



MEMORANDUM

To: Mayor Westover and Members of the Assembly
Jim Dinley, Municipal Administrator

Through: Michael Harmon, Public Works Director 
Stephen L. Weatherman, P.E. Municipal Engineer 

From: Lance E. Henrie, P.E. Senior Engineer 

cc: Theresa Hillhouse, Municipal Attorney

Date: May 4, 2011

Subject: MOA for Indian River Road Bus Transit Facility

Background:

In April 2009, the Bureau of Indian Affairs (BIA) published the Indian Reservation Roads (IRR) High Priority Project (HPP) fund awards, of which Sitka Tribe of Alaska (STA) was awarded \$635,291.00. These funds were originally for the Indian River Road Improvement Project. However, due to funding received from the State, only \$225,000 of the IRR HPP funds STA received for the project were used. There is a requirement that the IRR HPP funds must be expended within three years.

As a result, the remaining funds have been considered for a project off Indian River Road, across from Peter Simpson Road – for the construction of a bus transit facility and trailhead parking. The need for a bus transit facility to be constructed is for safety reasons. Currently, the bus stop location is on Indian River Road, which is at the intersection of Indian River Road, Peter Simpson Road and the pullout for the Indian River Trailhead parking lot, causing potential for congestion, hazards and accidents.

This project would consist of establishing a bus turnaround area within the existing gravel pullout and parking area for the Indian River Trailhead. The existing site would be graded and paved to accommodate an 85-foot diameter bus turnaround, ADA accessible bus shelter, and parking spaces for up to 15 vehicles.

Analysis

The purpose of this memorandum of agreement (MOA) is to establish an agreement between the City and Borough of Sitka (CBS) and STA authorizing STA and its contractor(s) to plan, design and construct a public transit bus turnaround, shelter and parking adjacent to Indian River Road on CBS property.

STA has hired DOWL HKM as the Architectural and Engineering (A&E) firm to conduct the required environmental, engineering and design work for the project. CBS Public Works Staff will also be involved in project management, plan review and approvals.

Fiscal Note

There is no upfront monetary commitment to the CBS. The obligation of the CBS would be to provide future associated maintenance costs after the project construction is completed.

Recommendation:

Approve this agreement to be signed as a mutual understanding between the City and Borough of Sitka and the Sitka Tribe of Alaska regarding the Indian River Road Bus Transit Facility project.

MEMORANDUM OF AGREEMENT
Between
Sitka Tribe of Alaska
and
City and Borough of Sitka
For the
Indian River Road Bus Transit Facility

This Memorandum of Agreement (MOA) is entered into by and between the **Sitka Tribe of Alaska ("STA")**, 456 Katlian Street, Sitka, AK 99835, and the **City and Borough of Sitka ("CBS")**, 100 Lincoln Street, Sitka, Alaska 99835.

Project Sponsor: Sitka Tribe of Alaska

Federal Program: Indian Reservation Roads Program

Project Name: Indian River Road – bus transit facility element

Funding Authority: Indian Reservation Roads

WITNESSETH:

WHEREAS transportation infrastructure that permits safe travel, promotes economic expansion, connects people within tribal communities, and allows the improved delivery of governmental services is necessary to build strong Tribal communities, enhance Tribal sovereignty and support Tribal self-governance, and

WHEREAS the Indian Reservation Roads (IRR) Program, jointly administered by the Federal Highway Administration Federal Lands Highway Office and the Bureau of Indian Affairs (BIA), is designed to assist tribal governments to meet their transportation needs, and

WHEREAS the STA through its Compact of Self-Governance and IRR Addendum to its FY 2006 – FY 2010 Annual Funding Agreements (AFA) has assumed for itself the funding and responsibility for administering the Indian Reservation Roads (IRR) Program and other highway and bridge programs authorized to be assumed by Indian Tribes under Title 23 of the United States Code as amended by SAFETEA-LU, and

WHEREAS STA has identified Indian River Road, on its Long-Range Transportation Plan as a project priority, and

WHEREAS STA received funding in 2009 through the Indian Reservation Roads High Priority Project (HPP) Program for Indian River Road, and

WHEREAS STA has identified a Bus Transit Facility along Indian River Road as a necessary element in the successful completion of the Indian River Road Project, and

WHEREAS STA has received preliminary approval to include the Bus Transit Facility element into the existing Indian River Road project so that STA may utilize HPP funding to construct the Indian River Bus Transit Facility, provided that the BIA approves the project specifications and estimates of the bus turn around element prior to construction, and

WHEREAS STA must administer the IRR Program in such a manner as to remain at all times in compliance with the Compact of Self-Governance between the STA and the United States of America dated August 28, 2001, STA's annual funding agreements and addendums, applicable provisions of Title 23 of the United States Code, as amended by SAFETEA-LU, and Title IV of the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, 88 Stat. 2203

