

CHAPTER 3.0

ALTERNATIVES

3.1 INTRODUCTION

The Council on Environmental Quality (CEQ) regulations implementing NEPA stipulate that alternatives are the heart of the Environmental Assessment (EA). Regulations at 40 CFR Part 1502.14 require that the Federal decision-maker perform the following tasks:

- “Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.”
- “Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.”
- “Include reasonable alternatives not within the jurisdiction of the lead agency.”
- “Include the alternative of no action.”
- “Identify the agency’s preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.”
- “Include appropriate mitigation measures not already included in the proposed action or alternatives.”

The Town, United Airlines, and FAA have fully examined a range of alternatives to the Proposed Action, including the alternative of No-Action.

3.2 ALTERNATIVES CONSIDERED

Because of the nature of the Proposed Action, the range of alternatives considered was limited to:

- No-Action
- The Proposed Action
- Use of Alternative Airports
- Use of Alternative Aircraft

3.2.1 Use of Alternative Airports

In response to the Early Notification process described in [Appendix A-2](#), comments were received regarding the use of the Eastern Sierra Regional Airport (BIH) in Bishop, CA rather than MMH. BIH is located approximately 40 miles southeast of MMH. The Operations Specifications Amendment that is the subject of this EA is limited to a request by a single airline (United Airlines) to provide scheduled

commercial air service to a single location (MMH) utilizing a turbojet aircraft (CRJ700). Any airport accepting commercial air carrier operations is required to have an FAA approved airport operating certificate, pursuant to 14 CFR Part 139. Currently, MMH is the only Part 139 approved airport in the region.

The FAA exercises its authority to manage the use of the Nation's navigable airspace in a manner that is consistent with all applicable Federal laws. The U.S. government deregulated the airline industry by passing Public Law 95-504 entitled the "Airline Deregulation Act of 1978." As a result of that law, air carriers are free to choose what destinations and airports they serve. The Federal government does not control where, when and how airlines provide their service. It is the individual airlines that make decisions to provide scheduled commercial air service to and from specific airports (and the aircraft that they will utilize). Public use airports such as MMH cannot deny access to an airline if the aircraft they propose to use can safely operate at that facility. As a result of these statutory limitations, as outlined in [Chapter 2.0](#), the Federal purpose of the project is to ensure that operations by United Airlines to MMH can be conducted in a manner that is both safe and in the public interest. United Airlines has submitted a letter of intent to provide scheduled commercial air service at MMH, and not at BIH. A copy of this letter is included in [Appendix A-1](#). Approval of an Operations Specifications Amendment permitting United Airlines to fly into BIH would not meet this purpose and need and; therefore, is not a reasonable alternative.

As a result of these considerations, the Town and United Airlines have determined that the use of another airport for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

3.2.2 Use of Alternative Aircraft

Comments received as a result of the Early Notification cited the possible use of aircraft other than the CRJ700. These comments have been considered, although as indicated above, the FAA does not have the authority to instruct United Airlines to provide service to a different airport, nor does it have the discretion to instruct United Airlines to utilize a different aircraft if the proposed aircraft can safely operate at the proposed airport in compliance with environmental statutes. Additionally, neither public use airports such as MMH nor the FAA can deny access to an aircraft operator if they can safely operate at that facility. United Airlines has indicated its interest in providing air service to MMH with only a CRJ700 aircraft, not another type of aircraft.

As a result of these considerations, the Town and United Airlines have determined that the use of different aircraft for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

3.2.3 Alternatives Considered in Detail

As a result of these considerations, this EA examines two alternatives in detail:

- **The Proposed Action**, whereby FAA would approve the United Airlines' Operations Specifications Amendment pursuant to 14 CFR Part 119 that would allow United Airlines to provide scheduled commercial air service to MMH with a CRJ700 aircraft if all safety, operational, and environmental issues are satisfied; and
- **The No-Action Alternative**, whereby FAA would not approve the United Airlines' Operations Specifications Amendment pursuant to 14 CFR Part 119 that would allow United Airlines to provide scheduled commercial air service to MMH with a CRJ aircraft.

3.3 COMPARISON OF ALTERNATIVES

Table 3.3-1 provides a summary of potential environmental impacts associated with implementation of the No-Action Alternative and Proposed Action. These findings are discussed in detail in **Chapter 5.0**, Environmental Consequences, of this EA.

3.4 APPLICABLE FEDERAL LAWS AND REGULATIONS

The following is a list of Federal laws and regulations considered in the development of the alternatives evaluation and the preparation of this EA.

