

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
EASTERN REGION**



**WRITTEN RE-EVALUATION AND RECORD OF DECISION
FOR THE ENVIRONMENTAL ASSESSMENT FOR THE
SAFETY, INFRASTRUCTURE AND TENANT IMPROVEMENT PROJECTS WITH
DESIGN CHANGES AT REPUBLIC AIRPORT**

FARMINGDALE, NEW YORK

APRIL 2020

INTRODUCTION

In 2015, the New York State Department of Transportation (NYSDOT) requested that the Federal Aviation Administration (FAA) approve the Airport Layout Plan (ALP) and provide federal financial assistance for Safety, Infrastructure and Tenant Improvement Projects at Republic Airport (FRG). The Federal Aviation Administration (FAA) prepared and issued an Environmental Assessment (EA) in April 2015, and a Finding of No Significant Impact/Record of Decision (FONSI/ROD) approving the Safety, Infrastructure and Tenant Improvement Projects on May 8, 2015.

In support of the 2015 EA, numerous alternatives to the proposed Runway 1-19 Safety Area (RSA) improvements were evaluated and the NYSDOT identified a preferred alternative. Since that time, a revision was made within FAA Advisory Circular 150/5300-13A, *Airport Design*. This revision applied to the dimensions of a standard RSA, which had previously been 500 feet wide and now allowing for 400 feet wide to be considered standard. This revision applied only for certain categories of aircraft, including Aircraft Category D-II, which is the Design Aircraft for FRG Runway 1-19. Based on coordination with the NYSDOT and FAA, a revised RSA determination, approved by the FAA on February 1, 2018, states that the RSA of Runway 1-19 will meet standards at 400 feet instead of 500 feet. This reduction in RSA width means that the runway can achieve the safety standard without the relocation of Hangars 2 and 3 to an area south of Hangar 4, as they are no longer considered within the RSA. Hangars 2 and 3 were identified as components of a Historic District eligible for listing on the National Register of Historic Places in consultation with the New York State Historic Preservation Officer (NYSHPO). The district was determined to be eligible under Criteria A and C as a small industrial district remaining from the Fairchild/Seversky and Republic Aviation manufacturing era, ca. 1923-1960. The hangars are identified as contributing elements to the historic district. Under the modification to the preferred alternative, the hangars will not be relocated.

In response to the NYSDOT request, the FAA reviewed and analyzed the February 2019 Technical Memorandum: Runway 1-19 Safety Area Improvements at Republic Airport (attached), which analyzed and compared potential impacts associated with the proposed design changes as compared to the potential impacts of the original design approved in the 2015 FONSI/ROD. Based on the proposed design changes, the FAA revised the National Historic Preservation Act Section 106 finding to “no adverse effect to historic properties”, and terminated the 2014 Memorandum of Agreement (MOA) with the SHPO and NYSDOT, with their concurrence. This Written Re-evaluation and Record of Decision (WR/ROD) of the 2015 EA was prepared to determine if the project environmental impacts remain consistent with the individual and cumulative impacts discussed in the 2015 EA/FONSI/ROD and to confirm the on-going validity of the information contained in the 2015 document. This WR/ROD also identifies changes to FAA decisions and Federal Actions associated with the proposed design changes. The 2015 EA/FONSI/ROD is incorporated by reference.

BACKGROUND

The FAA issued a FONSI/ROD on May 8, 2015, for Tennant Improvement and Safety and Infrastructure Projects. The FONSI/ROD was issued for an April 2015 Environmental Assessment (EA), also incorporated by reference to this WR/ROD.

The basis for FAA's WR is the *February 2019 Technical Memorandum: Runway 1-19 Safety Area Improvements at Republic Airport* prepared by the NYSDOT. The Technical Report analyzes and compares potential impacts associated with the changes to the proposed action as compared to the potential impacts of the project approved in the May 2015 FONSI/ROD; a copy of the February 2019 Technical Memorandum can be found in Appendix A of this WR/ROD.

FAA WRITTEN RE-EVALUATIONS

To ensure full compliance with the National Environmental Policy Act (NEPA) where there are proposed changes to approved projects, the FAA evaluates the potential change in environmental impacts, in order to determine if a supplemental Environmental Assessment is required. This WR/ROD is based on guidance provided by FAA Environmental Orders 1050.1F and 5050.4B. Both Orders reference re-evaluating NEPA documents when there are new circumstances or information relevant to environmental concerns that are presented after the FAA has issued an environmental assessment or an environmental impact statement.

SUMMARY OF THE PROPOSED PROJECT SCOPE CHANGE

In support of the 2015 EA, numerous alternatives to the proposed Runway 1-19 Safety Area improvements were evaluated and the NYSDOT identified a preferred alternative. Since that time, based on coordination with the NYSDOT and FAA, a revised RSA determination, approved by the FAA on February 1, 2018, states that the RSA of Runway 1-19 will meet standards at 400 feet in width based on FAA Advisory Circular (AC) 150/5300- 13A, *Airport Design*.¹

The Proposed Action for the Runway 1-19 Safety Area Improvements included herein is a modification of the preferred alternative proposed in the 2015 EA with the new RSA standard width being applied: 400 feet as permitted for the Airport Design Aircraft D-II by FAA AC 150/5300- 13A, Change 1, Appendix 7, Footnote 13. This reduction in RSA width means that the runway can achieve the standard without the relocation of Hangars 2 and 3 to the south of Hangar 4 as they are no longer within the RSA. Under the modification to the preferred alternative, the hangars will not be relocated.

DESCRIPTION OF THE PROPOSED PROJECT

The Proposed Project, as proposed in the 2015 EA and as currently proposed, includes the following three project elements:

¹ FAA AC 150/5300-13A, Change 1, Appendix 7, Footnote 13 (February 26, 2014).

- Runway Safety Area (RSA) Improvements:
 - This component generally includes the shift of Runway 1/19 412 feet to the north to gain Runway Safety Area (RSA) at the south end, and to bring the entire Runway 1-19 Safety Area into compliance with FAA standards,
 - Realignment of the vehicle service road (perimeter road) to avoid the Runway Safety Areas on the Runway 19 end,
 - Demolition of portions of existing pavement within the RSA and Runway Object Free Area (ROFA),
 - Construction of an apron for nine Group I aircraft north of Hangar 2 to mitigate aircraft parking area losses, and
 - Construction of a 34 ft. by 300 ft. vehicle parking area to replace area taken by the small apron.

- Obstruction Mitigation: The Proposed Project will evaluate objects in both approaches, both on and off airport property and if warranted, take mitigation measures to minimize impacts to airport operations.

- Taxiway G Relocation: This component generally includes the demolition of a portion, approximately 800 feet in length, of the existing Taxiway G currently located within the RSA. This portion of Taxiway G will be relocated farther to the east of Runway 1/19 to meet runway separation standards.

DESCRIPTION OF THE PROPOSED DESIGN CHANGES

The specific actions within the three project elements, with modifications from the original scope in italics, consist of:

- Runway 1-19 Safety Area Improvements
 - *Reduction in the RSA width allowed from 500 feet to 400 feet, per FAA Advisory Circular (AC) 150/5300-13A, Change 1, Appendix 7, Footnote 13 (February 26, 2014).*
 - Construction of proposed renamed connector Taxiways B1 and G1 (existing M).
 - Construction of proposed renamed connector Taxiways B5 and G7 (existing B4 and G1).
 - Relocate Precision Approach Path Indicators (PAPIs) and Runway End Indicator Lights (REILs) for Runway 1-19
 - *Removal of unnecessary pavement between runway/taxiways and off the Runway ends.*
 - *Modification of Standards (MOS) for modified Runway Object Free Area (ROFA). The approved MOS (FAA approval: May 14, 2018) implements a change in the minimum-width design standard for an airport with a D-II Airport Reference Code (ARC). Objects non-essential for air navigation or aircraft ground maneuvering purposes such as parked aircraft, will be prohibited within the ROFA. The proposed ROFA will have a total width of four hundred and eighty-six (486) feet, and the standard length of one thousand (1,000) feet, except the overshoot of Runway 1, which will have six hundred (600) feet plus an*

additional four hundred (400) feet using declared distances, achieving the standard, a total of one thousand (1,000) feet..

- *Realignment of sections of Airport fencing.*
 - *Construction or delineation of new access Taxiways Q and G1 for parking aprons.*
 - *Pavement reconstruction of an apron north of Hangar 2, consisting of approximately 25,000 square feet of space currently used as vehicle parking area that will be reconstructed and used for aircraft parking pavement. Additionally, pavement reconstruction of a 300 foot by 34-foot vehicle parking area outside the Aircraft Operation Area (AOA) to serve vehicles displaced by the aircraft parking. These efforts include the same pavement removal/demolition outlined in the 2015 EA.*
 - *Removal/demolition of the Runway 19 Blast Pad and portions of the apron areas in front of Hangars 2, 3, and 4 that are within the proposed Runway 1/19 OFA, for a total decrease in impervious area of 441,701 SF. The current-design proposed work will result in 288,701 SF less impervious area than the scope included in the 2015 EA.*
 - *Tree Obstruction topping/removal: A total of 30 trees and one sign were found to be obstructions to one or multiple 14 CFR Part 77 surfaces. Two of the 30 trees deemed to be obstructions are on Airport property and will be removed or lowered as part of the Proposed Project.*
 - *Structure Obstruction Lighting: Obstruction lights are to be installed on structures that are unable to be lowered or removed and where lighting is viable alternative. Twenty-five of the obstructions that the FAA recommends to be mitigated using obstruction lights are on state-owned property or adjacent roadways and will be mitigated as part of the Proposed Project.*
 - *ROFA Modification of Standards (MOS): ROFA MOS: Ten objects are found within the standard 800-foot-wide ROFA of Runway 1-19, in accordance with Aircraft Approach Category (AAC) D and Airplane Design Group (ADG) II. By reducing the ROFA width for Runway 1-19 from 800 feet to 486 feet, the approved ROFA MOS will mitigate these objects.*
 - *Increase existing published climb gradient to mitigate standard Instrument Flight Rules (IFR) departure surfaces for Runways 1 and 19, or publish that there are approximately twenty-three (23) Low Close In Obstacles penetrating the departure surfaces.*
- **Taxiway G Relocation**
 - *Demolition of existing segment, approximately 800 feet in length, of Taxiway G from Taxiway D to Taxiway Legacy G4 and construction of an equivalent segment to establish a 300-foot separation to meet runway-taxiway separation standards. The taxiway will be 35 feet wide.*
 - *Construction of standard fillets at proposed renamed connector taxiways G1, G2, G3, and G4 (old G4, G5, G6 and G7)*

PROPOSED AGENCY ACTIONS

The FAA actions involved in the implementation of the Safety, Infrastructure and Tenant Improvement Projects with the Proposed Design Changes include the following:

- a. Unconditional Approval of a revised ALP at FRG, pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to include the Safety, Infrastructure and Tenant Improvement Projects with the Proposed Design Changes as described in the Technical Memorandum; 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 Design Changes meet applicable design and engineering standards set forth in FAA Advisory Circulars;
- c. Environmental determinations concerning potential 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) and/or approval of an application to use Passenger Facility Charges (PFCs) under 49 U.S.C. §40117 (neither the May 2015 FONSI/ROD nor this WR/ROD determines eligibility or availability of potential funds);
- d. Determination under 49 U.S.C. §44502 (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 demolition for the Proposed Design Changes, in accordance with 14 CFR Part 77; and
- f. Approval of appropriate amendments to the FRG Airport Certification Manual (ACM) to reflect the Proposed Design Changes, as required, pursuant to 49 U.S.C. §44706.

SUMMARY OF CHANGES TO ENVIRONMENTAL IMPACTS AND MITIGATION

This section describes the affected environment and anticipated impacts associated with the Proposed Design Changes.

Affected Environment

The April 2015 EA described the existing environment and conditions. The environmental setting has not changed since the April 2015 EA.

Environmental Consequences of the Proposed Design Changes

The potential impacts associated with the Proposed Design Changes are presented in the attached Technical Memorandum. Impacts associated with the Proposed Design Changes are similar in nature and lesser in scale than those impacts associated with the Safety, Infrastructure and Tenant Improvement Projects. With the Proposed Design Changes, Hangars 2 and 3 will remain in their existing location. Consequently, impacts to historic and cultural resources will be reduced, and impacts to all other resources will remain essentially the same as those that were presented in the April 2015 EA and May 2015 FONSI/ROD.

Historic, Archaeological, Architectural, & Cultural Resources

With the reduction in the width of the RSA, the historic district would no longer be within the new Runway Safety Area following the shifting of the runway, and Hangars 2 and 3 (and the historic district as a whole) would no longer require relocation nor be affected by the project. As a result, in July 2019, the FAA revised the Section 106 finding to “no adverse effect to historic properties”, and terminated the 2014 Memorandum of Agreement (MOA) with NYSHPO and NYSDO. NYSHPO concurred with the FAA determination of no adverse effect, and with the MOA termination, in a letter dated August 8, 2019. Also on August 8, 2019, the FAA received a written response from the American Airpower Museum in which the museum stated that they did not concur with the termination of the 2014 MOA or FAA’s finding of no adverse effect.

In accordance with Section 106, FAA notified the Advisory Council on Historic Preservation (ACHP) of the consulting party’s disagreement with the FAA’s finding of No Adverse Effect and requested ACHP review of FAA’s finding. Pursuant to the process outlined in 36 CFR § 800.5(c)(2), the ACHP was provided documentation supporting the FAA’s finding and the termination of the MOA, and the consulting parties were notified of FAA’s request for ACHP review. The Council concurred that the modifications to the undertaking for the Proposed Runway 1-19 Safety Area Improvements Project at Republic Airport will have no adverse effect to historic properties.

MITIGATION MEASURES

As discussed above, the Proposed Design Changes will have similar impacts to those described for the Safety, Infrastructure and Tenant Improvement Projects, with impacts to historic resources reduced. As no significant adverse impacts will result upon implementation of the proposed design changes, no changes to the mitigation measures identified in the 2015 EA are proposed with the exception of the mitigation of adverse effects on Hangars 2 and 3, that were to include relocating the hangars. Those identified mitigation measures are no longer needed, and the MOA detailing those measures have been terminated.

PUBLIC INVOLVEMENT/AGENCY COORDINATION

A Notice of Public Availability of the Technical Memorandum was made in the Newsday local newspaper on November 7, 2018, and posted to Republic Airport’s website. The document was made available to the public at fifteen local public libraries, and was also made available to the public via the internet at <http://www.republicairport.net/>. The Technical Report was made available to the public and agencies for review from November 7, 2018 through December 7,

2018. NYSDOT received only one response to the Technical Memorandum during the public comment period. The Woodland Civic Association, Inc. provided written comments in a letter dated December 5, 2018. NYDOT addressed the comments in Appendix B of the Technical Memorandum, and no changes to the project scope were needed.

CONCLUSION

In response to the NYSDOT request, the FAA reviewed and analyzed the February 2019 “Runway 1-19 Safety Area Improvements at Republic Airport Technical Memorandum”, that analyzed and compared potential impacts associated with the Proposed Design Changes as compared to the potential impacts of the Safety, Infrastructure and Tenant Improvement Projects approved in the May 2015 FONSI/ROD. Subsequent to this review and analysis, the FAA prepared this WR/ROD.

Based on FAA Order 1050.1F, paragraph 9-2(c), the FAA concludes that a new or supplemental EA need not be prepared. The FAA finds that:

“(1) The proposed action conforms to plans or projects for which a prior EA and FONSI have been issued and there are no substantial changes in the action that are relevant to environmental concerns;

(2) Data and analyses contained in the previous EA and FONSI are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts; and

(3) Pertinent conditions and requirements of the prior approval have been, or will be, met in the current action.”

Based on FAA Order 5050.4B, paragraph 1402(b), FAA concludes that a supplement to the EA for this project is not required since the airport sponsor did not make substantial changes to the proposed action that could affect the action’s environmental effects. There are no significant new changes, circumstances, or information relevant to the proposed action, its affected environment, or its environmental impacts.

Therefore, as discussed above and in accordance with FAA Order 1050.1F, *Policies and Procedures for Assessing Environmental Impacts*, and FAA Order 5050.4B, *NEPA Implementing Instructions for Airport Actions*, preparation of a new or Supplemental EA is not required.

FEDERAL AGENCY FINDINGS

The May 2015 EA/FONSI/ROD contained seven Federal Findings pertaining to the Safety, Infrastructure and Tenant Improvement Projects that was approved. Those findings were:

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));

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));

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.

D: The FAA has given this Proposed Action the independent and objective evaluation required by the Council on Environmental Quality (40 C.F.R. Section 1506.5);

E: The Proposed Action does not include a direct use of resources protected under 49 U.S.C. §303(c) (Section 4(f) of the DOT Act).

F: The Proposed Action will conform to the State Implementation Plan (SIP) in accordance with Section 176 of the Clean Air Act (CAA) and its amendments (42 U.S.C. §7506(c)); and

G: There are no disproportionately high and adverse environmental effects on minority and/or low-income populations that would result from the Proposed Action. (Executive Order 12989) (U.S. DOT Order 5610.2(a)).

As this WR/ROD for the Proposed Design Changes demonstrates, there are no substantial changes relevant to environmental concerns to the project that was the subject of the April 2015 EA. Additionally, the Proposed Design Changes do not result in any significant new circumstances or information relevant to environmental concerns. The Proposed Design Changes will eliminate impacts to historic resources and Section 4(f) resources. Therefore, six of the seven Findings (Findings A, B, C, D, F, and G) of the May 2015 FONSI/ROD remain valid, while Finding E has been adjusted to indicate there will now be no direct use of Section 4(f) resources. Additionally, new Finding H is included as follows:

H: There are no adverse impacts to historic properties that would result from the proposed action (Section 106 of the National Historic Preservation Act (NHPA) regulations (36 CFR 800)).

DECISION AND ORDER

This WR/ROD was prepared pursuant to FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures*, and 5050.4B, *National Environmental Policy Act Implementing Instructions for Airport Actions*, Paragraph 1401. This WR/ROD, along with the FAA's May 2015 FONSI/ROD, constitutes the FAA's decisions with regard to the Safety, Infrastructure and Tenant Improvement Projects with the Proposed Design Changes at FRG. The FAA has independently evaluated the information contained in the April 2015 EA and the February 2019 Technical Memorandum and takes full responsibility for the scope and content that addresses the FAA actions.

I have carefully and thoroughly considered the alternatives, including the proposed Federal Actions, contained in the April 2015 EA and May 2015 FONSI/ROD, the February 2019

Technical Memorandum, and this Written Re-evaluation of the April 2015 EA and May 2015 FONSI/ROD. Based on that information, I find the proposed Federal Actions are consistent with existing national environmental policies and objectives of Section 101(a) of the *National Environmental Policy Act of 1969* (NEPA). I also find that all practicable means to avoid or minimize harm from the selected alternative has been adopted, and the proposed Federal Actions as presented in the 2015 EA/FONSI/ROD and the February 2019 Technical Memorandum will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to Section 102(2)(C) of NEPA.

Accordingly, pursuant to the authority delegated to me by the Administrator of the FAA, I find that the actions summarized in this WR/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:

- a. Unconditional Approval of a revised ALP at FRG, pursuant to 49 U.S.C. §40103(b) and §47107(a)(16) to include the Safety, Infrastructure and Tenant Improvement Projects with the Proposed Design Changes as described in the Technical Memorandum; 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) that the Proposed Design Changes meet applicable design and engineering standards set forth in FAA Advisory Circulars;
- c. Environmental determinations concerning potential 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) and/or approval of an application to use Passenger Facility Charges (PFCs) under 49 U.S.C. §40117 (neither the May 2015 FONSI/ROD nor this WR/ROD determines eligibility or availability of potential funds);
- d. Determination under 49 U.S.C. §44502 (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 demolition for the Proposed Design Changes, in accordance with 14 CFR Part 77; and
- f. Approval of appropriate amendments to the FRG ACM to reflect the Proposed Design Changes, as required, pursuant to 49 U.S.C. §44706.

APPROVED:

David Fish
Director, Airports Division
Federal Aviation Administration
Eastern Region

Date

DISAPPROVED:

David Fish
Director, Airports Division
Federal Aviation Administration
Eastern Region

Date

Right of Appeal

This Written Re-evaluation/Record of Decision (WR/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.