Memorandum of Agreement

Indian River Road Bus Transit Facility

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(1975) as amended (codified at 25 U.S.C. § § 458aa- 458hh) ("Act"), and the regulations implementing those statutes, 25 C.F.R. Parts 170 & 1000, (hereinafter collectively referred to as "Controlling Legal Authorities"), and

WHEREAS CBS owns the property where STA plans to construct the Bus Transit Facility, and

WHEREAS CBS is agreeable to maintain the Bus Transit Facility after its construction,

NOW THEREFORE, STA and CBS hereby agree as follows:

Section 1 Purpose

This Memorandum of Agreement (MOA) establishes an Agreement between CBS and STA.

The purpose of this MOA is for CBS and STA to establish an agreement for

- (a) CBS to authorize STA and its contractor(s) to plan, design and construct a public Bus Transit Facility, shelter and parking, adjacent to Indian River Road as set out in Attachment A, located on CBS property at: Lot 2 of USS 3995 and Track 4A-2 ASLS 81021 (hereinafter IRR Bus Transit Facility), and
- (b) CBS to maintain the IRR Bus Transit Facility after construction, and
- (c) CBS and STA to make the necessary agreements in order to facilitate and clarify the role of the parties to process of planning, constructing and maintaining the IRR Bus Transit Facility.

Section 2 Authority

STA

Sitka Tribe of Alaska (STA) is a federally recognized Indian Tribe, organized pursuant to the Act of June 19, 1935, Stat. 388, as amended by the Act of August 19, 1965, 79 Stat. 543, and the Federally Recognized Indian Tribe List Act of 1994, Pub. L. No. 103-454, 108 Stat. 4792 (codified as 25 U.S.C. § § 479a - 470a-1). STA is empowered under its Constitution to execute memoranda of agreement to benefit its tribal citizens.

CBS

City and Borough of Sitka (CBS) is a municipal corporation, a political subdivision of the State of Alaska, authorized to enter into this MOA by approval of its Assembly.

Section 3 Scope of Work

(A) STA will use available IRR funding to conduct all pre-construction planning activities for the IRR Bus Transit Facility, including

- (1) Developing the Design and Project Specifications and Estimates which comply with applicable federal requirements, and
- (2) Acquiring all necessary federal and CBS permits, reviews and approvals for the construction of the Bus Transit Facility to include
 - (a) receiving the necessary reviews, approvals and permits for the Bus Transit Facility from CBS, including Planning Commission approval, and review and approval by CBS for drainage and hydrological studies associated with the floodplain, drainage ponds, and general storm drainage conveyance; and
 - (b) receiving review and approval from CBS Public Works department of the design (including landscape plans, drainage reports, and

channelization plans) at the 30%, 60%, and 90% completion stage and prior to completing the final design; and
(c) completing the necessary process and documentation to comply with NEPA and NHPA Section 106 requirements.

(B) STA will use IRR-HPP funds to construct the IRR Bus Transit Facility, subject to the following requirements

(1) STA agrees to provide construction management during construction, which will include construction administration, inspection and materials testing during all construction activity. STA will receive approval from CBS prior to signing a contract for construction management services, which will be either through a contract with a qualified consultant, or by CBS through a separate reimbursable service agreement.

(2) STA agrees to receive advanced approval from CBS for any temporary traffic control necessary during the construction of the IRR Bus Transit Facility.

(C) STA agrees to provide CBS with copies of all final documents, including permits, design drawings, as-built survey drawings, survey data, and design calculations, including electronic submittals of drawings and survey data in AutoCAD format.

(D) CBS shall maintain the IRR Bus Transit Facility after completion of its construction.

Section 4 Effective Date and Term

This MOA is effective when executed and terminates on _____ [fill in date].

Although this MOA terminates on _____, CBS shall continue to maintain the IRR Bus Transit Facility on CBS property, subject to future Assembly action and/or appropriations.

Section 5 Payment

STA is responsible for all costs associated with planning and constructing the IRR Bus Transit Facility.

CBS is responsible for all costs associated with maintaining the IRR Bus Transit Facility.

Section 6 Reports

Upon execution of this agreement, STA will provide monthly oral or written updates to CBS's representative or his designee on the progress of the project until its completion.

Section 7 Legal Effect of this MOA.

This MOA is expressly made subject to all Controlling Legal Authorities of STA's Compact with the United States Government and Alaska State and CBS laws, and nothing in this MOA may be construed to conflict with the terms and conditions of those authorities.

Section 8 Sovereign Immunity.

STA is a federally recognized Indian Tribe that possesses sovereign immunity from suit. Nothing in this MOA shall be construed to be a waiver of sovereign immunity by STA.

