

**INDIAN HEALTH SERVICE
ALASKA AREA NATIVE HEALTH SERVICE**

ENVIRONMENTAL REVIEW AND DETERMINATION

*Yakutat Tlingit Tribe, Joint Venture Health Clinic
Yakutat, Alaska*

September 2016

Background

The Yakutat Tlingit Tribe (YTT) proposes to construct a new community health clinic under the Indian Health Service (IHS) Joint Venture Construction Program. The YTT will obtain construction funding from the U.S. Department of Agriculture (USDA), Health Resources and Services Administration (HRSA), and other funding sources. The IHS will provide staffing funds once the clinic is constructed. The Yakutat Community Clinic will be an approximately 10,000 square-foot health clinic on a new 2.5-acre site. Land will be conveyed from the Yakutat City Borough to YTT for the purpose of developing the new clinic.

Environmental Issues

Environmental concerns were addressed in consultation with local, State, and Federal authorities and agencies. The environmental review indicates that the following stipulations and mitigations apply to this project.

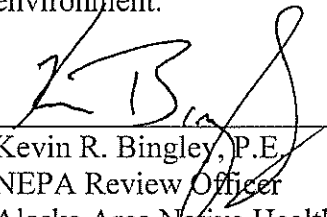
1. As the project is anticipated to disturb more than one acre of land, a Notice of Intent for permit coverage under the National Pollutant Discharge Elimination System (NPDES) Stormwater Program must be submitted to the Alaska Department of Environmental Conservation (ADEC) and the corresponding Storm Water Pollution Prevention Plan (SWPPP) followed during construction.
2. Project activities that may result in runoff entering waters of the U.S. or wetlands will require a jurisdictional determination and Section 404 Permit from the U.S. Army Corps of Engineers.
3. Dispose of construction waste at the Yakutat Landfill or other ADEC permitted solid waste facility. Coordinate use of the landfill with the landfill operator.
4. If the project will require excavation dewatering, an ADEC Excavation Dewatering General Permit will be required.
5. Follow U.S. Fish and Wildlife Service's (USFWS) Construction Advisory for Protecting Migratory Birds, and if an eagle's nest is observed within 660 feet of the project area during construction, notify the IHS.
6. Construction activities that include vegetation clearing must comply with the Migratory Bird Treaty Act (MBTA) by adhering to the USFWS's land clearing timing guidance for Alaska located at <http://www.fws.gov/alaska/mbsp/mbm/index.htm> ("Construction Advisory for Protecting Migratory Birds PDF").
7. Land exposed during construction must be revegetated or covered with coarse fill to prevent erosion of soil and sedimentation of down-gradient water bodies, and other control measures for preventing storm water pollution, such as installing straw wattles and silt fencing around storm water conveyances, must be implemented as needed.

8. If hazardous wastes or petroleum products are discovered or spilled during construction, construction must stop and the contamination must be reported to ADEC's Spill Prevention and Response (SPAR) and the IHS.

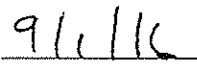
Finding

The record was reviewed to identify potential extraordinary or exceptional circumstances, which would invalidate the categorical exclusion. Based on the review, no extraordinary or exceptional circumstances exist which would require an Environmental Assessment. In accordance with the Department of Health and Human Services policies and procedures in General Administration Manual, Part 30, the Council on Environmental Quality regulations at 40 CFR 1500-1508, and procedures the IHS published in the Federal Register for Categorical Exclusion (I) (58 Fed. Reg. 569-01, 571 (January 6, 1993)), the proposed project belongs to a category of actions which normally do not significantly impact the human environment and is excluded from further environmental review. Stipulations and mitigations noted under 'Environmental Issues' must be completed.

In the event of an unforeseen discovery, the YTT has agreed to stop construction activity in the area of the discovery and to notify the appropriate authority and the IHS. In addition, the YTT must notify the appropriate authority and the IHS if a change in the project or project scope occurs which could change this environmental determination or could adversely impact the environment.



