

APPENDIX G
DOT SECTION 4(f) EVALUATION FOR THE
FRIEDMAN MEMORIAL AIRPORT

LAND ACQUISITION AND OBSTRUCTION REMOVAL

ENVIRONMENTAL ASSESSMENT

AIP # 3-16-0016-044-2017

Prepared for the Friedman Memorial
Airport (SUN) and the Federal Aviation
Administration

US Department of Transportation Federal Aviation Administration

DOT Section 4(f) Evaluation for the Friedman Memorial Airport Hailey, Idaho

March 2019

This Department of Transportation Section 4(f) Evaluation (also referred to as a Section 303 Evaluation) is submitted for review pursuant to the following public law requirements: Section 102(2)(c) of the National Environmental Policy Act of 1969; 49 USC 47106; Section 303 of 49 USC Code, Subtitle I; and Section 106 of the National Historic Preservation Act of 1966.

For further information, please contact:

Diane Stilson, P.E.
Civil Engineer & Environmental Protection Specialist
FAA, Helena Airports District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602
Diane.Stilson@faa.gov
Ph: (406) 441-5411
Fax: (406) 449-5274

Friedman Memorial Airport DOT Section 4(f) Evaluation

TABLE OF CONTENTS

1.	INTRODUCTION	3
1.1	Section 4(F) Feasible and Prudent Requirements	4
1.2	Airport Description and Surrounding Land Uses	4
1.3	Purpose and Need	7
2.	IDENTIFICATION of DOT SECTION 4(f) RESOURCES	9
2.1	Parks/Recreational/Refuge Resources	9
2.2	Historic Sites	9
3.	ALTERNATIVE ANALYSIS	16
3.1	Methodology for Determination of Impacts	16
	Direct Impacts/Physical Use	16
	Indirect Impacts/Constructive Use	16
3.2	Alternatives	16
	Preliminary Action Alternatives Considered	17
	Alternatives Carried Forward for Analysis	18
3.3	Description of DOT Section 4(f) Resources Impacts and Measures to Minimize Harm.....	22
	No Action Alternative	22
	Proposed Action	22
4.	COORDINATION.....	25
4.1	Coordination with the FAA and State Historic Preservation Office.....	25
4.2	Coordination with Owners of Section 4(f) Resources.....	25
4.3	Coordination with the Public.....	25
5.	FINDING	27

LIST OF ATTACHMENTS

1. State Historic Preservation Office (SHPO) Letter dated May 1, 2018
2. Memorandum of Agreement (MOA) dated November 15, 2018
3. Advisory Council on Historic Preservation (ACHP) Letter dated June 12, 2018

1. INTRODUCTION

Section 4(f) was initially codified in Title 49 of the United States Code (USC) § 1653(f) (Section 4(f) of the USDOT Act of 1966). In 1983, § 1653(f) was reworded and recodified as Title 49 USC § 303, but still commonly referred to as Section 4(f). Congress amended Section 4(f) in 2005 when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

Section 4(f):

Prohibits the use of land of significant publicly owned public parks, recreation areas, wildlife and waterfowl refuges, and land of a historic site for transportation projects unless the Administration determines that there is no feasible and prudent avoidance alternatives and that all possible planning to minimize harm has occurred.

The Federal Aviation Administration (FAA) is considering actions (known as Proposed Action) requested by the Friedman Memorial Airport Authority (FMAA) to correct non-standard conditions related to land on the south end of the Airport. The Proposed Action includes land acquisition, removal of trees (the FAA would then amend the departure procedure for Runway 13 to remove the takeoff notes related to those obstructions), and the extension of part of the Airport's perimeter fence.

One of the non-standard conditions is related to identified obstructions to airspace nearest the Runway 31 end (southern end of the Airport). Penetrations in the 14 Code of Federal Regulations (CFR) Part 77 Approach Surface and Advisory Circular (AC) 150/5300-13A Departure Surface (herein after "Approach and Departure Surfaces") consists of approximately 200 trees (primarily cottonwoods). The 2018 Airport Layout Plan (ALP) illustrates the known obstructions that are individual trees or groups of trees. Any tree that penetrates the Approach and/or Departure Surfaces, or that have the potential to penetrate these surfaces will be removed under the Proposed Action after the acquisition of the land.

The Proposed Action will ultimately acquire 64.6 acres of property at the southern end of Runway 31 to gain full control of the land encompassing the Runway Safety Area (RSA), full length of the Runway Object Free Area (ROFA), and most of the Runway Protection Zone (RPZ), as well as maintain the areas where the obstructions (trees located along the Cove Canal and near the farmstead) are located within the approach/departure surfaces. The Proposed Action will improve safety for aircraft, people, and property on the ground, and will acquire additional rights and property to maintain clear airspace in accordance with FAA AC 150/5300-13A and FAA Order 5100.38D. The Proposed Action does not remove all incompatible land uses (a farmhouse lies along the extended centerline of the runway) as described in FAA Order 5190.6B, Airport Compliance Manual, and FAA Federal Grant Assurance #21. However, it does implement appropriate action to limit the use of adjacent land to support activities compatible with normal airport operations, including arrival and departure of aircraft.

The Proposed Action acquires approximately 64.6 acres in fee simple, because the FMAA and the landowner do not want another long-term or permanent easement.

This DOT Section 4(f) Evaluation (Evaluation) was prepared as an appendix (**Appendix G**) to the Environmental Assessment (EA). This Evaluation consists of the following sections:

1. Introduction – Provides the regulatory context for the Evaluation; provides a brief description of the Airport; and describes the Purpose and Need for the Proposed Project Action;
2. Identification of DOT Section 4(f) Resources – Examines the lands in the airport vicinity relative to DOT Section 4(f) and identifies those resources that the FAA determined to be potentially subject to DOT Section 4(f);

3. Alternative Analysis – Identifies possible alternatives to avoid or minimize impacts to Section 4(f) resources.
4. Coordination – Summarizes the efforts made to coordinate with agencies and parties owning DOT Section 4(f) lands on the potential effects of the proposed projects.
5. Finding – Provides the FAA DOT Section 4(f) Finding.

1.1 Section 4(F) Feasible and Prudent Requirements

Programs or projects requiring the use of Section 4(f) lands will not be approved by the FAA unless there is no prudent and feasible alternative to the use of such land, and such programs and projects include all possible planning to minimize harm resulting from the use. The term “feasible”¹ refers to sound engineering principals, while the term “prudent”¹ refers to rationale judgment. According to FAA Order 5050.4B, a project may be possible (feasible), but not prudent when one considers safety, policy, environmental, social, or economic consequences.

The following factors are to be used to decide if an alternative is prudent:

- Does it meet the project’s Purpose and Need?
- Does it cause extraordinary safety or operational problems?
- Are there unique problems or truly unusual factors present with the alternative?
- Does it cause unacceptable and severe adverse social, economic, or environmental impacts?
- Does it cause extraordinary community disruptions?
- Does it cause additional construction, maintenance, or operational costs of an extraordinary magnitude?
- Does it result in accumulation of factors that collectively, rather than individually, have adverse impacts that present unique problems or reach extraordinary magnitudes?

The FAA must clearly explain why any alternative is rejected as not being prudent and feasible if the project results in the use of 4(f) protected lands.

1.2 Airport Description and Surrounding Land Uses

The Friedman Memorial Airport (Airport or SUN) is located in Blaine County in the City of Hailey, Idaho, within the Wood River Valley (see **Figure 1-1**). FMAA (Airport Sponsor), formed through a Joint Powers Agreement between the City and County, currently operates and manages the Airport. The Airport is a commercial service airport, serving several airlines and a wide variety of general aviation traffic. Based on the 2018 Master Plan Update, the most demanding aircrafts (i.e. the critical aircraft) using the Airport and exceeding 500 annual operations are the Bombardier Q-400 and the Embraer EMB-175. The Airport has one asphalt paved runway, which measures 7,550 feet long by 100 feet wide.

At an average elevation of 5,318 feet above sea level, the Airport encompasses approximately 209 acres and is situated one mile southeast of the City of Hailey’s downtown district. State Highway 75 parallels the Airport to the east.

The City of Hailey’s Zoning Code Article 4, Section 4.11² establishes airport property as the “Airport District” for the purpose of allowing “regularly scheduled commercial passenger aircraft services to be used by the general public” and “other general aviation services for private aircraft and private aircraft charter only in

¹ FAA Order 5050.4B, National Environmental Policy Act Implementing Instructions for Airport Actions. Page 10- 10