Section 9 Entire Agreement and Amendments.

The terms and conditions set forth herein constitute the entire understanding of the parties relating to this MOA. This MOA may be amended only by a written instrument signed by authorized representatives of both parties.

Section 10 Relationship of Parties

None of the provisions of this MOA are intended to create nor shall be deemed or construed to create any relationship between the parties other than that of independent parties entering into an agreement with each other solely for the purpose of effecting the provision of this agreement.

Section 11 Liability and Indemnification

CBS agrees to defend, indemnify and hold STA harmless from any and all liability, loss, cost, damage, expense, actions and claims, including costs and attorney's fees incurred in defense thereof, asserted or arising, directly or indirectly, on account of or out of CBS's actions in implementing this project.

STA agrees to defend, indemnify and hold CBS harmless from any and all liability, loss, cost, damage, expense, actions and claims, including costs and attorney's fees incurred in defense thereof, asserted or arising, directly or indirectly, on account of or out of STA's actions in implementing this project.

Section 12 Construction of Agreement

This agreement shall be construed without consideration of which party drafted it and the rule that contracts are construed most strongly against the party drafting it shall not apply.

Section 13 Authority of the Parties

STA attests and affirms that it has the authority and power under law to enter into, deliver and perform all its rights, duties and obligations set forth in this MOA. STA acknowledges that the MOA constitutes a legal, valid and binding obligation of STA and is enforceable in accordance with its terms.

CBS attests and affirms that it has the authority and power under law to enter into, deliver and perform all its rights, duties and obligations set forth in this MOA and that in signing this MOA, CBS acknowledges that the MOA constitutes a legal, valid and binding obligation of CBS and is enforceable in accordance with its terms.

Section 14 Application Law

This MOA and terms shall be interpreted under, and governed by, the applicable laws and court decisions of the United States of America and the State of Alaska.

Section 15 Contacts

Sitka Tribe of Alaska Representative:
Camille Ferguson
Economic Development Director
Sitka Tribe of Alaska
456 Katlian Street
Sitka, AK 99835
(907) 747-3207

City and Borough of Sitka Representative:
Jim Dinley
Municipal Administrator
City and Borough of Sitka
100 Lincoln Street
Room 301
Sitka, AK 99835
(907) 747-1808

IN WITNESS WHEREOF, the parties have set their hands to this agreement between Sitka Tribe of Alaska and the City and Borough of Sitka.

Lawrence Widmark, Tribal Council Chairman
Sitka Tribe of Alaska

James Dinley, Administrator
City and Borough of Sitka

Date

Date

Project Description

Indian River Road Turnaround

The Sitka Tribe of Alaska (STA) and the Bureau of Indian Affairs (BIA) are proposing improvements to the Indian River Road Bus Stop and Turnaround at the Indian River Trailhead in Sitka, Alaska. The proposed project is located at 53° 3' 35.8" North Latitude and 135° 19' 1.22" West Longitude; Copper River Meridian Township 55 South, Range 63 East, Sections 25 & 36, and Township 55 South, Range 64 East, Sections 30 & 31; United States Geological Survey Quadrangle Sitka A-4.

The existing site consists of a developed gravel area that accommodates parking for up to nine vehicles and provides enough space to accommodate the development of an 85-foot diameter bus turnaround area. The existing site is comprised of imported gravel overlying native organic material. At times the ground becomes muddy and isn't suitable for driving. Currently buses use the intersection at the entrance of Indian River Trailhead and Peter Simpson Street to turn around. This intersection is regularly used by 20 yard dump trucks hauling rock out of the nearby rock quarry, thereby mixing heavy truck traffic with turning buses that are traveling at much lower speeds.

The proposed project consists of the following improvements:

- Improve safety by establishing a bus turnaround area within the existing gravel area while maintaining space for parking at the Indian River Trailhead.
- Grading and paving the existing gravel area.
- Improve drainage by stabilizing the gravel area and providing treatment for runoff before flowing into Indian River.
- Design the transit bus shelter to meet Americans with Disabilities Act requirements and to accommodate the existing volume of ridership.
- Increase the number of parking spaces for vehicles from 9 to 15.

