

MINUTES of
AIRPORT BOARD MEETING
September 21, 2005
Aurora Room, 7:00 p.m.

I. **CALL TO ORDER:** Acting Chair Gordon Evans called the meeting to order at 7:02 p.m.

II. **ROLL CALL:**

Members Present:

Gordon Evans

Fred Gaffney

Ron Swanson (via telecon)

Eric Forrer

Joe Heueisen

Tom Williams

Members Absent:

Pete Carlson

Staff/CBJ Present:

Allan Heese, Airport Manager

Pam Chapin, Secretary

Patricia deLaBruere, Arpt Business Mgr.

Virginia Harris, Airport Planner

Jerry Mahle, Airport M&O Superintendent

Terry Stone, CBJ Project Manager

Public Present:

Steve Zimmerman, Public

Dick Rountree, Trajen

Laurie Craig, Public

III. **APPROVAL OF MINUTES:** *Fred Gaffney moved, Joe Heueisen seconded, the adoption of the August 10, 2005, minutes. The motion passed by unanimous consent.*

IV. **APPROVAL OF AGENDA:** Fred Gaffney asked to add a discussion about hiring a wildlife biologist as a staff member for the Airport and directing the Manager to bring back costs to a future meeting. This was placed under the Wildlife Hazard Advisory Group discussion. Airport Manager Allan Heese asked to have a draft resolution dealing with mitigation for the EIS and some constraints that deal with that under New Business. This was placed as a discussion item under the EIS Update. Joe Heueisen asked to add the draft ordinance by the Mayor saying that any personnel actions have to be approved by the City Manager. This was placed as Item B under New Business. *Tom Williams moved, Fred Gaffney seconded, to approve the agenda as amended. The agenda, as amended, was approved by unanimous consent.*

V. **PUBLIC COMMENTS:** None.

VI. **UNFINISHED BUSINESS:**

A. **EIS Update:** Chair Ron Swanson said he and Airport Manager Allan Heese met with the FAA regarding EMAS issues. The FAA invited the lobbyist to set up a meeting to basically tell the Airport that they are not agreeing with it on the question of 4(f), not agreeing that EMAS is not a good alternative, and it is becoming more evident that the FAA

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is intending to make EMAS their preferred alternative. While the FAA has not officially said that and they probably won't until the record of decision, every indication that has been seen is pointing in that direction. Several issues with the EMAS were pointed out. FAA recognized the issues; however, they see them as programmatic issues and not something specific to Juneau. Since the program is to accept EMAS, they see no reason that Juneau shouldn't accept the shortcomings just as any other airport that puts it in would. This would include things such as when the EMAS is installed and it has five miles of caulking, every airport has to deal with five miles of caulking, so Juneau would deal with it like everyone else. If the EMAS is used in an overrun incident and JNU is left without an EMAS or runway safety area protection for some period of time, every airport would have to deal with that at some time. This was the kind of thing that the visit tried to impress upon the FAA. They repeatedly rebuffed the issues and said they were not a factor. Ron Swanson said that the FAA is pretty entrenched into EMAS as a reasonable and prudent alternative for Juneau, Alaska.

Ron Swanson said that they met with Don Young and Mayor Botelho (who was very helpful in that he allowed them to share a meeting he had already scheduled with Mr. Young). Don Young was very sympathetic to the cause. He said it should be a state's right to choose. He doesn't believe that the FAA can force the Airport to do it and has hope of legislation to cover it. The problem is what legislation piece (because they are all appropriation bills) to place the wording in.

Airport Manager Heese said that in a recent highway appropriation or reauthorization includes language that talks about 4(f) and provides for what is called a De Minimus option. Basically, this says that if there is a project that would impact 4(f) property and the impacts would be very small, i.e., De Minimus, that would be allowed under the 4(f) language. This is the same thing the Airport has been arguing and this now seems to be put into federal law. However, it does not seem to be a real clear incorporation of language and so the DOT folks, Federal Highways and FAA are putting their heads together to try to figure out how it will apply on a national scale. The Airport would look at it on how it would apply to Juneau. In a conversation with Patti Sullivan of the FAA, she thought the guidance would be out by the end of September 2005. Then the Airport will have to look at whether the impacts to the refuge do fall under the De Minimus provision or not.

