

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
RECORD OF DECISION

Location

Republic (Farmingdale) Airport (FRG)
Farmingdale, New York

Introduction

This Finding of No Significant Impact/Record of Decision (FONSI/ROD) sets out the Federal Aviation Administration's (FAA) consideration of environmental and other factors for Airport Layout Plan (ALP) approval and federal financial assistance for the Safety, Infrastructure and Tenant Improvement Projects at Republic Airport (FRG). This FONSI/ROD is based on the Final Environmental Assessment (EA) for the Safety, Infrastructure and Tenant Improvement Projects at Republic Airport prepared by the New York State Department of Transportation (NYSDOT), dated April 2015. The Final EA is incorporated herein and is made part of this finding. The Final EA is included as Attachment 1 to this FONSI/ROD.

Project Description

The proposed Safety and Infrastructure Projects involve: shifting Runway (RW) 1-19 approximately 412 feet to the north to improve Runway Safety Areas (RSA) beyond both runway ends (see Section 2.3 of the Final EA); recovery of the displaced threshold on Runway 19; changes to existing flight procedures to accommodate the new runway threshold locations¹; relocation of Precision Approach Path Indicators and Runway End Identifier Lights for RW 1-19; obstruction removal; the relocation of Hangar 2 (leased by Sheltair) and Hangar 3 (American Air Power Museum); the relocation of Taxiway G; electrical, signage, marking and lighting improvements; rehabilitation and construction of emergency access and other roads; and the installation of a security fence. The Tenant Improvement Projects include: the relocation and expansion of the Sheltair Leasehold to the Breslau Area; fuel farm relocation and expansion; removal of 97 tie-downs and replacement with 70 tie-downs and 13 T-hangars; utility improvements; construction of 7 hangars (each hangar to consists of 30,000 square-foot (sf) of hangar space and 6,000 sf of office space); construction of a new 30,000 sf Fixed-Based Operator (FBO) building; construction of a new 3,000 sf maintenance facility; and vehicular parking, among other items. The full extent of the development items is presented in Sections 2.3 and 3.5 of the Final EA.

¹ Changes to the existing flight procedures will adjust the threshold touchdown points in conjunction with the changes to the threshold locations associated with the project. Flight tracks will remain the same following implementation of the Proposed Action; however aircraft arriving from the north will be slightly lower over areas to the north of the airport and aircraft arriving from the south will be slightly higher over areas to the south of the airport under the Proposed Action.

Proposed Agency Actions

The FAA actions involved in the implementation of the Proposed Action include the following:

- a. Unconditional Approval of a revised ALP to reflect the Safety, Infrastructure and Tenant Improvement Projects as described above, pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to include the preferred alternative as described in Section 3.5 of the Final EA; and determination and approval of the effects of this project upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718;
- b. Determination under 49 U.S.C. §40101(d)(1) and §47105(b)(3) as to whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
- c. Determinations concerning funding through the Federal grant-in-aid program authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. §47107 et seq.) (this FONSI/ROD does not determine eligibility or availability of potential funds);
- d. Determination under 49 U.S.C. §44502(a) and (b) concerning the acquisition, establishment, improvement, operations and maintenance of air navigation facilities and that the subject airport development is reasonably necessary for use in air commerce or in the interests of national defense;
- e. Continued close coordination with the NYSDOT and appropriate FAA program offices, as required, to maintain safe, efficient use of and preservation of the navigable airspace during all aspects of project construction and obstruction removal, in accordance with 14 CFR Part 77;
- f. Determination under 49 U.S.C. §40103(b) to modify existing air traffic control and airspace management procedures to effect the safe and efficient movement of air traffic to and from the proposed new threshold locations; and
- g. Approval of appropriate amendments to the FRG Airport Certification Manual (ACM), as required, pursuant to 49 U.S.C. §44706.

Purpose and Need

The purpose and need for the Proposed Action is to increase safety for aircraft and passengers by enhancing the RSAs on Runway 1-19. Congress enacted legislation in 2005 that statutorily requires airports certificated under 14 CFR Part 139 to improve their RSAs to comply with FAA design standards as required by 14 CFR Part 139 no later than 2015 (Pub. L. 109-115, Div. A, Title I (2005), 119 Stat. 2401, *codified at* 49 U.S.C. §44706).

Additional purposes of the Proposed Action are: to remove obstructions to navigable airspace; to establish standard runway-taxiway separation distances to meet FAA design safety standards; and

to improve leasehold areas to support the current and future demands for fixed based operator services at the airport.

Alternatives

In addition to the proposed alternative for each component of the project, several alternatives, including no action, were analyzed in detail. For the RSA component of the project, the Final EA considered 17 alternatives to address RSA deficiencies, including: relocating, shifting, or realigning the runway; reduction in runway length; a combination of runway relocation, shifting, grading, realignment or length reduction; and the installation of Engineered Materials Arresting Systems (EMAS), among others. Many of the alternatives focused on the historic district composed of Hangars 2, 3 and 4 and its penetration of the existing RSA standard which extends 250 feet from both sides of the Runway 1-19 centerline, (see Chapter 3 of the Final EA for more detail). For the obstruction removal component of the project, two alternatives, including no action and the runway shift, were evaluated. For the Taxiway G Relocation, two alternatives including no action and partial relocation were considered. For the Tenant Improvement Projects, four alternatives were evaluated, including no action; alternate sites including, consolidation of the Sheltair Facilities at the southerly portion of the airport; alternative airport locations; and modification, improvements and partial relocation of the Sheltair's FBO services to new lease area.

Discussion

The incorporated Final EA addresses the effects of the Proposed Action on the human and natural environment, and is made part of this Finding. The following impact analysis provides highlights of the more thorough analysis presented in the Final EA.

During the extended development and review process for the EA (more than five years), it was determined that the operations data utilized to support the noise and air quality analyses were inconsistent with activity levels recorded in FAA's Traffic Flow Management System Counts (TFMSC) and Terminal Area Forecasts (TAF) (see Final EA, Appendix X). Because of the large difference between the FAA databases and the sponsor reports, and in the interest of disclosure, sensitivity analyses were conducted for noise and air quality because these two resource categories require operational levels as input to models that determine project related effects. The determination of effects to all other resource categories are less dependent on operational levels and more dependent on the extent of physical development and therefore did not necessitate the performance of sensitivity analyses. This approach was coordinated with FAA Headquarters Offices. The intent of the sensitivity analyses was to validate the findings of those analyses performed for the Proposed Action. In other words, the sensitivity analyses were conducted to see if the different operational levels in the data sets would result in significant changes to the results of the analyses.

Additionally, the build year of 2013 was extended to encompass a five-year development program ending in 2019. Based on the results of the sensitivity analyses, it was determined that the initial studies performed for the EA, utilizing 2007 as a baseline condition, provide results that predict slightly *higher* air emissions and noise levels in comparison to results of analyses based on information from FAA databases. Although the operational counts are greater in later years, the baseline year of 2007 used in the Final EA provides more conservative estimates of

impact. This is because the main source of change to impacts is not necessarily the number of operations, but the type of aircraft and the time of day of the operations. In 2007, there were louder (i.e., Stage 2) aircraft that had higher levels of emissions. There were also more jet aircraft and more nighttime operations of both these kinds of aircraft.

Accordingly, the noise and air quality assessments contained in the Final EA are accurate, remain valid and have not been updated. Technical memoranda documenting these results are included in the Final EA as Appendices X and Y.

Summary of All Impact Categories

The Final EA addresses all environmental impact categories, as required by FAA Orders 1050.1E, 5050.4B, as well as provided by guidance contained in the Desk Reference for Airports Actions. Impact categories such as DOT Section 4(f) resources; noise; land use compatibility; socioeconomic impacts and environmental justice; air quality; historical, architectural, archaeological, and cultural resources; wetlands; water quality; coastal zones; floodplains; coastal barriers; wild and scenic rivers; fish, wildlife and plants; prime and unique farmland; energy supply and natural resources; light emissions; solid waste impacts; construction impacts; hazardous materials; and cumulative impacts were considered during preparation of and analyses for the Final EA. It is the FAA's finding that earlier analysis and the analyses that support this Final EA are valid. Therefore, the Proposed Action will not have any significant effect on any of the above noted categories. These findings are further elaborated below.

Historic Preservation and Department of Transportation (DOT) Section 4(f)

The Proposed Action involves development on land protected by Section 4(f) of the DOT Act of 1966 (49 U.S.C. §303(c)). The Act provides that the Secretary of Transportation shall not approve any program or project that requires the use of 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 as determined by the officials having jurisdiction thereof, unless there is no feasible and prudent alternative to the use of such land and such program, and the project includes all possible planning to minimize harm to the 4(f) property resulting from the use. Publicly and privately owned historic sites of national, state and local significance are protected under this statute and are subject to Section 4(f) evaluation if they are listed or eligible for listing on the National Register of Historic Places.

Hangars 2, 3, and 4 have been determined to be an Historic District eligible for listing on the National Register of Historic Places by the New York State Historic Preservation Office (NYSHPO). As such, these components of the site are considered 'Section 4(f) land.' However, Hangars 2 and 3 are located within the Runway 1-19 Object Free Area (OFA) and RSA and thus, retaining the hangars in their current location will not allow compliance with safety standards. Therefore, there is no feasible and prudent alternative to keep Hangars 2 and 3 in their current location.

The National Historic Preservation Act (NHPA) of 1966, (16 U.S.C. §470) requires federal agencies to consider the impacts and effects of their undertakings on historic sites. Pursuant to 36 CFR Part 800, implementing Section 106 of the NHPA, the FAA, in conjunction with the NYSDOT, has discussed and coordinated the Proposed Action with the Advisory Council on

Historic Preservation (ACHP) and the NYSHPO; Sheltair Aviation and the American Air Power Museum participated in the Section 106 process as consulting parties; and the general public was also given the opportunity to participate in the Section 106 process.

A Memorandum of Agreement (MOA) was developed and entered into on August 18, 2014, by the FAA, NYSDOT and NYSHPO, with the concurrence of Sheltair Aviation and the American Air Power Museum. The MOA provides for mitigation of the adverse effects on the historic resource.

To mitigate impacts to the historic district, the Proposed Action would relocate Hangars 2 and 3 directly south of Hangar 4 and their orientation would be a mirror-image of the existing district. Recordation would be performed to document the existing conditions of the buildings and their setting to guide in future repairs or rehabilitation in their new location. The original locations of the buildings shall be identified with at-grade markings. The original sites shall be restored and maintained as an open field. The remaining original foundations of the hangars will be left in situ, filled in and seeded over at grade.

A separate Section 4(f) evaluation was prepared and submitted to the US Department of the Interior (DOI) for review. On April 9, 2014, DOI concurred that there is no prudent and feasible alternative to the proposed use of the Section 4(f) lands. The detailed discussion of the Section 106 process, Section 4(f) analysis, and the signed MOA can be found in Sections 4.1.4 and 5.1.1 and Appendix Q of the Final EA.

Noise

As is stated above, a sensitivity analysis was conducted that validated the findings of the 2007 noise analysis performed for the Proposed Action. The same version of the Integrated Noise Model (INM) (version 6.2) that was used to create the 2007 baseline was used to develop a new baseline contour for the sensitivity analysis based on the 2014 operations activity levels reported by the TMFSC and TAF to provide for a like comparison of the model results utilizing the different data sets. It is important to note that the INM was used in the Final EA and in the sensitivity analysis to develop Day-Night Average Sound Level (DNL) 65 decibel (dB) contours for baseline conditions only. The conclusion of the sensitivity analysis revealed that the 2007 baseline information remains valid.

In accordance with FAA guidance contained in the Desk Reference for Airports Actions, a noise screening analysis was performed to estimate changes in the area of the DNL 65 dB contour using the Area Equivalent Method (AEM) to assess the Proposed Action's potential noise effects. The AEM is a mathematical process that estimates changes in the existing DNL 65 dB. It is a screening tool used to determine if further analysis using the more detailed INM is needed. If the AEM calculation shows an increase of 17% or more in the area within the DNL 65 dB contour, then the Proposed Action must be analyzed using the INM to determine if significant noise impacts would result.

The results from the noise analysis in the Final EA utilizing the information validated in the sensitivity analysis indicate that the Proposed Action would result in an approximate 4% increase in the area within the DNL 65 dB contour. Therefore, in accordance with FAA Orders 1050.1E,

5050.4B and guidance contained in FAA's Desk Reference for Airports Actions, no further noise analysis is required; the Proposed Action would not introduce any noise sensitive areas to exposure above the DNL 65 dB contour and it is not expected to result in significant adverse noise impacts.

Air Quality

In accordance with FAA Orders 1050.1E and 5050.4B, as well as guidance contained in the Desk Reference for Airports Actions, an air quality analysis, as required by the Clean Air Act (CAA) of 1970, as amended, was performed to estimate emissions attributable to the project. The CAA established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants. Areas in compliance with these standards are considered in attainment. Areas where the outdoor levels of these pollutants exceed the standards are designated as non-attainment.

FRG is located in Suffolk County, New York, which is in moderate non-attainment for the 8-hour ozone standard and non-attainment for the particulate (PM_{2.5}) standard. Therefore the Proposed Action is subject to the federal General Conformity requirements. General Conformity, as established in §176(c) of the CAA, requires federal agencies to show that the federal actions under review conform to the State Implementation Plans (SIP) developed to bring non-attainment areas back into attainment with the NAAQS. As such, federal actions in non-attainment areas must not cause or contribute to NAAQS violations, increase the frequency or severity of any existing NAAQS violations, or delay the timely attainment of the NAAQS in accordance with the SIP.

To demonstrate compliance with the General Conformity Rule, the total direct and indirect emissions for each criteria pollutant for which FRG is in non-attainment were compared between the future build versus the future no build scenarios utilizing the emissions estimates validated in the sensitivity analysis. The air quality assessment demonstrates that construction and implementation of the Proposed Action would not cause an increase in air emissions above the applicable *de minimis* thresholds established by the General Conformity Rule in 40 CFR Part 93, §93.153. Therefore, in accordance with FAA Orders 1050.1E, 5050.4B and guidance contained in FAA's Desk Reference for Airports Actions, no further analysis with respect to General Conformity is needed and the Proposed Action conforms to the New York SIP and the Clean Air Act (CAA) and would not: cause or contribute to any new violation of any standard in any area; increase the frequency or severity of any existing violation of any standard in any area; or delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

As is stated above, a sensitivity analysis was conducted that validated the findings of the air quality analysis performed for the Proposed Action using 2007 data. The air quality sensitivity analysis was conducted to see if the different operational levels in the data sets would result in significant changes to emission levels and the results of the air quality analysis.

Construction Impacts

Construction of the Proposed Action is not expected to cause significant long-term environmental impacts. However, short-term impacts resulting from construction operations may occur. Resources that are anticipated to potentially experience short-term effects during

construction from the operation of equipment are air quality, water quality, and noise. These impacts will be controlled and limited by compliance with the mitigation measures set forth in the Final EA Sections 5.14.2 and 7.15 and in this FONSI/ROD, as well as the FAA's Advisory Circular 150/5370-10F "Standards for Specifying Construction of Airports," Item P-156, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control; and Advisory Circular 150/5320-5D, "Airport Drainage Design" (see Conditions/Mitigation Measures, item 1 below).

Cumulative Effects

Past, other present and reasonable foreseeable future actions were evaluated for the potential for cumulative impacts on affected resources. These projects include: existing airport conditions; installation of EMAS beds on both ends of RW 14-32 (completed); Northeastern Aviation Hangar (completed); Talon Air (completed); the Proposed Action that is the subject of the FONSI/ROD; and potential future development within the Atlantic Aviation lease area; and the maximum build-out of the remaining four vacant airport parcels as detailed in Section 7.1 of the Final EA. A thorough analysis of the cumulative effects of these projects combined with the Proposed Action to all resources categories is presented in Chapter 7 of the Final EA and concludes that no cumulative impacts are anticipated.

Coordination with the General Public

A Notice of Public Availability of the Draft EA was made in *Newsday* on January 25, 2013 (see Final EA, Appendix A). The document was also made available to the public via the internet at <https://www.dot.ny.gov/divisions/operating/opdm/aviation/documents>. The review and comment period was from January 25, 2013 to March 15, 2013. A Public Hearing was also held on February 26, 2013. Additionally, several other coordination meetings, detailed in Appendix A, were held throughout project development.

Comments were received from various interested parties and are included in Appendix U, along with responses to those comments. Several commenters raised concerns regarding the age of the data used in the analyses contained within the Draft EA. Partially in response to these concerns, the noise and air quality sensitivity analyses discussed above were conducted to determine the validity of the data used within the Final EA. The sensitivity analyses showed that the analyses contained within the Draft EA based on the older data resulted in more conservative estimates of impacts than the more recent data would. Since the more conservative estimates of impacts did not exceed any significance thresholds, the FAA determined that the information presented was still valid for use in the Final EA. The comments did not result in significant changes to the Proposed Action.

Additionally, the FAA's independent review and analyses of the data provided in the Final EA, performance of the sensitivity analyses, and coordination with resources agencies having jurisdiction over relevant resources show that there are no significant impacts anticipated as a result of implementation of the Proposed Action.

Conditions/Mitigation Measures

1. Construction contract specifications developed for the project shall contain the provisions of FAA Advisory Circular 150/5370-10F, "Standards for Specifying Construction of

Airports," Item P-156, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control; and Advisory Circular 150/5320-5D, "Airport Drainage Design."

2. All required regulatory permits and approvals shall be obtained prior to construction of the Proposed Action. Required notifications pursuant to necessary permits and approvals shall also be completed prior to construction.
3. A variety of Best Management Practices (BMPs), including water quality management devices, shall be adopted to manage the stormwater collected. Preventative measures, such as fugitive dust controls, spill prevention plans, and sediment and erosion techniques shall also be implemented as part of BMPs.
4. Hangars 2 and 3 would be relocated to the south of Hangar 4 in mirror image of the existing configuration to mitigate impacts to the historic structures. A MOA for the relocation of Hangars 2 and 3 has been entered into by the FAA, NYSDOT, and NYSHPO. The MOA contains stipulations for actions to be undertaken prior to construction, including the planning and design phase, during construction, as well as for ongoing maintenance and preservation of the hangars. All stipulations of the MOA, contained in Appendix Q of the Final EA, shall be implemented.
5. Landscape plantings will consist of low-maintenance native species, to the maximum extent practicable.

Consistent with applicable orders, policies and guidance, including Council on Environmental Quality (CEQ) Guidance, dated January 14, 2011, "Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact" under NEPA, the FAA understands that the NYSDOT will undertake the necessary actions to ensure that the above conditions and/or mitigation measures are undertaken and that it will monitor the implementation and effectiveness of such measures. In some instances, the above conditions are required as a result of coordination and agreement; they do not necessarily reflect impacts that require mitigation to meet FAA standards, pursuant to FAA Orders or Guidance.

Federal Agency Findings

In accordance with all applicable laws, the FAA makes the following findings for the Proposed Action based on all appropriate information and analyses contained in the Final EA and other portions of the Administrative Record for the Final EA:

- A. The Proposed Action is reasonably consistent with existing plans of public agencies for development of areas surrounding the airport. (49 U.S.C. §47106(a)(1)).** The FAA is satisfied that the Proposed Action is consistent with plans (existing at the time the Proposed Action is approved) of public agencies for development of areas surrounding the airport based on coordination efforts with public agencies as indicated in Appendix A of the Final EA.

- B. The interest of the communities in or near where the Proposed Action may be located were given fair consideration. (49 U.S.C. §47106(b)(2)).** The FAA is satisfied that the interests of the communities near where the Proposed Action will be located were given fair consideration as demonstrated by the Final EA, including Appendix A, and Appendix U, containing the Notice of Public Hearing and comments and responses to comments, respectively.
- C. The FAA is satisfied that consistent with 49 U.S.C. §47107(a)(10), the airport sponsor has, and will continue to take all necessary actions, including the adoption of zoning laws, to ensure the land uses in the airport vicinity are compatible with airport operations.** During the preparation of this Final EA, there has been coordination with agencies that have indicated an interest in the Proposed Action, including the Towns of Babylon and Huntington. The Proposed Action will be compatible with existing zoning, surrounding area land use plans, the land uses on the Airport, and will not change the characteristics of the existing land uses.
- D. The FAA has given this Proposed Action the independent and objective evaluation required by the Council on Environmental Quality (40 CFR Section 1506.5).** The FAA's review and ultimate decision process included the FAA's rigorous exploration and objective evaluation of reasonable alternatives and probable environmental consequences, regulatory agency and Native American consultations, as required, and public involvement. FAA furnished guidance and participated in the preparation of the Final EA by providing input, advice and expertise throughout planning and technical analyses, along with administrative direction. FAA has independently evaluated the Final EA and takes responsibility for its scope and content.
- E. The Proposed Action includes a direct use of resources protected under 49 U.S.C. §303(c) (Section 4(f) of the DOT Act).** The Proposed Action will cause a direct use of Section 4(f) resources. National Register eligible Hangars 2 and 3 are located within the Runway 1-19 Object Free Area (OFA) and RSA and thus, retaining the hangars in their current location will not allow compliance with safety standards for RSAs established in FAA Advisory Circular 150/5300-13A, Airport Design. There is no feasible and prudent alternative to keep Hangars 2 and 3 in their current location. Accordingly, coordination occurred with the NYSHPO and the ACHP. An MOA for the relocation of Hangars 2 and 3, to the south of Hangar 4 in mirror image, has been entered into by the FAA, NYSDOT, and NYSHPO. The MOA ensures that the proposed alternative is the alternative that will cause the least overall harm in light of the statute's preservation purpose. All stipulations of the MOA shall be implemented to mitigate the impact to the historic hangars.
- F. The Proposed Action will conform to the State Implementation Plan (SIP) in accordance with Section 176 of the Clean Air Act (CAA) Amendments (42 U.S.C. §7506(c)).** FRG is located in Suffolk County, New York, which is in moderate non-attainment for the 8-hour ozone standard and non-attainment for the particulate (PM_{2.5}) standard, pursuant to the CAA, as amended. Therefore the Proposed Action is subject to the federal General Conformity requirements. Based on specific emissions calculations, the Proposed Action's total construction and implementation emissions are below the *de*

minimis thresholds established by the General Conformity Rule in 40 C.F.R. Part 93, §93.153. According to FAA Orders 1050.1E and 5050.4B and guidance contained in FAA's Desk Reference for Airports Actions, agency consultation is not necessary, no mitigation is necessary, and further analysis is not required to comply with the CAA or NEPA. Therefore, no further analysis with respect to General Conformity is needed and the Proposed Action conforms to the New York State Implementation Plans (SIP) and the Clean Air Act (CAA). The requirements of the General Conformity Rule have been met as discussed in Sections 4.8, 5.8 and Appendix K of the Final EA. As such, the Proposed Action conforms to the New York State Implementation Plan and complies with the Clean Air Act Section 176(c)(1) and would not: cause or contribute to any new violation of any standard in any area; increase the frequency or severity of any existing violation of any standard in any area; delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

- G. There are no disproportionately high and adverse environmental effects resulting from the Proposed Action on minority and/or low-income populations. (Executive Order 12989 and DOT Order 5610.2(a)).** Environmental Justice concerns were addressed in Section 5.13 of the Final EA, which found that potential noise changes would not extend the DNL 65 dB contour into any areas considered incompatible with airport uses nor would any impacts to other environmental resources extend off of airport property or result in impacts to areas of minority or low-income populations. In accordance with FAA guidance provided in FAA Order 5050.4B and FAA Order 1050.1E, and guidance contained in the "Environmental Desk Reference for Airport Actions," and DOT Order 5610.2(a) "Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," implementation of the Proposed Action would not result in effects to any low income or minority population greater than the general community would experience. Therefore, there would be no minority or low-income group that would bear a disproportionate burden of the effects of the Proposed Action.

Decision and Order

The FAA recognizes its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and its implementing Council on Environmental Quality (CEQ) regulations, and its own directives. Recognizing these responsibilities, I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the *Republic Airport Safety, Infrastructure and Tenant Improvement Projects* as discussed in the Final EA, and I have used the environmental process to make a more informed decision. This review included the purpose and need to be served by this project, alternative means of achieving them, the environmental impacts of these alternatives, and the mitigation and conditions necessary to preserve and enhance the human environment. This decision is based on a comparative examination of environmental impacts, operational factors, and economic factors for each of the alternatives. The Final EA provides a fair and full discussion of the impacts of the Proposed Action. The NEPA process included appropriate planning and design for avoidance and minimization of impacts, as required by NEPA, the CEQ regulations, other special purpose environmental laws, and appropriate FAA environmental directives and guidance.

The FAA has determined that environmental and other relevant concerns presented by interested agencies and the general public have been addressed in the Final EA. The FAA believes that with respect to the Proposed Action, there are no outstanding environmental issues within FAA jurisdiction to be studied or NEPA requirements that have not been met. In making this determination, the FAA must decide whether to approve the federal actions necessary for project implementation. FAA approval signifies that applicable federal requirements relating to airport development planning have been met and permits the Airport Sponsor to proceed with development and possibly receive funds for eligible items. Not approving these actions would prevent the Sponsor from proceeding with the airport development.

After careful and thorough consideration of the facts contained herein and subsequent to my review of the Final EA and all of its related materials, the undersigned finds that the Proposed Federal Action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to section 102(2)(C) of NEPA.

This decision does not constitute a commitment of funds under the AIP; however, it does fulfill the environmental prerequisites for future AIP funding determinations associated with AIP-eligible project components (49 U.S.C. §47107).

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this FONSI/ROD are reasonably supported and approved. I hereby direct that action be taken together with the necessary related and collateral actions, to carry out the agency actions noted above. Specifically:

1. Unconditional Approval of a revised FRG ALP to reflect the Proposed Safety, Infrastructure and Tenant Improvement Projects as described above pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to include the preferred alternative as described in Section

3.5 of the Final EA, and determination and approval of effects of each of the components comprising the Proposed Action as described above, in the Final EA, and in all associated materials upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718;

2. Determination under 49 U.S.C. §40101(d)(1) and §47105(b)(3) as to whether the Proposed Action meets applicable design and engineering standards set forth in FAA Advisory Circulars;
3. Determinations concerning funding through the Federal grant-in-aid program authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. §47107) (this does not determine eligibility or availability of potential funds);
4. Determination under 49 U.S.C. §44502(a) and (b) concerning the acquisition, establishment, improvement, operations and maintenance of air navigation facilities, and that the airport development is reasonably necessary for use in air commerce or in the interests of national defense;
5. Continued close coordination with the NYSDOT and appropriate FAA program offices, as required, to maintain safe, efficient use of and preservation of the navigable airspace during all aspects of project construction and obstruction removal, in accordance with 14 CFR Part ;
6. Approval of appropriate amendments to the FRG Airport Certification Manual (ACM), as required, pursuant to 49 U.S.C. §44706; and,
7. Determinations under 49 U.S.C. §40103(b) to develop air traffic control and airspace management procedures to effect the safe and efficient movement of air traffic to and from the proposed new threshold locations on Runway 1-19.

Approved:



Carmine Gallo
Regional Administrator
Federal Aviation Administration
Eastern Region

5-8-2015

Date

Right of Appeal

This FONSI/ROD presents the Federal Aviation Administration's findings and final decision and approvals for the actions identified, including those taken under the provisions of Title 49 of the United States Code, Subtitle VII, Parts A and B.

Any party having a substantial interest may appeal this order to the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business, upon petition filed within 60 days after entry of this order in accordance with 49 U.S.C. §46110.

Any party seeking to stay the implementation of this ROD must file an application with the FAA prior to seeking judicial relief, as provided in rule 18(a) of the Federal Rules of Appellate Procedure.