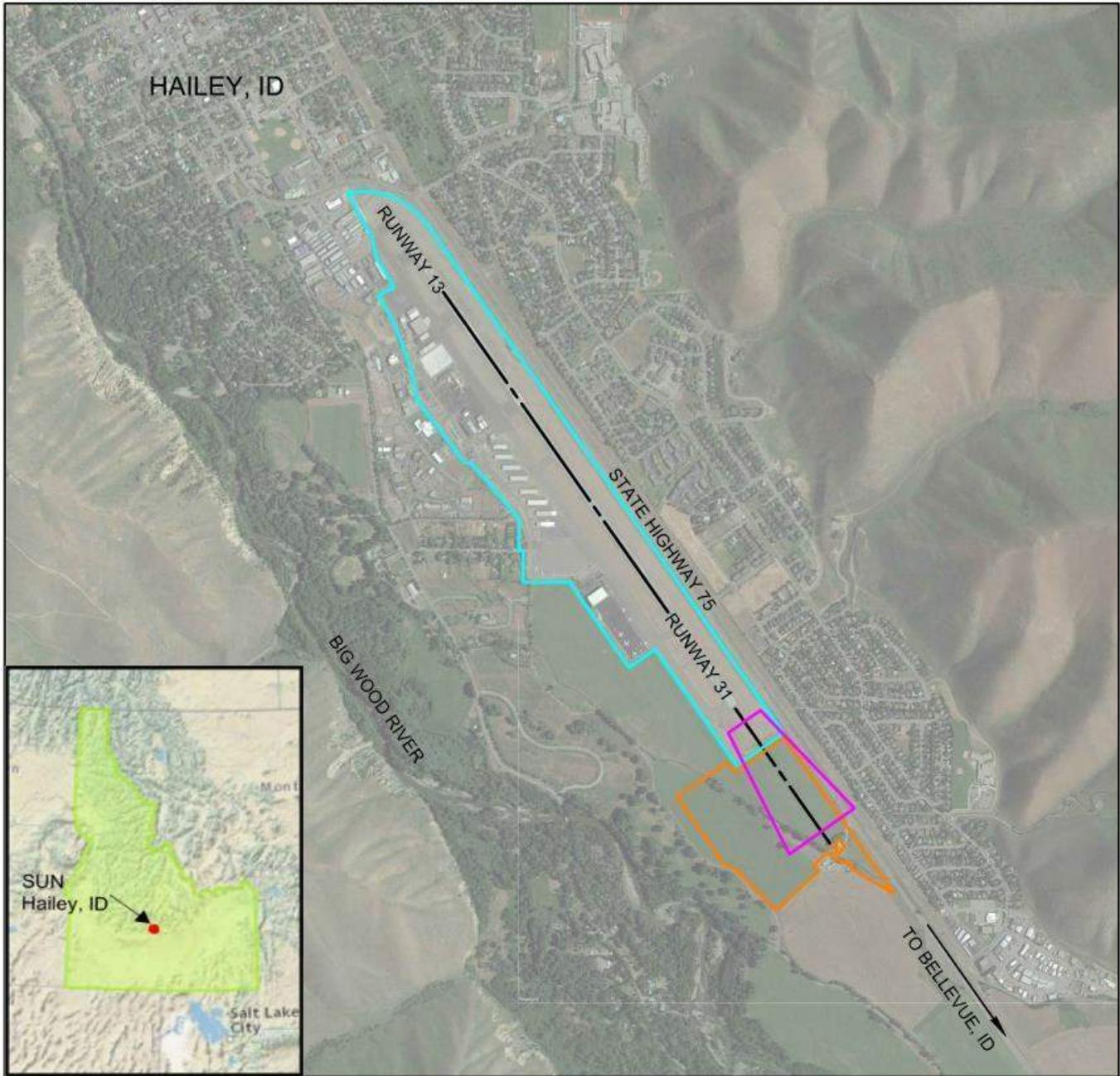
² City of Hailey Zoning Ordinance, Article 4, Section 4.11 Airport District. Accessed April 19, 2018, https://www.haileycityhall.org/Codes_Plans/documents/Article4.11Airport-1128.pdf

conjunction with regularly scheduled commercial passenger aircraft services”. Article 5³ prohibits other zoning districts, such as recreational, residential, business, or industry from use within the Airport District, except where State or Federal law otherwise preempts local land use regulation.

Blaine County zoning regulations established the Airport Vicinity Overlay District⁴ for land adjacent to the airport to prevent encroachment on airspace within the runway proper and is comprised of two zones: the Primary and Secondary Zones. The Airport Vicinity Overlay District restricts land use to agricultural, recreational uses without structures, parks, golf courses, cemeteries or water impoundments, within the primary zone; and, agricultural, recreational and residential within the secondary zone. Additional restrictions within the Airport Vicinity Overlay District apply to lighting, glare and electromagnetic influences. The ordinance created the Airport Vicinity Overlay District to correspond with the CFR Part 77 airspaces and compatible land uses. A single-family farmhouse on the Eccles Flying Hat Ranch was constructed prior to establishment of the Airport Vicinity Overlay Primary Zone and is located within the boundary of the zone.

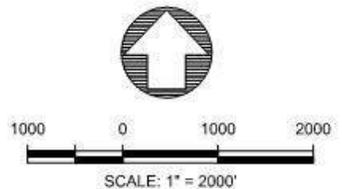
³ City of Hailey Zoning Ordinance, Article 5 Official Zoning Map and District Use Matrix, April 19, 2018, https://www.haileycityhall.org/Codes_Plans/documents/Article5ZoningMapandDistrictUseMatrix-1169.pdf

⁴ Blaine County, Idaho, County Code, Chapter 18 Airport Vicinity Overlay District. Accessed April 20, 2018 at http://www.sterlingcodifiers.com/codebook/index.php?book_id=450



LEGEND

-  AIRPORT PROPERTY BOUNDARY (FMA-01)
-  RUNWAY 13-31 CENTERLINE
-  RUNWAY PROTECTION ZONE [RPZ]
-  PROPOSED ACQUISITION AREA [64.6 ACRES]



NOTE:
 REFERENCE NAMES/NUMBERS PRESENTED IN "()"
 ABOVE ARE ASSIGNED BY THE IDAHO STATE HISTORIC
 PRESERVATION OFFICE (SHPO).

E:\170011\3_Acaddwg\Sheets\170011-EA-Figures.dwg



FIGURE 1-1: VICINITY MAP



1.3 Purpose and Need

Council on Environmental Quality (CEQ) Regulations for implementing the National Environmental Policy Act (NEPA) require that a NEPA document specify the underlying Purpose and Need to which an agency is responding in proposing alternatives (40 C.F.R. § 1502.13).

The purpose of the project is to improve safety by addressing deficiencies to bring safety areas at the south end of the Airport into compliance with FAA standards and recommendations and by removing obstructions to the airspace south of the Airport.

The need, or the problem, is because the 2018 Master Plan Update for the Airport identified deficiencies at the south end of the Airport, which included deficiencies correlated to the RSA, ROFA, and RPZ, as well as obstructions in the Part 77 Approach Surface and AC 150/5300-13A Departure Surface. The need is in accordance with FAA guidance to ensure Airport control of surfaces and designated safety areas surrounding the runway. The Proposed Action will improve safety for aircraft, people, and property on the ground, and will acquire additional rights and property to maintain clear airspace in accordance with FAA AC 150/5300-13A and FAA Order 5100.38D.

Based on the physical constraints of the Airport's airspace due to mountainous terrain, predominant departures at the Airport are to the south on Runway 13 and arrivals are from the south on Runway 31. This predominant "one-way-in/one-way-out" operation is utilized by all commercial (airline) aircraft and a majority of the large general aviation aircraft fleet, including corporate jets.

While the airfield at the Airport was built to meet FAA standards, over time, the FAA has improved/updated the standards to increase safety. As a result of these changes, several airfield components do not meet current FAA design standards or represent non-standard conditions including:

- The Airport does not control the property containing the full RSA or full length of the ROFA that would typically continue beyond the end of the runway. The existing Airport property line and fence are located only 600 feet south of the runway end, while the RSA and ROFA both extend 1,000 feet beyond the runway ends for take-off operations and 600 feet beyond the runway ends for landing operations.
- The Runway 31 RPZ is not located on property owned or permanently controlled by the Airport.
- Not having control of the RPZ and/or Approach/Departure Surfaces creates potential safety hazards and future land use compatibility issues.
- Runway 13 Departure Surface (leaving the Airport toward the south) and Runway 31 Approach Surface (coming into the Airport from the south) contain approximately 200 cottonwood tree penetrations that have reached a height of as much as 80 to 100 feet and are documented obstructions to the Airport's imaginary surfaces or airspace.

PHOTO 1-1 AIRPLANE ON RUNWAY 31 APPROACH



Photo Source: TO-Engineers 2017.

2. IDENTIFICATION of DOT SECTION 4(f) RESOURCES

DOT Section 4(f) lands are defined as “any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land from an historic site of national, state, or local significance.”⁵ To identify probable DOT Section 4(f) resources, the *SH 75, Ketchum to Timmerman, Environmental Impact Statement* (FEIS September 2005) was reviewed to understand the cultural, historic, or archaeological resources in the project vicinity. In addition, a review of sites on or eligible for the National Register of Historic Place (NRHP) and the local jurisdictions parks and recreation departments were consulted to identify known resources. **Figure 2-1** shows the locations of the DOT Section 4(f) resources.

2.1 Parks/Recreational/Refuge Resources

Publicly owned land is considered to be a park, recreation area, or wildlife and waterfowl refuge when the land has been officially designated as such by a federal, state or local agency and one of its major purposes is for a park, recreation area, or wildlife and waterfowl refuge.

In July of 2017, the City of Hailey and Blaine County were contacted to identify land use resources, including recreational resources. Three Section 4(f) recreational resources were identified within the project vicinity: the Wood River Trail (0.1 miles), Wertheimer Park (0.3 miles), and Toe of the Hill Trail Heads (0.5 miles). All of the resources are located within the City of Hailey and are located east of SH-75 (the Proposed Action is located west of SH-75). Therefore, recreational resources are outside of the project impact area and will not be affected by the land acquisition, obstruction removal, or fence extension.

Based on the background research, field surveys and agency coordination, it has been determined that there is no direct use of publicly owned parks, recreation areas, or wildlife and waterfowl refuges in the project area. The Proposed Action does not change flight patterns or operations of the airport and, therefore, no constructive use would occur as a result of the Proposed Action (see Section 3.1 for constructive use definition). As no uses would occur, no further discussion of recreational resources is required.

2.2 Historic Sites

To identify potential historic sites, a Cultural Resources Survey per Section 106 of the National Historic Preservation Act (Section 106), was conducted in the summer of 2017 (approved in April 2018) to identify and evaluate resources at and abutting the Airport properties and areas proposed for acquisition. A 970-acre area was surveyed. Section 106 cultural resources were identified in the Area of Potential Effect (APE) and the full extent of the Friedman Memorial Airport property (FMA-01) was documented for FAA’s future planning purposes.

Sites and/or structures are defined as historically significant if they meet criteria for eligibility to the NRHP, maintained by the U.S. Department of Interior. Eligibility criteria are summarized as follows:

- Criterion A—Sites and/or structures associated with events that have made a significant contribution to broad patterns of our history.

