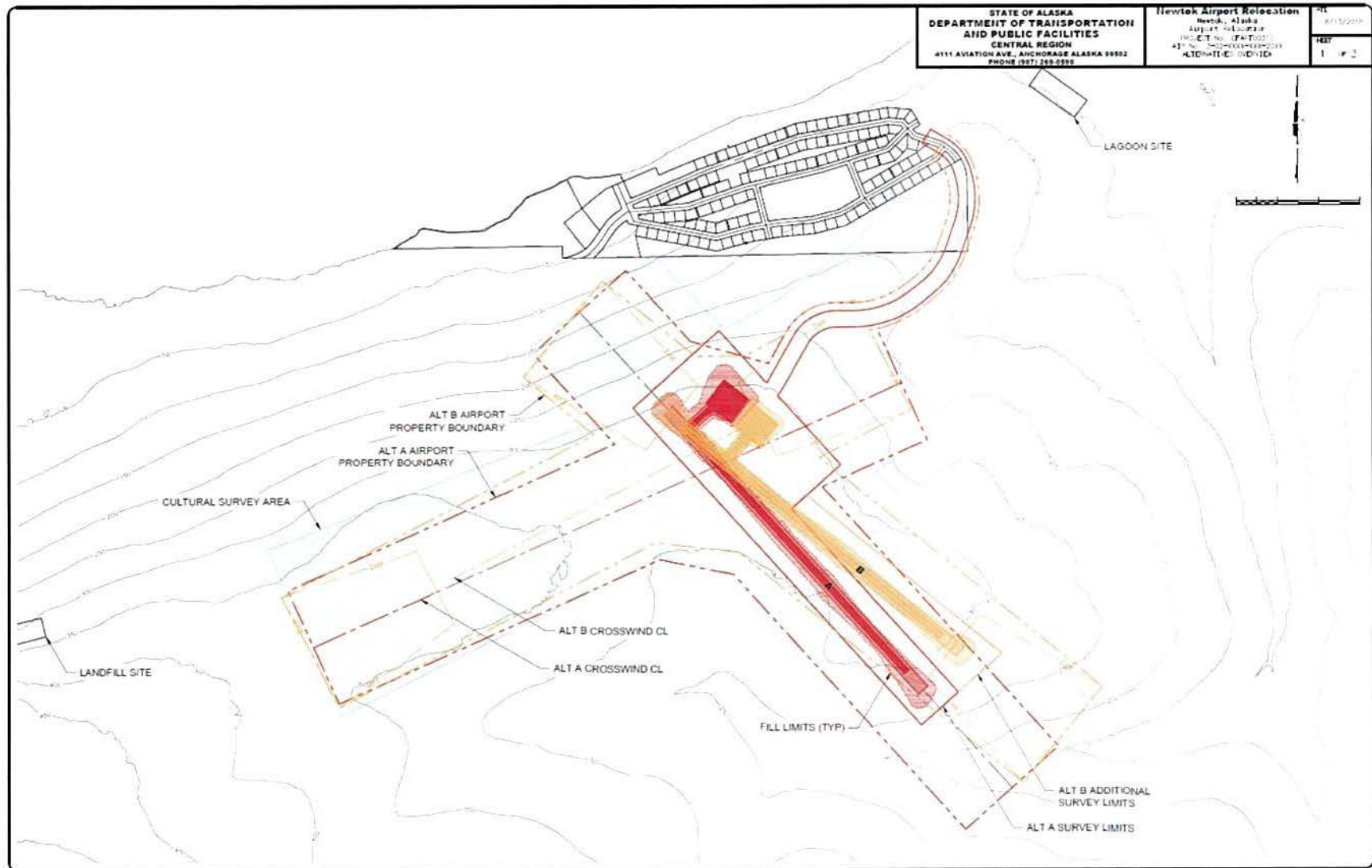


Figure 6. Overlay of 2018 FEIS Preferred Alternative (Red) versus modified ROD Preferred Alternative (Yellow, 9-degree re-alignment)

4.1.4 No Action Alternative

Under the no action alternative, no replacement airport or access road would be built at Mertarvik. The Newtok Airport would eventually suffer sufficient erosion loss to be first unusable as a NPIAS Airport and then erode away completely.

Current transportation services would continue until erosion first reduced the current level of service and then precluded it altogether.

4.2. Other Alternatives Considered

The scoping process for the EIS did not identify any other potential airport locations at the proposed Mertarvik town site other than those identified in the ADOT&PF Reconnaissance Study and Site Selection Study (see Appendix A of the FEIS). With this list of potential alternatives, the FAA screened each using criteria prior to the drafting of the EIS. The same criteria was used to review ADOT&PF's post-FEIS nine-degree modification of the alignment of the Preferred Alternative, which then became the Modified Preferred Alternative. The criteria used are as follows:

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

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

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

Alternatives that passed the FAA screening were carried forward for detailed analysis in the FEIS, whereas alternatives that did not meet all screening criteria were dismissed from further consideration. As previously noted other airport location alternatives had been reviewed and dismissed in airport alternative analytical processes that preceded the EIS or were eliminated by the congressional designation of the Mertarvik community site.

4.3 Alternatives Not Carried Forward For Detailed Analysis

Alternatives not carried forward for detailed analysis in the EIS included the following two major categories, which partially overlap.

The first category was airport site locations other than Mertarvik, Alaska. Due to the November 17, 2003, transfer of 10,943 acres of FWS lands to the Newtok Native Corporation via Public Law 108-129 for the purposes of relocating Newtok, Alaska, alternatives outside this footprint were eliminated by the congressional action.

The second category was alternatives previously considered and eliminated. These were briefly discussed in the FEIS in Sections 4.3 and 4.5. They included:

- The ADOT&PF 2007-2008 Reconnaissance Study identifying six potential airport locations (Section 4.5): these alternatives were analyzed as part of the Reconnaissance Study process;
- Community Layout Plans developed for Mertarvik prior to 2016 (Section 4.3): these alternatives were an overall component of and ultimately superseded by the subsequent CLP alternative;
- Engineered bank protection solutions to stop or slow erosion and allow the community of Newtok to remain in place (Section 4.3): these alternatives were deemed not feasible in prior non-EIS analyses and were outside the scope of analyses for Mertarvik, as they would have occurred at Newtok;
- Relocation of Newtok residents to an existing community (Section 4.3): this/these alternatives were eliminated because the Newtok community would not have been able to continue but would have been subsumed by another community.

4.4. Federal Aviation Administration's Modified Preferred Alternative and Environmentally Preferred Alternative

The CEQ regulations (40 CFR 1502.14(e)) require that a lead agency must identify its Preferred Alternative in the FEIS and must identify the environmentally Preferred Alternative (40 CFR 1505.2(b)) in the ROD. As previously noted, FAA was not the lead agency for the EIS. The airport, as proposed by ADOT&PF, was, however, a component of the lead agencies overall Preferred Alternative in the FEIS. The FAA's Preferred Alternative is the alternative that "the agency believes would fulfill its statutory mission and responsibilities and is in the public interest, giving consideration to economic, environmental, technical, and other factors." The Modified Preferred Alternative is a modification of the Preferred Alternative identified in the EIS, as well as a component of the overall lead agency's Preferred Alternative; specifically, that infrastructure comprising

and required for the airport with a 9-degree runway re-alignment. The FAA's environmentally Preferred Alternative is the alternative that best promotes the national environmental policies incorporated into Section 101 of the NEPA. In general, this is usually the alternative that results in the least impact to the environment overall while still meeting the purpose and need, and that best protects natural and cultural resources.

The FAA has selected the Modified Preferred Alternative based on a review of each alternative's ability to fulfill the purpose and need while considering their environmental impacts, required aviation design and safety technical factors and where appropriate economic impacts. The FAA's Modified Preferred Alternative is consistent with the mission of the FAA.

This section describes the FAA's Modified Preferred Alternative. As a result of the analytical process completed in the FEIS and prior analyses related to airport site selection and development, the Proposed Action with the 9-degree runway re-alignment is both the FAA's Preferred Alternative and the Environmentally Preferred Alternative.

Table 1. Summary of impact quantity differences FEIS Preferred Alternative versus ROD Preferred Alternative.

Project Component	FEIS 2018	ROD 2019	Units	Notes
Land Ownership	Native Village of Newtok	Native Village of Newtok	Entity	
Airport Property	529	534	Acres	Since the EIS, the runway was realigned to save material quantities, to accommodate drainage, and to eliminate the need for a runway cross culvert. This realignment increased the acreage.
Permanent Terrain Disturbance	162	44	Acres	The EIS included terrain disturbance for two runways and two taxiways as part of the airport. The FEIS also included disturbance for waste disposal along the east side of the primary runway. The ROD 2019 quantities include disturbance for one runway and one taxiway as part of the airport component, and does not waste material on the tundra, which reduces the impact. Material will be disposed into Hill 377/395.
Terrain Reclamation re disposal into Hill 377/395 material source. (As the Hill 377/395 materials site was not a component of the FEIS, disposal into it was also not a component of the FEIS)	N/A	49	Acres	The 2018 FEIS proposed that material from Hill 460 would be used for the airport. The 2019 ROD is proposing to use Hill 377/395 within the proposed airport boundary and within the area where test holes indicate suitable rock is available. The Contractor will extract and process the material within the material site. The Contractor will reclaim the material site in phases in order to dispose of unusable material while maintaining adequate drainage. This will eliminate ponding and therefore, will not attract wildlife.