Scoping Questions

Alaska Department of Environmental Conservation

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the ADEC Contaminated Sites, Spills and LUST program databases and any findings are identified in the scoping letter and/or Appendix A. If you know of any other confirmed or suspected contaminated sites, spills and any registered underground or above-ground fuel storage tanks that may affect or be affected by the proposed project please provide that information.
 2. Identify any water quality concerns.
 3. Provide information and/or data on existing (permitted or unpermitted) solid waste landfills, dumps, discharges, or sewage lagoons in the project area.
 4. Provide information and/or data on existing drinking water supplies in the project area.
 5. Identify any permits and/or clearances to be obtained from your agency for the proposed project.
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Alaska Department of Fish and Game

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the ADF&G's *An Atlas to the Catalog of Waters Important to the Spawning, Rearing or Migration of Anadromous Fishes* and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on anadromous or resident fish streams in the vicinity of the proposed project, including spawning/rearing habitat and migration corridors please provide us that information.
 2. Identify any fish species within the project boundaries that may be used for subsistence.
 3. We have researched the ADF&G *State of Alaska Refuges, Critical Habitat Areas and Sanctuaries* and any findings are identified in the scoping letter and/or Appendix A. If these special areas exist in the project vicinity, would the normal activities of these areas be affected by the proposed project?
 4. Provide information on wildlife other than fish in the vicinity of the proposed project.
 5. Would the project affect wildlife migration corridors or bisect/segment wildlife habitat?
 6. Identify any permits and/or clearances to be obtained from your agency for the proposed project.
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Alaska Department of Natural Resources Office of Habitat Management and Permitting

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the ADF&G's *An Atlas to the Catalog of Waters Important to the Spawning, Rearing or Migration of Anadromous Fishes* and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on anadromous or resident fish streams in the vicinity of the proposed project, including spawning/rearing habitat and migration corridors please provide us that information.
 2. Identify any fish species within the project boundaries that may be used for subsistence.
 3. We have researched the ADF&G *State of Alaska Refuges, Critical Habitat Areas and Sanctuaries* and any findings are identified in the scoping letter and/or Appendix A. If these special areas exist in the project vicinity, would the normal activities of these areas be affected by the proposed project?
 4. Provide information on wildlife other than fish in the vicinity of the proposed project.
 5. Would the project affect wildlife migration corridors or bisect/segment wildlife habitat?
 6. Identify any permits and/or clearances to be obtained from your agency for the proposed project.
-

Local Coastal District Coordinator (Coastal Zone Management) ADNR DCOM
Alaska Department of Natural Resources, Division of Coastal and Oceans Management

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. Identify any potential conflicts the proposed project may have with the goals or objectives of the local coastal management program.
 2. At the present time, does your district have any objections to the proposed project?
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ADNR, Division of Parks & Outdoor Recreation

In addition to identifying any concerns and/or issues you might have with the proposed project, the following information is requested:

1. State Parks - We have researched the ADNR DPOR *Catalog of the Alaska State Park System* for the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other existing or proposed State Parks in the vicinity of the project, and can identify any Park objectives or activities that may conflict with the proposed project please provide that information.
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ADNR, Division of Mining, Land and Water, Resource Assessment & Development Unit

In addition to identifying any concerns and/or issues you might have with the proposed project, the following information is requested:

1. Land Use Plans - We have researched the ADNR Land Use Plan for the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other existing and/or proposed land use plans and can identify any land use objectives that may conflict with the proposed project please provide that information.
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ADNR, Division of Parks & Outdoor Recreation, SHPO

In addition to identifying any concerns and/or issues you might have with the proposed project, the following information is requested:

1. We have researched the Alaska Heritage Resources Survey (AHRS) for the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other confirmed or potential archaeological, historical, and/or cultural sites in the vicinity of the proposed project please provide that information.
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ADNR, Division of Mining, Land and Water, Southeast Region Office

In addition to identifying any concerns and/or issues you might have with the proposed project, the following information is requested:

1. Land Use – Are there any state lands in the project area and if so have any authorizations such as Land Use Permits, Leases, Right-of-ways, Material Site Contracts or ILMA's been issued which would conflict with the project?
 2. Permits - Identify any permits or clearances to be obtained from your agency for the proposed project.
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Bureau of Land Management

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

We have researched the BLM website with respect to BLM Recreation Areas for the project area and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on Recreation Areas or Native Allotments in the project area that might potentially be affected by the proposal, please provide that information.

City, Village, or Borough

In addition to identifying any concerns and/or issues the city might have with the proposed project, the following information is requested:

1. Identify any existing and/or proposed zoning requirements and/or land use controls in the project area. If permits are required, please identify which ones.
2. Identify any other local improvement project(s) under construction or proposed in the vicinity of the project within the foreseeable future.
3. Does the community support the proposed project?

E-mail response to sender

Regional Corporations, IRAs and Traditional Councils

We have researched the Alaska Heritage Resources Survey (AHRS) for the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other confirmed or potential archaeological, historical, cultural and/or religious sites that may be affected by the proposed project please provide that information.