⁵ 23 U.S.C. 138 *Preservation of Parklands*.

- Criterion B— Sites and/or structures associated with the lives of persons significant in our past.
- Criterion C— Sites and/or structures that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

The Cultural Resources Survey reviewed two large properties—Eccles Flying Hat Ranch (13-16207) and the Friedman Memorial Airport (FMA-01)— which had previously been surveyed, at least minimally or partially, and which were resurveyed to current State Historic Preservation Office (SHPO) and FAA standards as part of this project.

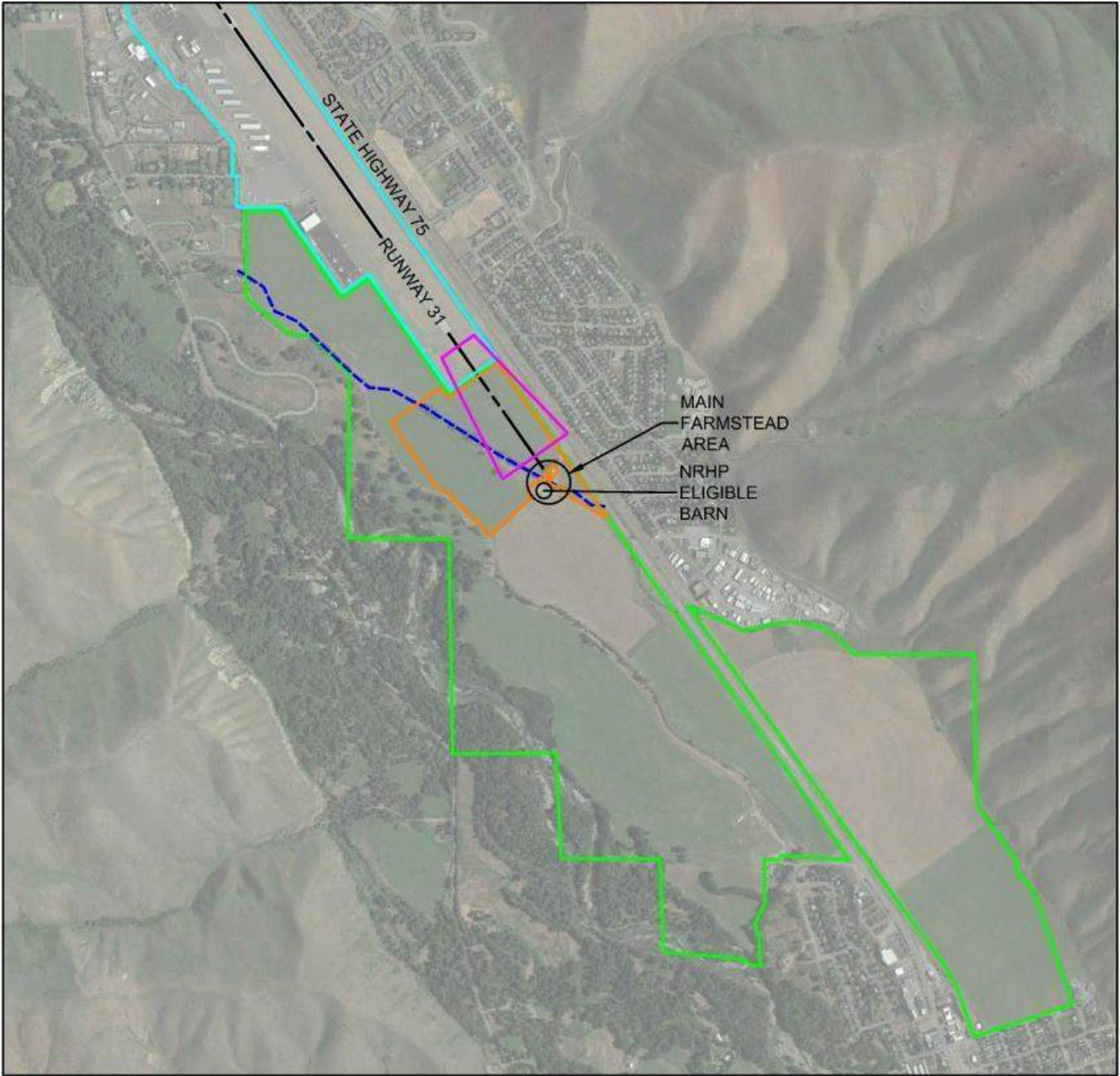
The Friedman Memorial Airport (FMA-01), which included its twenty-five resources, was determined to be ineligible for the NRHP by the FAA in a letter dated April 5, 2018. SHPO concurred with this determination in a letter dated May 1, 2018. Therefore, it is not considered a 4(f) resource.

State Highway 75 (13-16171) was also identified in the Cultural Resources Survey; which abuts the project area, is outside the APE and was determined to be an NRHP-eligible Section 4(f) Resource. State Highway 75 is a two-lane historic highway that travels north-south along the eastern side of the Airport.

Within the APE, the following historic resources were determined to be NRHP-eligible Section 4(f) Resources (**Figure 2-1**):

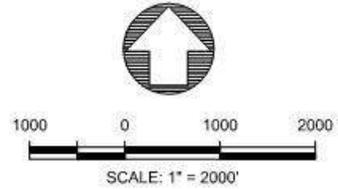
1. Cove Canal (10BN1126)
2. Eccles Flying Hat Ranch (13-16207) (west of Highway 75)
3. Barn (NRHP- Individually Eligible) (Previously recorded as a part of the SH-75 EIS)

Subsequent portions of this report summarize the aforementioned three resources. Please also refer to the Cultural Resources Report (**located in Appendix C of the EA**) for more detailed information on the completed survey and all resources identified.



LEGEND

-  AIRPORT PROPERTY BOUNDARY (FMA-01)
-  RUNWAY 13-31 CENTERLINE
-  RUNWAY PROTECTION ZONE [RPZ]
-  PROPOSED ACQUISITION AREA [64.6 ACRES]
-  COVE CANAL (10BN1126)
-  ECCLES FLYING HAT RANCH (13-16207)



NOTE:
 REFERENCE NAMES/NUMBERS PRESENTED IN "()"
 ABOVE ARE ASSIGNED BY THE IDAHO STATE HISTORIC
 PRESERVATION OFFICE (SHPO).

F:\170011\3_Acaddwg\Sheets\170011-EA-Figures.dwg



FIGURE 2-1: HISTORIC RESOURCES



Cove Canal (10BN1126): The Cove Canal is an historic irrigation feature established in 1882. It originates from the Big Wood River approximately 1.77 miles northwest from the project area. The Canal generally flows southeasterly, diagonally across the project area (**Photo 2-1**). After flowing for a total of approximately 7.65 miles, the Canal terminates southeast of the Town of Bellevue. The Cove Canal is associated with significant trends in local history and retains sufficient integrity to communicate its historic associations with the agricultural development of the Wood River Valley (Criterion A).

As it is eligible for listing on the NRHP, the Cove Canal is also considered a Section 4(f) resource. Given its location directly off of the end of Runway 13/31, there are no practical measures to entirely avoid the Canal; thus, the Cove Canal could be impacted by the proposed project and will be considered in this evaluation. Approximately 3.7 acres (approximately 2,691 linear feet) of the Cove Canal will be within the acquisition area.

PHOTO 2-1: COVE CANAL



Photo Source: TO-Engineers 2017.

Eccles Flying Hat Ranch (13-16207): The Eccles Flying Hat Ranch spans approximately 750 acres to the east and west of State Highway 75, south of Hailey, Idaho, and south of the Airport. The pasture on the east side of Highway 75 was acquired into the larger property in 1997; thus, it has no historic association with the Eccles Flying Hat Ranch and on its own, does not adequately communicate historical significance. The 615 acres on the west side of State Highway 75 is eligible for listing in the NRHP as it retains sufficient integrity to communicate its historic associations with the agricultural development of the Wood River Valley (Criterion A) and because it embodies distinctive characteristics of the settlement period methods of construction during the early twentieth century (Criterion C). The ranch is a relatively rare surviving example in the Wood River Valley of an early twentieth century large-acreage ranch district, complete with the key, character-defining historic elements of open pastureland, tree lines, and a nucleus of farmstead

buildings that clearly convey a sense of past time and place. Though few resources on the ranch appear to be individually eligible, the ranch as-a-whole appears to be eligible for listing in the NRHP as a Historic District made up of its contributing resources and landscape elements.

The farmstead, which lies on the extended centerline of the Airport’s Runway 13/31, encompasses several individual resources (e.g. farmhouse (**Photo 2-2**), barn, grain bins, animal sheds, utility buildings, canals, a corral, equipment shed, well, and outhouse) dating from 1884 to 2006, of which, seven (resources illustrated within **Table 2-1**) comprise the main farmstead area. Although the house and garage have been altered, the remaining farm structures and general setting retain their historic integrity. On May 1, 2018, the Idaho SHPO added the windrow of trees surrounding the main farmstead area as a contributing element to the Eccles Flying Hat Ranch (see **Attachment 1**). The “Windrow” is made up of the trees on the east and north side of the farmhouse, which were planted in association with the main farmstead. The windrow is a combination of ornamental, deciduous, and pine trees as shown in **Photo 2-2**.

Table 2-1. Resources documented as part of 13-16207 – Main Farmstead of the Eccles Flying Hat Ranch

Resource Name	Construction Date; Alteration Date(s)	Eligibility Status	Justification
Farmhouse	c. 1900; c. 1920; c. 1955; c. 1991	Contributing	Integrity of design, materials, workmanship lost; Integrity of location, setting, feeling and association intact.
Well	c. 1955	Contributing	Integrity of location, setting, design, materials, workmanship, feeling, and association all intact.
Barn	c. 1925; c. 1950	Individually eligible; Contributing	Criterion A* for Agriculture; Integrity of location, setting, design, materials, workmanship, feeling, and association all intact.
Equipment Shed	c. 1950	Contributing	Integrity of location, setting, design, materials, workmanship, feeling, and association all intact.
Outhouse	c. 1965	Noncontributing	Integrity of materials, workmanship, and feeling lost; Integrity of location, setting, design, and association intact.
Irrigation Shed	c. 2000	Noncontributing	Constructed after period of significance; not historic.
Windrow**	N/A	Contributing	Integrity of location, setting, design, materials, workmanship, feeling, and association intact.