Kevin R. Bingley, P.E.
NEPA Review Officer
Alaska Area Native Health Service



Date

Yakutat Community Health Clinic

Scope of Review	The Yakutat Tlingit Tribe (YTT) will vacate the leased space used to operate the Yakutat Community Clinic and construct a new ~10,000 square-foot health clinic at a new site in Yakutat, Alaska, through the Indian Health Service (IHS) Joint Venture Construction Program.
Considerations	Basis for Determination with Documentation
1. Will the proposed action result in a known violation or continuance of a violation of applicable (Federal, Tribal, State or local) laws or requirements for protection of environment or public health and safety?	NO. The proposed project will be in compliance with all applicable laws and requirements and will have the appropriate regulatory approvals. All actions will be in accordance with the Indian Health Service design and sustainability guidelines, the State of Alaska DEC, and subject to the State of Alaska Fire Marshal as the Authority having Jurisdiction.
2. Will the proposed action result in a conflict with existing or proposed federal, Tribal, state, and local land use plans?	NO. The Joint Venture Clinic is a nationally competitive federal program. Approval for the Tribe to apply to participate was authorized by Tribal Resolution 2014-16. Formal invitation and notice to proceed from the federal government was authorized in a September 18, 2015 letter from IHS to YTT. The site selected for the clinic is owned by The Yakutat City-Borough. Approximately 3.5 acres is being conveyed to the Tribe specifically for this project and was selected because of the location, access to utilities, and suitable soil for building. The proposed project aligns with the long range land use plans for the community of Yakutat and YTT.
3. Is there a controversy with respect to environmental effects of the proposed action based on reasonable and substantial issues?	NO. Two public hearings were conducted to gather input from the community. Five sites were initially identified and two were selected for consideration based on the community's input. There were no objections to the top two sites selected.
4. Is the proposed action significantly greater in scope than normal for the area or does it have significant unusual characteristics?	NO. The proposed builds and staffs a Joint Venture Clinic. This project is typical in scope for the IHS Facilities program. The clinic will be built according to the IHS design and sustainability standards including LEED (Leadership in Energy and Environmental Design) certification.
5. Does the proposed action establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?	NO. The proposed project will not result in any cumulative impacts that will result in degradation of environmental concerns as outlined in NEPA.
6. Does the proposed action have significant adverse direct or indirect effects on park land, other public lands, or areas of recognized scenic or recreational value?	NO. The Borough of Yakutat is located near numerous protected areas of Chugach National Forest, Glacier Bay National Park, Glacier Bay Wilderness, Tongass National Forest, Wrangell-St. Elias National Park and Preserve, Wrangell-Saint Elias Wilderness, and the Russell Fjord Wilderness. The proposed project is within the established boundaries of the community and will not adversely affect any of the protected lands. -National Wildlife Refuge (http://alaska.fws.gov/nwr/map.htm) -USDOJ NPS (http://www.nps.gov/state/ak/) -Alaska Department of Natural Resource Division of Parks and Outdoor Recreation, Individual State Parks (http://www.dnr.state.ak.us/parks/units/index.htm)

7. Does the proposed action include construction of a new municipal solid waste landfill at a new solid waste disposal site?	NO. This project does not address the need for constructing a new municipal solid waste landfill.
8. Will the proposed action create a need for additional capacity at solid waste disposal facilities?	NO. Yakutat has a Class III Solid Waste Landfill permitted by the State of Alaska. Recycling of construction debris will be used in order to meet the requirements of the LEED certification. Operation of the clinic is not expected to create or increase any significant additional solid waste disposal.
9. Does the proposed action include construction of a new wastewater treatment facility that will discharge treated sewage effluent to the waters of the U.S.	NO. The project does not include the construction of a new wastewater treatment facility.
10. Will the proposed action create a need for additional capacity at wastewater treatment facilities?	NO. The new clinic will replace the existing community clinic. Increased capacity for wastewater treatment is not needed.
11. Will the proposed action create a need for additional capacity in the drinking water supply?	NO. The new clinic will replace the existing community clinic. Increased capacity for drinking water is not needed.
12. Are there other considerations about the proposed action that could adversely affect the environment and/or public health and safety?	NO. The proposed project will not adversely affect the environment and/or public health and safety. Building materials will be consistent with those that are standard for rural Alaska health care clinics. This project will result in a positive impact to public health by improving the quality of health care available to the residents of Yakutat.
13. Will the proposed action create a need for additional capacity in health care facilities and for health care services?	NO. The project will provide additional capacity for Yakutat's health care program by constructing a new health care facility. The new clinic is designed to meet the health care needs of the residents of Yakutat.
14. Will the proposed action create a need for additional energy supply or generation?	NO. The construction and operation of the proposed clinic will not create a need for additional energy supply or generation as adequate energy generation exist in the existing electrical grid. The proposed clinic is expected to use less energy than the existing clinic as IHS sustainability and LEED standards will be employed in the design and construction of the facility. Additionally, the project will be looking at possible renewable energies to meet federal and LEED guidelines.
15. Will the proposed action create a need for additional capacity in educational facilities?	NO. This project is not anticipated to increase the need for educational facilities as the population of Yakutat is not anticipated to change as a result of this project.
16. Will the proposed action create a need for additional capacity in transportation systems?	NO. Yakutat is a small community with a very limited closed road system. The proposed project will not create a need for any additional transportation or transportation systems. The project will use existing roads during construction and clinic operation.

