

## **CHAPTER 5**

### **AGENCIES, ORGANIZATIONS, AND PERSONS CONSULTED**

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## **5. AGENCIES, ORGANIZATIONS, AND PERSONS CONSULTED**

### **5.1 INTRODUCTION**

The National Environmental Policy Act (NEPA) states, “There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the proposed action.” As such, the National Aeronautics and Space Administration (NASA) has engaged stakeholders and the general public in the preparation of this Environmental Impact Statement (EIS). Stakeholders include Federal, state, and local governments; business interests; landowners; residents; and environmental organizations.

This chapter of the *Environmental Impact Statement for the Sounding Rockets Program at Poker Flat Research Range (PFRR EIS)* summarizes the public and agency outreach program NASA has undertaken in support of its continued operations at the Poker Flat Research Range (PFRR).

### **5.2 COOPERATING AGENCIES**

NASA is the Federal agency that funds the launch of sounding rockets from PFRR and is therefore the lead agency for preparation of this EIS. The U.S. Department of the Interior’s Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (USFWS), as well as the University of Alaska Fairbanks (UAF), have participated as cooperating agencies in preparing this EIS. As defined in the Title 40 of the *Code of Federal Regulations (CFR)* Section 1508.5, and further clarified in subsequent Council on Environmental Quality guidance memoranda, a cooperating agency can be any Federal, state, tribal, or local government that has jurisdiction by law or special expertise regarding any environmental impact involved in a proposal or a reasonable alternative.

NASA requested that BLM and USFWS participate as cooperating agencies because they possess both regulatory authorities over downrange lands and specialized expertise regarding the environmental context of those lands. UAF was requested to participate given its expertise regarding sounding rocket launches from PFRR. All three cooperating agencies have actively participated throughout the development of this EIS, providing technical review and input as well as facilitating key components of the scoping process, summarized below.

### **5.3 SCOPING PROCESS**

#### **5.3.1 Pre-EIS Scoping**

NASA began preparing an Environmental Assessment (EA) in 2010 to determine if potential changes in either its operations at PFRR or the management of downrange lands presented a significant impact necessitating an EIS. During the scoping process for the EA, in the fall of 2010, NASA solicited input from over 75 potentially interested agencies and organizations.

The comments received while scoping the EA led to NASA’s decision to prepare this EIS and were considered in establishing the scope of this document. A summary of the comments

received during the 2010 EA scoping process is presented by topic area in Chapter 1, Section 1.4.1, Table 1–2.

In addition to sending letters to potentially interested parties, several meetings were held with BLM, USFWS, and non-governmental organizations before deciding to prepare this EIS.

### **5.3.2 EIS Scoping**

The initiation of the EIS scoping process began with NASA's publication of a Notice of Intent (NOI) in the *Federal Register* on April 13, 2011. The publication of the NOI officially marked the beginning of the scoping period, during which time NASA accepted public input on the proposed action. A copy of the NOI is included in Appendix A.

NASA distributed newspaper and radio advertisements to announce the NOI and the scoping meetings. In addition, NASA distributed a public scoping press release to newspaper, television, and radio channels covering the locations where public scoping meetings were being held.

NASA held five scoping meetings from April 28 through May 3, 2011, in Fort Yukon, Fairbanks, and Anchorage, Alaska to gather community-specific issues and concerns on which to focus the EIS analysis.

In total, NASA solicited input from approximately 140 potentially interested citizens, tribes, agencies, and organizations. Overall, local citizens, tribes, and agencies were mostly concerned about the rocket spent stages landing in the Wilderness Areas, including concerns about physical and chemical impacts, as well as impacts on the wilderness aesthetic values. Commenters also had concerns about the lack of awareness that these rocket launches are ongoing. During the NASA 2010 EA scoping, the public and government agencies raised similar issues, emphasizing concerns about impacts on Wilderness Areas and Wilderness Study Areas.

A summary of the comments received during the *PFRR EIS* scoping process is presented by topic area in Chapter 1, Section 1.4.2, Table 1–3.

## **5.4 CONSULTATION WITH TRIBAL GOVERNMENTS**

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, directs Federal agencies to establish regular and meaningful consultation and collaboration with tribal governments in the development of Federal policies that have tribal implications and to strengthen U.S. government-to-government relationships with American Indian (and Alaska Native) tribes. The Executive Order defines the term tribe as those tribes acknowledged to exist by the Secretary of the Interior as an Indian tribe pursuant to the Federal Recognized Indian Tribe List Act of 1994.