*Sites and/or structures associated with events that have made a significant contribution to broad patterns in history.

Windrow was included as a main farmstead resource per SHPO concurrence letter dated May 1, 2018 (Attachment 1**).

PHOTO 2-2: ECCLES FLYING HAT RANCH FARMHOUSE



Photo Source: TO-Engineers 2017.

As it is eligible for listing on the NRHP, the Eccles Flying Hat Ranch is also considered a Section 4(f) historic resource. Given the location of the Eccles Flying Hat Ranch directly off the end of Runway 13/31, there are no practicable measures to entirely avoid the Ranch; thus, the Eccles Flying Hat Ranch could be impacted by the proposed project and will be considered in this evaluation.

Barn: The barn is an excellent example of an early twentieth century ground-level stable barn (Criterion C) (**Photo 2-3**). It has a large wood-frame and a steeply pitched gambrel roof with the following features: open eaves with exposed rafter tails; corner boards; large, hinged door/ramp centered in the top of the east gable; and a row of square, four-light wood windows illuminating stalls. The barn communicates strong associations with development of the ranch and agriculture in the Wood River Valley, as-a-whole (Criterion A).

PHOTO 2-3: ECCLES FLYING HAT RANCH BARN



Photo Source: Preservation Solutions, LLC 2017.

As it is eligible for listing on the NRHP, the barn is also considered a Section 4(f) historic resource. Given its location within the Eccles Flying Hat Ranch, the barn could be impacted by the proposed project and will be considered in this evaluation.

3. ALTERNATIVE ANALYSIS

This section describes the methodology used for determining impacts to Section 4(f) resources and provides details on the alternatives considered including potential impacts. Methods to minimize or mitigate impacts to the identified preferred alternative are also included.

3.1 Methodology for Determination of Impacts

Each DOT Section 4(f) resource was evaluated for potential impacts associated with each of the alternatives considered. The potential impact criteria evaluated for each site included direct impacts and constructive use impacts.

Direct Impacts/Physical Use

Direct impacts, or physical “use”, refer to physical taking/acquisition of a Section 4(f) resource for incorporation into a transportation project. In determining direct impacts, each proposed alternative was evaluated to determine if land acquisition would impact one of the identified Section 4(f) resources.

Indirect Impacts/Constructive Use

"Use" within the context of Section 4(f) includes not only actual physical taking of such resources, but also indirect impacts as well. Indirect impacts may rise to the level of a “use” termed “constructive use” if due to the proximity of the project, the activities, features, or attributes of the site's vital functions are substantially impaired. The definition of constructive use adopted for this study is based on FAA Order 1050.1E Appendix A, Paragraph 6.2f:

Substantial impairment occurs only when the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. A project which respects a park’s territorial integrity may still, by means of noise, air pollution, or otherwise, dissipate its aesthetic value, harm its wildlife, defoliate its vegetation, and take it in every practical sense. For section 4(f) purposes, the impairment must be substantial. With respect to aircraft noise, for example, the noise must be at levels high enough to have negative consequences of a substantial nature that amount to a taking of a park or portion of a park for transportation purposes.

In determining indirect impacts, each proposed alternative was evaluated to determine if construction and/or land acquisition would indirectly impact a Section 4(f) resource.

3.2 Alternatives

The alternatives considered are based on recommendations in the 2018 Master Plan Update and FAA Approach and Departure Surface guidance and regulations.

The alternatives considered during the early planning process are discussed in Chapter 3 of the EA. Alternative 1 is the No Action Alternative, which is described in a subsequent section below. The action alternatives (Alternatives 2 through 6) consist of various acquisition and obstruction removal options to comply with Approach and/or Departure Surface guidance, address incompatible land uses and remove obstructions. These preliminary action alternatives are summarized below.

Preliminary Action Alternatives Considered

Alternative 2 is the minimum acreage which would be required to gain perpetual control of the RSA, full length of the ROFA, RPZ, and clear the documented obstructions, with two exceptions. The land acquisition in this alternative encompasses almost the entire RPZ and ROFA, except for the areas overlapping Highway 75 and a small segment of land in the southwestern corner of the RPZ. Avoiding irrigation infrastructure (specifically irrigation controls and electrical supply) was incorporated into Alternative 2 in order to minimize modifications to irrigation equipment housed in the southwestern corner of the RPZ.

This alternative would acquire 34.3 acres of land, consisting of 30.2 acres of active pasture, 3.1 acres attributed to the Cove Canal, and 1 acre of farmstead. This alternative would acquire 2,274 feet of Cove Canal to remove tree obstructions and prevent tree obstruction regrowth. Alternative 2 did not include the segment of Cove Canal (approximately 417 linear feet of canal) that stems between the farmstead and Highway 75 to the east. The Eccles Flying Hat Ranch farmhouse would be acquired but left intact.

This alternative fails to acquire the entire RPZ, does not result in full ownership of the Cove Canal extending to the Highway 75 right-of-way (R-O-W), and does not acquire the entire approach and departure surfaces that are of concern. This would provide the Airport limited control of the Cove Canal that may lead to regrowth of trees that are obstructions in sections not owned by the Airport. Alternative 2 was ultimately not carried forward for further analysis due to its failure to address the Purpose and Need and the potential adverse effect to Section 4(f) resources linked to the farmstead.

Alternative 3 expands the total area of acquisition toward the southwest compared to Alternative 2. Compared to Alternative 2, Alternative 3 would gain control over 12.7 additional acres for a total of 47 acres. The land acquisition would consist of 41 acres of active pasture, 3.1 acres attributed to the Cove Canal, and 2.9 acres of farmstead. Moreover, the acquisition of the 47 acres includes: 4.7 acres in avigation easement and 42.3 acres in fee simple acquisition. Distinctly different than Alternative 2, the Alternative 3 westerly boundary line of the acquisition stems approximately 800' parallel of the extended runway centerline, which aids to clear transitional surfaces.

Alternative 3 encumbers the entire farmstead by placing approximately 4.7 acres into an avigation easement for the maintenance of the obstructions. Similar to Alternative 2, Alternative 3 would acquire 2,274 feet of Cove Canal to remove tree obstructions and prevent tree obstruction regrowth. Alternative 3 did not include the segment of Cove Canal (approximately 417 linear feet) that stems between the farmstead and Highway 75 to the east.

Alternative 3 does not result in full ownership of the Cove Canal extending to the Highway 75 right-of-way (R-O-W) and provided the Airport limited control of the Cove Canal that may lead to regrowth of trees that are obstructions in sections not owned by the Airport. This alternative was not acceptable to both the landowner and the FMAA Board who objected to using easements to achieve the Purpose and Need. Using fee simple property acquisition to gain control of the RPZ and required airspace is preferred by the Sponsor and landowner over the use of avigation easements to meet FAA standards. Alternative 3 was ultimately not carried forward for further analysis due to its failure to address the Purpose and Need and the potential adverse effect to Section 4(f) resources linked to the farmstead.

Alternative 4 expands the total area of acquisition toward the east compared to Alternative 3. Compared to Alternative 3, Alternative 4 would gain control over 5 additional acres for a total of 52 acres. The land

acquisition would consist of 44.3 acres of active pasture, 3.7 acres attributed to the Cove Canal, and 4 acres of farmstead. The easterly boundary of the acquisition extends to include approximately 417 feet of Cove Canal up to the Highway 75 R-O-W and includes all the Halfway Ranch buildings. The additional acreage would provide greater ownership of the Cove Canal for ongoing maintenance.

Although this alternative met the Purpose and Need, the impacts to the historic farmstead are the greatest with this alternative. Alternative 4 was eliminated due to the potential adverse effect to Section 4(f) resources linked to the farmstead buildings.

All preliminary action alternatives (Alternatives 2 through 4) would:

1. Acquire property from the Eccles Flying Hat Ranch;
2. Acquire property which includes the Cove Canal; and
3. Remove all trees which penetrate protected Approach and/or Departure Surfaces.

Alternative 5 was developed during discussions with the FMAA Board as they determined Alternatives 2, 3, and 4 did not meet all of the Airport's, FAA's, or landowner's needs. Alternative 5 was created using parts and concepts of Alternatives 2, 3, and 4.

Alternative 5 expands the total area of acquisition toward the southwest compared to Alternative 4. Compared to Alternative 4, Alternative 5 would gain control over 12.8 additional acres for a total of 64.8 acres. The land acquisition would consist of 59.8 acres of active pasture, 3.7 acres attributed to the Cove Canal, and 1.3 acres of farmstead. The westerly boundary of the acquisition extends approximately 1,250 feet from the runway centerline. Notably, Alternative 5 would include acquisition of the farmhouse for future removal but would avoid the remaining farmstead buildings, namely the equipment shed, historic barn, and irrigation infrastructure.

Alternative 5 was presented to the Board and public at the FMAA board meeting held on September 5, 2017. The Board was unanimously in favor of Alternative 5 becoming the Proposed Action Alternative.

While Alternative 5 meets the Purpose and Need, the potential impacts to 4(f) resources, namely the acquisition of the farmhouse, led to the development of Alternative 6 and the removal of Alternative 5 from further consideration.