Project Component	FEIS 2018	ROD 2019	Units	Notes
Cut Needed for Construction	477,535*	38,845	CY	The FEIS project alignments included cut and ditching along both runways, and taxiways, access road, and the fill material haul road to Hill 460. Post FEIS, the embankment was raised to sit not less than 5 feet above the existing grade to reduce ditching and drainage culverts as much as possible. The modified ROD preferred alternative only includes one runway and taxiway as airport project components. The decrease in cut (excavation) required for the Modified Preferred Alternative results from re-positioning of the runway, access road, etc to landscape positions requiring less modification of the existing grade (ground surface).
Cut Needed for Material Site	41,460*	850,000	CY	The materials site planned to be used in the 2018 FEIS was the existing materials site; Hill 460. Based on the level of design at that time the FEIS assumed 41,460 CY's of materials would be extracted from Hill 460 and, an indeterminate amount re-used from cuts needed to construct the runway, access road, apron, etcetera. The remaining required cubic yardage needed for fill had not been determined as the design was rapidly progressing. It was later determined that an estimated 918,515 CY's will be needed. Based on current design this ROD assumes 850,000 CY's will be extracted from Hill 377/395 and none from Hill 460. 615,983 CY's of material extracted will be used as fill. The remainder, 234,017 CY's, is over-burden and organic soils that will be disposed of in the Hill 377/395 pit to reclaim it. Therefore, 302,532 CY's of materials excavated as cut's (excavation) in existing topography for runway, access road, taxiway, apron, etcetera, construction will be re-used as fill resulting in the total 918,515 CY's of fill needed

Project Component	FEIS 2018	ROD 2019	Units	Notes
Fill Needed for Construction	918,515*	615,983	CY	The 2018 FEIS included quantities for two runways and two taxiways as part of the document (Appendix D). The 2019 ROD includes quantities only for one runway and one taxiway, therefore reducing quantities. See the box above for specific CY quantities needed for cut and fill.
Vegetation Removal (tundra shrub veg)	not reported	23	Acres	The definition of a specific acreage footprint for the ROD Preferred Alternative is a result of this acreage not being specifically estimated in the 2018 FEIS. This area was calculated using 25% of entire impact areas since woody vegetation is not specifically mapped. The acreage defined includes the airport infrastructure, material site and haul road.
Temporary Use Area	22.2	3.7	Acres	The 2018 FEIS included an 8,500-foot haul road to Hill 460. The 2019 ROD haul road is 2,850 feet long; therefore, the impact is reduced.
Access Road Right-of-Way	39.7	20.5	Acres	The area was reduced due to the realignment of the airport and access road.
Width of Access Road ROW	350	300	Feet	The width of the access road was reduced because only 300 feet is needed for the electrical line extension and access road maintenance.
Length of Access Road	1.55	0.82	Mile	The 2018 FEIS access road extended further into the community. Since the 2018 FEIS was completed, ANTHC provided the community plat and the access road was designed to tie into the plat, which reduced the access road length.

Project Component	FEIS 2018	ROD 2019	Units	Notes
Number of Culverts	None.	1	EA	The 2018 FEIS did not take into consideration any culverts. The 2019 ROD shifted the runway to eliminate the need for a runway cross culvert; however, one culvert is needed along the access road. The access road traverses down a hill and ties into the community at the platted community road ROW. The road was designed to match into the community and the airport apron. In order to maintain road design standards and drainage, a culvert is provided to accommodate drainage crossing under the road.
Truck Trips	not reported	26,193	EA	The increase is a result of the number of truck trips not being reported in the 2018 FEIS.
Barge Trips	12	14	EA	The increase is a result of an additional two barges to transport fuel in order to support a second year of construction.
Construction Duration	2	2	Year	No change in construction duration.
Notes: *Each of these quantities was estimated according to the level of design completed at the 2018 FEIS stage but was not reported in the FEIS. Therefore, the quantities shown for each in the 2018 FEIS column was preliminary in relation to the current level of design. The estimates for each were of course updated post FEIS as the design advanced. The current level of design is a plans in hand stage or 75 percent design.				

5. ENVIRONMENTAL IMPACTS

(NOTE: The environmental impact categories listed below are titled as referred to in the EIS unless otherwise noted. Following the title of each environmental impact category included in the EIS is the title of FAA's equivalent impact category in parenthesis. FAA's impact categories' titles are clarified because this ROD is intended to inform the FAA decision maker and provide an FAA format for that decision maker to reach an informed and considered decision. Because Denali Commission was the Lead Federal agency for preparation of the EIS they re-named and or re-organized FAA's impact categories.

- Geology, Soils and Topography – FAA has no corresponding impact category.

The airport's temporary and permanent impacts to geology as analyzed in the FEIS included negligible impacts resulting from rock excavated within the airport boundary to construct the runway, taxiway, apron, access road and related constructed footprints and the rock and gravel extracted from the existing Hill 460 materials site for airport construction. The change in impacts for this impact category result from the identification of a materials site at Hill 377/395. Opening this materials site does not increase impacts to geology; it changes the location of the impacts of the pit but does not change the location of the cut and fill footprints related to airport construction. Specifically, no gravel and rock would be extracted from Hill 460 for airport construction and that same quantity would be extracted from Hill 377/395. The change in impacts to soils is similarly a change in location of impacts. No soil would be disturbed at Hill 460 related to airport construction. However, replacing that impact would be the soil removal overlying that portion of Hill 377/395 that must be excavated to allow access to underlying rock and gravel. Organic and mineral soils excavated to open Hill 377/395 would, in addition to excess overburden resulting from on-airport construction, be used to close the pit at the conclusion of airport construction. Topographically, the change in impacts between the FEIS Preferred Alternative and the modified ROD Preferred Alternative are negligible. While Hill 377/395 would be reduced in height via excavation, and surrounding areas are expected to be leveled via closure, the closure of this materials source involves disposal of excess overburden eliminating the planned disposal of that overburden via spreading (leveling topographically) over 35 acres of tundra. See FEIS Section 5.2 for more detailed information. The new borrow site is closer to the construction site resulting in a shorter haul road with less impacts to soil and topography.

- Hydrology, Hydraulics and Floodplains – (Water Resources)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.3 for more detailed information.

- Surface Water – (Water Resources)

Airport related surface water impacts of the FEIS Preferred Alternative were determined to be minimal including construction and post construction operational impacts. Because there are no surface waterbodies other than several seasonal ponds (streams or rivers) affected, surface water impacts would occur to in situ palustrine shrub-scrub wetlands. Specifically, fill would obliterate those wetlands and re-route precipitation and snow melt flows around the fills, making some remaining in situ wetlands wetter or drier depending on the resulting hydrologic regime. In contrast, the surface water impacts resulting from the nine-degree re-alignment is reduced compared to the FEIS Preferred Alternative. Specifically, the runway re-alignment reduces the extent of ditching and culvert placement required to preclude ponding of water on the “upstream” side of the runway. The FEIS runway design had not advanced sufficiently to determine the number of culverts required under the runway. However, the post FEIS design work determined that the FEIS alternative runway location would have ponded water on the upslope side of the runway and would have necessitated culverts and ditching resulting in greater impacts to surface water flows. With additional design work it is clear that the nine degree runway re-alignment reduces the degree to which the runway would be an obstruction to surface water flows primarily due to a greater extent of the runway being located on higher elevation ground. The movement of the taxiway and apron to a location immediately adjacent to their previously proposed locations does not result

in a change to surface water flows. Similarly, the re-alignment of the access road results in no change as it still crosses the local topography in the same direction. Opening the Hill 377/395 materials site would temporarily eliminate surface water flows in its footprint and potentially capture some surface flows that would have either flowed around the hill or transited the ground surface. Post construction reclamation of Hill 377/395 would restore surface water flows once the pit is re-filled. The topography post reclamation will be flatter after the hill is removed but the overall drainage pattern of the plateau the airport would be constructed on will be retained. An ancillary effect of opening the Hill 377/395 materials site is elimination of 2500 feet of roadway to reach the proposed Hill 460 materials site. Therefore, those temporary negative impacts (interruption of surface water flows and impacts to adjacent wetland hydrologic regimes) would be eliminated for the portion of the access road (approximately 60%) that would not be constructed under the ROD's Modified Preferred Alternative. Therefore, selection of the ROD Modified Preferred Alternative (the nine-degree realignment) would result in both a reduction of the temporary and permanent impacts to surface water flows on and off airport property downslope of the built infrastructure versus the FEIS Preferred Alternative. See FEIS Section 5.4 for more detailed information.

- Ground Water – (Water Resources)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.5 for more detailed information.

- Air Quality

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.6 for more detailed information.

- Climate and Climate Change – (Climate)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.7 for more detailed information.

- Habitat – FAA would typically address these impacts in the Biological Resources and Wetlands impact categories

Airport impacts to this resource category resulting from the FEIS Preferred Alternative were determined to be minor due to the moderate value of the wetland and upland habitats potentially impacted. The ROD's Modified Preferred Alternative would reduce impacts to palustrine shrub-scrub wetlands by 105.14 acres due to the realignment of the runway to a higher topographic position, a reduction in constructed footprints, elimination of 35 acres of over-burden disposal into tundra wetlands and post construction reclamation of the Hill 377/395 materials source. The restoration of the Hill 377/395 materials site is expected to result in the creation of approximately 63.23 acres of tundra wetland habitat. Creation in this case means restoration of impacted wetlands to a likely similar tundra wetland habitat and "creation" of wetlands within the restored (flat) footprint of the uplands and rock outcrop that constituted the non-tundra wetlands of what at the reclamation stage would be the former Hill 377/395. In addition, the selection of the modified ROD alternative would eliminate the fill impact (loss of) 35 acres of existing Palustrine Shrub Scrub habitat that would be impacted by the disposal via spreading of overburden over that habitat under the FEIS Preferred Alternative. See FEIS Sections 5.8, 5.11 and 5.12 for more detailed information.

- Endangered and Threatened Species – (Biological Resources)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.9 for more detailed information. Subsequent to the FEIS, FAA has concluded its own Section 7 consultations with both the USFWS and NMFS on March 29, 2018, and February 14, 2019, respectively. Both consultations concluded with “not likely to adversely affect” determinations for potentially affected species and designated critical habitats.

- Migratory Birds – (Biological Resources)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.10 for more detailed information.

- Essential Fish Habitat and Anadromous Streams – (Biological Resources)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.11 for more detailed information.

- Wetlands and Special Aquatic Sites – (Water Resources)

The FEIS Preferred Alternative estimated an impact to 203.49 acres of almost entirely various Palustrine Shrub-Scrub wetland habitats. Less than one percent of the remaining habitat was “other waters of the U.S.”; specifically shallow ponds resulting from seeps or areas of permafrost thaw.