The Airport is continuing conversations with people in Washington, D.C., to provide whatever information we can provide to help them help the Airport. Mr. Swanson said the key to the legislation was that it was in the Highways bill and the bureaucratic minds working overtime asked whether it even applied to the FAA. Acting Chair Evans said that determining De Minimus status usually takes a court decision.

Mr. Heese introduced a draft resolution (Attachment #1). The Airport has been struggling for years to figure out what kind of mitigation will work for projects the Airport is doing and the impacts the projects will cause. The typical desire of resource agencies and

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environmental groups is that when you are going to do compensatory mitigation, you do it as close to the place you are impacting and create the same type of thing you are destroying. For obvious reasons, that does not work for the Airport. This problem exists until you get out to a point (by FAA standards) of five miles. Technically anything done within five miles has constraints or conditions that say the Airport has to establish what the hazard is on the land that it is mitigating on and that steps have to be taken to manage or reduce the hazard. Because of the unknowns, the Airport would basically be signing a blank check to do some level of activity for off-airport forever or until conditions change and the Airport would be released from it. When clarification was requested from the FAA, they said the Airport would have to establish a baseline of wildlife activity on lands to be mitigated and if there was an increase in that level of activity, the Airport would have to take steps to reduce that activity, which flies in the face of why the mitigation is being done in the first place.

The draft resolution is thought to satisfy the Airport's concerns for that by saying that given the conditions that the FAA puts on mitigated lands, the Airport cannot accept any mitigation within the five-mile circle if it has wildlife habitat issues attached to it. If the Airport goes outside the five-mile circle, it could do essentially anything. The resolution directs staff where to mitigate and explains why.

A meeting was held on mitigation earlier in the day. Everyone involved is extremely confused about where to go and how to resolve it. After 45 minutes of discussion, Mr. Heese suggested writing a check for \$2 million and giving it to someone for payment as mitigation. Although it did not get a resounding cheer, it got a lot of nods and thumbs up. The number was simply pulled out of the air. The participants at the afternoon's meeting included EPA, FAA, States Office of Permitting, Southeast Alaska Land Trust, and DNR. There are many other players who were not in attendance. This solution would simplify the discussion tremendously. If a figure could be arrived at and a check written with the constraint that it would not violate the resolution, it would solve the problem. *Tom Williams moved, Eric Forrer seconded, to pass the draft resolution with a change to the second to the last line, where it reads "would constitute reason for reevaluation . . .," he would insert "the Board's reevaluation of the above-stated guidelines." The motion passed by unanimous consent.*

Mr. Heese said that one of the things that is missing from the process is the benefit the projects will have. A lot of the impacts are due to safety. The mitigation methodology that is typically used is 'you are damaging the environment and, therefore, you have to pay'. He thought that since a project is a betterment of the community to improve aviation safety, that should be factored into the mitigation discussion. He felt this was a very serious flaw.

B. Wildlife Hazard Advisory Group: Fred Gaffney read a paper (Attachment #2) to the Board for discussion purposes. He envisioned this group to work on habitat modification issues which deal with wildlife hazards. He thought it could begin working about the time the Record of Decision was given on the draft EIS.

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As a part of Mr. Gaffney's suggestion, he thought that the Airport should hire an additional staff member whose emphasis would be wildlife management, etc. The wildlife coordinator would fill the position on the suggested group that would be occupied by Jerry in lieu of the new position. He felt it was important to have project-level people with expertise at the airport, the Airport Planner, and the Wildlife Coordinator. The thrust for the Airport when this item was commented on in the DEIS public comment period was that it wanted local expertise and, in particular, people from the community that had expertise on the airport and scientific background.

Acting Chair Evans asked where Mr. Gaffney would propose the funding would come from if such a new staff member was hired. Mr. Gaffney said in 2003, \$31,000 was spent on wildlife hazards, training, staff supplies, and a contract with the USDA. There are a number of projects that have a significant modification that is being proposed within the EIS and the Wildlife Hazard Management Plan and some of the budgets are quite large. He thought perhaps the money could come from within those budgets. Additional staff will be needed for planning, data collection, and trying to coordinate the hazing program. The principal recommendation of a recent conference he attended is rather than taking 10% of 10 people on the airport to deal with wildlife issues, that identifying a single individual to run the program and be responsible is the first step that should be taken. He felt staff has done a terrific job to date, but there is going to be much more emphasis placed on this issue by the FAA in the future. He asked the Airport Manager to come back to the Board at their next meeting on the costs for someone in this type of position. Acting Chair Evans referred the determination of the wildlife coordinator (or whatever the position is) to the Finance Committee. Eric Forrer suggested defining the position as a mitigation position, identify the salary as mitigation money and get the money from the mitigation fund.