U.S. Army Corps of Engineers

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the Federal Emergency Management Agency Flood Maps for the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other information and/or data with respect to the base floodplains, regulatory floodways, and/or special flood hazard areas of drainages that may be affected by the proposed project, please provide that information.
 2. Are there any navigable waters of the U.S. in the project vicinity over which the COE has Section 10 authority?
 3. Identify any permits and/or clearances to be obtained from your agency for the proposed project.
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U.S. Coast Guard

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. Are there any navigable waters of the U.S. in the project vicinity over which the USCG has authority?
 2. Identify any permits and/or clearances to be obtained from your agency for the proposed project.
-

U.S. Environmental Protection Agency

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. Identify any sole source or principal drinking water sources that may be affected by the proposed project.
2. We have researched the Alaska Department of Environmental Conservation Contaminated Sites, Spills and LUST program databases and any findings are identified in the scoping letter and/or Appendix A. If you know of any other confirmed or suspected contaminated sites, spills and any registered underground or above ground fuel storage tanks that may affect or be affected by the proposed project please provide that information.
3. Identify any permits and/or clearances to be obtained from your agency for the proposed project.

U.S. Fish and Wildlife Service

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the USF&WS website with respect to known threatened and/or endangered species and their habitat for the project area and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on threatened and/or endangered species in the project area that might potentially be affected by the proposal please provide that information.
2. We have researched the USF&WS website with respect to identifying National Wildlife Refuge lands in or adjacent to the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other existing or proposed refuge lands in the vicinity of the project, and can identify any refuge objectives or activities that may conflict with the proposed project please provide that information.
3. We have researched the USF&WS National Wetland Inventory Maps with respect to identifying wetlands in or adjacent to the project area and any findings are identified in the scoping letter and/or Appendix A. If you know of any other wetlands that may be impacted by the project, please provide that information.
4. Provide information or data on important fish and wildlife habitats or migration corridors potentially affected by the proposal.
5. Provide information on known active or inactive eagle nests in the project area.
6. Identify any permits and or clearances to be obtained from your agency for the project.

U.S. Dept. of Commerce (National Marine Fisheries Services)

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the NMFS website with respect to known threatened and/or endangered species and their habitat for the project area and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on threatened and/or endangered species in the project area that might potentially be affected by the proposal please provide that information.
2. We have researched the NMFS website to determine if essential fish habitat (EFH) pursuant to the Magnuson Act will be impacted by the proposed project and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on EFH species or habitat please provide that information.

U.S. National Park Service

In addition to identifying any concerns and/or issues your agency might have with the proposed project, the following information is requested:

1. We have researched the NPS website with respect to National Parks, Monuments, Preserves and Wild and Scenic Rivers for the project area and any findings are identified in the scoping letter and/or Appendix A. If you have any other information and/or data on any of these land use designations in the project area that might potentially be affected by the proposal, please provide that information.
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APPENDIX A

Preliminary Research Results

Air Quality: According to Alaska Administrative Code (AAC), 18 AAC 50.15, Sitka, Alaska is considered a Class II area. The area is considered to be “unclassifiable” since not enough data exists to determine compliance with the national standards for ambient air quality.

Coastal Zone Management: According to ADNR’s Coastal Zone and Coastal District Boundaries Map (www.alaskacoast.state.ak.us/GIS/boundary.htm), the location of the proposed project lies within the coastal zone boundaries of the State of Alaska and the Sitka Borough Coastal District. A Coastal Project Questionnaire/Certification Statement and Project Evaluation will be submitted to the Alaska Department of Natural Resources, Division of Coastal & Ocean Management once the project design work has progressed to the point where state and/or federal permits are ready for submission.

Contaminated Sites, Spills and Underground Storage Tanks: A search of Alaska Department of Environmental Conservation’s contaminated sites database (<http://www.dec.state.ak.us>) was performed to investigate if any sites are reported on or around the property that would be considered Recognized Environmental Conditions. No sites were discovered.

Historical, Archeological and Cultural Properties: Alaska Heritage Resource Survey (AHRS) records were reviewed and we are continuing to work with State Historic Preservation Office to determine if significant cultural and historic resources are present within the project area or the Areas of Potential Effect.

Consultation in accordance with Section 106 of the National Historic Preservation Act will be conducted with the State Historic Preservation Office and local tribal entities to determine whether this project is likely to affect any historic properties.

Wetlands: A review of the United States Fish & Wildlife Service’s National Wetland Inventory website (www.wetlandsfws.er.usgs.gov/wetlands/launch.html) indicated no wetlands are present in the study area. An area of riverine habitat is apparent close to the eastern boundary of the project area. However, no ground disturbing work will be located outside of the existing gravel pad.

Anadromous Fish Streams/Essential Fish Habitat: A review of the Alaska Department of Fish and Game’s *Atlas to the Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes* (www.gis.sf.adfg.state.ak.us) identified no anadromous streams located on the property.