Post FEIS the ADOT&PF opted to update the USACE wetland delineation completed for the proposed airport project. The outcome was a USACE September 25, 2018, Preliminary Jurisdictional Determination that reduced the jurisdictional acres of wetlands potentially impacted by the proposed project. Both the original Preferred Alternative and the Modified Preferred Alternative had reduced impacts identified by the new delineation. The Modified Preferred Alternative had less wetland impacts than the EIS Preferred Alternative even though there was wetland impacts associated with the new materials site. The reduction in wetland impacts occurs because of the project redesign, specifically the runway realignment to drier habitat that results in a smaller fill footprint, reduced fill footprints for the apron and access road, elimination of 2500 feet of the Hill 460 materials site access road, and elimination of fill into 35 acres of wetlands to dispose of excess overburden via disposal into the Hill 377/395 materials site. The ROD Modified Preferred Alternative impacts associated with the development of the Hill 377/395 materials site equals 63.23 acres via opening the pit. Therefore, the nine-degree ROD alternative realignment results in an 98.34-acre wetland impact, a reduction of 105.14 acres of Palustrine Shrub-Scrub wetland impact when compared to the FEIS Preferred Alternative. This total does not include the post-construction wetland reclamation of the Hill 377/395 materials site which would further reduce impacts. While there are variations in the types of Palustrine Shrub-Scrub habitat potentially affected by both alternatives, the ROD’s Modified Preferred Alternative represents a substantial reduction in overall wetland impacts. An additional reduction in wetland habitat (acreage) resulting from the proposed ROD Preferred Alternative was achieved via ADOT&PF’s “Plans-in-Hand” engineering update process. The result of the updated engineering was a further reduction in infrastructure footprints reducing impacted wetlands acreage to 98.35 acres (88 PSS1A, 9.74 PSS1B, and 0.60 PUBH). Each of these acreages as well as previously discussed

acreages include a 10 percent buffer to assure impacts are sufficiently characterized. Therefore, it is possible impacted wetland acreage may be less than 98.35 acres. See ROD Figure 5 and ROD Table 2. See FEIS section 5.12 for more detailed information. To assure the reduction in impacts to wetlands occurs this ROD requires the reclamation of the Hill 377/395 materials site to a condition that matches surrounding topography, does not pond water, and is covered by not less than 12 inches of top soils and organics removed from the surfaces impacted by airport infrastructure construction. See Section 7 below.

Table 2 Mertarvik Airport 9-degree Realignment Revised Wetland Impacts

Mertarvik Post Plans In Hand Wetland
Quantities Table 4/16/2019

Airport Component	Scrub Shrub Wetlands				Ponds	
	PSS1A	PSS1A	PSS1B	PSS1B	PUBH	PUBH
	SF*	Acres	SF*	Acres	SF*	Acres
Runway	474322	10.89	285818	6.56	8313	0.19
Taxiway	43468	1.00		0.00		0.00
Apron	223034	5.12		0.00		0.00
Segmented Circle	26849	0.62		0.00		0.00
Access Road	44750	1.03	120901	2.78		0.00
Haul Road	200413	4.60		0.00	2066	0.05
Material Site	2754396	63.23		0.00	15662	0.36
Awos Pad	45009	1.03		0.00		0.00
Ditch 1	21219	0.49		0.00		0.00
Supplemental Wind Cone		0.00	17678	0.41		0.00
Subtotals	3833460	88.00	424397	9.74	26041	0.60
Total (AC)	98.34					

Note: Areas include a 10' buffer

*Includes 10% contingency

- Protected Lands - (Land Use, Farmlands)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.13 and 5.23.7 for more detailed information.

- Cultural History and Cultural Resources – (Historical, Architectural, Archeological, and Cultural Resources)

The overall project, including the airport, was determined to have No Adverse Effect to known historic properties including cultural resources. To verify and further analyze the results of several prior cultural resources evaluations in the Mertarvik area including the airport, the FAA and the ADOT&PF had an additional archaeological survey conducted for the proposed airport boundary including the access road. The additional survey resulted in a formal concurrence on December 28, 2018, from the Alaska State Historic Preservation Officer (SHPO) on a finding of No Adverse Effect for the proposed airport project and all its components. The survey encompassed the footprint of this ROD's Modified Preferred Alternative as well as the FEIS Preferred Alternative. Therefore, under the ROD Modified Preferred Alternative the FAA expects no potential effect to known or unknown historic properties, including cultural resources, equivalent to the FEIS Preferred Alternative. The same protections and requirements apply under either alternative should unknown resources be found during construction. See FEIS Section 5.14 for more detailed information.

- Community and Culture - FAA has no corresponding impact category

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.15 for more detailed information.

- Socioeconomics – (Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Issues)

Socioeconomic impacts of the FEIS Preferred Alternative were determined to be minor. Selection of the ROD Modified Preferred Alternative would reduce economic impacts via a reduction in construction costs of the airport by an estimated 2.7 million dollars. This is due to less gravel required for fill and the fact that all other fill proposed under the FEIS alternative is obtained from the Hill 460 materials site. The community proposes the Hill 460 site is available for other projects in the community reducing the potential for the community to have to barge fill materials in at a much higher cost. The latter benefit is speculative at this time because FAA does not know the total quantity of fill materials available from Hill 460 and the total quantity needed for Mertarvik infrastructure in the long term. FAA has only considered the reduction in construction costs in determining that the FAA's ROD Modified Preferred Alternative has less socioeconomic impact than the FEIS Preferred Alternative. See FEIS Section 5.16 for more detailed information.

- Subsistence Resources and Practices - FAA has no corresponding impact category

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.17 for more detailed information.

- Land Use and Compatibility – (Land Use)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.18 for more detailed information.

- Public Health and Safety - FAA has no corresponding impact category

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.19 for more detailed information.

- Public Service and Utilities - FAA has no corresponding impact category

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.20 for more detailed information.

- Noise – Noise and Noise Compatible Land Use

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.21 for more detailed information.

Visual Environment – (Visual Effects)

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.22 for more detailed information.

- Relationship between the Short-Term Use of the Environment and the Maintenance and Enhancement of Long-Term Productivity - FAA has no corresponding impact category.

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.1 for more detailed information.

- Cumulative Effects – (Cumulative Impacts)

Airport cumulative impacts are negligible. As noted in the FEIS, the airports would each operate essentially identically with the same types and levels of impacts. For a short, but un-determined period of time, both airports would be in operation until the majority of the Newtok population has relocated to Mertarvik. The nine-degree re-alignment and minor infrastructure relocation at the Mertarvik Airport that generated a modified ROD Preferred Alternative versus the FEIS Preferred Alternative results in no change to cumulative impacts.

The following are not impact categories but are a combination of a law (4f), E.O.'s (EJ and Children's Health) and other types of impacts typically analyzed in NEPA analyses if applicable:

- Irreversible and Irretrievable Commitment of Resources

Airport impacts to the Irreversible and Irretrievable Commitment of resources are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.2 for more detailed information.

- **Connected Actions** – The FAA cannot list all potential Connected Actions as described in its orders (1050.1 F and 5050.4 B) as they are project and site specific if they exist. Therefore, they have to be determined based on an analysis of the proposed action (project). For this proposed action the FAA determined that the following two connected actions would occur and therefore are included in the impact analysis. Subsequent to the completion of the Mertarvik Airport the FAA would be required to remove the Newtok Airport from the NPIAS. The effects of “removal of Newtok from the NPIAS would be negligible because it would be immediately replaced by Mertarvik because the Mertarvik Airport will be constructed before the Newtok Airport closes. The State of Alaska would therefore close the Newtok Airport after Mertarvik takes over service. Again, because the Mertarvik Airport would be operational at that time the potential impacts would be negligible. There is no measurable difference in impacts for these connected actions between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.4 for more detailed information.
- **Environmental Justice - (Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Issues)**
Airport impacts to Environmental Justice are negligible. There is no measurable difference in impacts between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.5 for more detailed information.
- **Children’s Environmental Health and Safety - (Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Issues)**
Airport impacts to Children’s Environmental Health and Safety are negligible. There is no measurable difference in impacts between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.6 for more detailed information.
- **U.S. DOT Act of 1966 (49 U.S.C. §303) – Section 4(f) Analysis**
Airport impacts to 4(f) resources are negligible as defined in the FEIS. There is no measurable difference in impacts to 4(f) resources between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.7 for more detailed information.
- **Incomplete and Unavailable Information**
Analysis of the FEIS Preferred Alternative and subsequent analysis of the Modified ROD Preferred Alternative has revealed no incomplete or unavailable information as defined in 40 Code of Federal Regulations (CFR) 1502.22 and related Council of Environmental Quality (CEQ) Guidelines.
- **Unresolved Issues**
Airport impacts potentially related to Unresolved Issues are negligible. There is no measurable difference in impacts for potentially resulting from Unresolved Issues between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Section 5.23.9 for more detailed information.

Mitigation – Mitigation is a component of all NEPA analyses as a way to reduce potential negative impacts. Airport impacts have been mitigated to the degree the FAA is currently capable of mitigating them at this stage of the project. As previously noted in this document, additional work to mitigate impacts through the incorporation of various avoidance and mitigation measures as well as direct mitigation has substantially reduced wetland impacts. Other impacts such as the effects of excavation and fill for example, have also been reduced in

relation to impacts to other resource categories other than wetlands. Therefore, the Modified Preferred Alternative versus the FEIS Preferred Alternative substantially reduces negative impacts to some resource categories of the proposed action (project). See FEIS Section 5.23.10 for more detailed information. As the project goes forward if the FAA becomes aware of additional needed, functional and appropriate mitigation the FAA will require it unless some other means is available and appropriate to off-set impacts.

The following are FAA impact categories that the Denali Commission included in the relevant analyses of impact categories with titles other than those used by the FAA:

- Hazardous Materials, Solid Waste and Pollution Prevention

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Sections 3.2.3, 4.6.1 and 5.9.2 for more detailed information.

- Natural Resources and Energy Supply

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Sections 5.2 and 5.23.2 for more detailed information.

- Coastal Resources

Airport impacts to this resource category are negligible. There is no measurable difference in impacts for this impact category between the Preferred Alternative analyzed in the FEIS versus the Modified Preferred Alternative in this ROD. See FEIS Sections 5.7.2 and 5.8.1.1 for more detailed information.

6. MITIGATION AND MONITORING ACTIONS REQUIRED

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

6.1. Mitigation Measures Incorporated into the Alternatives

6.1.1. Measures to Avoid Environmental Effects

The FAA has attempted to avoid environmental effects in two ways. Avoidance was considered as ADOT&PF and the FAA developed and refined alternatives in the airport site analyses processes prior to the EIS and in development of the proposed action.

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

- Avoid vegetation clearing and fill placement to preclude nest destruction between May 5 through July 25 or complete nest surveys to preclude negative impacts to migratory birds.
- Use of on-site materials sites to preclude the impacts of excavation and transportation of fill materials from off-site sources.
- Avoid transits in endangered Right Whale habitat under circumstances defined in the NMFS Section 7 consultation.
- Avoid wetland impacts by rotating the runway nine degrees to drier and higher elevation habitat.