### **5.4.1 Correspondence**

Beginning in April 2011 with the scoping process for this EIS, NASA mailed letters providing project information and offering government-to-government consultation with all potentially affected tribes within and adjacent to the PFRR flight corridor. Included with each letter was a

postage-paid consultation questionnaire, which could be used to provide a project point of contact and express the tribe's level of interest in the project. NASA also faxed copies of the project information package to the tribal offices. The nine tribes listed below were sent the letter and questionnaire:

- Beaver Traditional Council, Beaver
- Birch Creek Tribal Council, Birch Creek
- Chalkyitsik Village Council, Chalkyitsik
- Circle Native Community, Circle
- Gwitchyaa Zhee Gwich'in Tribal Government, Fort Yukon
- Naqsragnuit Tribal Council, Anaktuvuk Pass
- Native Village of Kaktovik Council, Kaktovik
- Native Village of Stevens Tribal Government, Stevens Village
- Native Village of Venetie Tribal Government, Venetie

Of the nine tribes, Beaver Traditional Council, Gwitchyaa Zhee Gwich'in Tribal Government, and the Naqsragnuit Tribal Council responded to NASA's request. Beaver Traditional Council indicated that the tribe had no potentially affected interests or concerns regarding the project. The Gwitchyaa Zhee Gwich'in Tribal Government and Naqsragnuit Tribal Council requested to meet with NASA at a tribal facility. Their responses are included in Appendix A.

In December 2011, NASA mailed a similar letter and consultation questionnaire to the same nine tribes requesting interest in becoming consulting parties during its National Historic Preservation Act review process. Of the nine tribes, Beaver Traditional Council and the Native Village of Venetie Tribal Government responded. Beaver indicated that the tribe did not have any concerns regarding potential effects on properties of cultural significance; Venetie requested to meet with NASA to discuss the project. In September 2012, NASA mailed a copy of the *Draft PFRR EIS* to each of the same nine tribes for their review and comment. NASA did not receive any comments from these tribes on the *Draft PFRR EIS*.

#### **5.4.2 Meetings**

As a result of the interest expressed in the project, NASA, USFWS, and UAF met with the Gwitchyaa Zhee Gwich'in Tribal Government in April 2011 and the Native Village of Venetie Tribal Government in February 2012. Notices of the meetings were distributed to local venues within the villages, as well as broadcast on the local Yukon Flats radio station, KZPA 900 AM. In addition, NASA personnel participated in a call-in show on KZPA to give an overview of the project and answer questions.

The primary topics of concern expressed in both meetings were that (1) Villages were not well informed of launches; (2) Students from local villages should be given a tour of PFRR and have the opportunity to explore scientific and engineering fields; (3) Hazardous materials in rockets should be evaluated as they could affect wildlife, and in turn, affect subsistence users; (4) The Rewards Program would be beneficial to village residents; and (5) Village residents should be employed to assist in searches for rocket hardware.

In addition to the meetings with the tribal governments, NASA, USFWS, and UAF personnel also gave presentations at the Fort Yukon and Venetie schools.

During the comment period on the *Draft PFRR EIS*, NASA held a meeting with representatives from Arctic Village and Venetie on October 26, 2012, in Fairbanks, Alaska. The purpose of the meeting was to discuss any comments the representatives had pertaining to the *Draft PFRR EIS* and to begin discussions regarding updating the Memorandum of Agreement between the tribes and UAF.

To ensure that all potentially affected tribes are informed of the status of the project, the *PFRR EIS* mailing list includes all nine tribes, who will receive copies of any document distributed to the public, including copies of the Draft and Final EIS.

NASA recognizes that the government-to-government consultation process is ongoing and will continue to engage in written and phone communications directed specifically to the tribes to encourage their engagement at any time. Additional meetings will be scheduled as requested.

## **5.5 RELATED ENVIRONMENTAL REVIEWS**

NEPA states that to the fullest extent possible, Federal agencies should prepare EISs concurrently with and integrated with other related environmental review processes. While preparing this EIS, NASA strived to accomplish as many related environmental review requirements as practicable to assist in the decisionmaking process. Consultations pursuant to the Coastal Zone Management Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, and National Historic Preservation Act were accomplished concurrently with EIS preparation. Summaries of the status of these consultations are included below. Please note that this section is not intended to be a compendium of all applicable environmental requirements; rather, its purpose is to provide a summary of those consultations most relevant to NASA's operations at PFRR.

### **5.5.1 Endangered Species Act**

Section 7 of the Endangered Species Act of 1973 requires Federal agencies to consult with USFWS or the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) (collectively, the Services) to ensure that actions do not jeopardize threatened or endangered species or result in the destruction or adverse modification of critical habitat.