Tom Williams said he did not have a problem with establishing the committee as outlined. He did not support two of the three items that Ken Wallace wanted to add: the elimination of the airport hunting program and the level of commitment that Ken Wallace wanted. *Tom Williams moved, Eric Forrer seconded, to recommend the Chair create the wildlife advisory hazard group constituted as per Fred's recommendation.* Terry Stone noted that Mr. Gaffney's suggestions are listed as alternatives in the draft EIS for the possible implementation following the final EIS and the record of decision. He was concerned about doing parts of selected alternatives prior to deciding where all the alternatives are in the final EIS and Record of Decision. If the Airport does some things that are picked out as alternatives prior to the final EIS, he wasn't sure it was well timed. Mr. Gaffney saw this group as helping with the individual projects in the draft EIS. He did not see the group as talking about the hazing methods, what techniques are used, etc. He saw this group as project-level help as the projects go forward.

Airport Manager Heese said he had serious concerns about the direction of this group. He thought the wildlife hazard working group idea is good, but felt the problem would be in the

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implementation and management of the group. The wildlife hazard working group currently in existence is very small and the people on that group have some responsibility to be on the group. Basically, the group as outlined would take the responsibility away from the Airport Manager. The current group does not include a Board member or public. He suggested rather than three members of the public, the makeup of the group should include two Airfield Maintenance people and one public member. Airfield Maintenance people are on the airport many hours each week and are much more knowledgeable about the wildlife hazards at the airport, aircraft operations, and the whole operation of the airport.

Mr. Swanson thought that perhaps the group should not include any staff members and perhaps be reviewed after two years. Mr. Williams agreed with Mr. Swanson. He did not see any good way other than having an advisory group to get the external input, yet recognizing the Airport Manager is responsible and he and the Airport staff have to make the ultimate decision. Mr. Heuelsen said that as the Board is in not total agreement on the makeup of the group, he suggested the Chair assign this to the Operations Committee for further discussions to come up with a break down that everyone is happy with.

Mr. Gaffney said he was attempting to form a group where both knowledgeable staff and knowledgeable public can come together to do some consensus building on exactly what is trying to be accomplished at the airport in the way of wildlife hazard management. The overall goal of this committee would be to try to improve safety. The principal issues deal with habitat modification. There are many projects that will be done in the next few years with ample opportunity for both the staff, the public, and Board Members to sit down and discuss the issues in detail. He thought having knowledgeable staff members on board would keep the group on track to deal with specific issues as they come up. This is not meant to undermine the staff, the Airport Manager or the Board's authority. This is strictly a working group to discuss the issues and provide a forum for discussion.

Eric Forrer said that the description of what the group will and will not do needs to be part of the preamble of the suggestion. If the group's lines of authority are clear, then the type of problems noted by staff will be addressed by the nature of the description of the group. If the group's definition is left to everyone's imagination, then it will have as many definitions as there are people involved and it will constitute a serious flaw in its makeup.

Mr. Gaffney said his goal is to make it more open and incorporate the public in the process. He would be happy to continue to work on the idea as there is no big sense of urgency. He welcomed the opportunity to work on it if that was the will of the Board. *Tom Williams withdrew his motion; Mr. Forrer withdrew his second.* Acting Chair Evans said that he will send this to the Operations Committee with the idea of working with Fred Gaffney to get something put together to come back before the Board soon.

A break was held from 8:25 p.m. to 8:35 p.m.

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C. **Terminal Strategy - 1% Sales Tax:** Acting Chair Evans said that ads had been placed in the Juneau Empire under Alaskans for an Improved Juneau Airport. This group was formed by donations of various people. There will be three 1/4 page ads on reasons to vote yes. Fred Gaffney called a point of order, that this is not an appropriate item for the Board to discuss. Joe Heuelsen agreed with Mr. Gaffney. The information provided is about a group that is filed with APOC as a separate organization. Mr. Evans said most of the information was fact and taken out of the study. Ron Swanson noted he had written a "My Turn" article for the Juneau Empire for publishing some time before the election.