6.1.2. Measures to Reduce or Minimize Environmental Effects

During the airport planning and preliminary design process, ADOT&PF and the FAA developed many measures to either reduce or minimize project effects. Measures derived from subsequent consultations for specific environmental laws were utilized in the analysis where applicable. Key measures incorporated into the analysis of project effects are as follows:

- Where fill will be necessary for the airport and access road, the fill footprint will be minimized to the extent practicable. Fill slopes will be constructed for stability based on material type to meet FAA and DOT&PF slope standards.
- If determined necessary by the FAA, conduct a wildlife hazard assessment and, if required by the findings of the wildlife hazard assessment, implement an airport wildlife hazard management plan (WHMP) to minimize bird and wildlife hazards to airplanes. The WHMP will describe operations involving the harassment or otherwise taking of animals. The DOT&PF will obtain permits from the Alaska Department of Fish and Game and the U.S. Fish and Wildlife Service referred to as Public Safety and Depredation permits, respectively. WHMPs such as these will reduce the potential for wildlife hazards to airplanes. These plans also include hazing efforts that will discourage wildlife from being in the vicinity of the airport and therefore avoid strike potential. The WHMP will be subject to NEPA review by the FAA.
- Use pilot-activated runway lights: The use of runway lights (Precision Approach Path Indicator (PAPI) and Runway Edge Identifier Light (REIL) that are on only when needed would minimize fuel needs and fuel consumption for airport operation.
- Maintain natural vegetation wherever possible without impairing sight distances: Keeping natural vegetation near the road and runway as much as possible will enhance natural filtration of pollutants contained in runoff.

- Where feasible, steeper-than-average side slopes will be used to minimize impacts. Where fill will be necessary for the airport and access road, use of steeper-than-average side slopes will reduce the total area of direct effect from fill. In all cases, the FAA and DOT&PF slope standards will be met.
- The DOT&PF will develop an erosion and sediment control plan as a foundation for the development of the construction contractors' storm water pollution prevention plan (SWPPP) to comply with the Alaska Pollutant Discharge Elimination System (APDES) Construction General Permit.
- The DOT&PF will revegetate, rehabilitate, or restore temporary work sites within one season when these areas are no longer necessary for construction or long-term maintenance.
- Should unidentified cultural resources be discovered during the project, the DOT&PF will interrupt all work until the resources have been evaluated in terms of the National register of Historic Places eligibility criteria (36 CFR §60.4) in consultation with the Alaska State Historic Preservation Office and the FAA.
- FAA Hill 377/395 Materials Site Reclamation Condition- To assure the FAA is in compliance with E.O. 11990 the airport sponsor shall backfill the Hill 377/395 materials site during or after airport construction to match the elevations of wetlands surrounding it. The backfill shall be "capped" with not less than 6 inches of topsoil and organics removed from other construction footprints. Substantially greater depths of topsoil and organic fills are acceptable so long as decomposition of those organics would not result in ponding. Once post construction reclamation work is complete, the Hill 377/395 Materials Site shall not retain surface water in a manner that allows formation of one or more ponds in any year between May 1 and September 30 that might attract wildlife hazards to the airport. Surface water bodies that form between May 1 and September 30 in any year shall not be considered to be ponds if adjacent undisturbed wetlands demonstrate the same surface water accumulation for the same time frames. If ponding does occur between May 1 and September 30 in any year the airport sponsor shall notify FAA Alaskan Region, Airports Division, Environmental Program Manager within 2 weeks. The FAA will coordinate with the airport sponsor regarding how additional fill shall be placed to preclude ponding and yet allow the development of tundra wetlands. To prevent the degradation of surrounding un-disturbed tundra wetlands no form of drainage shall be installed to address ponding issues. Only native top soil and organic fills shall be utilized to address any ponding issue that may occur
- The FAA completed Section 7 Endangered Species Act consultation with the National Marine Fisheries Service regarding measures to protect marine mammals potentially impacted by "but-for" shipping required for project construction. The sponsor will implement those measures or ensure their implementation as follows:

1. The ADOT&PF will minimize risk of spilling hazardous substances. This will include: avoiding operation of watercraft in fall and winter in the presence of sea ice to the extent practicable, using double-hull tanks for fuel transport to reduce tank rupture risk, and using fully-operational vessel navigation systems composed of radar, chartplotter, sonar, marine communication systems, and satellite navigation receivers, as well as Automatic Identification System (AIS) for vessel tracking. All project barges operating in Cook Inlet will maintain a distance of 1.5 miles from the mean lower low water (MLLW) line of the Susitna Delta (MLLW line between the Little Susitna River and Beluga River) (Figure 0).

2. Vessels will either: a) avoid transiting through designated North Pacific right whale critical habitat (73 FR 19000) (Figure 3); or b) implement mitigation measures 2a-2e while traveling within North Pacific right whale critical habitat.

a. Operators will maintain a ship log indicating the time and geographic coordinates at which vessels enter and exit North Pacific right whale critical habitat.

b. travel at speeds of 10 knots (kn; 18.52 kilometers per hr [km/h]) or less while traveling within the boundaries of designated North Pacific right whale critical habitat.

c. A minimum of two Protected Species Observers (PSOs) or trained crewmembers will alternate shifts during travel through North Pacific right whale critical habitat. PSOs or trained crewmembers will maintain a constant watch for all marine mammals from the bridge or other similar vantage points. At least one dedicated observer will vigilantly scan for whales at all times. Scanning will involve the use of 10-power binoculars or greater.

d. PSO's or trained crew members will maintain direct contact with the vessel pilot, advising the pilot/operator of the position of all observed marine mammals as soon as they are observed.

3. The vessel operator will not purposely approach within three nautical miles (nm; 5.5 km) of major Steller sea lion rookeries or haul-outs where vessel safety requirements allow and/or where practicable. Vessels will remain 3 nm (5.5 km) from all Steller sea lion rookery sites listed in paragraph 50 CFR 224.103 (d)(1)(iii) (Table 1).

4. The following actions will be taken in response to marine mammal sightings:

a. If a North Pacific right whale is observed at a distance greater than 800 m (874 yards [yd]) from the vessel's intended course line, or other marine mammal is observed within 91 m (100 yd) of the vessel's intended course line, monitoring of the marine mammal(s) location will continue, and for whales, the direction of the vessel will be altered to maintain these minimum distances from the observed whale (s). Course alterations made to avoid cetacean disturbance will be made in a manner that avoids sudden changes in revolutions per minute (RPM) and cutting in front of their direction of travel.

b. If a North Pacific right whale is observed within 800 m (874 yd) of the vessel's intended course line, or other whale species is observed within 274 m (300 yd) of the vessel's intended course line, vessel speeds will be reduced to no greater than 5 kn, sea conditions permitting, to minimize the risk of injurious collision. While avoiding collisions with marine mammals may necessitate sudden changes in vessel RPM and heading, course alterations made to avoid marine mammal disturbance will be made in a manner that avoids sudden changes in RPM and cutting in front of their direction of travel. Vessel speed may resume to normal

operating speed when North Pacific right whales are greater than 800 m (874 yd) and other whale species are greater than 274 m (300 yd) from the vessel and its intended course.

c. The vessel operator will avoid: i) direct approach of whales; ii) separating members of any group of whales from other members of that group; iii) causing a whale of any species to make multiple changes in direction.

d. If the vessel is taken out of gear, vessel crew will ensure that no whales are within 50 m of the vessel when propellers are re-engaged, thus minimizing risk of marine mammal injury.

5. Marine Mammal Monitor Requirements & Training:

a. Marine mammal monitors (MMOs) will either be PSOs or crewmembers who have received standard PSO training from experienced trainers. MMOs must be able to accurately identify and distinguish between species of cetaceans under field conditions.

b. MMOs will work in shifts lasting no longer than 4 hours with at least a 1-hour break from marine mammal monitoring duties between shifts. MMOs will not perform MMO duties for more than 12 hours in a 24-hour period (to reduce fatigue).

c. While functioning as an MMO, that individual will have no other duty, which could distract them from keeping careful watch for marine mammals near the vessel and along its intended course. At least one MMO will be actively engaged in scanning the surrounding waters at all times while transiting through North Pacific right whale critical habitat.

d. Prior to each transportation season, MMOs will attend a 1-day PSO training course (taught by an experienced trainer following a course syllabus approved by NMFS). Training may be delivered by video using the same syllabus. This course will: a) provide ecological information on Bering Sea marine mammals and specifics on the ecology and management concerns of North Pacific right whales; b) teach proper equipment use and methodologies in marine mammal observation and recording; and c) provide clarification of obligations including log keeping and seasonal reporting.

6. Data Collection and Reporting:

a. MMOs will record all marine mammals observed within North Pacific right whale critical habitat (Figure 1) using NMFS-approved observation forms. Sightings of North Pacific right whales will be transmitted to NMFS (see mitigation measure 12) within 24 hours. These sighting reports will include the following information:

a. Date, time, and geographic coordinates of the sighting(s).

b. Species observed, number of animals observed per sighting event; and number of adults/juveniles/calves per sighting event (if determinable).

c. Because sightings of North Pacific right whales are uncommon, and photographs that allow for identification of individual whales from markings are extremely valuable, photographs will be taken if feasible, but in a way that does not involve disturbing the animal (e.g., if vessel speed and course changes are not otherwise warranted, they will not take place for the purpose of positioning a photographer to take better photos. Any photographs taken of North Pacific right whales will be submitted to NMFS (see mitigation measure 12).

7. The applicant will designate an individual who is familiar with NMFS reporting procedures to collect, organize, and report on vessel travel within North Pacific right whale critical habitat and marine mammal observations that occur within that critical habitat. These reports will be submitted to NMFS by the end of each calendar year. The end-of-year report will outline the following information:

a. Ship logs (time and location for when a vessel entered and exited North Pacific right whale critical habitat).

b. Species, date, and time for each sighting event.

c. Number of animals per sighting event; and number of adults/juveniles/calves per sighting event (if determinable).

d. Geographic coordinates for the observed animals, with the position recorded by using the most precise coordinates practicable (coordinates must be recorded in decimal degrees, or similar standard (and defined) coordinate system).

e. Environmental conditions as they existed during each sighting event, including sea conditions, weather conditions, visibility (km/mi), lighting conditions, and percent ice cover.

f. Any photographs taken.

8. NMFS Contact Info: Reports, observation forms, ship logs, and North Pacific right whale sightings will be transmitted to: National Marine Fisheries Service, Protected Resources Division at greg.balogh@noaa.gov, verena.gill@noaa.gov, and alicia.bishop@noaa.gov (individual North Pacific Right Whale sightings may also be called in to (907) 271-3023) or 907-271-1937. In the event that this contact information becomes obsolete, call 907-271-5006 for updated contact information.

