

**U.S. DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration  
Northwest Mountain Region  
Renton, Washington**

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***RECORD OF DECISION***

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**PROPOSED  
HORIZON AIR  
OPERATIONS SPECIFICATIONS AMENDMENT**  
Service To  
**MAMMOTH YOSEMITE AIRPORT**  
Mammoth Lakes, Mono County, California



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## I. INTRODUCTION

This Record of Decision (ROD) provides the final Federal Aviation Administration (FAA) agency determinations and approval of those federal actions by the FAA necessary for approval of Horizon Air's request for an Operations Specifications Amendment to allow it to provide scheduled service to Mammoth Yosemite Airport (MMH) in Mammoth Lakes, Mono County, California. The proposed air service is described in the Final Environmental Impact Statement (FEIS) Request for Operations Specifications Amendment by Horizon Air to Provide Scheduled Air Service to Mammoth Yosemite Airport FEIS [Horizon Air FEIS], dated March 2008, which is incorporated by reference.

Horizon Air's initial proposed service includes two day time flights between MMH and Los Angeles International Airport (LAX) beginning in the winter ski season of 2008/2009 (approximately December to April) using a 76 seat Bombardier DHC 8-400 (Q-400) turbo-propeller aircraft. The aviation forecast anticipates that the subsidized winter ski season service could increase to eight flights per day by the winter ski season of 2011/2012 as additional regional markets such as Las Vegas, Northern California, San Diego or alternate Southern California markets are added. Winter service is not expected to exceed eight flights per day due to the airport facility physical constraints (e.g., terminal capacity, available apron area). The forecast estimates that unsubsidized summer (July through August) air service could begin in 2012/2013 with two flights daily from LAX. The proposed air service utilizes the existing facilities at MMH and no new facility construction will occur. However, the Town of Mammoth Lakes (Town) intends on remodeling an existing maintenance building to create a terminal.

Associated administrative actions include FAA approval of the Town's Application for Certificate Amendment and its modifications of the MMH Airport Certification Manual (ACM) pursuant to 14 Code of Federal Regulations (CFR) Part 139, when an acceptable ACM is received by the FAA.

The environmental findings in this ROD are based on the information contained in the Horizon Air FEIS and comments received throughout the EIS process. The ROD discusses all alternatives considered by FAA in reaching its decision, including those removed from detailed consideration, and summarizes the process used to evaluate the alternatives. This document briefly summarizes the potential environmental consequences of the proposed action, and documents that all practical means were considered and used to avoid and minimize environmental harm resulting from the proposed alternative. This document also identifies the FAA's environmentally preferred alternative and selected alternative. The FAA arrived at the findings and approvals identified in this ROD by reviewing the environmental analysis in the FEIS and all relevant documents that comprise the FEIS record, and thoughtful consideration of public comments provided throughout the process.

The Horizon Air FEIS was prepared and issued by the FAA in compliance with the National Environmental Policy Act of 1969 (NEPA) [Title 42 of the United States Code (USC) Section 4321, *et seq.*], and the implementing regulations of the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500 *et seq.*). Additionally, the Horizon Air FEIS meets the guidelines identified in the Department of Transportation (DOT)

Order 5610.1C, *Procedures for Considering Environmental Impacts*, and FAA Order 1050.1E Change 1, *Environmental Impacts: Policies and Procedures*. Although the Horizon Air FEIS documents that there would be no significant impacts associated with the proposed action, FAA the prepared an EIS because FAA considered it most prudent in light of the previous injunction issued by the U. S. District Court for the Northern District of California for the Town's proposed expansion of the airport, and the resources potentially affected by establishment of scheduled air carrier service.

## **II. BACKGROUND**

Horizon Air maintains an air carrier operating certificate issued by the FAA pursuant to 49 USC Section 44705. The FAA issued Horizon Air an air carrier operating certificate after determining the air carrier was properly equipped and able to operate safely under applicable air carrier regulations. The air carrier operating certificate includes, but is not limited to, operations specifications that detail the airports from which Horizon Air can operate. On May 11, 2006, Horizon Air submitted a request to the FAA to amend its operating certificate to include air service to and from MMH pursuant to 14 CFR Section 119.51.

The Town is the owner and operator of MMH. MMH provides facilities that can accommodate commercial airlines, commuter airlines, support and maintenance for unscheduled operations and general aviation (GA) activities. The Town holds a Class IV certificate for MMH pursuant to 14 CFR Part 139. Scheduled commercial service was previously provided at the MMH during the 1970s, 1980s and mid-1990s. In the late 1990s the Town sought to resume scheduled commercial service at MMH through an expansion project. In 2005, the Town withdrew its proposal to expand the airport facilities and runway to accommodate long-haul service by Boeing B757-200 in favor of commercial air service that would be regional in nature and could be accommodated within the existing facilities at MMH. As a result of this change, Horizon Air expressed its interest to the Town and the FAA to provide air service with a Q-400 aircraft to MMH.

As discussed in Section 1.1.1 of the FEIS, Horizon Air provided the FAA with a letter of intent to initiate commercial air service into MMH and requested operational specifications approval to do so on May 11, 2006. Horizon Air and Mammoth Mountain Ski Area, LLC intend to sign a subsidy agreement for the winter ski season service.

The Town prepared and submitted to the FAA a forecast of future commercial aviation activity at MMH. (Horizon Air FEIS Table 1.3-1) The FAA reviewed and approved the MMH Commercial Aviation Forecast (forecast) on August 21, 2006.