D. **Water/Sewer Line:** This item was introduced at the August meeting, in the context of the CBJ-planned sewer line from Bayview Subdivision to the Mendenhall Waste Water Treatment Plant. This sewer line project presents an opportunity to incorporate other utilities to the main area of the airfield float pond. Possible savings might exist due to already having contractors mobilized in that area and the possibility of placing additional utilities or conduit for future utilities in the same trench as the sewer. Additional information will be presented at the meeting. Because of the status of the Bayview Sewer project, a delay in making a decision may result in a lost opportunity. Airport Manager Heese said the question for the Board is whether or not to pursue the project and provide the funding.

Airport Planner Virginia Harris said that since the August meeting, a conceptual cost estimate was developed on both the cost of adding onto the project or doing the water/sewer lines on a separate basis (Attachments #3 and #4). The final document was information on additional revenues from the float pond tenants with a possible increase (Attachment #5). She said the conceptual cost of adding on the current project is approximately \$500,000. If the water/sewer line extension was done on a stand-alone basis, the cost would be two to three times that amount.

Tom Williams said that inasmuch as he works for a tenant that may be impacted by the project and when it came to a discussion of the merits of the project or a vote, he may or may not have a conflict. Notwithstanding the Chair's ruling on that issue, he asked to speak to a procedural issue regarding consideration of the project. Acting Chair Evans said Mr. Williams could speak to the procedural issue but felt he might have a conflict in voting and, therefore, should recuse himself as part of the vote. Mr. Williams said that his recollection of the issue was that a conceptual question was raised at the retreat as to whether or not this concept would get tenant support. He thought that potentially this was possible as long as the tenants were queried prior to moving forward. He was now concerned that the Board was placed again in a position of moving quickly and not avoid missing an opportunity without input from the tenants. Airport Manager Heese acknowledged dropping the ball on the tenant input. Acting Chair Evans referred this to the Finance Committee with Fred Gaffney as the Acting Chair of the Committee in Mr. Carlson's absence.

VII. NEW BUSINESS:

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A. **PFC 3 Appropriation:** Staff is consulting with Alaska Airlines for a PFC3 amendment to match the newest EIS grant (\$750,000). FAA approval is also required following this consultation. The local match for this fourth EIS grant amounts to \$19,778 which is available from existing excess revenue in the PFC program. Public notification of the proposed amendment will be posted on the airport web site to allow a 30-day public comment period per the regulations. *Eric Forrer moved, Tom Williams seconded, to request the Assembly to appropriate the PFC3 amendment following approval from Alaska Airlines and FAA. The motion passed by unanimous consent.*

B. **Draft Assembly Ordinance Serial No. 2005-32:** Mr. Heueisen said that the Assembly read three resolutions involving the Airport on Monday, September 19. One regarding the makeup of the Board was defeated, with a notice of reconsideration. One that caught everyone off guard was an amendment to the CBJ Ordinance (Attachment #6). This is an amendment to all enterprise boards. The language as applies to the Airport Board reads, "Coordination, is amended by adding a new subsection (f): ... Personnel actions regarding the airport manager, including hiring, evaluation, discipline, and termination, shall be with the written concurrence of the city manager." He found this not acceptable as a member of the Board. He thought it takes away some of the basic powers that the Boards have. The Assembly has requested comments from the Boards for this ordinance. He thought that everyone should collectively let the Assembly know what they think about the ordinance. He also wished to coordinate with the other Boards regarding this ordinance. In discussions with the Mayor, it was noted that he wasn't trying to take over anything, just limit it. *Joe Heueisen moved, Tom Williams seconded, to have someone draft a response to the Ordinance on behalf of the Airport Board saying they are not at all in concurrence with it, and, in particular, the Board thinks it is taking away from the ability of the Board to manage. The motion passed by unanimous consent.* Acting Chair Evans asked Mr. Heueisen to coordinate with the other boards and draft the response for submission to the Assembly. Airport Manager Heese said the Port Director John Stone said the sentiment on the Docks & Harbors Board is very similar to that being articulated by the Airport Board.