Alternatives Carried Forward for Analysis

During the initial evaluation of Alternative 5 and through discussions with the FAA, the SHPO, and SUN, it was determined that the acquisition of the farmhouse would be a significant historic impact as defined under Section 106 (see **Section 4.8 of the EA**). With this determination and through the Section 4(f) evaluation process, Alternative 5 was modified to avoid the farmhouse, creating Alternative 6. Alternative 6 thereby reduces the total area of acquisition compared to Alternative 5. Alternative 6 would reduce the acquisition area by 0.2 acres for a total of 64.6 acres. The land acquisition would consist of 59.8 acres of active pasture, 3.7 acres attributed to the Cove Canal, and 1.1 acres of farmstead.

The alternative was presented at the FMAA Board Meeting on March 6, 2018 and approved as the Proposed Action Alternative (Proposed Action). This alternative was found to be the only prudent and

feasible alternative that fully meets the Purpose and Need while limiting impacts to historic resources. Thus, the alternatives carried forward for consideration for this Section 4(f) Evaluation are the No Action Alternative and the Proposed Action.

No Action Alternative: In addition to the action alternatives studied in order to meet the Purpose and Need, a “No Action” Alternative also exists in which the airport would maintain the existing condition. For the No Action Alternative, the Airport would not have control of the RSA and the full length of the ROFA at the southern end of the runway. Without the land acquisition, the Airport would be forced to control these surfaces, the RPZ, and approach/departure areas (including maintenance of obstruction lights in the trees) through an easement with the Eccles Flying Hat Ranch. No changes would be made to the Cove Canal or to the Eccles Flying Hat Ranch under this alternative.

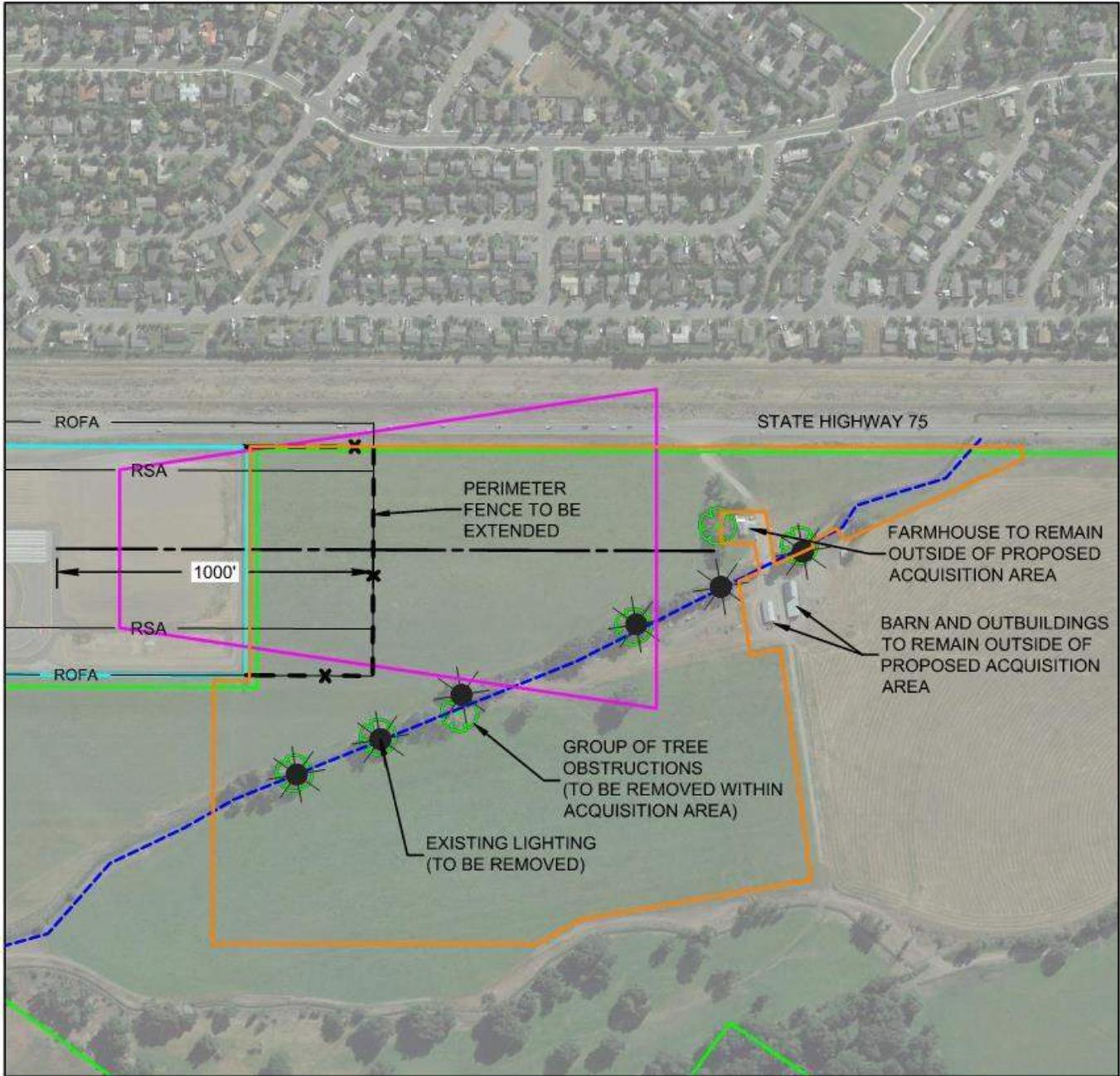
Without control of these surfaces and the ability to remove obstructions, the deficiencies at the south end of the Airport identified in the 2018 MPU will remain. Also under this alternative, without ownership and control over the RSA and full length of the ROFA, the Airport would not be able to move the perimeter fence; and therefore, would have to continue the use of declared distances. Additionally, the landowner of the Eccles Flying Hat Ranch has stated that he is not agreeable to another long-term easement for lighting the trees. If the easement was allowed to expire, the FAA’s flight procedures office has advised that the instrument approach procedures for SUN would be noted as unavailable after dark since the obstruction lights in the trees would have to be removed and the trees (obstructions) would remain. This would result in severe restrictions to the operational capability of the airport.

Although the No Action Alternative does not meet the Purpose and Need, CEQ and NEPA regulations require evaluation of a No Action Alternative. When compared with the Proposed Action, the No Action Alternative serves as a reference point.

Proposed Action: The Proposed Action is intended to correct the non-standard conditions discussed in Section 1.3 and thus improve the safety of the Airport. Specifically, the Proposed Action will allow the Airport to meet FAA’s emphasis on owner control of the RPZ by fee acquisition, the requirement to provide full RSA and full length ROFA for arrivals from and departures to the south, and remove obstructions. The Proposed Action best accomplishes the Purpose and Need through the following actions and as illustrated on **Figure 3-1**:

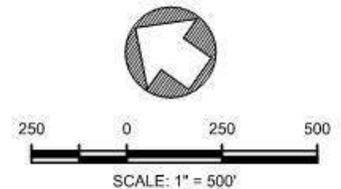
1. Acquisition of 64.6 acres of property at the southern end of Runway 31 to gain full control of the land encompassing the RSA, full length of the ROFA and approximately 90% of the RPZ, as well as maintain the areas where the obstructions (trees located along the Cove Canal and near the farmstead) are located within the approach/departure surfaces.
2. Removal of all trees (including obstruction lights currently placed in the trees) on the south end of the runway that penetrate, or could penetrate in the future, the Airport’s Part 77 Approach Surface and AC 5300-13A Departure Surface. Up to 200 trees may be removed. Once the obstructions have been removed, FAA would amend the departure procedure for Runway 13 to remove the takeoff notes related to those obstructions.
3. Extending the Airport perimeter fence to provide fencing for the full length of the ROFA, which extends 1,000-feet beyond the Runway 31 end. The perimeter fence will be extended

approximately 400 feet south of its current location to encompass 6.5 additional acres and contain the full RSA and full length of the ROFA.



LEGEND

- AIRPORT PROPERTY BOUNDARY (FMA-01)
- RUNWAY 13-31 CENTERLINE
- RUNWAY PROTECTION ZONE [RPZ]
- RSA — RUNWAY SAFETY AREA [RSA]
- ROFA — RUNWAY OBJECT FREE AREA [ROFA]
- COVE CANAL (10BN1126)
- ECCLES FLYING HAT RANCH (13-16207)
- PROPOSED ACQUISITION AREA [64.6 AC]



NOTE:
 REFERENCE NAMES/NUMBERS PRESENTED IN "()"
 ABOVE ARE ASSIGNED BY THE IDAHO STATE HISTORIC
 PRESERVATION OFFICE (SHPO).

I:\170011\3_Acaddwg\Sheets\170011-EA-Figures.dwg



FIGURE 3-1: PROPOSED ACTION



3.3 Description of DOT Section 4(f) Resources Impacts and Measures to Minimize Harm

No Action Alternative

The No Action Alternative would not affect the farmstead or any Section 4(f) resources. However, the No Action Alternative is not a reasonable course of action because it would not meet the Purpose and Need. Moreover, obstructions would not be removed, and therefore the deficiencies for safety measures identified in the 2018 Master Plan Update to remove obstructions would not be addressed.

Proposed Action

State Highway 75 (13-16171)

Direct Impacts/Acquisition: State Highway 75 is adjacent to, but not within the area of impact for the Proposed Action. Therefore, the Proposed Action, which includes land acquisition, obstruction removal, and fence extension, will have “no use” of State Highway 75.

Indirect Effects/Constructive Use: No project-related constructive use effects would occur under the Proposed Action.

Proposed Mitigation: As the Proposed Action will result in “no use” of State Highway 75, no mitigation is required.