## **III. PROPOSED FEDERAL ACTION**

The proposed federal action that is the subject of this ROD is FAA approval of Horizon Air's Operations Specifications Amendment to permit scheduled commercial air service to MMH using the DHC-8-Q400 aircraft pursuant to 14 CFR Part 119.

Associated administrative actions by FAA include approval of the Town's MMH Application for Certificate Amendment and the MMH Airport Certification Manual pursuant to 14 CFR Part 139.

#### **IV. PURPOSE AND NEED**

The federal purpose of the FAA's action is to evaluate a request from Horizon Air for FAA to approve an Operations Specifications Amendment to allow the airline to provide scheduled commercial air service to the MMH.

FAA's primary mission is to ensure safety and efficiency in air commerce. One of the mechanisms that the FAA employs in fulfilling its mission is the issuance of operations specifications to commercial air carriers. Operations specifications include, but are not limited to, each kind of operation to be conducted, each airport to be used in scheduled operations and each class and size of aircraft to be operated.

FAA is required to evaluate Horizon Air's request to amend its operations specifications to determine that safety in air commerce, environmental issues, and the public interest allow the amendment pursuant to 14 CFR Section 119.51.

49 USC Section 40101, Paragraph (a)(11) establishes the FAA policy that "maintaining a complete and convenient system of continuous scheduled interstate air transportation for small communities and isolated areas with direct financial assistance from the United States Government when appropriate," is in the public interest and consistent with public convenience and necessity.

MMH is a 14 CFR Part 139 certificated airport that currently has no scheduled commercial air service. The Town has expressed interest in reestablishing scheduled air service to and from MMH. The nearest airport with scheduled commercial service is 170 miles away in Reno, Nevada. The next closest airports providing scheduled commercial service are Fresno, California (190 miles), Sacramento, California (230 miles), the three San Francisco California Bay Area airports (approximately 250 miles), Las Vegas, Nevada (310 miles), and Los Angeles, California (320 miles).

The Town is a small community. The local economy is largely driven by tourism. The primary surface route from the Town north to Reno and south to Southern California is highway US395. During the winter months local roads and certain highway connections to the area are frequently closed and impassable due to weather conditions.

This combination of factors demonstrates scheduled commercial service into MMH would be in the public interest.

#### **V. ALTERNATIVES AND ALTERNATIVES ANALYSIS**

CEQ regulations require the FAA to "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." [40 CFR §1502.14(a)] Inclusion and analysis of the No Action Alternative is also required. [40 CFR §1502.14(d)]

## A. Range of Alternatives Considered

The range of alternatives considered include the: Proposed Action, Use of an Alternative Airport, Use of an Alternative Aircraft and No Action. The alternatives analysis is located in Section 3.0 of the Horizon Air FEIS.

Proposed Action Alternative: The FAA would approve the Horizon Air Operations Specifications Amendment pursuant to 14 CFR Part 119 that would allow Horizon Air to provide scheduled commercial service to MMH with a Bombardier Q400 Dash 8 aircraft after ensuring all safety, operational and environmental issues are satisfied. Horizon Air would initiate scheduled service between LAX and MMH with two flights per day during the winter ski season beginning in December 2008.

Use of an Alternative Airport: The FAA would amend Horizon Air's request for Operations Specifications Amendment for service to an alternate airport such as the Eastern Sierra Regional Airport (BIH) in Bishop, California.

Use of an Alternative Aircraft: The FAA would amend Horizon Air's request for Operations Specifications Amendment for service to MMH by amending the type of aircraft that Horizon Air would utilize to provide air service.

No Action: FAA would not approve Horizon Air's request for an Operations Specifications Amendment for scheduled air service to MMH. Aviation activity at MMH would continue in accordance with the existing 14 CFR Part 139 Certificate and general aviation activity.

## B. Alternatives Eliminated From Further Consideration

As a result of the alternatives evaluation process both the Use of Alternative Airports and the Use of Alternative Aircraft alternatives were eliminated from further consideration.

Use of Alternative Airports: The operations specifications amendment request is a specific request by a single airline to provide scheduled commercial air service to a specific location. The United States government deregulated the airline industry by passing Public Law 95-504 entitled the "Airline Deregulation Act of 1978" (Airline Deregulation Act). As a result of that law, air carriers are free to choose what aircraft, destinations and airports they serve. The Federal government does not control where, when and how airlines provide their service. Public use airports such as MMH cannot deny access to an airline if the aircraft that they propose to use can safely operate at that airport. Horizon Air has confirmed its interest to provide scheduled commercial air service to MMH and has not requested to serve an alternative airport in the region such as BIH.

Additionally, 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.

As a result of these considerations, the FAA has determined that the use of another airport for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

Use of Alternative Aircraft: The FAA does not have the authority to instruct airlines to utilize a different aircraft if the proposed aircraft can safely operate at a proposed airport in compliance with safety and environmental statutes. Further, public use airports such as MMH cannot deny access to an aircraft operator if they can safely operate at that facility. Horizon Air has indicated its interest in providing air service to MMH with a Q400 Dash 8 aircraft. As a result of these considerations, the FAA determined that the use of a different aircraft for the proposed scheduled commercial air service is not a reasonable alternative to the Proposed Action.

### C. Alternatives Considered in Detail

The Proposed Action and No Action were retained for detailed analysis in the Horizon Air FEIS.

## **VI. PREFERRED ALTERNATIVE, ENVIRONMENTALLY PREFERRED AND SELECTED ALTERNATIVE**

Preferred Alternative: Approval of Horizon Air's Operations Specifications Amendment is the Preferred Alternative of the FAA.