In April 2011, NASA requested lists of protected species or critical habitat within the PFRR launch corridor; the Services provided the requested information (see Appendix A). NASA then prepared a Biological Assessment to determine whether its operations at PFRR may affect those species or habitat (see Appendix H). For those species and habitat that NASA determined may be affected, NASA requested concurrence from the Services that the effects would not likely be adverse. Both USFWS and the NMFS concurred with NASA's determinations (see Appendix A, Section A.3).

### **5.5.2 National Historic Preservation Act**

The National Historic Preservation Act of 1966, as amended, contains procedures for evaluating historic properties, consulting with interested parties, and protecting and preserving cultural resources. Section 106 of the National Historic Preservation Act requires review of any project funded, licensed, permitted, or assisted by the Federal Government for impact on significant historic properties. Federal agencies must consult with the State Historic Preservation Officer, tribes, the Advisory Council on Historic Preservation (ACHP), and other interested parties.

During the 2011 scoping process for this EIS, NASA requested input regarding concerns about impacts on areas of cultural significance from the nine Federally recognized tribes within and adjacent to the PFRR launch corridor. Of the two tribes that responded, NASA held a meeting with the Gwitchyaa Zhee Gwich'in Tribal Government in Fort Yukon. At that meeting, no specific concerns regarding historic properties were raised.

Following this request, NASA engaged the Alaska Division of History and Archaeology and ACHP to discuss the Section 106 process for the project. ACHP accepted NASA's request to participate in the consultation.

In December 2011, requests for interest in serving as consulting parties were mailed to potentially interested tribal, cultural, and local government organizations. Following this request, NASA received a response from the Native Village of Venetie Tribal Government and the City of North Pole. NASA met directly with the tribal government to discuss its concerns; those discussions are summarized above and did not identify specific concerns regarding historic properties. The City of North Pole indicated that it did not have any concerns regarding potential effects on cultural resources specifically; however, the city wished that all valid concerns be addressed through NASA's environmental review process. In May 2012, Doyon, Limited expressed an interest in meeting with NASA regarding the Section 106 process. In response, on August 1, 2012, NASA provided Doyon, Limited with a copy of the Section 106 consultation package sent to the Alaska Historic Preservation Officer. Upon review of NASA's Section 106 consultation package, the Alaska Historic Preservation Officer concurred that no historic properties would be affected. Section 106 consultation information is provided in Appendix A, Section A.2.

### **5.5.3 Coastal Zone Management Act**

Section 307(c) of the Coastal Zone Management Act of 1972, as amended, states, "each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State coastal management programs." Federal agency consistency requirements are addressed in 15 CFR 930.

The Alaska Coastal Management Program was terminated on July 1, 2011, per Alaska Statue 44.66.030. Prior to its termination, NASA contacted the Alaska Coastal Management Program in April 2011 and was informed that a consistency determination would not be required

for the alternatives under consideration in this EIS. Therefore, no additional coordination regarding coastal zone management is needed.

#### **5.5.4 Magnuson-Stevens Fishery Conservation and Management Act**

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) of 1976 established eight regional Fishery Management Councils responsible for the protection of marine fisheries. A 1996 amendment to MSFCMA instituted a new mandate to identify and provide protection to important marine and anadromous fisheries habitat, or Essential Fish Habitat (EFH). EFH is defined in the MSFCMA as “those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity.” “Fish” is defined as finfish, crabs, shrimp, and lobsters. MSFCMA specifies that a Federal agency shall consult with the NMFS when proposing any activity that may adversely affect designated EFH.

Although designated EFH lies within the PFRR launch corridor, NASA has determined that none of the alternatives presented in this EIS would adversely affect EFH. Therefore, no consultation with the NMFS regarding EFH is required.

#### **5.6 WEBSITE**

Throughout the duration of the *PFRR EIS* NEPA process, NASA has maintained a website that provides the public with the most up-to-date project information, including electronic copies of the EIS, as they are available.

The website may be accessed at [http://sites.wff.nasa.gov/code250/pfr\\_eis.html](http://sites.wff.nasa.gov/code250/pfr_eis.html).

#### **5.7 REVIEW OF EIS**

##### **5.7.1 Draft EIS**

The public was notified of the opportunity to review and comment on the *Draft PFRR EIS* by announcements in the *Federal Register* (see Appendix A) and local news media. The *Draft PFRR EIS* was also available for public review at the following locations:

##### **ARLIS**

Library Building, Suite 111  
3211 Providence Drive  
Anchorage, AK 99508  
Phone: (907) 272-7547  
Hours: Mon–Fri: 8 a.m. to 5 p.m.