If Take Occurs

Though take is not authorized, if a listed marine mammal is struck by a vessel, it must be reported to NMFS within 24 hrs. The following will be included when reporting take of a listed species:

- a. All the information that would otherwise be listed in the PSO report.*
- b. Number of listed animals taken.*
- c. The date, time, and location of the take.*
- d. The cause of the take (e.g., vessel strike).*
- e. The time the animal(s) was first observed and last seen.*
- f. Mitigation measures implemented prior to and after the animal was taken.*
- g. Contact information for MMO on duty at the time of the collision, ship's Pilot at the time of the collision, or ship's Captain.*

6.1.3. Best Management Practices during Construction and Operations

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

- Conduct all on-site construction activities in accordance with FAA *Advisory Circular 150/5370-10F, Standards for Specifying Construction of Airports* (FAA 2011a).
- Follow FAA policies for complying with pollution control statutes and other best management practices during ongoing operations, including policies for fueling and cleaning airplanes and airport vehicles, and develop and follow a hazardous waste management plan.
- The DOT&PF will develop an erosion and sediment control plan as a foundation for the development of the construction contractors' SWPPP to comply with the APDES Construction General Permit. Best management practices described in the Alaska Storm Water Guide (ADEC 2011b) will be used for construction to best comply with the Construction General Permit.

- Use the minimum light intensities practicable during construction.
- Apply shielding to lights needed for construction so that light is directed downward and onto the work area where practicable.
- The potential BMPs to protect surface water discussed in Section 5.4.2 of the FEIS would also serve to avoid and minimize indirect impacts to wetlands.

6.1.4. Wetland Compensatory Mitigation

Compensatory mitigation is considered typically only for wetland impacts and/or impacts to “other water of the U.S.” that fall within the USACE’s Regulatory programs authority under the Clean Water Act. Compensatory mitigation for any other type of impact, if appropriate, would require its own specific justification. As no airport related impacts to resources other than wetlands is significantly negative nor requires compensatory mitigation only potential wetland compensatory mitigation will be discussed in this section.

Initially, the FAA chose the FEIS Preferred Alternative because it would have had the least environmental impact of all the practicable alternatives. The ROD Modified Preferred Alternative further minimizes wetland impacts, therefore, further limiting the potential need for compensatory mitigation.

The FAA and ADOT&PF have coordinated with the U.S. Army Corps of Engineers (USACE) in the development and evaluation process of both the airport component of the EIS and this ROD regarding potential impacts to wetlands and means to avoid, minimize and mitigate unavoidable impacts. The USACE Regulatory Division has determined that it will evaluate impacts to wetlands and the appropriate level of mitigation including compensatory mitigation when it receives permit applications for specific construction actions at Mertarvik, Alaska. Therefore, the Denali Commission did not attempt to propose within the EIS wetland mitigation activities for the infrastructure development project as a whole nor has the FAA attempted to do so for the airport component. Compensatory mitigation proposals made at this time beyond the reclamation of Hill 377/395 by the FAA and/or ADOT&PF would be speculative and if made at this time by USACE would be pre-decisional to the Regulatory Division’s permit evaluation, NEPA and Clean Water Act 404(b)(1) process’.

The FAA and the ADOT&PF met with USACE Alaska District Regulatory staff to determine if the USACE could define at this time what if any further wetland mitigation might be required of the ADOT&PF for the potential airport projects impacts to wetlands. The USACE stated that they are not able to make that determination unless and until they have a complete CWA Section 404 application in hand and have completed their related NEPA and other public processes related to it and have completed their effects analyses of the proposed project.

7. PUBLIC PARTICIPATION

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

- Notices in the *Federal Register*:
 - The Denali Commission (the lead federal agency) published a notice of intent to prepare an EIS in the *Federal Register* on March 3, 2017. This notice announced the proposed project and provided details on how to submit comments on the proposed project.
 - The Denali Commission published a notice of availability for the DEIS and details about the public comment period in the *Federal Register* on December 21, 2017.
 - The Denali Commission published a notice of availability in the *Federal Register* for the FEIS on March 1, 2018.
- Formal Agency Kick-off Meeting:

On February 7, 2017, the Denali Commission hosted a formal EIS kick-off meeting for Federal, state, local and Native stakeholders to initiate the EIS process and define each entities role.
- Formal public and agency scoping meetings:
 - In February 2017, the scoping period and scoping meetings were announced in newspapers and on the Denali Commissions website. Hardcopy announcements were mailed, and electronic copies were emailed to those on the project mailing list.
 - The formal scoping period ran from February 7, 2017 to February 13, 2018. During this period, scoping meetings were held in Anchorage and Newtok.
 - Comments received during the scoping period, including at the meetings, were used to clarify preliminary issues, determine the appropriate scope of environmental analysis, and gather new input on alternatives development.
- Formal DEIS comment period:
 - The DEIS was released on December 21, 2017.
 - The release of the DEIS began a 45-day public comment period. This period ran from December 21, 2017 through February 13, 2018.
 - During the comment period, public meetings were held in Anchorage and Newtok, Alaska.
 - The comment period and public meetings were announced in newspapers and through other forms of advertising. Hardcopy announcements were mailed, and electronic copies were emailed to those on the project mailing list.
 - Comments were received during the public meetings, via email, and via U.S. Postal Service mail.

- The FAA reviewed and responded to all comments received on the DEIS that were relevant to the FAA's role and authorities. The Denali Commission addressed as appropriate all other comments. These comments and responses are included in Appendix E of the FEIS, *Comments and Responses on Draft EIS*.
- 45-Day Public Comment Period Prior to FAA ROD Completion:
The FAA issued a public notice on July 10, 2019, to offer a 45-day comment period to disclose minor changes in the proposed action/Preferred Alternative as well as Section 106 disclosure. The FAA responded to all comments as noted in the ROD and incorporated as appropriate information received. See Appendix C of this ROD for the comments received and the relevant responses.

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

- Routine updates to the project website maintained by the Denali Commission and routine updates to the Newtok Working Group and the Alaska Native Tribal Health Consortium (ANTHC).

8. TRIBAL CONSULTATION

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments requires the FAA to establish regular and meaningful consultation and collaboration with tribal officials. Copies of relevant tribal consultation documents can be found in FAA's Administrative Record for the EIS.

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

- Native Village of Newtok
- Newtok Native Corporation
- Calista Corporation

Consultation between the FAA and the Native Village of Newtok began prior to the February 2017 initiation of the EIS with meetings in Anchorage and Newtok regarding the airport project:

- Neither the Native Village nor the corporations had any objections to the proposed airport project. Their comments supported completion at the earliest possible date.

9. AGENCY ACTIONS AND APPROVALS

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

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

Primary permits and approvals required from other federal and state agencies required to implement the Project include a Clean Water Act Section 404 Individual Permit from the USACE, an Alaska Pollution Discharge Elimination System (APDES) permit and a Fish Habitat Permit from the Alaska Department of Fish and Game.

10. AGENCY FINDINGS AND DETERMINATIONS

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

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

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

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

The determination prescribed by this statutory provision is a precondition to agency approval by the FAA of airport project grant funding applications. To make this determination, the FAA considered local land use and development plans (the current CLP) and requested confirmation from local authorities concerning consistency determinations. As noted in the FEIS and modified in this ROD, the currently proposed airport alternative is a component of the

Community Layout Plan for Mertarvik and is therefore wholly consistent with current development plans. Based on this information, the FAA has determined the selected alternative is reasonably consistent with existing plans of public agencies responsible for development in the area.

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

The determination prescribed by this statutory provision is a precondition to agency approval of airport development project grant funding applications. The FAA's public outreach practices throughout the project engaged adjacent communities including Tununak, Toksook Bay, Nightmute, Tuntutuliak, Kasiguluk, Chevak and Bethel.

Section 7 and 8 of this ROD summarizes the public outreach practices including Federal Register Notices, public and inter-agency meetings, comment periods and the locations where documents related to the project can be found. Section 8 summarizes the tribal consultation efforts related to the various phases of the project and its related processes. More information on the Denali Commission and FAA's public involvement activities is provided in Section 3 of the FEIS. Appendix A to this ROD contains the agency concurrence letters received. Appendix C contains the comments received and responses to FAA's selection of the ROD Modified Preferred Alternative.

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

The determination prescribed by this statutory provision is a precondition to agency approval of airport development project grant funding applications. The 10,943-acre Mertarvik land base established by the U.S. Congress for the relocation of Newtok is wholly owned by the Native Corporation. There is no State or Federal entity that zones lands in this region. The community proposed CLP is the only plan for the community and is the closest thing to "zoning" that exists. Therefore, as the current CLP (including the currently proposed airport layout) is the Native government's designed plan for the layout and infrastructure composition of the community it is the equivalent of their zoning plan for their community. The FAA has therefore determined that it is compliant with "zoning" requirements referenced in 49 USC 47107(a)(10).

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

The determination prescribed by this statutory provision is a precondition to agency approval for grant funding applications for airport development projects involving the location of an airport or runway or a major runway extension. The sponsor provided public hearings on July 9 and July 11, 2019.

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

The determination prescribed by this statutory provision is a precondition to agency approval for grant funding applications for airport development projects involving the location of an airport or runway or a major runway extension. The ADOT&PF provided certification that the Newtok community was notified of their right to petition the DOT Secretary on July 23, 2019.

10.2. Compliance with Laws, Regulations, and Executive Orders

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

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

Section 7(a) (2) of the Endangered Species Act ensures that actions authorized, funded, or carried out by federal agencies will not jeopardize the continued existence of any endangered or threatened species or adversely modify their critical habitat. Through completion of Section 7 ESA consultations with both the USFWS March 29, 2018, and the NMFS February 14, 2019, the FAA has determined (with both agencies concurrence as noted in Section 5 above) that the project may affect, but is not likely to adversely affect the following listed species and designated critical habitats:

USFWS

-short-tailed albatross, spectacled eider, Steller's eider, northern sea otter, Spectacled eider and sea otter critical habitat;

NMFS

-North Pacific right whales, humpback whales, sperm whales, fin whales, blue whales, grey whales, Cook Inlet beluga whales, ringed seals, bearded seals, sea lions; and North Pacific right whale, Cook Inlet beluga whales and Steller sea lion critical habitat.

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

The Migratory Bird Treaty Act of 1918 prohibits the take of all migratory birds and bird parts (including eggs, nests, and feathers). The FEIS documents the FAA’s consideration of the potential for impacts to migratory birds and, in particular, birds of special (protected) status and conservation concern. No significant adverse impacts to migratory birds will result from implementing the selected alternative. The FAA also developed and documented avoidance and minimization measures to be incorporated into the Project to reduce possible impacts or “take” to protected migratory bird populations in the region around the Project.