Cove Canal (10BN1126)

Direct Impacts/Acquisition: Approximately 3.7 acres (approximately 2,691 linear feet) of the Cove Canal will be within the acquisition area. Within this area, trees (primarily cottonwoods) that have reached heights of as much as 80 to 100 feet would be removed. Tree removal would include cutting them at ground level and removing the stumps. Wetlands associated with the canal would transition from a forested canopy to shrub or emergent complex. The removal of trees along the Cove Canal does not affect the vital water conveyance function of the Canal itself; thereby, the direct impacts associated with the removal of the trees along Cove Canal do not cause an “adverse effect” under Section 106 and are “no use” under Section 4(f). SHPO has concurred that the Proposed Action will have “no adverse effect” on the Cove Canal.

Indirect Effects/Constructive Use: The water conveyance function of the Cove Canal will not be impacted. No project-related constructive use effects would occur under the Proposed Action.

Proposed Mitigation: The Proposed Action will convert vegetation on the banks of the Cove Canal when obstructions are removed. However, the Proposed Action will result in “no use” of the canal, as the action does not change the historic nature of the canal and therefore, no mitigation is required.

Eccles Flying Hat Ranch (13-16207)

Direct Impacts/Acquisition: Under the Proposed Action, approximately 64.6 acres of the Eccles Flying Hat Ranch will be acquired. The land acquisition will not diminish the overall historical integrity of the property and will not include the main farmstead resources, which include the farmhouse, well, barn, equipment shed, outhouse, and irrigation equipment shed. The irrigation shed, equipment shed, and on-site utility cabinets will be retained so that irrigation features, pastures, and fields can continue to operate as a farm. The land change will reduce the overall acreage of the Eccles Flying Hat Ranch from approximately 750 acres to approximately 685 acres. However, the reduction is small, representing about 9% of the total

Ranch area. Overall, the character-defining historic elements (Criterion A) and the distinctive characteristics of the settlement period (Criterion C) will be retained.

The second component of the Proposed Action would remove all trees identified as airspace obstructions. Per SHPO concurrence (**Attachment 1**), the removal of the majority of the windrow (outlined in Section 2.2), a character defining feature of the historic farmstead associated with 13-16207, diminishes both the setting and feeling of the farmstead. Given the location of the windrow near the main farmstead and the Purpose and Need of the Proposed Action, there is no prudent and feasible Action Alternative that could avoid the Eccles Flying Hat Ranch without use of Section 4(f) resources. Removal of the obstructions along the Cove Canal (primarily cottonwood trees) and near the main farmstead (primarily the windrow pines) are needed to meet Runway 13-31 safety parameters.

It would be deemed reasonable to acquire the property and remove the windrow for the following reasons:

- The geometry of the airport shows the centerline of the runway approach area to be oriented south to north. The windrow lies in an east to west direction, crossing the approach area (as shown above in Figure 3-1). As the runway direction cannot be moved, it is reasonable to consider removal of the windrow from the Approach and Departure Surfaces.

It would be deemed feasible to remove the windrow for the following reasons:

- Given the proximity to the end of the Runway 13/31 and the documented safety concerns. The windrow also lies within the Runway 31 Approach and Departure Surfaces. Due to the predominant one way in/one way out operation of the airport, Runway 13/31 at the southern end of the airport is the primary runway end with significant arrivals and departures over the main farmstead area. This area cannot be avoided.

The Proposed Action will have an “adverse effect” on the Eccles Flying Hat Ranch through the removal of the windrow trees under Section 106, therefore, the Proposed Action will result in “direct use” of the Eccles Flying Hat Ranch.

Indirect Effects/Constructive Use: No project-related constructive use effects would occur under the Proposed Action.

Proposed Mitigation: The Proposed Action was selected to minimize harm to the Eccles Flying Hat Ranch by limiting the acquisition of the farmstead resources, identified in **Table 2-1**, and by keeping farming operations intact. Consultation between FAA, SHPO, the Airport, and the landowner identified mitigation options related to adverse impacts to the Eccles Flying Hat Ranch under Section 106. Mitigation measures outlined in the attached Memorandum of Agreement (MOA) dated November 15, 2018, include providing a display/interpretive panels at the Airport in a public area and replanting low growing/airport compatible shrubs species in close proximity to the farmhouse (see **Attachment 2**). The display/panels will provide information about the agricultural history of the Wood River Valley. Idaho SHPO will be given the opportunity to review the content of the display/panels before they are finalized. Additionally, replanting the windrow with low growing/airport compatible species will be negotiated during the land acquisition process.

NRHP-Eligible Barn

Direct Impacts/Acquisition: The barn will not be included as part of the property acquisition under the Proposed Action and will continue to operate as an agricultural asset. The Proposed Action, which includes land acquisition, obstruction removal, and the fence extension, will have “no use” of the NRHP-eligible barn located on the Eccles Flying Hat Ranch.

Indirect Effects/Constructive Use: No project-related constructive use effects would occur under the Proposed Action.

Proposed Mitigation: The Proposed Action was selected to avoid acquisition of the barn. As the Proposed Action will result in “no use” of the barn, no mitigation is required.

4. COORDINATION

Coordination among the FAA, SHPO, the landowner and public was conducted early in the EA process and is summarized below.

4.1 Coordination with the FAA and State Historic Preservation Office

Initial coordination with the FAA and SHPO concerning the Eccles Flying Hat Ranch identified historic resources and their respective impacts and all practical planning measures to avoid impacts to those resources. Where impacts could not be avoided, measures to minimize harm were included in the alternatives development. Coordination included:

- Several meetings and conference calls with the project team to confirm the area of potential impact, project alternatives, and eligible resource site boundaries.
- Site visits by multiple members of the project team, which included the Airport Manager, the project Environmental Manager, the archaeologist, the consulting cultural resources specialist, and Section 4(f) consultant, to discuss eligibility of the resources, location of the alternatives in relation to the resources, avoidance alternatives, and effects determinations outlined in the Section 106 Cultural Resources Study.
- In a letter dated May 1, 2018, SHPO concurred (**Attachment 1**) with the recommended determinations of eligibility of the Cove Canal, Eccles Flying Hat Ranch, and individually-eligible barn. SHPO considers the windrow trees that grow near the main farmstead as a contributing element of the Eccles Flying Hat Ranch.
- SHPO was a signatory on the MOA (**Attachment 2**).
- FAA notified the Advisory Council on Historic Preservation (ACHP) on May 24, 2018 to provide information and an invitation to participate in the Section 106 consultation. A response was received from ACHP on June 12, 2018, declining the invitation to participate unless circumstances change and their participation is needed (see **Attachment 3**).

4.2 Coordination with Owners of Section 4(f) Resources

Ongoing negotiations with the landowner and his representative have occurred for many years. The landowner has extended the avigation easement for lighting the obstructions several times, but has stated that he is not agreeable to another long-term easement for lighting the trees. The land caretaker/rancher was contacted during field reviews in the summer of 2017 and stated that all parties to the airport acquisitions are aware of the federal designations for the historic components of the farm. As far back as 1999, when the ranch was initially recorded, the landowner has been aware of the implications of Section 106 and Section 4(f) with the Eccles Flying Hat Ranch as a historic resource. In August of 2018, the landowner requested to participate in the development of the MOA. Based on this request, coordination with the landowner occurred in the development of the MOA. The attached MOA was signed by the landowner as a concurring signatory on November 2, 2018, and the document was finalized on November 15, 2018.

4.3 Coordination with the Public

A public meeting was held on August 8, 2017 in Hailey, Idaho for residents to voice their comments and ask questions on the alternatives being considered. A public notice postcard was sent out on July 20, 2017 to 168 residents and 32 agencies and businesses that have a vested interest in the airport and are within 1,000 feet of the projected project area. The information about the public meeting and the

project was provided on the Friedman Memorial Airport website as well, for those unable to attend the public informational meeting. The public was also able to attend the board meeting and voice their comments; one public comment was received and stated opposition to any actions at the Airport. No other comments were received by email, mail or phone.

5. FINDING

After careful and thorough consideration, the FAA determined that there are no feasible and prudent alternatives to the use of Section 4(f) resources. As demonstrated in Section 3 of this Evaluation, the Proposed Action includes efforts to minimize impacts to Section 4(f) resources by limiting the acquisition of the Eccles Flying Hat Ranch farmstead resources and by keeping farming operations intact. The Proposed Action includes the installation of a display/panels at the Airport that provide information about the agricultural history of the Wood River Valley and the replanting of low growing/airport compatible shrub species near the farmhouse as outlined in the attached MOA (dated November 15, 2018) as mitigation under Section 106.

ATTACHMENT 1

State Historic Preservation Office (SHPO) Letter dated May 1, 2018



IDAHO STATE
HISTORICAL
SOCIETY

RECEIVED
MAY 07 2018
HLN-ADO

1 May 2018

Diane Stilson
Federal Aviation Administration
Helena Airports District Office
2725 Skyway Drive #2
Helena, Montana 59602-1213



C.L. "Butch" Otter
Governor of Idaho

Janet Gallimore
Executive Director
State Historic
Preservation Officer

Administration:
2205 Old Penitentiary Rd.
Boise, Idaho 83712
208.334.2682
Fax: 208.334.2774

Idaho State Museum:
610 Julia Davis Dr.
Boise, Idaho 83702
208.334.2120

**Idaho State Archives
and State Records
Center:**
2205 Old Penitentiary Rd.
Boise, Idaho 83712
208.334.2620

**State Historic
Preservation Office:**
210 Main St.
Boise, Idaho 83702
208.334.3861

**Old Idaho Penitentiary
and Historic Sites:**
2445 Old Penitentiary Rd.
Boise, Idaho 83712
208.334.2844

HISTORY.IDAHO.GOV

Re: Friedman Memorial Airport (SUN), Hailey, Blaine County, Idaho
SHPO# 2018-629

Dear Ms. Stilson:

Thank you for consulting with our office on the above referenced project. We understand the scope of work includes an evaluation of National Register eligibility for the Friedman Memorial Airport in Hailey, Idaho, as well as the acquisition of an easement on adjacent property to accommodate safety protocols within the Runway Safety Area. This includes the removal of the windrow along the Cove Canal at the historic Halway Ranch (13-16207).

