



## U.S. Department of the Interior Bureau of Land Management

Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>

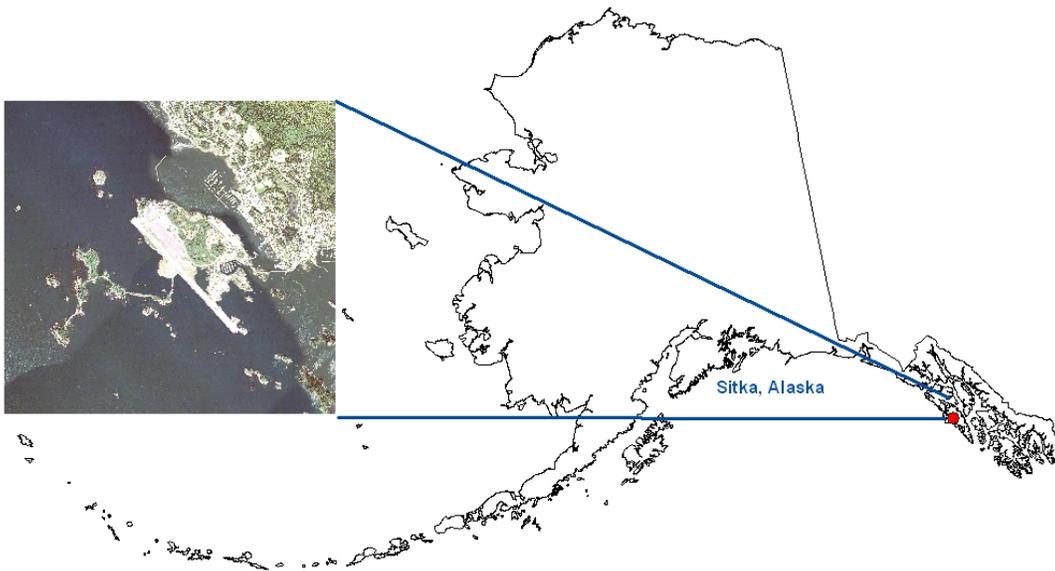
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### Record of Decision for the Rocky Gutierrez Airport, Sitka, Alaska

Applicant: State of Alaska, Department of Transportation

Case File Number: AA-089346

Environmental Document Number: AK-010-08-EIS-043



#### Location

##### Copper River Meridian

T. 55 S., R. 63 E., Sections 34 and 35

T. 56 S., R. 63 E., Sections 2 and 3

Lead Agency: U.S. Department of Transportation,  
Federal Aviation Administration, Alaska Region

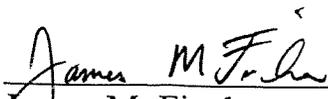
Cooperating Agency: U.S. Department of the Interior,  
Bureau of Land Management, Alaska

#### Prepared by:

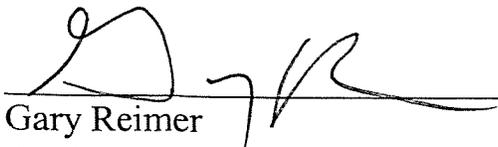
Bureau of Land Management  
Anchorage Field Office  
September 28, 2009

## Recommendation

Having considered a full range of reasonable alternatives, associated effects, and public input, I recommend adoption and implementation of the Decision for the Rocky Gutierrez Airport, Sitka, Alaska.

  
\_\_\_\_\_  
James M. Fincher  
Anchorage Field Office Manager

9/28/2009  
Date

  
\_\_\_\_\_  
Gary Reimer  
Anchorage District Manager

9/29/2009  
Date

## Approval

In consideration of the foregoing, I approve the adoption and implementation of the Decision for the Rocky Gutierrez Airport, Sitka, Alaska.

  
\_\_\_\_\_  
FOR Thomas P. Lonnie  
State Director

9-28-09  
Date

## Decision

The Bureau of Land Management (BLM) shall:

1. convey to the State of Alaska lands at the Rocky Gutierrez Airport in Sitka, Alaska that are currently above the mean high tide, the Airport Lagoon, and those lands that will be above the mean high tide once fill has been placed for a runway safety area, parallel taxiway extensions, and for a seaplane pullout in accordance with regulations found in 43 CFR 2640 and in conformance to the Record of Decision (ROD) of the Federal Aviation Administration (FAA) for the Rocky Gutierrez Airport issued September 28, 2009, and
2. provide to the State of Alaska through a long-term authorization in accordance with regulations found in 43 CFR 2911 such lands below the mean high tide in the vicinity of the Rocky Gutierrez Airport as are necessary to provide the state with sufficient property interest to maintain object-free areas, runway protection zones, and other operational and safety areas required by the FAA.

In total, approximately 200 acres of federal lands, managed by the BLM, will be conveyed or provided to the State through a long-term authorization.

Prior to final survey and conveyance of lands above the mean high tide, the Airport Lagoon, and lands that will be above the high tide upon completion of the airport expansion, the BLM shall grant the State of Alaska a long-term authorization of interest in the lands sufficient to complete the airport improvements approved in the FAA's ROD for the Rocky Gutierrez Airport issued September 28, 2009.