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

This law provides for the protection of the bald eagle and the golden eagle by prohibiting, except under certain specified conditions, the taking, possession, and commerce of the birds or any of their parts, eggs, and nests. Via the USFWS IPAC mapper, the FAA reconfirmed March 7, 2019, that neither Bald nor Golden Eagles are expected to occur at Mertarvik, Alaska.

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

The Marine Mammal Protection Act prohibits, with certain exceptions, the “taking” of marine mammals and the importation of marine mammals and marine mammal products into the United States. The FAA has determined there will be no significant adverse effects to marine mammals requiring an Incidental Harassment Authorization (IHA) from the selected alternative. As noted in the FEIS and this ROD, the FAA also determined that potential disturbance to marine mammals from project related marine trans-shipments would not result in any type of “take” as defined in the MMPA and would if they occur, in fact be both temporary and negligible effects. The DOT&PF and its contractors will be required to comply with requirements of the Marine Mammal Protection Act during marine shipping, construction and/or any activity that could potentially affect marine mammals.

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

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

minimize harm resulting from the use. Because Congress authorized the transfer of 10,943 acres of USFWS Yukon-Delta National Wildlife Refuge land to the Native Corporation in trade for Native Corporation land in the overall area, the Mertarvik town site is not a 4(f) property. The FAA administration with the DOI USFWS concurrence determined that neither a physical or constructive use would occur to adjacent refuge lands, which are 4f properties.

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

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

In accordance with both the executive order and Department of Transportation order, the FAA provided opportunities for meaningful public involvement by minority and low-income populations (see Section 7 of this ROD). In addition, the FAA analyzed potential impacts to minority and low-income populations (see Section 5.23.5 of the FEIS).

The proposed replacement airport would provide a critical continuation of airborne transportation availability and reliability. The FAA has determined that there will be no disproportionate adverse effects to low-income or minority residents as a result of the proposed project.

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

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

10.2.8. Executive Order 11990, Protection of Wetlands

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

The FAA's Modified Preferred alternative was determined in part because it will have the least environmental impact of all the practicable alternatives. The avoidance and minimization measures identified above in Section 6 of this ROD are the result of careful consideration by project planners and design staff, and they represent input from numerous state and federal agencies with resource management responsibilities. Even with these measures, however, the Modified Preferred Alternative will still have adverse impacts to 98.35 acres of wetlands. The no action alternative would not affect wetlands, but it is not practicable because it does not meet the purpose and need. The FAA finds that there is no practicable alternative to the Project's construction in or around wetlands due to their nearly contiguous nature within the 10,943-acre Mertarvik town site and airport siting requirements. The Project's mitigation efforts includes all practicable measures identified to date to minimize harm to wetlands that may result from this direct effect. Those various mitigative efforts include a requirement as defined in Section 7.1.1 above that the airport sponsor reclaim the former Hill 377/395 topography after airport construction to match the elevations of surrounding wetlands and that the former Hill 377/395 Materials Site shall not retain surface water in a manner that allows formation of one or more ponds that might attract wildlife hazards to the airport. This Project complies with Executive Order 11990 and Department of Transportation Order 5660.1A.

10.2.9. Executive Order 11988, Floodplain Management

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

10.2.10. Coastal Zone Management Act (16 USC 1451)

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

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

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

The FAA submitted the findings of no adverse effects for the selected alternative, and received concurrence of that finding from the Alaska State Historic Preservation Officer on December 28, 2018.

11. DECISION AND ORDER

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

Given that the differences between the Preferred Alternative analyzed in the FEIS and the currently proposed nine-degree re-alignment in the ROD (Modified Preferred Alternative) are minor, and do not create significant impacts, the FAA has selected the ROD Modified Preferred Alternative for the Mertarvik replacement airport.

Decision

For the reasons summarized in this ROD, which are supported by disclosures and analysis presented in detail in the FEIS, the FAA has determined that the Modified Preferred Alternative is reasonable, feasible, and prudent.

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

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

1. Determinations under 49 USC 47106 and 47107 pertaining to funding by the FAA of airport development, including un-conditional approval of the Airport Layout Plan in accordance with 49 USC 47107(a)(16) for the selected alternative. This would include the initial buildout with the following components:
 - **Runway:** Gravel surfaced; 4,000 feet long and 75 feet wide
 - **Runway Safety Areas:** 150 feet wide, 4,600 feet long centered on runway centerline
 - **Runway Object Free Area:** 500 feet wide, 4,600 feet long centered on runway centerline
 - **Runway Protection Zone:** 1,000 feet x 1,510 feet x 1,700 feet, located at each end of the runway
 - **Taxiway A:** Gravel surfaced, 380 feet long x 50 feet wide
 - **Aircraft Apron:** Gravel surfaced, 350 feet x 400 feet
 - **Navigational Aids:** Lighted wind cone and segmented circle
 - **Visual Approach Aid:** Precision approach path indicator, Runway Edge Identifier Lights
 - **Runway Lights:** Medium-intensity runway lights
 - **Snow Removal Equipment Buildings:** Two, dimensions to be determined
 - **Support facilities:** Communications to be determined
 - **Access road:** Two lane gravel
 - **Overhead utility lines:** Power lines located within the access road corridor
 - **Automated Weather Observing System (AWOS):** Automated weather reporting station and access road

- **Fill Material Haul Route:** Would cross airport property from the hill 377/395 materials site to the primary runway along the potential future crosswind runway alignment.

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

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

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

Approved and Ordered



Signature



Date

Kerry B. Long
Regional Administrator, Alaskan Region

Right of Appeal

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

Appendix A.

Agency Concurrence Letters

National Historic Preservation Act of 1966 (16 USC 470)

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THE STATE
of ALASKA

GOVERNOR MICHAEL J. DUNLEAVY

Department of Natural Resources

DIVISION OF PARKS & OUTDOOR RECREATION
Office of History & Archaeology

550 West 7th Avenue, Suite 1310
Anchorage, AK 99501-3561
907 269 8700
<http://alaska.gov/dnr/parks/ohs>

SENT BY E-MAIL
DATE 12/33/18

December 28, 2018

File No.: 3130-1R FAA/ 2017-01299

Subject: Newtok Airport Relocation, CFAPT00310/25192007

Keith Gordon
Federal Aviation Administration
222 West 7th Ave, Mail Stop #14
Anchorage, AK 99513-7537

Dear Mr. Gordon,

The Alaska State Historic Preservation Office (AK SHPO) received your letter (dated December 20, 2018) and report, titled *Cultural Resource Survey Report for the Newtok Airport Relocation DOT&PF Project No. 25192007/CFAPT00310*, on December 20, 2018. Following our review of the documentation provided, pursuant to Section 106 of the National Historic Preservation Act, we concur with your finding of no historic properties affected for the subject project.

Please note that as stipulated in 36 CFR § 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our comment letter does not end the 30-day review period provided to other consulting parties. Should unidentified cultural resources be discovered during the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR § 60.4) in consultation with our office.

Thank you for the opportunity to review and comment on the subject undertaking. Please contact Mark Rollins at 269-8722 or mark.rollins@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith E. Bittner".

Judith E. Bittner
State Historic Preservation Officer
JEB:mwr

Electronic cc: Erik Hilsinger, DOT&PF Central Region, Cultural Resources Specialist

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

USFWS-



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
Anchorage Fish and Wildlife Conservation Office
4700 BLM Road
Anchorage, Alaska 99507



IN REPLY REFER TO:
FWS/AFES/AFWCO

March 29, 2018

EMAILED TO:

Mr. Keith Gordon
U. S. Department of Transportation
Federal Aviation Administration
Alaskan Region, Airports Division
222 West 7th Ave, Mailstop #14
Anchorage, Alaska 99513-7587

Subject: Mertarvik Airport Construction, Alaska (*Consultation 07CAAN00-2018-I-0120*)

Dear Mr. Gordon:

Thank you for requesting section 7 consultation with the U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq., as amended; ESA) by correspondence received February 27, 2018. The Federal Aviation Administration (FAA) is proposing to provide funding to the Alaska Department of Transportation and Public Facilities to construct a new airport in Mertarvik, Alaska. The FAA has determined the action may affect, but is not likely to adversely affect, the federally endangered short-tailed albatross (*Phoebastria albatrus*), threatened spectacled eider (*Somateria fischeri*), threatened Alaska breeding population of the Steller's eider (*Polysticta stelleri*), threatened southwest Alaska distinct population segment of northern sea otter (*Enhydra lutris kenyoni*; hereafter referred to as sea otter), or federally designated critical habitat for spectacled eider or sea otter.

The proposed Mertarvik airport is approximately 19 miles from the Bering Sea on the Ninglick River. The airport in Mertarvik will replace the airport in Newtok. Due to climate-related flooding and erosional threats to structures, the community of Newtok was forced to move to higher ground, about 9 miles upstream. The proposed action includes construction of all airport-related infrastructure with runways, an access road, and a material haul road across airport property; fuel for construction stored on-site; and fuel and materials shipments that would use existing ports and arrive by regularly scheduled routine air and shipping routes, over a 3 year period from 2019 to 2022. Construction of the airport is proposed to begin in 2020. Operations at the Mertarvik airport are not expected to change from the existing operations at Newtok.

Mr. Keith Gordon (07CAAN00-2018-I-0120)

2

Flight timing, frequency, noise levels and fleet mix would remain the same, with a limited number of additional flights associated with the relocation.

Individual short-tailed albatross, Steller's eider, spectacled eider, sea otter and their associated critical habitat may occur along portions of the existing shipping route or ports. Spectacled and Steller's eiders stage, migrate, and nest along the coast of the Yukon Kuskokwim River Delta. A 2017 informal section 7 consultation, initiated by the U.S. Army Corps of Engineers for the relocation of the village of Newtok to the Mertarvik site, determined areas near the village of Mertarvik did not support eider nesting (Bowman and Lance 2006, USFWS 2017).

Given the project area does not support eider nesting near the Mertarvik site, and shipping is expected to arrive by existing routes, all remaining effects would be expected to be either insignificant or discountable. Therefore, the Service concurs with the FAA's determination that proposed activities may affect, but are not likely to adversely affect, Steller's eider, spectacled eider, short-tailed albatross, sea otter, or federally-designated sea otter and spectacled eider critical habitat. Our concurrence 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 responsibilities under the Migratory Bird Treaty Act, Marine Mammal Protection Act, Clean Water Act, Fish and Wildlife Coordination Act, National Environmental Policy Act, Bald and Golden Eagle Protection Act, or other legislation.

In view of this concurrence, requirements of section 7 of the ESA have been satisfied. Obligations under section 7 of the ESA must be reconsidered if new information reveals project impacts that may affect listed species or critical habitat in a manner not previously considered, if this action is subsequently modified in a manner which was not considered in this assessment, or if a new species is listed or critical habitat is designated that may be affected by the proposed action.