After reviewing the project submittal, SHPO concurs with the recommended determinations of eligibility for FMA-01, FMA-02, FMA-03, 13-16207 and 10BN1126. Pursuant to 36 CFR 800, we have applied the criteria of effect to the proposed undertaking. Based on the information received 11 April 2018, we object to the recommended determination of no adverse effect to historic properties and find the proposed project actions will result in an **adverse effect** to historic properties. Specifically, the removal of the windrow, a character defining feature of the historic farmstead associated with 13-16207, diminishes both the setting and feeling of the farmstead, two aspects of integrity that qualify the property for inclusion in the National Register of Historic Places.

We look forward to working with you to avoid, minimize or mitigate this adverse effect. If you have any questions, please contact me via phone or email at 208.488.7468 or matt.halitsky@ishs.idaho.gov.

Sincerely,

Matthew Halitsky, AICP
Historic Preservation Review Officer
Idaho State Historic Preservation Office

ATTACHMENT 2

Memorandum of Agreement (MOA) dated November 15, 2018

MEMORANDUM OF AGREEMENT

BETWEEN THE FEDERAL AVIATION ADMINISTRATION

AND

THE IDAHO STATE HISTORIC PRESERVATION OFFICE

REGARDING THE PROPOSED REMOVAL OF TREES NEAR THE FRIEDMAN MEMORIAL AIRPORT (SUN)
AT HAILEY, IDAHO

WHEREAS the Federal Aviation Administration (FAA) is considering a change to the Airport Layout Plan (ALP) to reflect the acquisition of property, the removal of trees, and relocation of an airport perimeter fence at the Friedman Memorial Airport (SUN) at Hailey, Idaho, pursuant to 49 USC § 47107(a)(16) and FAA Order 5100.38C, Airport Improvement Program Handbook; and

WHEREAS the Project consists of the acquisition of approximately 65 acres of property, removal of trees on the Halfway Ranch/Eccles Flying Hat Ranch, and relocation of a perimeter fence (project description included in Appendix A); and

WHEREAS, the FAA has defined the Project's area of potential effect (APE), as defined at 36 C.F.R. part 800.16(d), to be as shown in Appendix A; and

WHEREAS the FAA has determined that the Project may have an adverse effect on the Halfway Ranch/Eccles Flying Hat Ranch due to the removal of trees near the ranch's farmhouse. The property that lies to the south of SUN that is proposed for acquisition is a Historic District known as the "Eccles Flying Hat Ranch" (also known as the "Halfway Ranch"). The ranch property is overwhelmingly characterized by open pastureland, but also includes sixteen (16) resources dating from 1884 to 2006. Nine of these resources are buildings, which include a farmhouse, barn, outhouse, and various other ranch buildings and structures. The Eccles Flying Hat Ranch is eligible for listing in the National Register of Historic Places under Criterion A. The FAA has consulted with the Idaho State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the FAA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii) (Appendix C); and

NOW, THEREFORE, the FAA and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The FAA shall ensure that the following measures are carried out:

I. MITIGATION PLAN

- A. Provide a display/interpretive panels which will be displayed at the Airport in a public area. The display/panels will provide information about the agricultural history of the Wood River Valley. Idaho SHPO will be given the opportunity to review and provide comment on the content and proposed design of the displays before they are finalized.
- B. Replanting of low growing shrubs near the farmhouse to replace trees that will be removed between the farmhouse and the end of the runway at the Friedman Memorial Airport (SUN). Low growing shrubs are to be approved by the owner prior to installation, with such approval not to be unreasonably withheld.

II. STANDARDS

- A. Professional Qualifications and Cultural Resources Permitting
 1. All actions prescribed by this MOA that involve the identification, evaluation, analysis, recording, treatment, monitoring, and disposition of historic properties, and involve the reporting and documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons meeting at a minimum, the Secretary of the Interior's Professional Qualifications Standards (PQS) for archaeology, history, or architectural history, as appropriate (48 FR 44739).
- B. Documentation Standards
 1. The report and documentation of the actions cited in Stipulation I shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR. 44716-44740), as well as with all applicable standards, guidelines, and forms for historic preservation established by the SHPO.

III. UNANTICIPATED DISCOVERIES AND EFFECTS

- A. A Plan for Discovery of Unanticipated Cultural Resources can be found in Appendix B of this MOA. If proposed project activities encounter a previously unknown cultural resource, or if project activities directly or indirectly affect a known resource in an unanticipated manner, the terms of this Plan will be followed.
- B. Design and initiation of data recovery or other mitigation measures will be implemented as expeditiously as possible. If data recovery is deemed necessary, it will be based upon a Data Recovery Plan developed in consultation with the SHPO. In the event a dispute arises with regard to appropriate mitigation measures, the FAA will consult with the ACHP in accordance with Stipulation VI to resolve the issue.

IV. DISCOVERY OF HUMAN REMAINS

If construction or other project personnel identify what they believe to be human remains, they will immediately halt construction at that location and notify the Blaine County Coroner in accordance with Idaho Code Title 19, Chapter 43, Sections 19-4301. The Coroner is responsible to determine the cause and manner of death of any person who dies in Blaine County. The Coroner should make every

reasonable effort to gather evidence at the site without disturbing the remains. After all the evidence is gathered, the Coroner will write a report and present it to the family and law enforcement. If it is determined that a crime has been committed, then the Coroner's report will be turned over to the Prosecuting Attorney. The Coroner should notify the SHPO of the findings within 48 hours. The SHPO will notify the Tribes (if applicable) and coordinate with FAA. The FAA will consult with all signatories to the MOA to determine if and when construction activities in the location of the discovery may resume.

V. DURATION

This MOA will be null and void if its terms are not carried out within (5) years from the date of its execution. Prior to such time, the FAA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

VI. DISPUTE RESOLUTION

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FAA shall consult with such party to resolve the objection. If the FAA determines that such objection cannot be resolved, the FAA will:

- A. Forward all documentation relevant to the dispute, including the FAA's proposed resolution, to the ACHP. The ACHP shall provide the FAA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FAA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FAA will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FAA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FAA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The FAA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FAA must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the

comments of the ACHP under 36 C.F.R. 800.7. The FAA shall notify the signatories as to the course of action it will pursue.

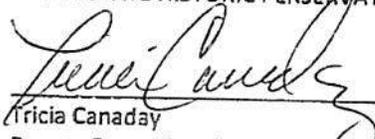
Execution of this MOA by the FAA and the SHPO and implementation of its terms evidence that the FAA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

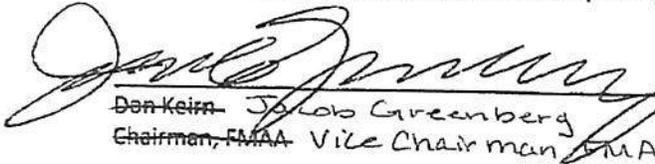

Date: 11/15/2018
William Garrison, Manager
Helena Airports District Office

IDAHO STATE HISTORIC PRESERVATION OFFICE


Date: 11-14-18
Tricia Canaday
Deputy State Historic Preservation Officer

CONCURRING SIGNATORIES:

FRIEDMAN MEMORIAL AIRPORT AUTHORITY (FMAA)


Date: 11-8-18
~~Don Keirn~~ ~~Chairman, FMAA~~ ~~Joseph Greenberg~~ ~~Vice Chairman, FMAA~~

LANDOWNER


Date: 11-2-18
Landowner
Eccles Flying Hat Ranch, L.L.C.

APPENDIX A

TO THE MEMORANDUM OF AGREEMENT REGARDING THE PROPOSED REMOVAL OF TREES NEAR THE FRIEDMAN MEMORIAL AIRPORT (SUN) IN HAILEY, IDAHO

Project Background and Description

The Friedman Memorial Airport (Airport or SUN) is located Blaine County in the City of Hailey, Idaho, within the Wood River Valley. The Airport is classified as a commercial service airport by the Federal Aviation Administration's (FAA) National Plan of Integrated Airport Systems (NPIAS). The Idaho Transportation Department's (ITD) 2010 State Aviation System Plan identifies SUN as a commercial service airport as needed to accommodate scheduled commercial air carrier service in addition to air cargo, business aviation and all types of general aviation. The Airport property includes approximately 209 acres of land that is situated in a very confined location; south of the City of Hailey urban core, west of State Highway 75 and east of the Wood River.

The Airport has a single runway, Runway 13/31, which is 7,550 feet long with a general north-south heading. Based on physical constraints of the airport's airspace due to mountainous terrain and airport noise impacts on the City of Hailey, predominant take-off and landing operations at the airport are take-offs to the south on Runway 13, and landings from the south on Runway 31. This predominant "one way in/one way out" operation is utilized by all commercial (airline) aircraft and a majority of the large general aviation aircraft fleet, including corporate jets. As a result, the land on the south end of the airport is the most impacted by airport operations and represents one of the most critical areas to protect from a safety and land use compatibility standpoint.

