

MEMORANDUM OF UNDERSTANDING

between

U.S. DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
ALASKA REGION

and the

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
NORTHERN REGION

regarding

PLANNING FOR THE IMPROVEMENT AND MAINTENANCE
OF THE
KANTISHNA AIRPORT IN DENALI NATIONAL PARK AND PRESERVE

Article I. Background and Objectives

This Memorandum of Understanding (MU) is made and entered into by and between the Department of the Interior, National Park Service, Alaska Region (NPS); and the State of Alaska, Department of Transportation and Public Facilities, Northern Region (DOT&PF). The purpose of this agreement is to define a process of cooperation between NPS and DOT&PF to plan for long term safe aircraft access to Kantishna in a manner consistent with the purposes of Denali National Park and Preserve.

1. The first Kantishna Airport construction was initiated in 1926 by the Alaska Territorial Road Commission to serve the mining related settlement in that area. The initial airport was 200 feet by 800 feet "located on a gravel bench on the left limit of Moose Creek near the mouth of Lake Creek". In the time period between 1932 and 1939, this airport was abandoned and the existing airport near Friday Creek was constructed to 150 by 900 feet. By 1941, the airport was extended to 150 by 1750 feet. The airport is presently listed as 45 by 1780 feet.

2. In 1980 the passage of the Alaska National Interest Lands Conservation Act established Denali National Park and Preserve, encompassing Kantishna and the airport.
3. DOT&PF and NPS both claim ownership of the airport, and are in disagreement over this issue.
4. The two parties are in agreement that it is in the public interest to maintain a safe remote airport for the purposes of providing access to the small community of Kantishna and to the National Park and Preserve while maintaining the rural, historical character of the setting.
5. Both the NPS and DOT&PF have experience and expertise in airport maintenance, and both NPS and DOT&PF have contributed funds for maintenance of this airport.
6. DOT&PF has funds for maintaining airports and staff with experience and expertise in aviation planning, design, construction and maintenance.
7. 16 U.S.C. § 7a authorizes the Secretary of the Interior to plan and regulate airports in National Park System units, and 16 U.S.C. § 7b authorizes the Secretary of the Interior to enter into agreements with other public agencies providing for the construction, operation, or maintenance of airports by such other public agencies or jointly by the Secretary and such other public agencies upon mutually satisfactory terms.
8. The Denali National Park and Preserve "General Management Plan" provides for ongoing access and transportation planning.
9. The Denali National Park and Preserve "Final Entrance Area and Road Corridor Development Concept Plan/Abbreviated Final Environmental Impact Statement" calls for the National Park service and the Alaska Department of Transportation and Public Facilities to work cooperatively to develop a Master Plan for the Kantishna Airport.

Article II. Statements of Work

- A. The parties jointly agree to the following basic guidelines:
 1. For purposes of this MU, to set aside the disagreement between DOT&PF and NPS over ownership of the airport, and to agree that nothing in this agreement, and no action taken as a result of this agreement shall affect the question of ownership, nor have a bearing on the claims of either of the parties.

2. To cooperate in the development of a plan to improve the airport at its present location or to relocate the airport to a more suitable location, consistent with the 1996 *Entrance Area and Road Corridor Development Concept Plan* for the Denali National Park. This Plan calls for maintaining the existing level of commercial use at the Kantishna airport and for implementing the 1994 Denali Task Force Report recommendation to retain the existing character and approximate level of commercial use at Kantishna. The airport planning project will review the aviation needs of Kantishna and develop an Airport Master Plan, an Airport Layout Plan and an Environmental Assessment to accommodate these needs.

3. To develop standards for maintenance of the airport for continuing safe, year around access to the community of Kantishna and the National Park and Preserve and to do so in a manner which is compatible with the purposes of Denali National Park and Preserve.

4. Through the National Environmental Policy Act (NEPA) process, to provide for full public review of the draft Kantishna Airport Plan and environmental document. Preparation of the NEPA document will follow the Council of Environmental Quality (CEQ) Regulations found at 40 CFR Parts 1500-1508 and will meet National Park Service guidelines for the NEPA process.

5. That this MU shall not constitute a representation of the legislative or other authority of the Federal Aviation Administration (FAA) to issue grants for state planning on federal land in National Park System units and, furthermore, that this agreement shall not affect any existing authority or establish precedent regarding jurisdiction over airport planning for such land.

B. The parties jointly agree to the following planning process:

1. DOT&PF will be responsible for preparing the Kantishna Airport Plan and environmental document, and may hire a contractor for the task. All draft and final documents shall be subject to review and approval by DOT&PF and NPS before release to the public for review and comment. Both parties shall mutually agree upon a schedule that provides for a phased approach in the development, review and approval of the plan and accompanying environmental document, including an initial meeting with the contractor, and review and approval of the contractor's work at intermediary and final stages.