State Refuges, Critical Habitat Areas, and Sanctuaries: A review of the Alaska Department of Fish and Game website listing critical habitats in the State of Alaska

(www.sf.adfg.state.ak.us/SARR/SpecialAreas/SpecialAreas.cfm) revealed that there are no refuges, critical habitat areas or sanctuaries within the project area.

Local Land Use Plans, Local Parks: The following local land use plans will be considered in the development of this project:

- Sitka Comprehensive Plan
- Sitka Tribe of Alaska's proposed 2011 Indian Reservation Roads Program IRR Program Long Range Transportation Plan

Land Ownership and Use: The project area includes privately owned land currently owned by the Sitka Tribe of Alaska.

Navigability, Floodplain Management: No waterways are located on the property.

A Flood Insurance Rate Map from the Federal Emergency Management Agency was reviewed to see if the project is located within a floodplain. According to the FIRM panel number 02220C0416C, the property is located in an area of minimal flooding.

Federal Recreation Areas: There are no Federal Recreation Areas located within, or adjacent to the project area.

Bureau of Land Management: According to the Bureau of Land Management (BLM) website (www.blm.gov/nstc/jurisdictions/) no BLM Public Lands are located within the proposed project area.

Threatened and Endangered Species: Review of the United States Fish and Wildlife Service's Alaska Region website (<http://alaska.fws.gov/fisheries/endangered/pdf/SPPLIS0206.pdf>) revealed that there are no listed or proposed species in the project area, and there is no designated or proposed critical habitat near the proposed project.

Bald Eagles: According to the United States Fish and Wildlife Service's on line *Alaska Bald Eagle Nest Atlas* (<http://164.159.151.40/private/alaskabaldeagles/viewer.htm>) no bald eagle nests were identified in the project area. The closest nest is approximately 1.0 miles from the project site.

National Wildlife Refuges: A review of the United States Fish and Wildlife Service's website (<http://alaska.fws.gov/nwr/map.htm>) indicated that no National Wildlife Refuges exist in the project area.

National Parks, Preserves, Monuments, and Wild and Scenic Rivers: The project area is not located within any national parks, preserves, or monuments; therefore, there would be no impacts to these resources. Furthermore, there are no wild and scenic rivers within the project area.

EXCEPTION REVIEW CHECKLIST

This checklist may be used to determine if an environmental assessment is required for a single, independent proposed action that is determined to be a BIA-approved categorical exclusion as listed in Department of Interior 516 DM 10.5. The person preparing this checklist must have supporting information or reasonable assurance that the proposed action will not have significant or adverse effects on any of the twelve situations below. If so, it is reasonable to answer NO to the exceptions below. If not, an environmental assessment must be prepared to further investigate and determine whether an action will have a significant impact on the quality of the human environment.

Date: 03/16/11

Type of Transaction or Project: Installation of passenger shelter

Brief description of proposed transaction or project: To improve the existing public transit bus turnaround/bus stop and parking area at the Indian River Road Trailhead. The existing site is inadequate for the public transit buses to turnaround and the bus stop is on the shoulder of Indian River Road, in addition the proposed bus turnaround site consists of a developed gravel area that accommodates parking for up to nine vehicles and provides enough space to accommodate the development of an 85-foot diameter transit bus turnaround area. The existing site is comprised of imported gravel overlying native organic material. In the Fall, during the hard rain season, the area is submerged in some water and becomes muddy that isn't suitable for driving. Currently, buses use the intersection at the entrance of Indian River Trailhead and Peter Simpson Street to turn around. This intersection is inadequate for safe and proper bus turnaround needs and is regularly used by pedestrians, bicyclists and 20 yard dump trucks hauling rock out of the nearby rock quarry, thereby mixing heavy truck traffic with turning buses that are traveling at much lower speeds. The relocation of the bus shelter will allow for much safer conditions of bus passengers to enter and exit the public transit buses. The proposed project will fit within the existing footprint.

Property description including Native Allotment number, landowner name, and legal description: This is NOT NATIVE ALLOTMENT Land, therefore has no Native Allotment number. The landowner's name is: The City and Borough of Sitka. The legal description is; Lot 2 of USS 3995 and Track 4A-2 ASLS 81021.