##### **Elmer E. Rasmuson Library**

University of Alaska Fairbanks  
310 Tanana Loop  
Fairbanks, AK 99775  
Phone: (907) 474-7481  
Hours: variable, call to confirm

**Juneau Public Library**

Downtown Branch  
 292 Marine Way  
 Juneau, AK 99801  
 Phone: (907) 586-5249  
 Hours: Mon–Thur: 11 a.m. to 8 p.m.  
 Fri: 12 p.m. to 6 p.m.  
 Sat and Sun: 12 p.m. to 5 p.m.

**NASA Headquarters Library**

300 E Street SW, Suite 1J20  
 Washington, DC 20546  
 Phone: (202) 358-0168  
 Hours: Mon–Fri: 7:30 a.m. to 5:00 p.m.

**Noel Wien Library**

1215 Cowles Street  
 Fairbanks, AK 99701  
 Phone: (907) 459-1020  
 Hours: Mon–Thur: 10 a.m. to 9 p.m.  
 Fri: 10 a.m. to 6 p.m.  
 Sat: 10 a.m. to 5 p.m.  
 Sun: 1 p.m. to 5 p.m.

**Z.J. Loussac Public Library**

3600 Denali Street  
 Anchorage, AK 99503  
 Phone: (907) 343-2975  
 Hours: Mon–Thur: 10 a.m. to 9 p.m.  
 Fri and Sat: 10 a.m. to 6 p.m.  
 Sun: 1 p.m. to 5 p.m.

Similar to the scoping period, NASA requested agencies, organizations, and members of the public to review and provide comments on the *Draft PFRR EIS*. The public comment period ended on Wednesday, November 28, 2012. Five written and one oral comment documents were received during the comment period. All comments received were considered in preparing this *Final PFRR EIS*. A copy of each comment document, along with NASA’s responses, is included in Appendix K of this *Final PFRR EIS*.

During the public comment period, NASA hosted two public meetings in Anchorage and Fairbanks, Alaska, to discuss the *Draft PFRR EIS* with interested parties. Each of the meetings started with an open house that lasted for approximately 30 minutes. Posters were displayed and fact sheets were made available to the public. Subject matter experts were present during the open house; members of the public were invited to view the displays and ask questions of the subject matter experts either before or after the formal meeting was conducted. The posters and available fact sheets addressed the NEPA process; purpose and need for the *PFRR EIS*; cooperating agencies; development of the *PFRR EIS*; alternatives evaluated in the *PFRR EIS*; PFRR corridor map; and public comment process. **Table 5–1** lists the date, time, and location of each meeting.

**Table 5–1. Public Meeting Time and Locations**

<b>Date and Time</b>	<b>Address</b>	<b>City</b>
October 24, 2012 6–8 p.m.	U.S. Fish and Wildlife Service, Alaska Regional Office, 1011 East Tudor Road	Anchorage
October 25, 2012 6–8 p.m.	BLM Fairbanks District Office, 1150 University Avenue	Fairbanks

## 5.7.2 Final EIS

NASA considered all comments received on the *Draft PFRR EIS* in preparing this Final EIS. A Notice of Availability (NOA) will be published in the *Federal Register* and local media to inform the public that the *Final PFRR EIS* is available for review.

Copies of the *Final PFRR EIS* may be reviewed at the locations listed in Section 5.7.1 above. Additionally, copies of the Final EIS have been sent directly to the stakeholders identified in Section 5.8.

## 5.8 EIS DISTRIBUTION LIST

Copies of the *Draft* and *Final PFRR EIS* were sent directly to the stakeholders listed below:

### **Alaska Native Corporations**

Arctic Slope Regional Corporation  
Beaver Kwit'chin  
Chalkyitsik Native Corporation  
Danzhit Hanlaih Corporation  
Dinyea Corporation  
Doyon, Limited  
Kaktovik Inupiat Corporation  
Nunamiut Corporation  
Tiheet'Aii Incorporated

Native Village of Kaktovik Council  
Native Village of Stevens Tribal  
Government  
Native Village of Venetie Tribal  
Government  
Regional Native Health Corporation  
Tanana Chiefs Conference  
Venetie Village Council  
Yukon River Inter-Tribal Watershed  
Council

### **Alaska Native Governments and Organizations**

Alaska Federation of Natives  
Alaska Inter-Tribal Council  
Arctic Village Council  
Beaver Traditional Council  
Bering Sea Council of Elders  
Birch Creek Tribal Council  
Canyon Village Traditional Council  
Chalkyitsik Village Council  
Circle Native Community  
Council of Athabascan Tribal Governments  
Gwichyaa Zhee Gwich'in Tribal  
Government  
Inuit Circumpolar Council  
Naqsragnuit Tribal Council