Environmentally Preferred Alternative: The Horizon Air FEIS identified no significant difference in the potential environmental impacts under either the No Action Alternative or the Proposed Action Alternative. However, under the No Action Alternative the projected increases in potential environmental impacts would not occur at the same rate as the Proposed Action. Therefore, the No Action Alternative is considered the Environmentally Preferred Alternative.

Selected Alternative: Although the No Action Alternative would have fewer environmental impacts than the Proposed Action Alternative in the short-term, the No Action Alternative fails to achieve the purpose and need for this action. For the reasons summarized in this ROD and supported by detailed discussion in the Horizon Air FEIS, the FAA has determined that the proposed scheduled air service by Horizon Air meets the stated purpose and need with the least environmental effects, and is therefore the alternative selected for Federal support.

## **VII. ENVIRONMENTAL CONSEQUENCES**

In accordance with the guidelines set forth in CEQ regulations and FAA Order 1050.1E Change 1, Section 5 of the Horizon Air FEIS describes the potential impacts of the alternatives considered in detail. The potential impacts were determined by comparing the projected future conditions without the proposed project (No Action) with the projected future conditions with the Proposed Action. The environmental consequence analyses consider both the direct and indirect effects for each alternative.

The Affected Environment description is based upon the year 2005 because that is the last full year for which data was available at the time of the publication of the Horizon Air EIS Notice of Intent. The Environmental Consequences were estimated for the years 2009 and 2015. Calendar year 2009 was analyzed because it would be the first full year of the proposed air service operations. Calendar year 2015 was studied because it represented the period of maximum proposed operations in the forecasts. Under the No Action Alternative a slow growth of operations was projected to 13,801 operations in 2009 and 15,451 operations in 2015. The Proposed Action forecast adds approximately 448 annual operations to the 2009 No Action activity levels which result in a total of 14,249 annual operations with the Proposed Action. The 2015 Proposed Action forecasts adds approximately 2,032 annual operations to the 2015 No Action forecast, resulting in a total of 17,483 annual operations with the Proposed Action.

The results of the Environmental Consequence resource analyses are summarized in this ROD.

A. Potentially Impacted Environmental Resource Categories:

Noise: The FAA used the Integrated Noise Model (INM) version 6.2a to predict the potential noise exposure impacts. The Community Noise Equivalent Level (CNEL) was determined for the 2009 and 2015 No Action and Proposed Action conditions. The noise analysis determined that there are no noise sensitive resources within the CNEL 65 dBA contour for either the No Action or Proposed Action Alternative. Implementing the Proposed Action would not result in a noise-sensitive area experiencing an increase of CNEL 1.5 dBA or more at or above the CNEL 65 dBA contour. Therefore the Proposed Action would not cause a significant noise impact.

Compatible Land Use: There are no noise-sensitive land uses within the CNEL 65 dBA contour for both the No Action and Proposed Action Alternatives and there is no proposal to acquire additional properties under either alternative. As a result there are no compatible land use impacts associated with the Proposed Action.

Socioeconomic Impacts, Environmental Justice and Children's Environmental Health and Safety Risks: Under the No Action Alternative aircraft operations would continue to grow at a slow rate. The Proposed Action would increase aviation activity at MMH, when compared to the No Action, but would not result in any residential or business acquisitions or relocations, division or disruption of established communities, alteration of surface traffic patterns, environmental justice impacts, or impacts to environmental health or safety risks to children.

Historical, Architectural, Archaeological and Cultural Resources: An Area of Potential Affect (APE) was established and evaluated for potential historic, architectural and cultural resources. No resources were identified within the APE. On March 12, 2007 the California State Historic Preservation Officer concurred with the FAA's determination that no resources would be affected by the Proposed Action.

DOT Act Section 4(f) Resources and Section 6(f) Resources: The No Action and Proposed Action would not result in a direct use of property protected under Section 4(f) of the DOT Act, [recodified at 49 U.S.C. Section 303(c)].

A supplemental noise assessment was conducted to evaluate the potential for constructive use impacts on potential 4(f) resources. The supplemental noise assessment included a Noise Screening Assessment (NSA), which was completed pursuant to FAA guidance on *Procedures for Evaluating Potential Noise Impacts on Airport Improvement Projects on National Parks and Other Sensitive Park Environments*. The FAA consulted with the United States Department of Interior, National Park Service and Bureau of Land Management, the United States Department of Agriculture, Forest Service and local Native American communities to identify potential 4(f) resources of concern. The NSA evaluated the MMH operations impact on potential 4(f) resource areas with quiet setting attributes.

As part of the NSA, the FAA estimated the loudness of individual aircraft events using the A-weighted maximum sound level (L<sub>max</sub>) noise metric. The NSA identified locations that could experience a change of exposure (COE) of 3 dB, a minimum level of change that is considered “barely perceptible”. The 3 dB COE criteria is more conservative than the other commonly used level of 5 dB COE, which refers to a “readily perceptible” change in the sound environment.

While the NSA was performed using a wide range of noise metrics over a large region, the only potential noise impact discovered in the NSA was a preliminary L<sub>max</sub> 5.8 dB COE during the winter season of 2015 at Tioga Pass in Yosemite National Park, a representative 4(f) resource location. This finding in the noise screening represented a preliminary finding for project aircraft sound levels compared with average natural ambient sound levels. With this information, the next NSA step was to conduct a more refined analysis at Tioga Pass involving cumulative aircraft operations. This analysis is appropriate because project aircraft at Tioga Pass have reached the enroute air traffic environment and joined with other non-MMH operations at cruise altitudes of 20,000 to 24,000 ft. MSL. When the cumulative analysis was performed in the context of existing enroute aviation activity not associated with MMH (e.g., military, commercial, and general aviation activity transiting the area), the results showed that there was no longer a 5.8 dB or even a 3 dB COE for L<sub>max</sub> due to the masking effect of louder enroute aircraft at the same or higher altitude at Tioga Pass.

