

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 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 authority 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.

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.

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.

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 are being 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 Atmospheric Administration Fisheries Service (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 (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. USFWS concurred with NASA's determination and NOAA's Fisheries concurrence is still pending. The outcome of NOAA's determination will be summarized in the Final *PFRR EIS*.

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. NASA is currently working to schedule a teleconference with Doyon at a mutually agreeable time. Section 106 consultation is provided in Appendix A, Section A.2. The Alaska Historic Preservation Officer concurred that no historic properties would be affected.

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 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 National Marine

Fisheries Service (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 WEB SITE

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/pfrr_eis.html.

5.7 REVIEW OF DRAFT EIS

The public will be notified of the opportunity to review and comment on this Draft *PFRR EIS* by announcements in the *Federal Register* and local news media. This Draft *PFRR EIS* will also be 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.

5.8 DRAFT EIS DISTRIBUTION LIST

Copies of this Draft *PFRR EIS* have been 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

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
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

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

Honorable Alan Dick, Alaska House of
Representatives
Honorable Albert Kookesh, Alaska State
Senate
Honorable David Guttenberg, Alaska House
of Representatives
Honorable Don Young, U.S. House of
Representatives
Honorable Donald Olson, Alaska State
Senate
Honorable Joe Paskvan, Alaska State Senate
Honorable Lisa Murkowski, U.S. Senate
Honorable Mark Begich, U.S. Senate
Honorable Reggie Joule, Alaska House of
Representatives
Honorable Sean Parnell, Governor of Alaska

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 Allaket
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

Organizations (continued)

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

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