### **Business and Industry**

Alaska Commercial Company  
Chatanika Lodge  
Coyote Air Service  
Doyon Emerald  
Oasis Environmental  
Quicksilver Aviation  
Shadow Aviation  
URS Corporation  
Warbelow's Air Ventures  
Willow Environmental, LLC  
Wright Air Service

### **Elected Officials<sup>1</sup>**

Honorable Alan Dick, Alaska House of Representatives (Former)  
Honorable Eric Feige, Alaska House of Representatives  
Honorable David Guttenberg, Alaska House of Representatives  
Honorable Reggie Joule, Alaska House of Representatives (Former)  
Honorable Wes Keller, Alaska House of Representatives  
Honorable Benjamin Nageak, Alaska House of Representatives  
Honorable Click Bishop, Alaska State Senate  
Honorable Mike Dunleavy, Alaska State Senate  
Honorable Charlie Huggins, Alaska State Senate  
Honorable Albert Kookesh, Alaska State Senate (Former)  
Honorable Donald Olson, Alaska State Senate  
Honorable Joe Paskvan, Alaska State Senate (Former)  
Honorable Bert Stedman, Alaska State Senate  
Honorable Sean Parnell, Governor of Alaska  
Honorable Don Young, U.S. House of Representatives  
Honorable Mark Begich, U.S. Senate  
Honorable Lisa Murkowski, U.S. Senate

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<sup>1</sup> Between the release of the *Draft and Final PFRR EIS*, both elections and re-districting have resulted in changes to the members of the Alaska Legislature included on this distribution list. As such, former officials were provided copies of the Draft EIS in September 2012, while newly added officials have been sent a copy of the Final EIS.

### **Federal Government**

Advisory Council on Historic Preservation  
Bureau of Indian Affairs  
Bureau of Land Management  
Bureau of Ocean Energy Management  
Bureau of Safety and Environmental Enforcement  
Federal Aviation Administration  
Federal Subsistence Board  
National Marine Fisheries Service  
National Park Service  
Natural Resources Conservation Service, Alaska State Office  
U.S. Air Force, Eielson Air Force Base  
U.S. Air Force, Elmendorf Air Force Base  
U.S. Arctic Research Commission  
U.S. Army Corps of Engineers  
U.S. Army, Fort Wainwright  
U.S. Coast Guard  
U.S. Department of the Interior, Office of Environmental Policy and Compliance  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
U.S. Forest Service  
U.S. Geological Survey

### **Local Government**

City of Allakaket  
City of Anaktuvuk Pass  
City of Anchorage  
City of Fairbanks  
City of Fort Yukon  
City of Kaktovik  
City of North Pole  
Fairbanks North Star Borough  
North Slope Borough

**State Government**

Alaska Department of Environmental Conservation

Alaska Department of Fish and Game, Division of Wildlife Conservation

Alaska Department of History and Archaeology

Alaska Department of Natural Resources, Division of Coastal and Ocean Management

Alaska Department of Natural Resources, Division of Planning

**Organizations**

Alaska Air Carriers Association

Alaska Center for the Environment

Alaska Conservation Alliance

Alaska Conservation Foundation

Alaska Migratory Bird Co-Management Council

Alaska Oceans Program

Alaska Wildlife Alliance

Alaska Women's Environmental Network

Audubon Alaska

Center for Biological Diversity

Defenders of Wildlife

Ducks Unlimited

Foundation of North America, Alaska Chapter

Friends of Alaska National Wildlife Refuges

National Wildlife Federation

National Wildlife Refuge Association

Natural Resources Defense Council

North Pacific Fishery Management Council

North Slope Science Initiative

North Slope Subsistence Advisory Council

Northern Alaska Environmental Center

Porcupine Caribou Management Board

Sierra Club

The Conservation Fund

The Nature Conservancy

The Wilderness Society

The Wildlife Society

Trustees for Alaska

Wilderness Watch

Winter Wildlands Alliance

Yukon Flats Resource Conservation and Development

Yukon River Drainage Fisheries Association

**Individuals**

Macgill Adams

Lee Boswell

Charles Donahue

Michael Farrell

Frank Keim

Adrienne Lindholm

Brad Meiklejohn

Allen Smith

**5.9 RECORD OF DECISION**

NASA will issue a Record of Decision no sooner than 30 days following the publication of the U.S. Environmental Protection Agency's NOA of the *Final PFRR EIS* in the *Federal Register*. The Record of Decision will be available for public review on the project's website; copies will be provided upon request.