Department of Transportation
Federal Aviation Administration

Finding of No Significant Impact (FONSI)/Record of Decision (ROD) For the Implementation of the Midwest Airspace Enhancement Project

I. FONSI/ROD

This FONSI/ROD provides final agency determinations and approvals for actions by the Federal Aviation Administration (FAA) needed to implement modifications to the airspace and air traffic control procedures used in the Cleveland (CLE) and Detroit (D21) Terminal Radar Approach Control (TRACON) airspace areas as well as in high-altitude Air Route Traffic Control Center (ARTCC) airspace. Furthermore, this FONSI/ROD:

- Completes the FAA's thorough and careful environmental review and decision-making process, and is prepared and issued to announce and document certain Federal actions and decisions in compliance with the National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. Section 4321, *et seq.*], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR Parts 1500-1508] and FAA directives [Order 1050.1E, *Environmental Impacts: Policies and Procedures*, and Order 5050.4A, *Airport Environmental Handbook*]. This FONSI/ROD is also used by the FAA to demonstrate and document its compliance with the several procedural and substantive requirements of aeronautical, environmental, programmatic, and other statutes and regulations that apply to FAA decisions and actions on proposed actions;

- Provides the final Federal determinations and approvals based on environmental analysis and findings in the attached Final Environmental Assessment (EA) for the Midwest Airspace Enhancement (MASE) project. The FAA's decisions are based on the information contained in the Final EA and all other applicable documents which were available and considered, and which constitute the administrative record;

- Approves certain Federal actions associated with modifications to the airspace and air traffic control procedures used in the CLE and D21 TRACON airspace areas as well as in high-altitude ARTCC airspace. The Proposed Action results in no airport-related development and does not change the basic flight patterns in the immediate vicinity of any airport.

In reaching this determination, consideration has been given to 49 U.S.C. 40101(d)(4), which gives the FAA various responsibilities and holds it accountable for controlling the use of navigable airspace and regulating civil and military operations in that airspace in the interest of safety and efficiency of both of these operations. Additionally, consideration has been given to 49 U.S.C. 40103(b)(2) which authorizes and directs the FAA Administrator to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, and the protection of persons and property on the ground, and for the efficient utilization of the navigable airspace, including rules as to safe altitudes of flight and rules for the prevention of collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

Furthermore, the FAA has given careful consideration to: the aviation safety and operational objectives of the project in light of the various aeronautical factors and judgments presented; the need to enhance efficiency of the national air transportation system; and the anticipated environmental impacts of the project.

II. INTRODUCTION AND BACKGROUND

In April of 1996, the FAA Administrator announced that the FAA would begin a comprehensive review and redesign of the United States airspace. This endeavor became known as the National Airspace Redesign (NAR) project. The essence of NAR was to review all national airspace resources to determine if they provided for an efficient national airspace system. The goal of NAR was to increase system flexibility, predictability, and access; maintain and improve safety; improve efficiency and reduce delays; and support the evolution of emerging technologies. Each FAA region was tasked with identifying any national airspace system resources that needed to function more effectively and examine alternatives to correct any noted deficiencies.

The proposed MASE project is the culmination of the NAR process with regard to aircraft operations in the CLE and D21 TRACON airspace areas as well as in high-altitude ARTCC airspace.

III. PROJECT DESCRIPTION AND PURPOSE & NEED

The MASE project consists of changes to ingress and egress routes and fixes, altitude use, holding patterns, as well as development of new procedures in both the high-altitude multi-center en route and the low-altitude terminal airspace environments.

The purpose of MASE is to develop and implement new en route and terminal airspace procedures that would increase efficiency and enhance safety of aircraft movements in the airspace overlying and beyond the Cleveland and Detroit Metropolitan areas. The MASE airspace redesign would integrate high-altitude en route airspace changes with low-altitude terminal airspace changes to provide an overall more seamless operation between TRACON and center airspace. In addition, the MASE project would allow for more efficient utilization of the runway configurations at Detroit Metropolitan Wayne County (DTW) and Cleveland Hopkins International (CLE) airports through improved integration of traffic flows with Cleveland Center (ZOB) and Indianapolis Center (ZID). Overall, the MASE project would maintain safety while reducing delays, accommodating growth, and incorporating new technology.

IV. ALTERNATIVES

The alternatives analyzed within the attached Final EA included use of satellite airports, air travel demand management, improved air traffic control technology and airspace redesign. Of these alternatives only the airspace redesign alternative was found to meet the project purpose and need. As such, the other alternatives were dismissed from consideration.

The airspace redesign alternatives carried forward for detailed environmental analysis included:

- The No Action Alternative

The No Action Alternative would maintain the existing airspace structure and flight procedures.