This Decision is limited to those actions within the authority of the BLM. The FAA, the lead agency for the environmental analysis for this project, has developed mitigation measures that will reduce impacts of the airport improvements. These measures are described in the FAA's ROD. Together with BLM's retention of lands below mean high tide pursuant to this decision, these mitigation measures apply all practicable measures to mitigate impacts of the decisions of the lead and cooperating agencies.

## **Alternatives**

There were two alternatives for the decision to be rendered by the BLM for the Rocky Gutierrez Airport improvement. They were:

- Alternative 1—No Action: No lands would be conveyed or otherwise provided to the State through a long-term authorization to accommodate airport improvement. Under this alternative, conditions for airport operation required by FAA regulations would not be met and airport improvement would not be achievable.
- Alternative 2—Transfer of Property Rights: This alternative would transfer the property rights necessary under federal regulation for airport improvement. This alternative had several options. One would transfer all lands—approximately 112 acres withdrawn by Executive Order 8216 and 86 acres formally withdrawn under Executive Order 8877—above and below mean high tide in fee simple to the State of Alaska. Another option would provide the land to the State through a long-term authorization, rather than conveyance. The third option would convey uplands and the Airport Lagoon and provide sufficient property rights to the remaining lands through a long-term authorization.

The options of Alternative 2 that would provide a long-term authorization to all lands or only submerged lands are the environmentally preferred alternatives. Alternative 2's option that would convey all lands would have greater potential impacts because of its potential for an irretrievable loss of opportunities for federal subsistence priority on current submerged federal public lands near the airport. Alternative 1, the No Action Alternative, would have fewer impacts on physical and biological resources, but, by negatively affecting future operations of the Sitka Airport, could have substantial impacts on the social and economic future of the community.

## **Management Considerations**

The lands proposed for conveyance and/or long-term authorization are public lands under the management of the BLM and available for conveyance or a long-term authorization. Public Land Order (PLO) 2918, January 30, 1963, revoked the withdrawal on that portion of the lands involved in this action which were formally

Withdrawn by Executive Order 8877. PLO 3033, April 12, 1963, revoked the withdrawal on that portion of the lands involved in this action which were formally withdrawn by Executive Order 8216.

The decision in this ROD is in conformance with the BLM's approved Ring of Fire Resource Management Plan and balances the needs of Sitka for continued safe air transportation and BLM's responsibility to protect subsistence resources and uses under the Alaska National Interest Lands Conservation Act (ANILCA).

The FAA requires that for airports and airport projects supported with federal funding, the airport owner must acquire sufficient real property rights (good title) needed for the construction, operation, and maintenance of the airport. The FAA encourages airport owners to acquire fee title to all land within the physical boundaries of the airport facility. Fee interest or easement may be acquired as needed for aircraft approach and departure protection to ensure object-free areas and runway protection zones. In the instance of a long-term authorization, with all rights provided to the airport owner, the FAA considers long-term authorization to be practically the same as a property transfer.

Thus, the Alaska Department of Transportation and Public Facilities, which operates the Rocky Gutierrez Airport, must hold good title to the areas of the airport used or intended to be used for the landing, taking off, or surface maneuvering of aircraft. In instances where the airport owner's title consists of a long-term authorization, such title is satisfactory provided the following conditions are met:

- If the landing area is provided through a long-term authorization, the receiver of the authorization must be a public agency;
- The airport owner has a long-term authorization (minimum of 20 years from the date of the grant) to all landing areas and building areas;
- The authorization contains no provision that prevents the sponsor from assuming any of the obligations of the grant agreement; and
- That consideration for the entire authorization is paid in advance. However, this condition may be waived if the airport owner has adequate financial resources to assure future authorization payments.

ANILCA Sec. 802(1) states that "consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of

the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands.” Harvesting of herring eggs is an important subsistence activity for Sitka-area residents. Some of the submerged lands near the airport provide spawning habitat for herring. Under federal subsistence regulations, the Federal Subsistence Board may restrict non-subsistence harvest from federal submerged lands to provide opportunity for subsistence harvest. To date, no such restrictions have been approved, though they are periodically proposed. Local residents have expressed a strong interest in maintaining federal management of submerged resources in the airport area for subsistence uses. If lands are conveyed to the State of Alaska, federal subsistence regulations would no longer apply and there would be an irreversible loss of opportunities for a subsistence priority for rural residents to these submerged lands. Leasing the lands does not remove them from the application of federal subsistence regulations.

## **Public Involvement**

The FAA, as the lead agency for the Rocky Gutierrez Airport EIS, conducted extensive public involvement related to the airport improvement. The FAA issued an initial Notice of Intent (NOI) in 2002 and a supplemental NOI in 2004. (The FAA issued a second supplemental NOI in November 2007 to announce that the EIS would include the transfer of property rights for lands managed by the BLM to the State of Alaska.) The FAA conducted focus group and scoping meetings in Sitka and among different interested parties in 2004. Public comments on the Draft EIS were received between August 22 and October 14, 2008, and a public meeting was held in Sitka on October 2. Subsequent meetings were held with interested local parties in 2008 and earlier this year, including meetings with tribal and city and borough representatives in Sitka on July 1, 2009. The BLM has participated in the important meetings with members of the public and tribal and local government officials beginning in 2007.