The only noise increase discovered at Tioga Pass in Yosemite National Park was a change of 1.6 minutes based on the Time Above Ambient (TAA<sub>natural</sub>) metric. TAA is often an effective indicator of potential park disturbances because this time-based metric is indifferent to loudness and captures any aircraft noise that is noticeable even when it is extremely quiet or low. Although there is no COE or significance criterion applicable to the TAA metric, the findings for TAA are considered de minimus and do not indicate a significant impact or constructive use of Yosemite National Park. There are 1440 minutes in a 24-hour period which is the period of time measured in TAA. As documented in the FEIS, only 1.6 minutes of change occurs under the Proposed Action. This represents a total of 0.001% of the day during which any change will occur. This change is statistically insignificant. Therefore there is no

substantial impairment of activities, features, or attributes of the potential Section 4(f) resources that contribute to their significance or enjoyment and no constructive use of Section 4(f) resources would occur.

There are no Section 6(f) resources located within the airport study area.

Fish, Wildlife, and Plants: Neither the No Action nor the Proposed Action involve physical changes at MMH, therefore there is no direct impact to vegetative communities, wildlife habitat, or protected species. The analysis also considered secondary impacts to wildlife species in the vicinity of the airport.

Particular attention was given to potential impacts to greater sage-grouse (*Centrocercus urophasianus*), a species of heightened public interest during the scoping process. The sage grouse utilize the Long Valley area surrounding MMH for foraging, nesting, and breeding. An aircraft overflight study was conducted at a breeding area (lek) to evaluate the potential for secondary impacts associated with the noise of increased aircraft activity due to the Proposed Action. The study results indicate that secondary impacts resulting from the projected increase in aviation noise is limited. For example, the projected average day equivalent sound level ( $L_{eq}$ ) during the winter peak month in 2015 would be only 0.3dBA higher than projected under the No Action Alternative (47.9 dBA as compared to 47.6 dBA). The study identified that potential impacts would be limited to a possible premature departure of some sage grouse from the lek in response to early morning (prior to 9:00 AM) overflights during the lekking season (December through May). This response occurs for both the No Action and Proposed Action Alternatives. As a result of this observation, the FAA communicated the concern regarding early morning aircraft overflights to both the Town and Horizon Air. The Town and Horizon Air have acknowledged the concern and will attempt to avoid scheduling overflights during these hours. Secondary impacts associated with noise from increased aircraft operations at MMH are not projected to be significant.

On February 22, 2007 the United States Fish and Wildlife Service concurred with the FAA's determination that the proposed air service is not likely to adversely affect the Owens tui chub, Sierra Nevada bighorn sheep or the bald eagle. The FWS concurrence letter is located in Appendix H of the FEIS.

Air Quality: The air quality analysis included the preparation of emission inventories of EPA criteria pollutants. Emission Dispersion & Modeling System Version 4.5 was used to conduct the air quality analysis. Emission inventories were developed for the No Action and the Proposed Action Alternatives. When compared to the No Action Alternative, air pollution emissions for all EPA criteria pollutants associated with the Proposed Action would increase due to the additional scheduled operations and increase in projected motor vehicle trips.

PM<sub>10</sub> is the only criteria pollutant for which the area is in non-attainment and therefore the only criteria pollutant for which a General Conformity Determination could potentially be required. Total direct and indirect emissions of PM<sub>10</sub> associated with the Proposed Action are below the Clean Air Act General Conformity Rule *de minimis* levels and these emissions are not regionally significant. Therefore, the

requirements of 40 CFR Part 93, Subpart B do not apply and a formal General Conformity Determination is not required.

The Proposed Action is not expected to exceed any National Ambient Air Quality Standards in 2009 or 2015 and therefore would not result in a significant air quality impact.

Hazardous Materials, Pollution Prevention and Solid Waste: The No Action Alternative and the Proposed Action Alternative would not alter the types of hazardous or other regulated materials used at MMH. No ground disturbing activities are proposed. Therefore, the potential for either alternative to effect sites or facilities known to contain contamination is not expected. The increase in projected enplanements at MMH for the Proposed Action Alternative would generate an approximate 21.5 tons of waste per year (0.06 ton per day) in 2015. This is well within the capacity of the Benton Crossing Sanitary Landfill, which is permitted for a maximum throughput of 500 tons per day and has a life expectancy of 17 years. Currently, only an average of 108 tons per day of throughput is received. No significant impact due to hazardous materials or solid waste is anticipated.

Natural Resources and Energy Supply: The demand for aviation fuel would increase as the aviation activity increases for both the No Action Alternative and Proposed Action Alternatives. The increase demand for fuel is considered small and would be supplied by existing service providers and infrastructure without an impact to the capacity of these resources. The greater demand for electricity attributable to increases in aviation activity, included in the No Action and Proposed Action Alternative is within the existing energy supply for the region.

Water Quality: Aircraft operations at MMH would increase over time with little change in the quality and quantity of surface water, stormwater runoff or groundwater supplies. Potential increases in deicing operations are within the capacity of the collection basin at the airport. Spent deicing fluid would be stored in a portable holding tank for disposal at a permitted facility.