<p>17. Historic Preservation:</p> <p>a. Does the proposed action involve the purchase, construction, alteration, renovation, or lease of a building or portion of a building that is more than 50 years old?</p>	<p>No. Consultation with the Alaska SHPO concluded on 8/23/16. The consultation found that the project will have no effect on historic structures.</p>
<p>b. Will the proposed action adversely affect properties listed, or eligible for listing, on the National Register of Historic Places?</p>	<p>No: Consultation with the Alaska SHPO concluded on 8/23/16. The project's effects on the following historic properties were reviewed: Yakutat and Southern Railroad Historic District (YAK-00041), Yakutat Landing Field (YAK-00072), 28th Engineer Road (YAK-00117), and Infantry Road (YAK-00118). The review found that No Adverse Effect is anticipated. The locations reviewed for effect include the site of the proposed clinic, as well as the borrow sites located at the 1) eastern side of Orca Avenue, 2) north side of Airport Road, and 3) east of Dangerous Ridge Road.</p>
<p>18. Endangered Species Act: Is the proposed action likely to adversely affect a plant or animal species listed on the Federal or applicable state list of endangered or threatened species or a specific critical habitat of an endangered or threatened species?</p>	<p>No. The community of Yakutat is located near the coast and not in the vicinity of any known endangered species or critical habitats. However, the USFWS' Information for Planning and Conservation (IPaC) tool (accessed 2/24/2016) indicates birds protected under the Migratory Bird Treaty Act (MBTA) may occur in the vicinity of the project area, which include Arctic Tern, Bald Eagle, Black Oystercatcher, Fox Sparrow, Kittlitz's Murrelet, Lesser Yellowlegs, Marbled Godwit, Marbled Murrelet, Olive-sided Flycatcher, Pink-footed Shearwater, Rufous Hummingbird, Short-billed Dowitcher, and Short-eared Owl. If construction activities should require vegetation clearing, to ensure compliance with the MBTA, construction will follow the USFWS's land clearing timing guidance for Alaska located at http://www.fws.gov/alaska/mbsp/mbm/index.htm ("Construction Advisory for Protecting Migratory Birds PDF").</p> <p>http://alaska.fws.gov/fisheries/endangered/listing.htm – Alaska Region Endangered Species Listing.</p>
<p>19. Will the proposed action require major sedimentation and erosion control measures?</p>	<p>NO. Soil exposed during construction will be revegetated or covered with coarse fill to prevent soil erosion and sedimentation of receiving water bodies. Other erosion control measures, such as installing straw wattles around storm drains, will be implemented as needed in accordance with LEED certification requirements and IHS A/E Design Guidelines.</p>
<p>20. Will the proposed action violate a storm water permit or a wastewater discharge permit either for construction or on-going operations?</p>	<p>No. The proposed project will disturb approximately 2 acres of land and will require submittal of a notice of intent (NOI) for coverage under ADEC's 2016 storm water permit for construction activities permit and prepare a Storm Water Pollution Prevention Plan (SWPPP).</p> <p>Construction activities are not located close to any drinking water wells, water treatment systems, or wastewater treatment systems.</p>
<p>21. Safe Drinking Water Act: Will the proposed action impact an EPA designated sole source aquifer?</p>	<p>No. Currently there are no designated sole source aquifers in Alaska.</p> <p>http://cfpub.epa.gov/safewater/sourcewater/sourcewater.cfm</p>

<p>22. Wetlands and Water Resources (lakes, rivers, ponds, streams, etc.): Will the proposed action violate a Section 404 (Clean Water Act) permit for actions in a wetland and/or Section 10 (Rivers and Harbors Act) permit for actions in a stream or river?</p>	<p>No. A review of the USFWS Wetland Online Mapper (accessed 05/05/16) indicates that no estuarine, marine and freshwater wetlands exist at the proposed project location. A wetland delineation was completed in August 2016, which found that the site consists of upland vegetation and hydric soils. A small lower portion, 0.36 acres, of the site contained standing water after several days of rain, but the soil and vegetation profile matched the upland section and did not match a wetland profile.</p> <p>If wetlands are found to exist and will be impacted by the project (directly or through runoff), then a jurisdictional determination and Section 404 Permit from the U.S. Army Corps of Engineers (USACE) are required.</p>
<p>23. Floodplains: a. Is the proposed action located in either a 100-year or, for critical actions, a 500-year floodplain? (If Flood Insurance Rate Maps do not exist for the project site, a floodplain survey or consultation may be required. Also may need to consider if the facility will require flood insurance).</p>	<p>NO. Based on the USACE Floodplain Data, no known flooding has occurred in Yakutat and at the site for the new clinic. The USACE also identifies potential erosion areas in the Yakutat region; none which occurs in the vicinity of the proposed site (map from report attached).</p> <p>(http://www.poa.usace.army.mil/About/Offices/Engineering/FloodplainManagement.aspx)</p>
<p>b. Will the proposed action adversely impact flood flows in a floodplain or support development in a floodplain?</p>	<p>NO. The project will not occur within a floodplain.</p>
<p>24. Existing site: Would the proposed action involve the purchase, construction or lease of new facilities (including portable facilities and trailers), substantially increase the capacity of an existing health care facility?</p>	<p>The existing health clinic leases approximately 4,100sf of building space in an existing 8,200sf building which they will vacate and turn back to the owner. The new clinic will provide a needed increase capacity in the health care available to the residents to Yakutat in order to meet present and projected future demand through 2025.</p>
<p>25. New site: Does the proposed action involve purchase, construction, or lease of new facilities (including portable facilities and trailers) where such action is for buildings equal to or more than 12,000 square feet (1080 square meters) of useable space when more than 5 acres (2 hectares) of surface land area are involved at a new site?</p>	<p>NO. The proposed facility will be approximately 10,000 square-feet with a proposed lot of less than 2 acres at a different site near the existing health clinic.</p>
<p>26. New site: Does the proposed action involve purchase, construction, or lease of health care facilities (other than buildings) for projects equal to or more than 5 acres (2 hectares) of surface land area at a new site?</p>	<p>NO. The proposed facility will be constructed at an existing clinic site and be approximately 10,000 square-feet with a proposed lot of less than 2 acres.</p>