Thank you for your cooperation in meeting our joint responsibilities under the ESA. For more information or if you have any questions please contact Ms. Jennifer Spegon at 907-271-2768 or at jennifer_j_spegon@fws.gov and refer to consultation number 07CAAN00-2018-I-0120.

Sincerely,



for

Douglass M. Cooper
Branch Chief, Ecological Services

Literature Cited

Bowman, T, E. Lance. 2006. Field reconnaissance of Takikchak, preferred town site for the relocation of Newtok Village. Report to the Army Corps of Engineers.

[USFWS] U.S. Fish and Wildlife Service. 2017. Consultation number 07CAAN00-2017-I-0221. U.S. Army Corps of Engineers. Newtok Village Relocation Mertarvik, Alaska.

NMFS-

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

February 14, 2019

Keith Gordon
Federal Aviation Administration
Airports Division
222 W. 7th Avenue, Box 14
Anchorage, Alaska 99513-7587

Re: Mertarvik Replacement Airport Construction and Operation, Mertarvik Town site, Nelson Island, Alaska, AKR-2018-9832

Dear Mr. Gordon:

This letter responds to your request for concurrence from the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the Mertarvik Replacement Airport Construction and Operation Mertarvik Town site, Nelson Island, Alaska. NMFS received an initial request for an expedited informal consultation on November 15, 2018. Our review was held in abeyance for 38 days due to a lapse in appropriations and resulting partial government shutdown, and resumed on January 28, 2019. NMFS requested more information on February 11, 2019, and the FAA submitted a revised request for expedited informal consultation on February 13, 2019. Your request qualified for our expedited review and concurrence because it met our screening criteria and contained all required information on your proposed action, mitigation measures, and its potential effects to listed species and designated critical habitat. Expedited consultation for this proposed action commenced on February 13, 2019.

We reviewed your consultation request document and related materials. Based on our knowledge, expertise, and the materials you provided, we concur with your conclusion that the proposed action is not likely to adversely affect North Pacific right whales or their critical habitat, Mexico Distinct Population Segment (DPS) humpback whales, Western North Pacific DPS humpback whales, sperm whales, fin whales, blue whales, western North Pacific grey whales, Cook Inlet beluga whales or their critical habitat, ringed seals, bearded seals, western DPS Steller sea lions, or Steller sea lion critical habitat. A complete administrative record of this consultation is on file at the Anchorage NMFS office.

Reinitiation of consultation is required where discretionary federal involvement or control over the action has been retained or is authorized by law and if (1) take of 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 previously considered, (3) the action is subsequently modified in a



manner that causes an effect to the listed species or critical habitat that was not considered in this concurrence letter, or (4) a new species is listed or critical habitat designated that may be affected by the identified action (50 CFR 402.16).

Please direct any questions regarding this letter to Verena Gill, at verena.gill@noaa.gov or 907-271-1937.

Sincerely,



Jonathan M. Kurland
Assistant Regional Administrator
for Protected Resources

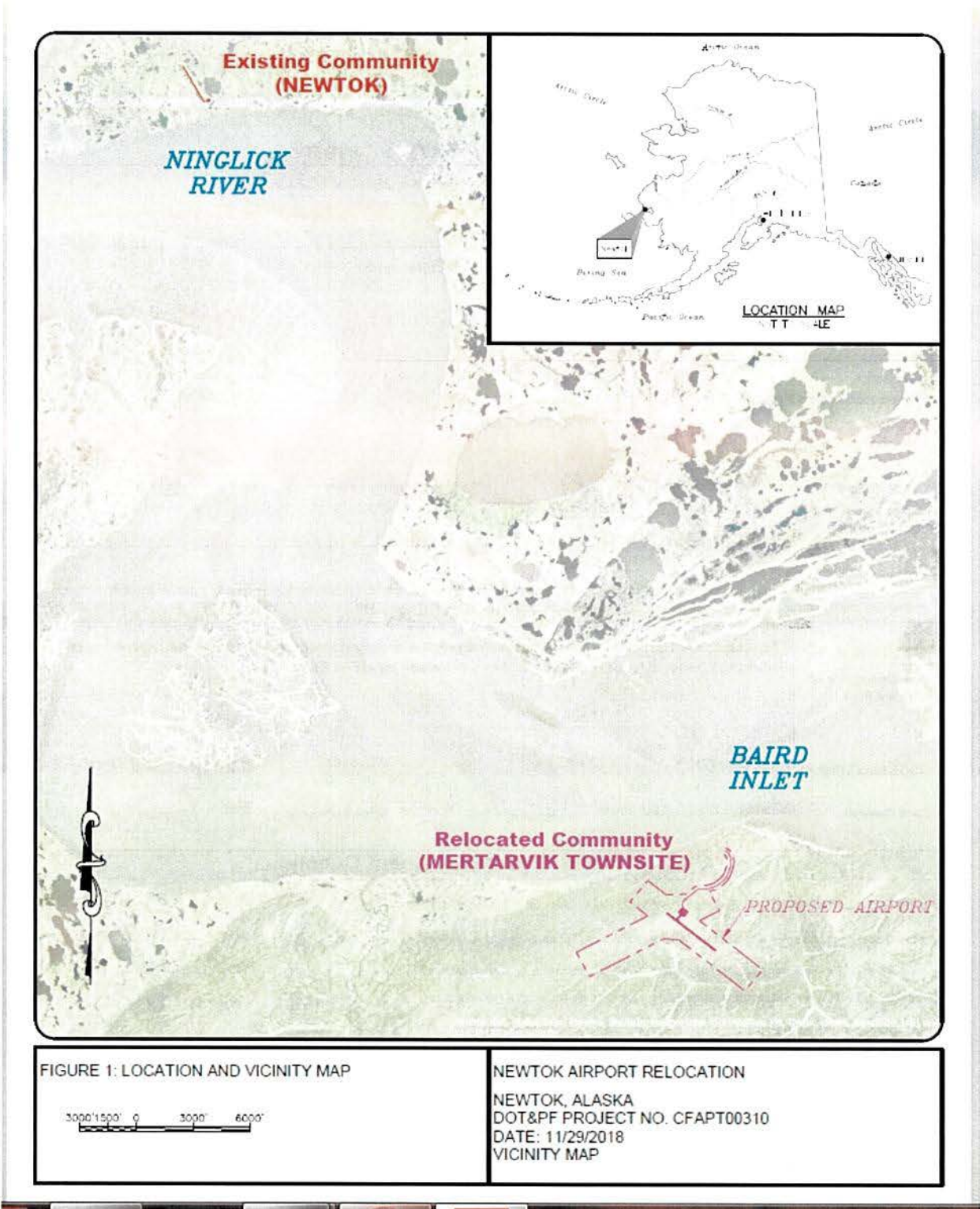
Appendix B.

2019 Additional Historic Properties/Cultural Resources Surveys and Report Results.

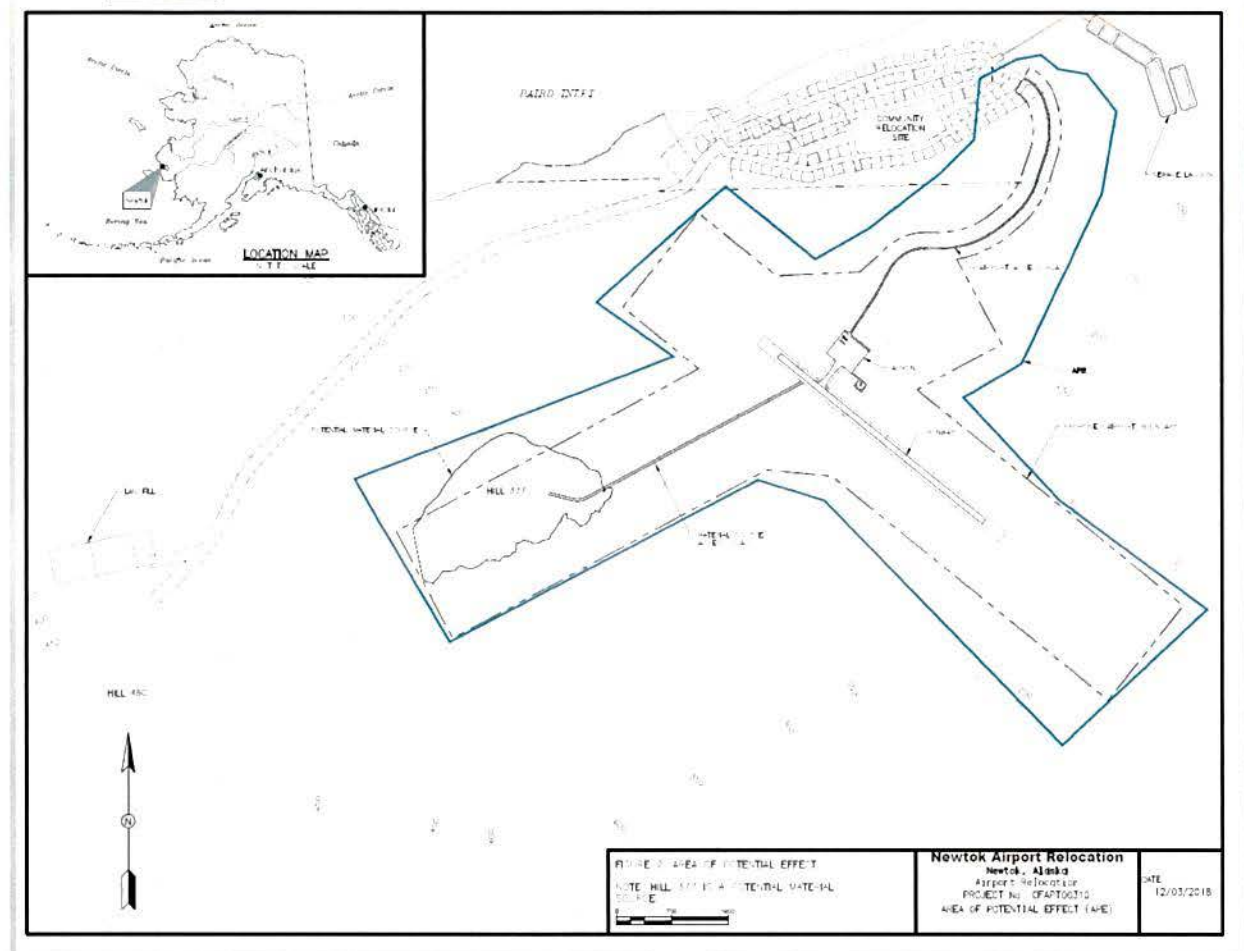
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CULTURAL RESOURCES REPORT COVERSHEET Must Accompany All Reports Submitted To OHA/SHPO Alaska Department of Natural Resources, Office of History and Archaeology 550 W 7th Ave., Suite 1310 Anchorage, AK 99501-3565 Phone: (907) 269-8718; Fax (907) 269-8908 http://www.dnr.state.ak.us/parks/oha/index.htm		Date Received: _____ For Office Use Only ID: _____	
A. Project/Report Cover Sheet Information			
1. Date Submitted: _____		2. Project Number: DOT&PF Project No. 25192007/CFAP00310	
4. Project Name: Newtok Airport Relocation			
5. Report Title: Cultural Resource Survey Report for the Newtok Airport Relocation			
6. Report Authors: Tamara Holman and Tracie Krauthoefer			
7. Submitting Organization/Agency: DOT&PF/FAA			
8. Organization/Agency Prepared For: DOT&PF/FAA			
9. Principal Investigator(s): Tracie Krauthoefer			
10. Type of Investigation: Pedestrian Intensive Survey		11. Sites found/revisited <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. List New AHR Site #: N/A			
12. List Updated AHR Site #: N/A			
B. Geographic Information			
1. Brief Description of the Project Area:		The project is located in Mertarvik, Alaska, the proposed village relocation site for Newtok, approximately 9 miles southeast of Newtok on the north end of Nelson Island on Baird Inlet.	
2. USGS Map Sheet(s): Baird Inlet D7		3. MTRS (ex. C41S67E23): S8N86W1,2,3,10,11,12	
4. Land Owner(s): Newtok Native Corporation		5. Acres Surveyed: 400	
C. Cultural Resources Management Questions			
1. Is the report part of a National Historic Preservation Act - Section 106 Consultation?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is the report part of an Alaska Historic Preservation Act Compliance Consultation?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the report's data support the submitting agency's determination of eligibility?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Does the report's data support the submitting agency's determination of effect?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
5. Was this report submitted to fulfill State Field Archaeology Permit Requirements If yes, please provide the Permit #: _____		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Was this project and/or report overseen or authored by someone meeting the minimum qualifications of the Secretary of the Interior Standards and Guidelines (48 FR 44738-44739)?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7. Is the Principal Investigator's resume appended to the report or on file at OHA?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. Additional Comments:		Negative survey, no cultural resources identified. An attempt to revisit XBI-00183 was made, however investigators could not find site.	