- The Proposed Action, Implementation of MASE

Detailed descriptions of the routing changes associated with MASE can be found in Chapter 2 and Appendix C of the attached Final EA.

V. AFFECTED ENVIRONMENT

There are two airspace redesign study areas associated with the MASE project, each of which serve different purposes. They are:

- The MASE Airspace Redesign Environmental Study Area, and
- The MASE High-Altitude Airspace Redesign Study Area

The MASE Airspace Redesign Environmental Study Area is comprised of two 50 nautical mile radius circles around the DTW and CLE airports that are connected by parallel lines to form a "racetrack" or "pill" shaped airspace boundary oriented northwest to southeast. The Environmental Study Area encompasses approximately 16,100 square nautical miles (or 21,300 statute square miles) of land and water. It includes portions of the states of Michigan and Ohio in the United States and the province of Ontario in Canada.

In accordance with FAA Order 1050.1E, the Environmental Study Area extends from the ground to an altitude of 10,000 feet above ground level (AGL). The MASE Airspace Redesign Environmental Study Area is depicted in Figure 1-2 of the attached Final EA.

The MASE High-Altitude Airspace Redesign Area encompasses the high-altitude center reroute procedures covering a large portion of airspace from the upper Midwest to Boston and south to Miami, generally above altitudes above 10,000 AGL. FAA has determined that airspace changes above 10, 000 feet AGL do not, individually or cumulatively, have a significant effect on the human environment. These actions are normally categorically excluded. For these reasons, FAA focused the analysis of noise and other environmental impacts in the Final EA on the area within the MASE Airspace Redesign Environmental Study Area. Although the high-altitude airspace was not evaluated for possible environment effects, it has been included in the Final EA for disclosure purposes. The high-altitude airspace redesign area is depicted in Figure 1-1 of the attached Final EA.

VII. ENVIRONMENTAL CONSEQUENCES

The environmental impacts from the proposed airspace design and procedures were evaluated in the attached Final EA for each of the following impact categories. No significant impacts to the quality of the human environment were identified for any of the categories. As such no Environmental Impact Statement is required to be or has been prepared.

Noise and Compatible Land Use

The Proposed Action would not result in a 1.5 dB increase in noise levels within the 65 or higher DNL noise contour over a noise sensitive land use. As such, the Proposed Action does not cause significant noise impacts. Note that in 2011, there are two census blocks with a 1.5 DNL change in the 65 DNL. However, neither change area occurs over a noise sensitive land use nor is there any affected population. Accordingly the change in noise exposure does not exceed the threshold of significance. Additionally, the Final EA documents that the Proposed Action is consistent with community planning.

Socioeconomic Impacts

The Proposed Action would not require acquisition of real estate, relocation of residences or businesses, disrupt established communities, disrupt planned development, disrupt local roadway traffic patterns, cause a loss in community tax base, or change the fabric of the community. Therefore, the Proposed Action would have no socioeconomic impacts.

Secondary or Induced Impacts

The Proposed Action does not involve development of facilities and would not result in population shifts or growth, increase demand for public services, or change business or economic activity. Therefore, the Proposed Action would have no secondary or induced impacts.

Air Quality

The Final Rule for Determining Conformity of General Federal Actions to State and Federal Implementation Plans, (40 CFR Parts 6, 51, and 93) was published in the Federal Register on November 3, 1993. In Section 51.853 (c)(2), the Environmental Protection Agency (EPA) lists actions that are de minimis and, thus, do not require an applicable analysis under this rule. In addition to the de minimis exemptions that are listed in Section 51.853 (c)(2), EPA states in the preamble to this regulation (58 FR 63229) that it believes, "Air traffic control activities and adopting approach, departure, and en route procedures for air traffic operations are illustrative of de minimis actions."

Since the Proposed Action is considered de minimis and would have a negligible effect on vehicle traffic, no air quality impacts would occur.

Historic, Archaeological, Architectural, and Cultural Resources

There are no historic resources that would experience a change in noise exposure level in excess of the applicable threshold of significance. In addition, there are no census blocks designated a "newly non-compatible." Therefore the Proposed Action would have no impact on historic, archaeological, architectural, and cultural resources

DOT Section 4(f) Lands (Recodified as 49 U.S.C., Subtitle I, Section 303(c))

There are no Section 4(f) properties that would experience a change in noise exposure level in excess of the applicable threshold of significance. In addition, there are no census blocks designated a "newly non-compatible." Therefore, the Proposed Action would have no impact on Section 4(f) properties.

Fish, Wildlife, and Plants

The Proposed Action would not impact fish, non-avian wildlife or plants. Although the Proposed Action involves changes to flight tracks, the incidence of bird strikes would not increase.

Water Quality, Wetlands and Floodplains

The Proposed Action would not result in development of physical facilities. Therefore, no impacts to water quality, wetlands, or floodplains would occur.

Coastal Resources

The study area is not in a coastal zone or included in a Coastal Zone Management Program. Therefore, there would be no impacts with regard to coastal resources.

Wild and Scenic Rivers

No Wild and Scenic Rivers exist within the project area. Therefore, the Proposed Action would not impact wild and scenic rivers.

Farmlands

The Proposed Action would not result in development of physical facilities. Therefore, no impacts to farmlands would occur.

Natural Resources and Energy Supply

The Proposed Action would not affect stationary facilities or movement of ground vehicles at any airport, or require use of natural resources other than fuel that are in short supply. Implementation of the Proposed Action could alter aircraft fuel consumption to a slight degree, however any change would be insignificant.

Hazardous Materials, Pollution Prevention, Solid Waste, and Construction Impacts

The Proposed Action would not result in the development of physical facilities. There would be no impacts with regard to construction activity, hazardous materials, or solid waste. As such, there is no need to address pollution prevention.

Light Emissions and Visual Impacts

The Proposed Action would not affect the number of aircraft operations or involve the development of physical facilities. Therefore, the Proposed Action would not result in noticeable changes in light emissions to people on the ground. There would be no visual impacts.

Environmental Justice and Children's Environmental Health and Safety Risks

There are no adverse human health or environmental effects associated with the Proposed Action (including the noise air quality water quality, hazardous materials, and cultural resource categories) which would exceed applicable thresholds of significance. Therefore, there are no impacts which would affect low-income or minority populations at a disproportionately higher level than it would with other population segments. Additionally, the Proposed Action would not affect products or substances that a child is likely to come into contact with, ingest, use, or be exposed to, and would not result in environmental health and safety risks that could disproportionately affect children. Accordingly, there would be no impacts related to Children's environmental health and safety risks.

Cumulative Impacts

There are no FAA projects in the Environmental Study Area that would change flight routes, except for a potential Simultaneous Offset Instrument Approach at DTW. At this time, the path and procedures for the SOIA approach have not yet been finalized. Therefore, it could not have

been included within this EA. When ripe for consideration, it will be evaluated within a subsequent environmental study.

While a Part 150 Study is in progress for DTW, no noise abatement procedures have yet been identified. Should new noise abatement procedures be proposed during the Part 150 process, they will undergo appropriate environmental review when ripe for consideration.

There are no airport projects within the Environmental Study Area that would affect flight patterns, except for the CLE Runway 6R/24L extension, which has already been incorporated into the noise modeling for this project.

As such, no cumulative impacts are associated with this project.

Other Considerations

The Proposed Action is consistent with applicable state and local plans, as it would not have an impact on existing or future land use plans and/or development patterns.

Mitigation

Because the threshold of significance with regard to any environmental impact category is not exceeded due to the Proposed Action, no mitigation is being proposed as part of this project.

VIII. PUBLIC AND AGENCY INVOLVEMENT

The Proposed Action does not meet the special circumstances necessitating public review as set forth in FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures* Paragraph 406(e), which discusses public review of environmental assessments. Because there are no environmental impacts associated with the Proposed Action that would exceed applicable thresholds of significance, the action is not one normally requiring preparation of an EIS, and no special circumstances apply, the FAA has determined that public review of the MASE EA is not required. However, in accordance with the Section 106 process defined by the Advisory Council on Historic Preservation's regulations, "Protection of Historic Properties," under 36 CFR Part 800, letters were sent to the State Historic Preservations Offices in Michigan and Ohio, notifying them of the proposed project. No comments were received from either office.

In addition to the FAA's determination that this proposed project does not require public review as set forth in FAA Order 1050.1E, FAA has determined that it is neither feasible nor practical to provide for it. A public review period would prevent implementation of the MASE project on its scheduled date of June 8, 2006. Due to the National Aeronautical Charting Office's 56 day chart production cycle, the next possible date for implementation would not be until August 3, 2006. In fact, if MASE cannot be implemented as proposed, it would result in delaying the project until late 2006 and possibly January 2007, resulting in an additional cost of hundreds of thousands of dollars to the FAA. This is because it would be necessary to train air traffic control personnel during the summer leave schedule, requiring a substantial amount of overtime funds. More importantly, it would be imprudent to implement a new airspace structure and air traffic control procedures in the summer months when peak traffic levels and severe thunderstorms occur. To do so would derogate safety. And finally, delaying implementation would not provide the immediate enhancement of safety and efficiency needed in the national airspace today as explained in this EA.

For these reasons, the FAA has decided to announce issuance of a Final EA through Federal Register notification and publication on the website, http://www/faa/gov/ats/nar/mase.html.

IX. THE AGENCY'S FINDINGS

The Proposed Action will not have a significant effect on the quality of the human environment. In accordance with applicable law, the FAA makes the following determinations for this project, based upon the appropriate information and data contained in the Final EA and the administrative record.

A. This Proposed Action would not involve any construction, which may affect the existence of an endangered species. The project includes all practicable measures to minimize harm, which may result from it. [Endangered Species Act of 1974 PL 93-205, 16 U.S.C. 1531, as amended]

The Proposed Action does not involve physical development of facilities. Therefore, no impact to endangered or threatened species would occur and no mitigation is required.

B. This project would not involve any construction that may affect wetlands. The Proposed Action includes all practicable measures to minimize harm that may result from it. [Executive Order 19990, as amended]

The Proposed Action does not involve physical development of facilities. Therefore, no impact to wetlands would occur and no mitigation is required.

C. This project would not involve any construction, which may affect floodplains. The Proposed Action includes all practicable measures to minimize harm to floodplains that may result from such use. [Executive Order 19998, as amended]

The Proposed Action does not involve physical development of facilities. Therefore, no impact to floodplains would occur and no mitigation is required.

D. This project would not affect use of lands subject to Section 4(f) of the DOT Act including significant historic sites. The Proposed Action includes all practicable measures to minimize harm resulting from it. [49 U.S.C. Section 303(c)]

The Proposed Action does not involve physical development of facilities. Therefore, no impact to historic sites would occur and no mitigation is required.

E. There are no disproportionately high or adverse human health or environmental effects from the project on minority or low-income populations. [Executive Order 12898]

The Final EA demonstrates that no significant environmental impacts would occur for any environmental resource category. Additionally, the composition of the community beneath the proposed flight tracks is similar to the community as a whole. Therefore, it may be concluded that the Proposed Action would not have a disproportionately high or adverse effect on minority or low-income communities. Additionally, there would not be any project-related environmental health risks or safety risks that would disproportionately affect children.

F. <u>This project will not involve the displacement or relocation of persons or businesses. Therefore, relocation assistance pursuant to the provisions in Title II of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended is not applicable.</u> [42 U.S.C. 4601 et. sec.]

The Proposed Action would not require the relocation of residences/businesses.

G. <u>Clean Air Act, Section 176(c)(1) Conformity Determination for the Proposed Project.</u> [42 U.S.C. Section 7506 (c)]

The determination prescribed by this statutory provision is a precondition for Federal agency support or approval more typically associated with airport development projects. This project does not involve development of any facilities. The USEPA regulations generally governing the conformity determination process are found at 40 CFR Part 93, Subpart B, Sections 93.154 through 93.159, 40 CFR Part 50, and 40 CFR Part 51, Appendix W.

In addition to the de minimis exemptions listed in Section 51.853 (c)(2) of the Final Rule for Determining Conformity of General Federal Actions to State and Federal Implementation Plans, the EPA states in the preamble to this regulation that it believes, "Air traffic control activities and adopting approach, departure, and en route procedures for air operations are illustrative of de minimis actions." As such, the Proposed Action is exempt from General Conformity by 40 CFR Part 51, and no further reporting is required.

H. <u>The FAA has given this proposal the independent and objective evaluation required by the Council on Environmental Quality.</u> [40 CFR 1506.5]

As described in the Final EA and in Section IV of this FONSI/ROD, there was a detailed process that led to identification of a preferred alternative. Throughout, FAA air traffic control specialists provided expertise and guidance on technical matters that arose during the formative steps. The FAA evaluated the technical feasibility of the Proposed Action, and solely determined the alternatives to be evaluated for potential implementation. The proposed project represents the best judgment of the FAA in its key area of expertise, safe and efficient movement of air traffic.

Similarly, the FAA has conducted an independent review of the factual assumptions contained in the Final EA. Individuals from the FAA have devoted a substantial number of hours to insure compliance with the National Environmental Policy Act, and any other environmental or applicable requirements. Accordingly, I find that the independent and objective evaluation called for by the Council on Environmental Quality has been provided.

X. DECISIONS AND ORDERS

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 section 101 of the NEPA and other applicable environmental requirements and is not a major action significantly affecting the quality of the human environment or otherwise including any condition requiring consultation pursuant to section 102(2)(C) of NEPA.

I, therefore, now approve and direct that actions be taken which will enable project implementation on June 8, 2006. This consists of development of air traffic control and airspace

management procedures to establish and maintain safe and efficient handling and movement of traffic into and out of the airspace.

This FONSI/ROD presents the FAA's final decision and approvals for the actions identified, including those taken under the provisions of U.S.C. Subtitle VII. This decision constitutes a final order of the Administrator subject to review by the Court of Appeals of the United States in accordance with the provisions of 49 U.S.C. Section 46110.

Approved: Nancy B Kort 12/30/2005

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