3.4.1 Federal Laws and Statutes

- Airline Deregulation Act of 1978 (P.L. 95-504)
- Airport Noise and Capacity Act of 1990 (P.L. 101-508, 49 USC App. 2151, *et seq.* Now recodified as 49 USC 47521, *et seq.*)
- Archaeological and Historic Preservation Act, as amended (P.L. 89-665, 16 USC 469-469c-2, *et seq.*)
- Title 49 USC 40101, *et seq.* Recodified from and formerly known as the "Federal Aviation Act of 1958," as amended (P.L. 85-726)
- Aviation Safety and Noise Abatement Act of 1979 (P.L. 96-193; 49 USC App. 2101. Recodified at 49 USC 47501)
- Clean Air Act, as amended (P.L. 91-604, 42 USC 7401, *et seq.*)
- Department of Transportation Act of 1966, Section 4(f), recodified at 49 USC 303(c)
- Endangered Species Act of 1973, as amended (P.L. 93-205, 16 USC 1531, *et seq.*)
- Federal Land Policy and Management Act of 1976, (P.L. 94-579, 43 USC 1701, *et seq.*)
- Federal Water Pollution Control Act, as amended (P.L. 92-500, 33 USC 1251, *et seq.*)

- Hazardous and Solid Waste Amendments of 1984, as amended (P.L. 98-616, 98 Stat. 3221, *et seq.*)
- Land and Water Conservation Fund Act, Section 6(f) (P.L. 88-578; 16 USC 4601-8(f)(3))
- National Environmental Policy Act of 1969, as amended (P.L. 91-190, 42 USC 4321-4347, *et seq.*)
- National Historic Preservation Act of 1966, Section 106, as amended (P.L. 89-665, 16 USC 470, *et seq.*)
- Vision 100 – Century of Aviation Reauthorization Act (P.L. 108-176, 49 USC 47171)
- Wild and Scenic Rivers Act of 1968, as amended (P.L. 90-542, 16 USC 1271, *et seq.*)
- Wilderness Act (P.L. 88-577, 16 USC 1131-1136)

3.4.2 Executive Orders

- Executive Order 11514 – Protection and Enhancement of Environmental Quality (dated March 5, 1970)
- Executive Order 11593 – Protection and Enhancement of the Cultural Environment (dated May 6, 1971)
- Executive Order 12372 – Intergovernmental Review of Federal Programs (dated July 14, 1982)
- Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (dated February 11, 1994)

3.4.3 Federal Regulations

- 14 CFR Part 77 – Objects Affecting Navigable Airspace
- 14 CFR Part 119 – Certification: Air Carriers and Commercial Operators
- 14 CFR Part 139 – Certification of Airports
- 14 CFR Part 150 – Airport Noise Compatibility Planning
- 36 CFR Part 800 – Protection of historic places
- 40 CFR Part 51, Subpart T – Transportation conformity
- 40 CFR Part 93, Subpart B – Determining conformity of general Federal action to state or Federal implementation plans

**TABLE 3.3-1
SUMMARY OF ENVIRONMENTAL IMPACTS**

Environmental Impact Categories	Level of Impact		Exceeds Significant Impact Threshold ²
	No-Action Alternative (2015)	Proposed Action (2015)	
Noise and Compatible Land Use Acres of non-compatible or noise sensitive land use within the CNEL 65+ dBA area	0	0	No
Socioeconomic, Environmental Justice, Children's Health - Residential or Business Acquisitions or Relocations - Division or Disruption of Established Communities - Disruption of Local Traffic Patterns - Disruption of Orderly Planned Development - Environmental Justice Considerations - Environmental Health and Safety Risks to Children	None None None None None None	None None None None None None	No
Secondary (Induced) Impacts ¹ Change in jobs/population, occupied housing units, commercial space, or public service demands	None	None	No
Historic, Architectural, Archaeological and Cultural Resources Number of resources within the APE	0	0	No
DOT Section 4(f) - Direct Impacts - Indirect Impacts	None None	None None	No
Air Quality Change in air pollutant emissions	None	Minor	No
Hazardous Materials and Solid Waste - Change in use of hazardous materials - Change in volume of solid waste	None None	None None	No
Fish, Wildlife, and Plants Number of Federally Protected Species Impacted	0	0	No
Natural Resources	None	None	No
Energy	None	None	No
Water Quality - Changes in Surface Water or Groundwater - Changes in Water Supply or Wastewater	None None	None None	No

¹ - Impacts within Mono and Inyo counties.

² - Based on FAA Order 1050.1E, Significant Impact Thresholds.

Source: URS Corporation, 2010.

- 40 CFR Parts 1500-1508 – CEQ implementation of NEPA procedural provisions establishes uniform procedures, terminology, and standards for implementing the procedural requirements of NEPA's Section 102(2)
- 49 CFR Part 17 – Intergovernmental Review of DOT Programs and Activities
- 49 CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments
- 50 CFR Part 17, Subpart B – Endangered and threatened wildlife; endangered and threatened plants

3.4.4 FAA Orders and Advisory Circulars

- FAA Order 1050.1E, Change 1: Environmental Impacts: Policies and Procedures. Effective Date: March 20, 2006.
- FAA Advisory Circular 150/5300-14B: Design of Aircraft Deicing Facilities (February 5, 2008)
- FAA Advisory Circular 150/5200-30B: Airport Winter Safety and Operations (September 5, 2006)