C. **Airport Manager's Report:** Airport Manager Heese reviewed the Airport Manager's Report (Attachment #7).

VIII. **ASSEMBLY LIAISON COMMENTS:** None.

IX. **PUBLIC COMMENTS:** None.

X. **BOARD MEMBER COMMENTS:**

A. Tom Williams said he testified at Monday's Assembly meeting in opposition to the proposal to limit the number of tenants on the Airport Board. His understanding was that at the Committee of the Whole meeting there had been some testimony that three tenants would be acceptable. The Mayor made a motion to reduce it to two. This failed on a four to four vote, with a reconsideration request by Mr. Wheeler. The Mayor and Deputy Mayor

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remarked that it was not targeted in any way. Although they had an opportunity to reduce the tenant participation down to two tenants at the last appointment period, they did not. Three months later, it is now necessary to push this ordinance through. The Board became an advisory board initially of tenants. He felt it essential to continue the Board with tenant representation. Without representation, if the tenants did not feel well represented, they would just bring it downtown to the Assembly. Maybe that is part of their overall strategy. He felt this ordinance was very poor public policy.

Eric Forrer wondered how the School Board could include parents but a tenant of the airport cannot sit on the Airport Board. Acting Chair Evans said that because most people have kids in school and so there isn't any conflict. The thing that distressed him was that he had made a comment at an Assembly meeting that it is their fault because they are the ones that make the appointments.

B. Joe Heueisen said he will coordinate with the other Boards regarding the Ordinance 2005-32. Acting Chair Evans said he would work with Mr. Heueisen in drafting the letter and will sign it in Mr. Swanson's absence.

XI. **ANNOUNCEMENTS:** None.

XII. **TIME AND PLACE OF NEXT MEETING:** The next regular Airport Board meeting will be held on October 12, 2005, at 7:00 p.m. in the Aurora Room.

XIII. **ADJOURN:** *Fred Gaffney moved, Joe Heueisen seconded, to adjourn the meeting. The meeting adjourned by unanimous consent at 9:30 p.m.*

ATTACHMENT #7

JUNEAU INTERNATIONAL AIRPORT MANAGER'S REPORT

September 21, 2005

1. Casino Express flew into JNU on two occasions in late August. On the first occasion they brought 112 people from Elko, Nevada, to Juneau and took 18 people from Juneau back. Five days later, they brought the 18 people back and departed with the 112 they had brought on the first flight. On both occasions, Jetway 5 was used for deplaning and enplaning passengers. All operations took place with no problems.
2. During the week of August 14-18, Fred Gaffney and I attended the International Bird Strike Conference in Richmond (near Vancouver), British Columbia. The conference was attended by airport and wildlife hazard specialists from around the world. Several presentations were given presenting the current level of hazards in various flight regimes, various airports' challenges and experiences with wildlife hazards and how they are dealing with them, commercial products available for wildlife control, and other related topics.
3. Ron Swanson and I traveled to Washington, D.C., for meetings with various people on the subject of the JNU EIS. (Please see the EIS discussion for further information.)
4. I have been invited to attend Aviation North Expo 2005 in Fairbanks the first week of October. This is an annual workshop sponsored by the AK DOT&PF, FAA Airports Division, and AOPA. I will participate on a panel giving the perspective from the Airport Manager's office. There is the possibility of some financial support from the sponsoring organization.
5. Alaska Airlines enplanements for the month of August 2005 are up 2.25% from August 2004. August 2005 is down from August 2001 (our benchmark year); however, we are still up for 2005 year-to-date over 2001 by approximately 0.4%. Deplanements for 2005 compared to 2001 are up 0.9%.
6. Construction Projects:
 - A. Taxiway Extensions. The new sign at the new Bravo-Two interlink should be installed in the next few days. After the sign is installed, we can begin the project close-out process.
 - B. Delta-1 Ramp Expansion. The project has become water-logged because of so much rain in a short period of time. The materials that have been placed in the project site have become saturated and the project is unable to proceed with the placement of the base and paving. Staff is reviewing different alternatives, but because of so much rain, it is believed that it will take 10-14 days without substantial moisture in order to proceed with the project. The original design and construction effort will be pursued, but if in a couple of weeks it looks like the weather is not going to break (which is anticipated) then some intermediate measures will be reviewed to shut the project down for the winter and get back on track in the early spring. This would come with some significant cost, which could be as high as 8-10% of the total project cost.

- C. Environmental Impact Statement. We are meeting weekly with the State and federal agencies to move through the State Coastal Consistency review process. Due to new legislation, no CBJ Community Development Coastal Review will be required. We are working with the FAA, the Refuge managers and the other resource agencies to develop an appropriate and acceptable compensatory mitigation package.