Water consumption at MMH would increase consistent with the projected increases in enplanements and aviation activity. There are three groundwater supply wells at MMH. Two of the wells have a capacity of approximately 500 gallons per minute with the third well having the capacity of approximately 50 gallons per minute. These wells' capacity is more than sufficient to handle any water consumption increase from the Proposed Action Alternative. In sum, the Proposed Action would not result in a significant impact on water quality or water supply.

Secondary (Induced) Impacts: In order to quantify the potential Secondary Impacts associated with the No Action and Proposed Action Alternatives an economic impact analysis using an input-output model was conducted. A key assumption for the analysis is that the estimated enplanements were considered "additional new visitors" to the area, rather than passengers who would have driven to Mammoth Lakes in absence of commercial air service. Assuming that the enplanements are new visitors to the area insured that the FEIS disclosed a maximum potential for induced growth and development.

As shown in FEIS Table 5.11-2, under the No Action Alternative, for the period between 2009 and 2015, the total population in the Socioeconomic Study Area (SSA) is projected to increase by an additional 1,418 residents and the total number of full and part-time job opportunities is projected to increase by an additional 2,951. During this same period housing units are projected to increase by an additional 1,462, and occupied housing units are projected to increase by an additional 609.

The economic analysis predicted that the Proposed Action could result in an increase up to 1,158 full and part-time job opportunities in the SSA when compared to the No Action Alternative in 2015. The increased total employment could result in an increase in total resident population by approximately 1,536 individuals and require approximately 1,098 more housing units beyond that projected under the No Action Alternative. The potential increase in job opportunities and associated resident population would be distributed throughout the SSA and would not represent a significant impact when considered in the context of on-going development in the region and the adopted general plans of local jurisdictions.

Cumulative Impacts: The EIS considered potential cumulative impacts for actions projected to occur at MMH “on-airport” and those that are projected to occur in the vicinity of the Town of Mammoth Lakes. FEIS Appendix K contains a complete list of projects considered in the cumulative impact analysis.

The Town plans on remodeling an existing maintenance building for use as a passenger terminal. The remodeling will include interior reconfiguration and an update of the building exterior appearance. The existing fence at the terminal would also be modified to allow for passenger processing and access to the airfield. No measurable direct impact on environmental resources would occur due to the facility remodeling.

The projects that are planned in the vicinity of the Town of Mammoth Lakes were identified from the Town’s General Plan (GP) and Final Program Environmental Impact Report adopted in August 2007. The GP implements an urban growth boundary within which all future population and development must be located. The GP identified 63 primarily residential development projects that may be implemented by 2025. Implementation will depend on a variety of economic factors that can not be predicted at this time. An additional 15 concurrent projects were identified that included five geothermal projects, six residential developments, one Business Park and three other projects (fuelbreak and well exploration).

Due to the proximity and timing of the GP projects and the Proposed Action there is limited potential to have a significant cumulative impact on environmental resources. The Proposed Action does not involve any direct impacts from construction, and will be implemented within four years. In contrast, the potential impacts of the GP projects are primarily construction related and may require several decades, if not more, to fully implement. The Secondary (Induced) Impact analysis in Section 5.11 of the FEIS identified that the projected increase in visitation and indirect employment associated with the Proposed Action would result in a marginal acceleration of economic growth within the geographical limits established by the

GP. This growth results in a commensurate acceleration in land use and public utility demands. The Town has identified a future need to develop additional groundwater supplies of drinking water and increase the use of recycled water to support the projected development levels in the GP with or without the Proposed Action. The Proposed Action, when considered in light of the GP projects, does not result in significant cumulative resource impacts.

B. Unaffected Environmental Resource Categories:

Coastal Resources: No coastal resources are in the vicinity of the Proposed Action.

Construction Impacts: No construction is proposed.

Farmlands: No farmland resources are in the vicinity of the Proposed Action.

Floodplains: No physical changes are proposed, therefore, no floodplains are impacted by the Proposed Action.

Light Emission and Visual Impacts: No physical changes are proposed at MMH.

Wetlands: No physical changes are proposed, therefore, no wetlands are impacted by the Proposed Action.

Wild and Scenic Rivers: No resources are in the vicinity of MMH that may be affected.

## VIII. PUBLIC AND AGENCY INVOLVEMENT

The FAA conducted a public involvement program to ensure that the public and regulatory agencies were provided information pertaining to the Proposed Action and the Horizon Air EIS, and that input was received, reviewed and responded to as part of the EIS process. The public involvement program components included a Notice of Intent, Scoping Meetings, Newsletters, Public Review of the Draft EIS, Public Workshops, and a Public Hearing on the Draft EIS.

Notice of Intent (NOI): The FAA issued a notice of its intent to prepare an EIS in the Federal Register on Monday, July 24, 2006 (71 FR 41859). The NOI summarized the proposed action and the alternatives that would be evaluated in the EIS and announced the dates of the Scoping Meetings. The NOI was also published in the Mammoth Times, the local newspaper, on July 27, 2006 and August 3, 2006.

Scoping Meetings: The FAA held formal Scoping Meetings to receive input from the public and regulatory agencies on Thursday, August 24, 2006. The FAA accepted scoping input for the EIS from July 24, 2006 until August 30, 2006.

Newsletters: Two newsletters describing the Proposed Action and the environmental process were prepared and mailed to those on the EIS interested parties list and were made available to the general public at the Town's Offices, MMH and the local library. The first newsletter was distributed at the beginning of the EIS scoping

process in July 2006. The second newsletter described the Horizon Air Draft EIS content, workshop and public hearing dates, and was distributed at the beginning of the Draft EIS Public Review period in November 2007.

Draft EIS Notice of Availability (NOA): The FAA distributed the Draft EIS for public review and comment on November 16, 2007. The FAA's NOA of the Draft EIS for public review was published in the Federal Register on November 23, 2007 (72 FR 65732). The NOA initiated the formal public review period for the Draft EIS from November 23, 2007 to January 11, 2008. The NOA also announced the location and date for the Public Hearing on January 8, 2008. The NOA was published in local newspapers; the Mammoth Times and Inyo Register on November 22, 2008 and November 23, 2008, respectively. A total of 30 comments were received on the Draft EIS, including both written and oral comments provided at the Public Hearing. The comments included support for the proposed action, concerns regarding aircraft overflight noise to national parks and wildlife, and operational safety concerns. As a result of the comments, clarification of wildlife observations and habitat boundaries were included in the Affected Environment Section and aircraft enroute altitudes were added to the DOT 4(f) Section in the Environmental Consequences Section of the FEIS. The FAA responded to all comments received on the Draft EIS. The comments and responses are located in FEIS Appendix L.

FEIS NOA: The FAA distributed the Horizon Air FEIS to the public on March 25, 2008. The FAA's NOA for the FEIS was published by the United States Environmental Protection Agency on April 4, 2008 (73 FR 18527). The NOA was published in the Mammoth Times and Inyo Register on April 3, 2008. The 30-day waiting period ended on May 5, 2008.

## **IX. AGENCY FINDINGS**

In accordance with all applicable laws, the FAA makes the following findings:

### **A. Environmental Findings:**

The environmental findings are based upon a careful review of the Horizon Air FEIS, the supporting administrative record and appropriate supporting evidence.

- 1. 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 environmental process included the FAA's competitive selection of an independent EIS contractor, the rigorous exploration and objective evaluation of reasonable alternatives and probable environmental consequences, and regulatory agency and Native American consultations, and public involvement. FAA furnished guidance and participated in the preparation of the EIS by providing input, advice, and expertise throughout the planning and technical analysis, along with administrative direction and legal review of the EIS. FAA has independently evaluated the EIS, and takes responsibility for its scope and content.

2. **The Proposed Action does not include a direct or constructive use of any resources protected under Section 4(f) of the DOT Act.** No physical development or land acquisition is associated with the scheduled air service, thus there is not potential for direct use of any Section 4(f) resource. The FAA evaluated the potential for aircraft overflights to result in constructive use of Section 4(f) resources in the FEIS. As a result of the Section 4(f) analysis, the FAA determined that the Proposed Action would not cause an increase in noise or other proximity impacts sufficient to impair the value of the potential Section 4(f) resources. Therefore no constructive use would occur.
3. **The Proposed Action does not involve a disproportionately high and adverse impact to minority or low-income populations (DOT Order 5610.2).** The FAA has determined that no disproportionately high and adverse impacts to environmental justice communities would occur from the Proposed Action, based on findings that there are no noise impacts on residential communities, no community disruptions or divisions, no surface transportation impacts, no human health impacts and no essential services disruptions or other impacts that could potentially disproportionately impact any minority or low-income community.
4. **All practicable means to avoid or minimize environmental harm from the Proposed Action have been adopted.** No significant impacts were identified in the environmental analyses for the Proposed Action. However, a limited potential for early morning aircraft overflight activity to disturb sage grouse lekking activity was identified. As a result of the Airline Deregulation Act, the FAA is prohibited from directing how and when airlines provide their air service. However, the FAA communicated the concern regarding early morning aircraft overflights during the lekking period to both Horizon Air and the Town. Both Horizon Air and the Town have acknowledged the concern and are willing to take the concern into consideration, to the extent practical.

**B. Findings Pursuant to 14 CFR Section 119.51(a)(2). Operations Specifications Amendment:**

The Operations Specifications Amendment findings are based upon the careful consideration of all material presented pursuant to 14 CFR Section 119.51(a)(2) and the FAA's evaluation procedures provided in FAA Order 8900.1, *Flight Standards Information Management System*. As a result of Horizon Air's application for amendment, the FAA is to determine that safety in air commerce and the public interest allow for the amendment.

1. **The FAA finds that the proposed air service meets established air transportation safety standards as required by 14 CFR Section 119.51(a)(2).** Horizon Air is properly and adequately equipped to provide scheduled air service operations safely to and from MMH. The FAA has evaluated and accepted Horizon Air's Flight Operations Manual procedures designed to safeguard arrival and departure operations at MMH. Further, Horizon Air has adequately completed its airport performance analysis due diligence for incorporation into a MMH Airplane Flight Manual. The FAA finds that Horizon Air is able to operate safely under applicable air carrier regulations to and from MMH.

2. **The Proposed Action is consistent with the public interest requirements of 14 CFR Section 119.51(a)(2) and the provisions of 49 USC Section 40101(a)(11) regarding maintenance of scheduled interstate air transportation for small communities and isolated areas.** Horizon Air, an air carrier operator under 14 CFR Part 121, has requested an operations specifications amendment to provide service to MMH, a 14 CFR Part 139 airport. MMH currently receives no scheduled commercial air service. The Town is a small community with a local economy largely driven by tourism. Scheduled air service is consistent with the Town's GP goals and the comments received by the general public regarding the Horizon Air EIS and provides for air transportation to an otherwise unserved small community.

### **C. Findings Pursuant to 14 CFR Part 139 – Airport Operating Certificate:**

The Airport Operating Certificate findings are based upon careful review of all materials provided pursuant to 14 CFR Part 139 and the FAA's evaluation procedures provided in FAA Order 5280.5C, *Airport Certification Program Handbook*.