Ground disturbing activities or change in land use. If yes an EA is required

No ☒ Yes ☐

516 DM 10.5 Categorical Exclusion letter, the specific title and the text of the category:

L (4) Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

Evaluation of possible exceptions to the categorically excluded action listed above:

1. This action would have significant adverse effects on public health or safety.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
2. This action would have an adverse effect on unique geographical features such as wetlands, wild & scenic rivers, refuges, floodplains, rivers, placed on nationwide river inventory, or prime or unique farmlands.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
3. This action would have highly controversial environmental effects.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
4. This action would have highly uncertain environmental effects or involve unique or unknown environmental risk.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5. This action will establish a precedent for future actions.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
8. This action will affect a species listed or proposed to be listed as endangered or threatened.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
9. This action threatens to violate federal, state, local, or tribal law or requirements imposed for protection of the environment.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
10. This action will have a disproportionately high and adverse effect on low income or minority populations.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
11. This action will limit access to, and ceremonial use of, Indian sacred sites on federal lands,	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

EXCEPTION REVIEW CHECKLIST

This checklist may be used to determine if an environmental assessment is required for a single, independent proposed action that is determined to be a BIA-approved categorical exclusion as listed in Department of Interior 516 DM 10.5. The person preparing this checklist must have supporting information or reasonable assurance that the proposed action will not have significant or adverse effects on any of the twelve situations below. If so, it is reasonable to answer NO to the exceptions below. If not, an environmental assessment must be prepared to further investigate and determine whether an action will have a significant impact on the quality of the human environment.

Date: 03/16/2011 **Type of Transaction or Project:** Installation of bus turnaround.

Brief description of proposed transaction or project: To improve the existing public transit bus turnaround/bus stop and parking area at the Indian River Road Trailhead. The existing site is inadequate for the public transit buses to turnaround and the bus stop is on the shoulder of Indian River Road, in addition the proposed bus turnaround site consists of a developed gravel area that accommodates parking for up to nine vehicles and provides enough space to accommodate the development of an 85-foot diameter transit bus turnaround area. The existing site is comprised of imported gravel overlying native organic material. In the Fall, during the hard rain season, the area is submerged in some water and becomes muddy that isn't suitable for driving. Currently, buses use the intersection at the entrance of Indian River Trailhead and Peter Simpson Street to turn around. This intersection is inadequate for safe and proper bus turnaround needs and is regularly used by pedestrians, bicyclists and 20 yard dump trucks hauling rock out of the nearby rock quarry, thereby mixing heavy truck traffic with turning buses that are traveling at much lower speeds. The relocation of the bus shelter will allow for much safer conditions of bus passengers to enter and exit the public transit buses. The proposed project will fit within the existing footprint.

Property description including Native Allotment number, landowner name, and legal description: This is NOT NATIVE ALLOTMENT Land, therefore has no Native Allotment number. The landowner's name is: The City and Borough of Sitka. The legal description is: Lot 2 of USS 3995 and Track 4A-2 ASLS 81021.

Ground disturbing activities or change in land use. If yes an EA is required

No ☒ Yes ☐

516 DM 10.5 Categorical Exclusion letter, the specific title and the text of the category:

A. Operation, maintenance, and replacement of existing facilities. Examples are normal renovation of buildings, road maintenance and limited rehabilitation of irrigation structures.

Evaluation of possible exceptions to the categorically excluded action listed above:

1. This action would have significant adverse effects on public health or safety.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
2. This action would have an adverse effect on unique geographical features such as wetlands, wild & scenic rivers, refuges, floodplains, rivers, placed on nationwide river inventory, or prime or unique farmlands.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
3. This action would have highly controversial environmental effects.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
4. This action would have highly uncertain environmental effects or involve unique or unknown environmental risk.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5. This action will establish a precedent for future actions.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
6. This action is related to other actions with individually insignificant but cumulatively significant environmental effects.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
7. This action will affect properties listed or eligible for listing in the National Register of Historic Places.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
8. This action will affect a species listed or proposed to be listed as endangered or threatened.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
9. This action threatens to violate federal, state, local, or tribal law or requirements imposed for protection of the environment.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
10. This action will have a disproportionately high and adverse effect on low income or	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

minority populations.		
11. This action will limit access to, and ceremonial use of, Indian sacred sites on federal lands, by Indian religious practitioners, and/or adversely affect the physical integrity of such sites.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
12. This action will contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or may promote the introduction, growth, or expansion of the range of such species.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

A "yes" to any of the above exceptions will require that an environmental assessment be prepared.

EXCEPTION REVIEW CHECKLIST

Page 2 of 2

Date:

Type of Transaction or Project:

Property description including Native Allotment number, landowner name, and legal description:

Allowable NEPA Document (Place an X in the appropriate document choice):

Categorical Exclusion X OR Environmental Assessment

Preparer's Signature

03/16/2011
Date

Gerry Hope, Transportation Manager for the Sitka Tribe of Alaska
Name and Title of person preparing this checklist

Concur Item 7: See Section 106 Attached
Alaska Regional Archeologist

Date:

Concur:
Alaska Regional Environmental Scientist

Date:

Approve:
Alaska Regional Director

Date:



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

December 14, 2010

Sitka Tribe of Alaska
ATTN: Gerry Hope
456 Katlian Avenue
Sitka, AK 99835

Dear Mr. Hope,

This letter is to inform you the Planning Commission is recommending approval to the Assembly of your request for the endorsement of Municipal property being converted to public right-of-way for a bus turnaround and parking off Indian River Road across from Peter Simpson Road.