2. Preparation of the Kantishna Airport Plan and environmental document will follow the FAA planning, environmental and design guidelines as outlined in Advisory Circulars and Orders and CEQ regulations (40 CFR Parts 1500-1508). The following additional factors will be considered in the planning and

environmental compliance process:

- a. Information about the air service needs of the community and the geographical location;
- b. Current and projected aircraft usage, types and requirements;
- c. NPS draft standards for improving and maintaining the airport in a manner consistent with the purposes of the Park and Preserve;
- d. Description of resources and values to be evaluated, and the potential impact of plan implementation. The following additional compliance requirements will be met;
 - d.1 Cultural Resources: An evaluation of historical resources in the vicinity of the airport, and of the impact, if any, of plan implementation on these resources. If an impact is identified, the evaluation shall include proposals for preventing or mitigating adverse impacts in accordance with Section 106 of the Historic Preservation Act;
 - d.2 Subsistence: An evaluation of the impact of plan implementation on subsistence in accordance with Section 810, ANILCA;
 - d.3 Floodplain management and wetlands protection: comply with the NPS Floodplain Management and Wetlands Protection Guidelines implementing Executive Orders 11988 and 11990.
 - d.4 Threatened and Endangered Species: Consult with the US Fish and Wildlife Service regarding potential effects of the project to threatened or endangered species or habitat.
- e. A layout plan identifying all proposed changes including proposed areas for vegetative management;
- f. Estimated material requirements and proposed sources;
- g. A proposed annual maintenance plan and schedule;
- h. Cost estimates associated with proposed improvements and annual maintenance.

3. NEPA review of the draft Kantishna Airport Plan will be administered by DOT&PF in partnership with the NPS. The time and place of public meetings will be decided jointly and both parties will have an opportunity to be represented at the public meetings.

4. The DOT&PF and NPS shall mutually agree on the content of the final plan, and environmental documentation. The Federal Aviation Administration (FAA) and NPS will each be responsible for preparing and signing their own decision document. However, FAA and NPS may coordinate in the development of language for a Finding of No Significant Impact (FONSI) if a FONSI is appropriate.

C. After approval of the plan by both parties, the NPS and the DOT&PF shall determine if joint implementation of the plan and development of subsequent agreements for the improvement and long-term maintenance of the Kantishna airport is appropriate.

Article III. Schedule and Reports

1. Spring and Summer, 1998

During this period it is anticipated that Article II.B.2.(a) through (e) could be accomplished.

2. Winter and Spring 1998-1999

During this period it is anticipated that Articles II.B.2 (f) through (h) and Article II.B.3-4 could be accomplished.

Article IV. Key Officials

The key officials representing **NPS** will be the Superintendent, Denali National Park & Preserve stationed in Denali Park, Alaska; and the Associate Regional Director for Resource Stewardship and Partnerships, stationed in Anchorage, Alaska.

The key officials representing **DOT&PF** will be the Preconstruction Engineer, Northern Region, Chief, Airport Design Group, Northern Region; and the Engineering Manager, Northern Region, all stationed in Fairbanks, Alaska.

Article V. Term of Agreement

This agreement shall remain in effect for three years from the date of last signature or until the plan is approved, unless terminated earlier in accordance with Article VII.

Article VI. Amendments/Prior Approval

On an annual basis the parties may reassess their needs, funding availability, and public benefits, and may reaffirm, revise, extend, or create amendments or addenda to this agreement. Changes must be in writing and be approved and signed by the original signature authorities. Work continuation shall be subject to the availability of funds in future fiscal years.

Article VII. Termination

Either party may withdraw from this agreement by providing sixty (60) days written notice to the other parties.

Article VIII. Standard Clauses

- A. Civil Rights. During the performance of this agreement, the participants agree to abide by the terms of USDI-Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person because of race, color religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex or national origin.

- B. Official Not to Benefit. No member or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this agreement, or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this agreement if made with a corporation for this general benefit.

Article IX. Signature

The undersigned agree to the provisions of this Memorandum of Agreement:

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| For: National Park Service, Alaska Region | |
| Regional Director <i>John C. Guba</i> | Date 12/17/97 |
| <i>Jay C. Kucenski</i> | 12/5/97 |
| Contracting Officer | Date |

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| For: State of Alaska, Department of Transportation and Public Facilities | |
| Recommended Preconstruction Engineer Northern Region | Date 10-10-'97 <i>Daniel L. McCaleb</i> |
| Approved Regional Director Northern Region | Date 10-14-97 <i>Robert J. Hansen</i> |