1. **The FAA has determined that the Town's Airport Certification Manual for MMH meets the requirements for a Class 1 Airport Classification pursuant to 14 CFR Section 139.203.** Currently, the Town maintains a Class IV Airport Operating Certificate for unscheduled large air carrier aircraft operations at MMH. Pursuant to 14 CFR Section 139.205, the Town submitted an application to amend its airport classification to a Class I and an updated Airport Certification Manual (ACM) to the FAA for approval. The FAA has evaluated the MMH ACM and inspected MMH. The FAA finds that the requirements of 14 CFR Part 139 will be complete and that the Town will meet the requirements to obtain a Class I Airport Operating Certificate for MMH, provided that the discrepancies cited in a Letter of Correction dated April 25, 2008 are corrected prior to the proposed air service.
2. **The FAA finds that the Proposed Action is consistent with FAA Order 5280.5C paragraph 207b. that requires consideration of airport access implications.** As a recipient of Airport Improvement Program funding, the Town is required to provide reasonable non-discriminatory access to the MMH. Horizon Air, an air carrier operator under 14 CFR Part 121, desires to provide scheduled air service to MMH. The Town will meet the Class I Airport Operating Certificate requirements, therefore, reasonable access to the airport facilities must be provided.

## **X. DECISIONS AND ORDERS**

In Section 3.4 of the Horizon Air FEIS, the FAA identified the Proposed Action Alternative as the agency's preferred alternative and the No Action Alternative as the environmentally preferred alternative. The FAA must now select one of the following choices:

- Approve the federal actions necessary to implement the Proposed Action or
- Disapprove the federal actions to implement the Proposed Action.

Approval would signify that applicable federal requirements relating to the amendment of Operations Specifications have been met and would permit Horizon Air to proceed with implementing commercial air service to and from MMH beginning in the winter ski season of 2008/2009, provided the Town meets the requirements for obtaining a Class I Airport Operating Certificate for MMH pursuant to 14 CFR Part 139 as stated in Section IX.C.1. of this document. Not approving the action would prevent Horizon Air from providing scheduled commercial service at MMH.

**Decision:** The FAA recognizes its responsibilities under NEPA, CEQ regulations, and its own directives. Recognizing these responsibilities, the FAA has carefully considered the proposed scheduled air service in relation to aeronautical and environmental factors. After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in NEPA.

Having carefully considered the aviation safety and operational objectives of this action as well as being properly advised as to the anticipated environmental impacts, under the authority delegated to me by the Administrator of the FAA, I find that the Proposed Action is reasonably supported, and I, therefore direct the approval of the Operations Specifications Amendment to allow Horizon Air to provide service to and from Mammoth Yosemite Airport. Approval of the Operations Specifications Amendment and the Mammoth Yosemite Airport Class I Airport Operating Certificate will occur as soon as practicable after issuance of this ROD.



Dennis E. Roberts  
Northwest Mountain Regional Administrator

Date 14 May 2008

Right of Appeal:

This decision is taken pursuant to 49 USC §§ 40101 *et seq.*, and constitutes a final order of the Administrator, which is subject to review by the Courts of Appeal of the United States in accordance with the provisions of 49 USC §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), Federal Rules of Appellate Procedure.*

**APPENDIX A**  
**COMMENTS ON THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

The FAA received no comment letters on the FEIS. However, the FAA's Certificate Management Office for Horizon Air received a letter from a local citizen that raised safety concerns regarding the suitability of MMH for scheduled air service. These concerns were considered and it was determined that established airport evaluation procedures and dispatch procedures in use by Horizon Air sufficiently address the safety concerns raised. The FAA is confident that the highest level of safety can and will be maintained and incorporated by reference the response provided on April 9, 2008.

**APPENDIX B**  
**AMENDED RESPONSE TO**  
**DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENT**

After release of the Horizon Air FEIS, the FAA determined that amendment of a Response to Comment (RTC) was warranted. The comment letter is identified in Appendix L of the FEIS as:

**Commenter:** Jonathan Jarvis, U. S. Department of the Interior, National Park Service

**Letter Code:** DF0-003

**Comment Number:** 5-10

**Comment:**

Yosemite currently experiences significant noise impacts from high altitude commercial jets that use the J58-80 east-west jet route and the J5 and J7 north-south jet routes. Data collected in 2005 and 2006 shows aircraft can be heard 55% of the time at Granite Lake near Tioga Pass, 58% of the time at Tuolumne Meadows, and between 41% and 49% of the time at various locations along the Tioga Road corridor. These data indicate the Tioga Road corridor experiences significant noise impacts from aircraft. Further, the Noise Screening Assessment conducted by the FAA determined that the proposed action will create additional noise over Tioga Pass (5.8 dBA) and Lyell Canyon (2.4 dBA) areas with the departure of turboprops from MMH en route to San Francisco.

**FAA Response:**

Due to concerns expressed by NPS, the following response to comments in the Final EIS has been revised to confine FAA's response to MMH and to recognize the fact that evaluation of impacts from high altitude flights over Grand Canyon National Park and the development of methodologies for that evaluation to fulfill the mandate under the National Park Overflights Act are ongoing.