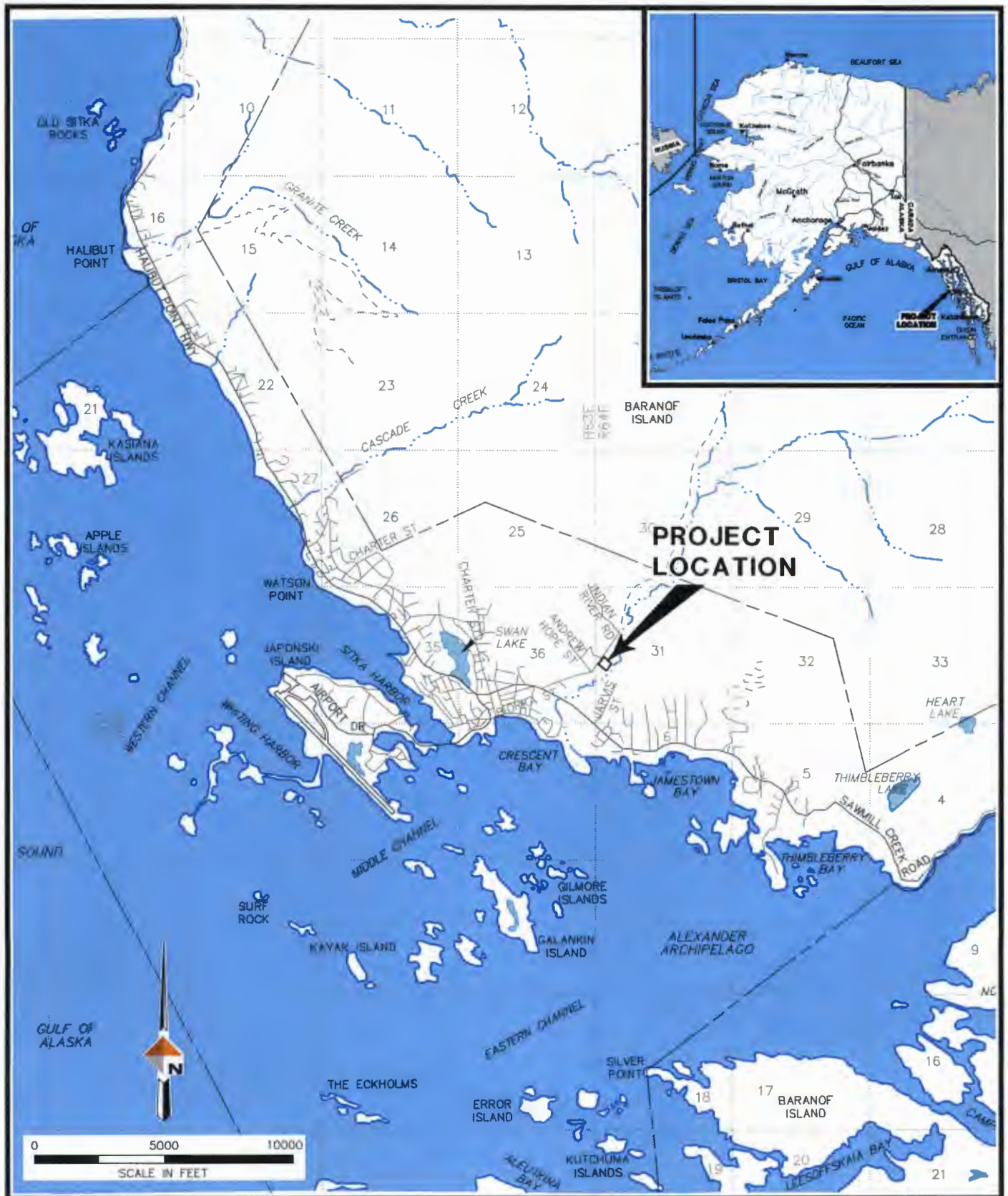
Thank you for working with us on this matter. If you should have any questions, please feel free to contact me at 747-1814.

Sincerely,

Melissa Henshaw
Planner I

cc: Michael Harmon, Public Works Director

Providing for today...preparing for tomorrow



P:\Projects\ID70291\ENV\Sitka\Trans.dwg 2010-10-11

SCALE: AS SHOWN



Vicinity Map
INDIAN RIVER ROAD
BUS TURNAROUND AND TRAILHEAD PARKING
Sitka, Alaska

FIGURE 1



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SCALE: AS SHOWN



Existing Trailhead Parking and Bus Stop
INDIAN RIVER ROAD
BUS TURNAROUND AND TRAILHEAD PARKING
Sitka, Alaska

FIGURE 2