27. Does the proposed action involve the sale or transfer of real property, on which any hazardous substance was stored for one year or more, known to have been released, or disposed of? (Provide relevant documentation for any hazardous substance releases. See 40 CFR 373.2(b), 302.4, and 261.30 for reportable quantities.)	NO. There are no known hazardous materials either stored or released on the proposed site. The site has not been previously used for commercial or private development.
28. Does the proposed action involve the sale or transfer of real property, on which underground or above ground storage tanks are located?	NO. The proposed project does not involve the sale or transfer of real property on which storage tanks are located. The site has not been previously used for any commercial or private development. The ADEC UGST Database Facility Search does not reveal any UST at the proposed location.
29. Will the proposed action violate Tribal, local, state, or federal law on the use and storage of hazardous substances or the transportation, storage, and disposal of hazardous wastes or medical wastes? (Activities that may generate reportable quantities include air conditioning repair and service, pesticide application, motor pools, automobile repair, welding, landscaping, agricultural activities, print shops, hospitals, clinics, & medical centers. Repair, renovation, or demolition activities can generate waste that has asbestos-containing materials, asbestos, lead-based paint, PCBs, CFCs, etc.)	No. The proposed project will not violate local, state, or federal law on the use and storage of hazardous substances or transportation, storage, and disposal of hazardous wastes or medical wastes. All medical wastes from the operation of the clinic will be disposed of in accordance with local, state, and federal laws. The space currently utilized for existing health clinic will be vacated for the owner to repurpose.
30. Will the proposed action adversely affect community air pollution for a long period of time?	No. 18AAC50, Air Quality Control, Alaska Department of Environmental Conservation. This project is not located in an area subject to the conformity rule per the State of Alaska Implementation Plan.
31. If the proposed action is implemented, will it have a disproportionately high and adverse human health or environmental impact on the Tribe, low-income populations, or minority populations?	No. This project will benefit the health and environment for the tribe and the community as a whole by increasing access of health care services.
32. Will the proposed action adversely affect community noise levels?	No. The Project Manager will ensure community noise levels are not adversely affected with no blasting and limiting heavy equipment usage to daytime (10) hours.

33. Wilderness Act: Will the proposed action adversely impact a Wilderness Area?	No. This site is not located in a wilderness area in Alaska. Database accessed 2/24/16. http://www.wilderness.net/index.cfm?fuse=NWPS
34. Farmland Protection Policy Act: Will the proposed action convert significant agricultural lands to non-agricultural uses and exceed 160-point score on the farmland impact rating?	No. There are no Prime or Unique farmlands in the State of Alaska. Further, there are no Farmlands of Statewide Importance. http://www.ak.nrcs.usda.gov/technical/soils/soilslocal.html
35. Coastal Zone Management Act: Will the proposed action directly affect a Coastal Zone in a manner inconsistent with the State Coastal Zone Management Plan?	No. The Alaska Coastal Management Program no longer exists as of July 1, 2011. Alaska Coastal Zone and Coastal District boundaries, National Oceanic and Atmospheric Administration, June 2005. (www.alaskacoast.state.ak.us)
36. Wild and Scenic Rivers Act: Will the proposed action affect a wild, scenic, or recreational river area or create conditions inconsistent with the character of the river? (A consideration for activities that are in or near any wild and scenic waterway including construction of stream/river crossings, intake structures, outfalls, etc.)	No. This project is not a "Water Resource Project" that will impact a wild, scenic, or recreational river, hence will not create conditions that are inconsistent with the character of the river. (http://www.rivers.gov/index.php)