Appendix B: Figure 1 - 2018 Mertarvik Airport Cultural Resources Survey Cover Sheet



Appendix B: Figure 2 - Location and Vicinity Map



Appendix B: Figure 3 - Area of Potential Effect

Cultural Resource Survey Report for the
Newtok Airport Relocation
DOT&PF Project No. 25192007/CFAPT00310

Confidential
Not for Public Distribution

November 2018

Prepared for
Alaska Department of Transportation & Public Facilities

Prepared by
Tamara Holman, M.A. and Tracie Krauthoefer, M.A.
Corvus Culture

Appendix B: Figure 4 - 2018 Mertarvik Airport Cultural Resources Survey Cover Page



THE STATE
of ALASKA

GOVERNOR MICHAEL L. DUNLEAVY

Department of Natural Resources

DIVISION OF PARKS & OUTDOOR RECREATION
Office of History & Archaeology

550 West 7th Avenue, Suite 1271
Anchorage, AK 99501-2511
(907) 269-8141
THE DOCK & BERTON, 100000-2

SENT BY E-MAIL
DATE 12/23/18

December 28, 2018

File No.: 3130-1R FAA/ 2017-01299

Subject: Newtok Airport Relocation, CFAPT00310/25192007

Keith Gordon
Federal Aviation Administration
222 West 7th Ave, Mail Stop #14
Anchorage, AK 99513-7537

Dear Mr. Gordon,

The Alaska State Historic Preservation Office (AK SHPO) received your letter (dated December 20, 2018) and report, titled *Cultural Resource Survey Report for the Newtok Airport Relocation DOT&PF Project No. 25192007/CFAPT00310*, on December 20, 2018. Following our review of the documentation provided, pursuant to Section 106 of the National Historic Preservation Act, we concur with your finding of no historic properties affected for the subject project.

Please note that as stipulated in 36 CFR § 800.3, other consulting parties such as the local government and Tribes are required to be notified of the undertaking. Additional information provided by the local government, Tribes or other consulting parties may cause our office to re-evaluate our comments and recommendations. Please note that our comment letter does not end the 30-day review period provided to other consulting parties. Should unidentified cultural resources be discovered during the project, work must be interrupted until the resources have been evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR § 60.4) in consultation with our office.

Thank you for the opportunity to review and comment on the subject undertaking. Please contact Mark Rollins at 269-8722 or mark.rollins@alaska.gov if you have any questions or if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Judith E. Bittner".

Judith E. Bittner
State Historic Preservation Officer
JEB:mwr

Electronic cc: Erik Hilsinger, DOT&PF Central Region, Cultural Resources Specialist

Appendix C.

FAA 2019 Public Hearing and Public Notice Comments and Responses.

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ADOT& PF: Newtok Airport Relocation (Project No. CFAPT00310) -

Public Notice and Public Hearing Comment Record

(Note to Reader – Spelling and punctuation errors are as they existed in the comment(s) submitted)

Date Received: 6/12/2019

Method: email

Location: N/A

Comment: Gordon, FYI, see the attached letter to Sally Cox, Newtok Village council is created by Scott ruby.if, you want to see Scott ruby's letter I can send it to you.

Name: Stanley Tom

Contact Information: P.O. Box 5545, Newtok, AK 99559, 237-2314

Comment Resolution: This comment relates to whom the rightful leadership of the community of Newtok is and is therefore outside the scope of the proposed project and EIS.

Date Received: 7/9/2019

Method: written

Location: Newtok Public Hearing

Comment: Will there be a building to shelter people, mostly sick and elders while waiting at the airport, especially in the winter since the airport is going to be a mile away from the community?

Name: Mary George

Contact Information: N/A

Comment Resolution: The design incorporates shelter for community members awaiting aircraft.

Date Received: 7/9/2019

Method: Verbal Testimony

Location: Newtok Public Hearing

Comment: You said the airport will be a lighted airport. We would like to see, or I'd like to see, a light that goes on at night. Not just for emergency landings. Like we have right now, we have portable lights that take too much time to get ready. It takes too much time to get ready for any emergencies and sometimes those have to be charged first, but the current one we have right now is kind of complicated. A lighted airport for the evenings would be good. Thank you

Name: Marla Fairbanks

Contact Information: N/A

Comment Resolution: The design incorporates standard pilot activated lighting at night.

Date Received: 7/10/2019

Method: email

Location: N/A

Comment: Keith, Newtok Village is Newtok Traditional Council, can you stick with the so call Newtok village council? See the attached letter from Scott Ruby [Director of Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs], that he started newtok village council. Paul Charles is not in our NTC organized government entity. You guys need to stick to so call Newtok Village Council, BIA is not our authority.

Name: Stanley Tom

Contact Information: P.O. Box 5545, Newtok, AK 99559, 237-2314

Comment Resolution: This comment relates to whom the rightful leadership of the community of Newtok is and is therefore outside the scope of the proposed project and EIS.

Date Received: 7/11/2019

Method: email

Location: N/A

Comment: Keith, See your attached letter to Paul Charles, as the NTC president, using our P.O. Box 5545, Newtok Village is Newtok Traditional Council, see the other attached letter from the Department of the Army letter dated June 03, 2016.

Name: Stanley Tom

Contact Information: P.O. Box 5545, Newtok, AK 99559, 237-2314

Comment Resolution: This comment relates to whom the rightful leadership of the community of Newtok is and is therefore outside the scope of the proposed project and EIS.

Date Received: 7/19/2019

Method: email

Location: N/A

Comment: Dear Keith,

Thank you for the opportunity to review the June 2019 FAA Modified Preferred Alternative Analysis for the proposed Mertarvik Airport. This analysis tiers to the Denali Commission's March 2018 Final Environmental Impact Statement for the Mertarvik Infrastructure Development Project, for which the FAA was a cooperating agency. The Mertarvik Airport was one component of the infrastructure analyzed in the 2018 EIS. We understand that the FAA has determined that the proposed modifications to the preferred alternative for the Mertarvik Airport do not warrant preparation of a supplemental EIS, but that the FAA will consider comments received on the Modified Preferred Alternative Analysis prior to issuing a Record of Decision for the proposed airport project.

As described in our April 9, 2018 letter on the Final EIS, potential impacts to wetlands are one of our key concerns for the Mertarvik Infrastructure Development Project. The Final EIS projected impacts to approximately 277 acres of high integrity wetlands and aquatic resources, based on conservative estimates, of which 232 acres were projected to be impacted by the airport. Our letter on the Final EIS indicated our support for the FAA's stated intent to further refine the Mertarvik Airport construction proposal to minimize wetland impacts, including exploring options for beneficial use of the excess overburden material originally proposed for surficial disposal in existing wetlands, before proceeding with the CWA Section 404 permitting process for the airport.

We appreciate that several changes have been made to the preferred alternative for the Mertarvik Airport that reduce the projected wetland impacts. These changes include a re-delineation of wetlands in the project area, realigning the runway nine degrees to drier habitat, reduced fill footprint for the apron and access road, selection of a new materials site which reduced access road impacts, and elimination of fill into 35 acres of wetlands originally proposed for disposal of excess overburden by surface spreading. Finding a beneficial use for the excess overburden to avoid wetland impacts was one of our mitigation recommendations for the EIS, and we support the FAA's revised proposal to dispose of it in the materials site as part of reclamation. Projected total wetland impacts for the proposed airport are now approximately 98 acres, including a ten percent buffer. Again, thank you for the opportunity to review the Modified Preferred Alternative Analysis. Our Wetlands Section may also provide additional comments in the future if the U.S. Army Corps of Engineers issues a public notice for a Clean Water Act Section

404 permit associated with construction of the Mertarvik Airport.
Best,
Jill

Name: Jill A. Nogi, MPH, Branch Chief, Policy and Environmental Review Branch,
U.S. EPA Region 10, Regional Administrator's Division MS: 14-D12

Contact Information: 1200 6th Ave, Suite 155, Seattle, WA 98101 Phone: 206-553--
1841 Email: nogi.jill@epa.gov

Comment Resolution: FAA notes that EPA's response indicates a resolution of EPA's
comments related to the EIS and that the Modified Preferred Alternative generates no
additional comments.