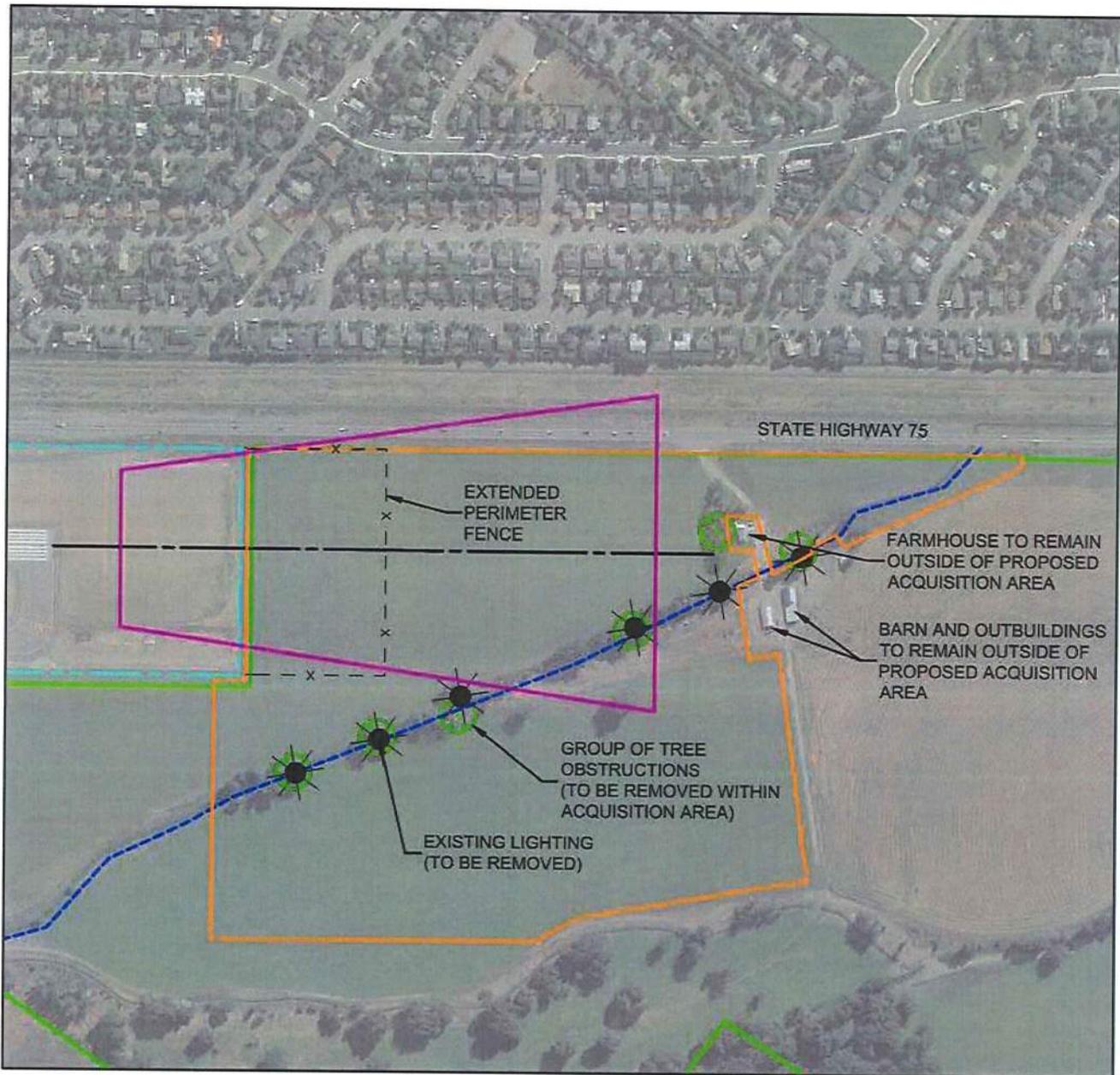
The Airport currently does not meet all operational standards per FAA guidance and regulations. Several non-standard conditions at the Airport are currently allowed via approved FAA Modifications of Standards, however, the approved Modifications of Standards do not address several non-standard conditions related to land on the south end of the Airport. To improve safety, the Airport Sponsor is proposing the improvements at the Airport to address deficiencies identified during the 2017 Airport Master Plan. Actions to correct deficiencies include land acquisition on the south end of the Airport, removal of trees, and the extension of part of the Airport's perimeter fence.

The property that lies to the south of the Airport that is proposed for acquisition is an Historic District known as the "Eccles Flying Hat Ranch" (13-16207 - also known as the "Halfway Ranch"). The ranch property is approximately 750-acres, of which approximately 615 acres form the historic core of the ranch. The ranch property is predominantly characterized by open pastureland, but also includes sixteen (16) resources dating from 1884 to 2006. Nine of these resources are buildings, which include a farmhouse, barn, outhouse, and various other ranch buildings and structures.

The main farmstead of the Halfway Ranch is a cluster of historic farmstead buildings consisting of a farmhouse, well, barn, equipment shed, and outhouse. Some of these features are considered contributing elements to the Historic District. Much of the main farmstead of the Historic District lies on the extended centerline of Runway 13/31 at the Airport.

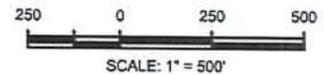
Acquisition of part of the Historic District is necessary for the Airport to meet full operational standards per FAA guidance and regulations in regard to the Runway Safety Area (RSA), Runway Protection Zone (RPZ), Runway Object Free Area (ROFA) and the removal of obstructions (trees). Acquisition of property and the removal of the trees along the Cove Canal will not have an adverse effect on the Historic District. However, the removal of trees immediately adjacent to and between the farmhouse and the end of Runway 13/31 will diminish the setting and feeling of the farmstead, which is a contributing feature to the Historic District, and will result in an adverse effect to historic properties. Therefore, an MOA is necessary.

Although removal of the trees adjacent to and between the farmhouse and the end of the Runway 13/31 will result in an adverse effect to the historic properties, their removal is an important improvement for the safety of aircraft approaching and departing the Airport. At the Airport, there are between 140 and 200 individual trees (primarily cottonwoods) directly south of the airport, many of which are obstructions to the Part 77 Approach Surface and FAA Advisory Circular (AC) 5300-13A Departure Surface used by aircraft taking off on Runway 13 (to the south) and aircraft landing on Runway 31 (from the south). The attached Proposed Action exhibit depicts the proposed acquisition area, the Historic District buildings to remain, and tree obstructions along Cove Canal and near the farmhouse planned to be removed.



LEGEND

-  AIRPORT PROPERTY BOUNDARY (FMA-01)
-  RUNWAY 13-31 CENTERLINE
-  RUNWAY PROTECTION ZONE
-  PROPOSED ACQUISITION AREA [64.6 ACRES]
-  COVE CANAL (10BN1126)
-  ECCLES FLYING HAT RANCH (13-16207)



NOTE:
 REFERENCE NAMES/NUMBERS PRESENTED IN "()"
 ABOVE ARE ASSIGNED BY THE IDAHO STATE HISTORIC
 PRESERVATION OFFICE (SHPO).

N:\170011\Acaddwg\17011-EA-Figures.dwg



PROPOSED ACTION



APPENDIX B

TO THE MEMORANDUM OF AGREEMENT REGARDING THE PROPOSED REMOVAL OF TREES NEAR THE FRIEDMAN MEMORIAL AIRPORT (SUN) AT HAILEY, IDAHO

Plan for Discovery of Unanticipated Cultural Resources

In the event that previously unknown cultural resources are discovered within the Area of Potential Effects from construction activities of the Project, or should those activities directly or indirectly impact known historic properties in an unanticipated manner, the following actions, at a minimum, will be initiated by the FAA, or a representative duly authorized to perform these tasks:

1. All activities will halt in the immediate vicinity of the discovery and all actions that might adversely affect the property will be redirected to an area at least 200 feet from the point of discovery.
2. The FAA and Friedman Memorial Airport Authority (FMAA) will be notified immediately (within 24 hours).
 - a. A professional archaeologist who meets the Secretary of the Interior's qualifications (36 CFR Part 61) will be called in within 48 hours to assess the discovery.
3. Upon arriving at the site of the discovery, the professional archaeologist shall assess the resource. The assessment shall include:
 - a. The nature of the resource (e.g., number and kinds of artifacts, presence/absence of features). This may require screening of already disturbed deposits, photographs of the discovery, Global Positioning System (GPS) data, and other necessary documentation. The archeologist will have basis archaeological excavation tools on hand.
 - b. The spatial extent of the resource. This may require additional subsurface examination, mapping or inspection, as is appropriate to the resource
 - c. The nature of deposition/exposure. This may require interviews with construction personnel and with other persons having knowledge about the resource or the expansion of existing disturbance to establish the characteristics of the deposits.
4. The professional archaeologist will complete a brief summary of the assessment and submit the report to the FAA, FMAA, and the SHPO within 10 days of fieldwork for further instruction.
5. The FAA will consult with all signatories to the MOA to determine if and when construction activities in the location of the discovery may resume.
6. If unanticipated discoveries are made on the project, a technical report will be written at the end of the project by the on-site professional archaeologist and will be submitted within four

months to the SHPO by the FAA. Reports dealing with sensitive information regarding sacred areas or other similar resources of historical or cultural importance to Native Americans will be reviewed only by those who have responsibility for National Register eligibility determinations or management concerns of such properties.

7. Report and documentation efforts shall conform with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR. 44716-44740), as well as with all applicable standards, guidelines, and forms for historic preservation, including Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey (HABS/HAER/HALS) guidance, and guidance established by the ID SHPO.

APPENDIX C

Advisory Council on Historic Preservation (ACHP) Response Letter



Preserving America's Heritage

June 12, 2018

Ms. Diane Stilson, P.E.
Civil Engineer
Environmental Protection Specialist
FAA, Helena Airports District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602

Ref: *Proposed Improvements at the Friedman Memorial Airport*
City of Hailey, Blaine County, Idaho
ACHPConnect Log Number: 12840

Dear Ms. Stilson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Idaho State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Sarah Stokely at (202) 517-0224 or by email at sstokely@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ATTACHMENT 3

Advisory Council on Historic Preservation (ACHP) Letter dated June 12, 2018



Preserving America's Heritage

June 12, 2018

Ms. Diane Stilson, P.E.
Civil Engineer
Environmental Protection Specialist
FAA, Helena Airports District Office
2725 Skyway Drive, Suite 2
Helena, MT 59602

Ref: *Proposed Improvements at the Friedman Memorial Airport
City of Hailey, Blaine County, Idaho
ACHPConnect Log Number:12840*

Dear Ms. Stilson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Idaho State Historic Preservation Officer (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Sarah Stokely at (202) 517-0224 or by email at sstokely@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs