

FEDERAL AVIATION ADMINISTRATION
ADOPTION OF THE ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT and RECORD OF DECISION
FOR
Airspace Change Proposal at
U.S. Army Garrison Fort Devens, Massachusetts
Establishment of Restricted Area Airspace (R-) 4102A/B

Introduction

This document serves as the Federal Aviation Administration's (FAA) adoption of the Army's Establishment of Restricted Area Airspace (R-) 4102A/B at U.S Army Garrison Fort Devens, Final Environmental Assessment (EA) *Airspace Change Proposal at U.S. Army Garrison Fort Devens, Massachusetts*. The Final EA analyzed the potential environmental impacts of the proposed establishment of additional Restricted Area Airspace such that the Army can conduct training exercises with a lower risk of encountering non-participating aircraft. No changes are proposed to the types of aircraft or types and number of operations conducted within the airspace. The proposed modification would result in an overall reduction of approximately 470 acres of restricted airspace. In addition to the Proposed Action, the Final EA evaluates the No Action Alternative.

The Army's FONSI provided the Army's environmental impact determination and resulting decisions. Pursuant to the National Environmental Policy Act (NEPA) of 1969, and the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508), and applicable agency guidance, the FAA hereby adopts the Army's Final EA for the purpose of the Establishment of Restricted Area Airspace R-4201A/B at Garrison Fort Devens, Fort Devens, Massachusetts.

Background

The Army requests that the Federal Aviation Administration grant amendments to the current Restricted Area Airspace such that the Army can conduct training exercises with lower risk of encountering non-participating aircraft. No changes are proposed to the types of aircraft or types and number of operations conducted within the airspace adjacent to Fort Devens. The new Restricted Area Airspace would modify Fort Devens existing R-4201A/B airspace.

The Army, as the Garrison Fort Devens property owner that manages the training area, is the Lead Agency for the Final EA. The FAA is a Cooperating Agency. The environmental analysis for the proposed action is included in the Final EA.

As the Lead Agency, the Army published the Final EA in accordance with NEPA in August 2018. The Final EA concluded with a FONSI, which was signed by the Army on August 23, 2018.

As a cooperating agency, the FAA provided input to the Army during development of the Final EA. In accordance with FAA Order 1050.1F *"Environmental Impacts: Policies and Procedures"* and FAA Order 7400.2M *Procedures for Handling Airspace Matters*, the FAA has independently evaluated the information contained in the proposal and takes full responsibility for the scope and content that address FAA actions. The FAA evaluation also included all impact categories required by NEPA, and has found those to be in accordance with NEPA and its implementing regulations 40 CFR Part 1500-1508 and FAA Order 1050.1F.

Proposed Action

The Proposed Action would modify Restricted Areas R-4102A/B to update the designated times of use by Fort Devens and the boundaries of the restricted airspace to better align with the boundary of the Fort Devens training area. The frequency of airspace use would not change, as it would be consistent with what is currently reported to the FAA as required by Joint Order 7400.10A, Special Use Airspace. There would also be no changes in personnel, titles, altitudes, controlling agencies, or using agencies under the Proposed Action, and the airspace would continue to be available for joint use outside the designated Fort Devens usage timeframes.

Purpose and Need

The Army proposes to modify the designated times and boundaries of R-4102A/B. The use of R-4102A/B for training at Fort Devens currently includes 0800–2200 hours on Saturday, and at other times through a NOTAM submitted to the FAA. The Proposed Action is to change the legal times of designation for R-4102A/B to intermittent, 0730–2200 hours daily, and other times by NOTAM (Fort Devens, 2017a). Fort Devens currently requires military units to schedule training 14 days in advance to file the NOTAM and alert the FAA of airspace use. The FAA requires 72 hours' notice of airspace activation. Changing the designated times for use would provide military personnel with more flexibility when scheduling training, it would reduce the amount of administrative work the FAA incurs when publishing the additional NOTAMs, and it would provide the flying public with a more predictable airspace status. There are no proposed changes in the titles, altitudes, or controlling or using agencies.

Currently, R-4102A/B are used by all Department of Defense (DOD) branches of service, which include the Army, U.S. Air Force, U.S. Marine Corps, and the U.S. Navy. In addition, non-DOD units, such as the U.S. Coast Guard and the Federal Bureau of Investigation, use the airspace. Aviation training activity includes operations over the Fort Devens South Post, which has one drop zone, nine landing zones, and seven designated flight routes. Rotary-wing aircraft operations include external load training, rappel operations, drop operations, and medical transport training. The Army trains in R-4102A/B with the C-130 fixed-wing aircraft, helicopters, and unmanned aircraft systems (UAS)¹ (U.S. Army, 2013).

While Fort Devens does require 14-day advance scheduling for use of R-4102A/B, this is not always possible. If a scheduled training time needs to change and a NOTAM has already been published, which occurs on a biweekly basis, the FAA is unable to modify the designated airspace time. As a result, military units are at times unable to train at Fort Devens if their mission or other constraints prevent them from scheduling training 14 days in advance.

Alternatives

There were two alternatives analyzed in the Final EA: the Proposed Action and the No Action Alternative.

No Action Alternative - Under the No Action Alternative, the Proposed Action would not be implemented. The designated times for use of R-4102A/B by Fort Devens personnel would not be extended, and the lateral boundaries would not be modified. The airspace complex would not be amended to reflect actual usage; however, airmen would continue to use the airspace at current levels, continuing to burden the NOTAM system. As previously mentioned, the FAA requested that the legal description of the airspace be amended to reflect actual usage. Consequently, there is a risk that the FAA could periodically reject some of the NOTAM requests under the No Action Alternative. As a result, there could be instances when military units would be unable to train at Fort Devens. NOTAMs would still need to be filed in advance for training outside of the Saturday designated hours, which would continue to affect scheduling and flexibility. In addition, Army air-to-ground training activities would not be maximized, and the airspace over areas where flying is not permitted would not be eliminated. The training mission at Fort Devens would be adversely affected under the No Action Alternative.

¹ In Army vernacular, UAS refers to “unmanned aerial systems.”

Environmental Impacts

In accordance with FAA Order 1050.1F, the FAA has conducted an independent evaluation of the Final EA. Adoption of the Army's Final EA by the FAA requires that each impact category detailed in FAA Order 1050.1F is analyzed in addition to the Army's environmental requirements. In many cases, the categories overlap. Refer to Table 3-1, which compares FAA and DOD impact categories. The following section contains the results of evaluation regarding the potential environmental impacts associated with the Proposed Action.

Air Quality: No construction activities or changes in current aircraft operations or training activity levels would occur under the Proposed Action, and as such, there would be no expected changes in air quality. See Final EA pg. 3-2.

Biological Resources: Although biological communities are found in the surrounding areas, no noise impacts are anticipated on these communities because no changes are proposed to the types of aircraft or types and number of operations conducted within the airspace. Oxbow National Wildlife Refuge, formerly Fort Devens Training Area 4, is across the Nashua River from South Post. Currently, though a portion of Oxbow National Wildlife Refuge is situated under R-4102A/B, military personnel and aircraft do not use this area (Fort Devens, 2017a). USFWS manages the refuge for a variety of wildlife species, with a special emphasis on migratory waterfowl and birds that are dependent on grass/shrub land habitat. A portion of the current R-4102A/B boundary also extends south beyond the South Post over the town of Lancaster. Specific surveys and studies are not available about the plants and wildlife in the areas surrounding Fort Devens, but the biological resources are expected to be similar to those found on the installation, based on the proximity of the locations. No significant impacts on biological resources would be expected under the Preferred Alternative. Impacts on biological resources from the proposed change in airspace boundaries and official hours were assessed qualitatively based on the potential for noise to affect vegetation and wildlife, including protected species, and the potential for increased direct collisions between aircraft and avian species. See Final EA pg. 3-5-11.

Climate Change: - No construction activities or changes in current aircraft operations or training activity levels would occur under the Proposed Action, and as such, there would be no expected increases in air emissions, including greenhouse gas emissions. See Final EA pg. 3-2.

Coastal Resources - The Proposed Action would occur in north-central Massachusetts, removed from coastlines. Therefore, no impact to coastal resources is expected. See Final EA pg. 3-2.

Department of Transportation Act, Section 4(f) - Resources that are protected by Section 4(f) include publicly owned parkland, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; and publicly or privately owned land from a historic site of national, state, or local significance. Section 4(f) does not apply to DoD; however there are no anticipated significant effects as a result of the proposed action. These resources are analyzed under biological resources; historical, architectural, archaeological, and cultural resources; and noise and compatible land use. See Final EA pg. 3-3.

Farmlands - The Proposed Action does not include any construction activities, and would not disturb any soils or geological features. The Proposed Action would occur entirely over the existing Fort Devens training range, and would not affect farmland. See Final EA pg. 3-3.

Hazardous Material, Solid Waste, and Pollution Prevention - The Proposed Action does not include any construction activities, nor would it result in changes in the number of personnel, based aircraft, or training frequency at Fort Devens. No hazardous materials or wastes would be used or generated under the Proposed Action. No changes in solid waste management or pollution prevention practices would be expected. See Final EA pg. 3-2.

Historical, Architectural, Archeological, and Cultural Resources: Activities associated with the Proposed Action would not affect historic properties. There are no historic properties within or near the Area of Potential Effect (APE).

The Massachusetts Historical Commission was contacted by letter correspondence to obtain confirmation that the Preferred Alternative would not adversely affect any buildings, sites, structures, districts, and objects eligible for, or included in, the NRHP; cultural items as defined in the Native American Graves Protection and Repatriation Act of 1990; and Native American sacred sites for which access is protected under the American Indian Religious Freedom Act of 1978. The Massachusetts Historical Commission concurred with this finding in a letter dated 27 June 2018, which is contained in Appendix C. See Final EA pg. 3-11-12.

Land Use: Land use impacts for the proposed project are noise related and covered in the section titled “Noise and Compatible Land Use”. The proposed project would not change the current land uses under R-4102A/B or the existing land use surrounding Fort Devens. Therefore, no significant impacts on compatible land use would be expected as a result of the proposed action. See Final EA pg. 3-12-15.

Natural Resources and Energy Supply: Natural Resources are covered under other impact areas such as Biological and Water Resources. No impact to utilities or infrastructure (e.g. water, energy [natural gas and electricity]; wastewater treatment, solid waste management) would occur as a result of the Proposed Action. See Final EA pg. 3-2, 3-3, 3-5-11.

Noise and Compatible Land Use: Under the Proposed Action there would be no marked increases in the number of aircraft operations, the frequency of aircraft operations, or the types of aircraft currently using R-4102A/B. Aviation activities at Fort Devens would continue to operate in accordance with the installation’s Operational Noise Management Plan, and policies and procedures would be used where practical to reduce aviation-related noise impacts and complaints. Minor, long term, beneficial effects on compatible land use would be expected under the proposed action. The boundary of R-4102A/B would be changed to exclude the areas where Fort Devens airmen currently cannot fly. In addition, the FAA considers wildlife refuges as noise-sensitive areas for which special consideration of noise impacts should be given under the Department of Transportation Act, Section 4(f). The proposed action would formally remove Oxbow National Wildlife Refuge from the R-4102A/B airspace footprint. The proposed action would not change the current land uses under R-4102A/B or the existing land use surrounding Fort Devens. Therefore, no significant impacts on noise and compatible land use would be expected under the proposed action. See Final EA Section 3.12-15.

Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety: The Proposed Action would occur entirely within the current Fort Devens training range footprint. No changes in personnel at Fort Devens would occur, nor would changes in the frequency of airspace utilization. In addition, the Proposed Action would align the lateral extent of the restricted airspace to be entirely within the current Fort Devens training range footprint. The Proposed Action would not be expected to have any adverse impacts on minority or low income population groups living near Fort Devens. No children are present within the Fort Devens training range at any time, and there would be no health or safety risks that disproportionately affect children. See Final EA pg. 3-2.

Visual Effects and Light Emissions: No construction activities are planned as part of the Proposed Action. No change in current training levels would be expected, and the lateral boundaries of R-4102A/B would be smaller and entirely within the current Fort Devens training range footprint. No changes in aesthetics and visual resources at Fort Devens or surrounding areas would be expected. See Final EA pg. 3-3.

Water Resources: No construction activities are planned as part of the Proposed Action. The Proposed Action would occur entirely within airspace over the existing Fort Devens training range footprint. As such, the Proposed Action would have no impacts on floodplains, groundwater, surface water, or wetlands. There are no wild or scenic rivers located in proximity to the Proposed Action. The closest rivers designated as wild or scenic—the Sudbury, Assabet,

Concord Rivers—are located over 10 miles east of the Proposed Action, and would not experience any impacts from the Proposed Action. See Final EA pg. 3-3.

Cumulative: The area underlying the Fort Devens restricted area defines the geographic extent for the cumulative effects analysis. Analysis of the Proposed Action and the No Action Alternative, when considered cumulatively with past, present and future actions, would not result in adverse and/or significant impacts to noise, land use and visual resources, biological resources, cultural resources, air quality, climate change or socioeconomics, environmental justice and protection of children. The cumulative impact of this proposed action on the global climate when added to other past, and reasonable foreseeable future actions is not currently predictable using available scientific methods.

The FAA has determined that the Final EA and its supporting documentation, as incorporated, adequately assesses and discloses the environmental impacts of the proposed action for the purposes of this FONSI/ROD. Based on independent review of the airspace proposal, the FAA has determined there would be no significant cumulative impacts as a result of the Proposed Action.

Public Involvement

Notices of Availability (NOA) for public review of the draft EA and draft FONSI were published in a local newspaper on June 22, 2018. The draft EA was available for public review on the internet and four local libraries during the 30-day public and agency review period. One comment was received from the Fitchburg Airport Commission regarding potential impacts to straight in approaches to Runway 32. Representatives from Fort Devens and Fitchburg Municipal Airport met on 2 August 2018 to discuss Fitchburg Municipal Airport's concerns on the Proposed Action. Fort Devens clarified that while hours of airspace restriction would increase, the hours of airspace closure and utilization would not increase from current airspace usage. The Proposed Action makes the airspace use more transparent and streamlines the paperwork required by the FAA and the Army to use the airspace. The restricted airspace would only be activated during hours when the airspace is in use by Fort Devens. Based on the 2 August 2018 discussion, the concerns from the Fitchburg Municipal Airport representatives have been alleviated and they look forward to working with Fort Devens in the future. No additional public comments were noted in the EA. Public and agency comments received during the 30-day comment period were incorporated into the Final EA as Appendix C.

Compliance with the National Environmental Policy Act

In accordance with the requirements set forth in the President's Council on Environmental Quality (CEQ) regulations (40 CFR Sections 1500-1508), which implement the procedural provisions of the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321), the FAA has made the following determination based on appropriate information and analysis set forth in the Final EA. The FAA has given this proposal an independent and objective evaluation required by the CEQ (40 CFR 1506.5). As described in the Final EA, the proposed action and its alternatives were studied extensively to determine potential impacts and appropriate mitigation measures. The FAA provided input, advice, and expert opinion throughout the planning and technical analysis, along with an administrative review of the project. The record shows that the FAA has fulfilled its responsibilities in connection with the environmental evaluation of this project from its inception and has maintained its objectivity in accordance with FAA Order 1050.1F.

After evaluation of the potentially reasonable and available alternatives, the Proposed Action is found to best achieve the Army's goals and objectives. No significant environmental impacts have been identified that would occur as a result of implementing the Federal Action. Therefore, the preparation of an Environmental Impact Statement is not required.

Incorporated by Reference

This FONSI/ROD incorporates the following information:

1. Final Environmental Assessment and Finding of No Significant Impact for Airspace Change Proposal at

U.S. Army Garrison Fort Devens, Massachusetts, August 2018

Adoption

In accordance with FAA Order 1050.1F, the FAA has conducted an independent evaluation and prepared this Record of Decision for the NASA Establishment of Restricted Area Airspace. The FAA has determined that the Final EA adequately assesses and discloses the environmental impacts of the Proposed Action.

Based on the FAA's independent evaluation, the Final EA is sufficient for adoption by the FAA and is hereby adopted. The FAA takes full responsibility for the scope and content that addresses FAA actions associated with the establishment of Restricted Area Airspace at Fort Devens.

Finding

The FAA has determined that no significant impacts would occur as a result of the Proposed Action and therefore that preparation of an Environmental Impact Statement is not warranted and a Finding of No Significant Impact in accordance with 40 CFR Part 1501.4 (e) is appropriate.

Statement

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(a) of the NEPA, as amended, and that it will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2) (C) of the NEPA.

Decision and Approval

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(a) of the NEPA, as amended, and other applicable environmental requirements. Public participation in the airspace circularization process for the Special Use Airspace proposal was conducted in accordance with FAA Order JO 7400.2K, and the comments received concerning potential impacts on aviation were considered and adequately addressed.

The undersigned has carefully considered the FAA's statutory mandate under 49 U.S.C. 40103 to ensure the safe and efficient use of the national airspace system as well as the other aeronautical goals and objectives discussed in the Final EA. The undersigned concurs that the Proposed Action provides the best airspace proposal for meeting the needs stipulated in the Final EA, and that all practicable means to avoid or minimize environmental harm from that alternative have been adopted.

Accordingly, under the authority delegated to the undersigned by the Administrator of the Federal Aviation Administration, the undersigned approves and authorizes all necessary agency action to implement the proposed action.

This decision signifies that applicable Federal environmental requirements relating to the proposed action have been met. The decision enables the FAA to complete its rulemaking actions related to the above-described proposed action.

Order and Right of Appeal

This Adoption of the Final EA and FONSI-ROD for the amendment of restricted airspace at U.S. Army Garrison Fort Devens, Massachusetts constitutes a final order of the FAA Administrator pursuant to 49 U.S.C. § 40103 and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its

principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the date of this notice in accordance with the provisions of 49 U.S.C. §46110. Any party seeking to stay implementation of the action as stated in the 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.

Approved: 

Rodger A. Dean, Manager
Airspace Regulations and Policy Group
Mission Support Services
Air Traffic Organization
Federal Aviation Administration

Date: 05/31/2019