The reference to J58-80 east-west jet route and the J5 and J7 north-south routes are assumed to be the routes identified in the EIS as OVF – V244 and OVF-NS, respectively. The cited references to noise being created by the proposed action are taken out of context. The first step in a Noise Screening Assessment (NSA) involves the identification of noise generated by the project alone. In other words, the  $L_{max}$  values cited represent the changes in noise exposure that would occur if there were no aircraft operating in the area except those that depart or arrive to MMH. While the NSA was performed using a wide range of noise metrics over a large region, the only potential noise impact discovered in the NSA was a preliminary  $L_{max}$  5.8 dB COE during the winter season of 2015 at Tioga Pass in Yosemite National Park. This finding in the noise screening represented a preliminary finding for project aircraft sound levels compared with average natural ambient sound levels. With this information, the next NSA step was to conduct a more refined analysis at Tioga Pass involving cumulative aircraft operations. This analysis is appropriate because project aircraft at Tioga Pass have reached the enroute air traffic environment and joined with other non-MMH operations at cruise altitudes of 20,000 to 24,000 ft. MSL. When the cumulative analysis was performed in the context of existing enroute aviation activity not associated with MMH (e.g. military, commercial, and general aviation activity transiting the area), the results showed that there was no longer a 5.8 dB or even a 3 dB COE for  $L_{max}$  due to the masking effect of louder

existing enroute aircraft at the same altitude or higher at Tioga Pass. Please see Section 5.5.3 of the FEIS and Section VII, Environmental Consequences, Page 7 of the ROD for the complete review of noise impacts associated with the proposed action.

The FAA cannot validate or comment on the 2005 and 2006 monitoring data discussed in the comment because FAA has not received such data despite both formal and informal requests. The FAA made a written request to NPS regarding the above-referenced 2005 and 2006 data on October 20, 2006. NPS' decision to withhold such data results in claims regarding the existing condition, and of greater import, claims regarding the effects of the proposed project that are presently without support from NPS.

Nevertheless, NPS relies upon its data to determine that significant impacts at the Tioga Pass area of Yosemite National Park are currently occurring from high altitude overflights that are part of the existing "baseline" condition of the affected environment. Assuming for purposes of this response without conceding the validity of NPS' claim that the existing environment is currently significantly impacted, this fact would not require different analysis, conclusions, or mitigation than currently reported in the FEIS regarding noise impacts of the proposed project on Yosemite National Park. Neither NEPA nor Section 4(f) requires FAA to evaluate alternatives to mitigate existing "baseline" conditions. Finally, these same unsubstantiated conclusions regarding existing conditions form the basis of NPS' conclusion that the proposed action will further significantly impact the area. FAA cannot support this conclusion, because if the area were already significantly impacted even under the no action scenario, the minute changes under the proposed project would not meaningfully alter these conditions. Thus, if NPS' assessment that the area is currently significantly impacted were correct, the changes here would not have the potential to create a new significant impact or a 4(f) use.

In addition to not substantiating its claims of existing and future significant impacts, there is no indication of what significance threshold the commenter is employing in reaching this conclusion. For the FAA, significant impact criteria for purposes of 4(f) are identified in FAA Order 1050.1E Change 1, Appendix A, Paragraph 6.3. Paragraph 6.3 indicates that a significant impact would occur when a proposed action involves a constructive use substantially impairing the 4(f) property. According to paragraph 6.2 (f), substantial impairment occurs only when the activities, features, or attributes of the resource that contribute to its significant or enjoyment are substantially diminished. With respect to aircraft noise, for example, the noise must be at levels high enough to have negative consequences of a substantial nature that amount to a taking of a park or portion of a park for transportation purposes. As documented in the EIS, no significant 4(f) impacts associated with this proposed action were identified. Furthermore, for purposes of NEPA, the cumulative noise analyses reported in Section 5.5 of the DEIS and in Appendix C-3 indicate that the Proposed Action will not make any significant contribution to cumulative noise levels in Yosemite National Park. Table C-3-8 (Yosemite) characterizes the aviation noise that would be experienced. There would be no change except time above ambient which is the only metric that would experience change and the change noted is a difference of 1.6 minutes. Although there is no COE or significance criterion applicable to the TAA metric, the findings for TAA are considered de minimus and do not indicate a significant impact or constructive use of Yosemite National Park. There are 1440 minutes in a 24-hour period which is the period of time measured in TAA. As documented in the FEIS, only 1.6 minutes of change occurs under the Proposed Action. This represents a total of 0.001% of the day

during which any change will occur. This change is statistically insignificant. Therefore there is no substantial impairment of activities, features, or attributes of the potential Section 4(f) resources that contribute to their significance or enjoyment and no constructive use of Section 4(f) resources would occur. Furthermore, when such changes occur, the Q400 aircraft will have reached en route traffic altitudes of 20,000 to 24,000 feet MSL.

Despite the de minimis nature of the noise impacts associated with the proposed project and the fact that aircraft will have reached en route altitudes at the location where changes are noted using the time above ambient metric, NPS requests FAA to conduct additional supplemental analysis, including audibility analysis. FAA believes that the request for audibility analysis is premised upon the NPS view that natural quiet is a resource to be restored at Yosemite and other national parks pursuant to the National Park Organic Act. This statute dictates NPS' obligations with respect to NPS' management decisions affecting lands under its jurisdiction. The obligations and standards under the National Park Organic Act cannot and should not be equated with FAA's obligations under NEPA and 4(f), the statutes which define FAA's obligations with respect to this and other 4(f) resources. NPS has not shown that its concerns about impacts upon Yosemite National Park are based upon the specific application of specialized expertise or reasonable scientific methods. FAA has concluded and fully documented its analysis that there will be no significant impacts on Yosemite National Park under NEPA and no constructive use of Yosemite under Section 4(f).