

CHAPTER 6

DETERMINATION AND FINDINGS

6.1 OVERVIEW

This section includes the findings and determination for this Re-Evaluation.

6.1.1 Agency Findings

In accordance with applicable law, the Federal Aviation Administration (FAA) makes the following determinations for the Proposed Interim Fly Quiet, based on appropriate information and analyses contained in the Re-Evaluation, Environmental Impact Statement (EIS), and the EIS Administrative Record.

Based on the review of the Re-Evaluation and the EIS, FAA has determined that the preparation of a new EIS is not necessary. This determination is made based on a review of all applicable sections of FAA Orders 1050.1E and 5050.4B, and FAA has concluded that:

6.1.1.1 The proposed action conforms to plans or projects for which a prior EIS has been filed and there are no substantial changes in the proposed action that are relevant to environmental concerns.

The ultimate Build Out associated with the O'Hare Modernization Program (OMP) has not changed. The Proposed Interim Fly Quiet is associated with interim conditions, therefore it will not affect the final airfield layout of the OMP as originally envisioned in the EIS. Because the Build Out is not affected by the Proposed Interim Fly Quiet, the impacts associated with Build Out disclosed in the EIS also are not affected.

6.1.1.2 Data and analyses contained in the previous EIS are still substantially valid and there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

Chapter 3 discloses the potential environmental impacts resulting from the Proposed Interim Fly Quiet, which differs from those previously disclosed in the EIS and the 2015 Re-Evaluation. These impacts, however, would be temporary because the Proposed Interim Fly Quiet is scheduled to end in January 2021. While these interim conditions differ from those previously disclosed in the EIS, the data and analysis contained in the EIS are still substantially valid. Therefore, there are no significant new circumstances or information relevant to environmental concerns since the publication of the 2005 Record of Decision (ROD). For detail on the analyses, see **Section 3.6**, Validity of Prior EIS Data and Analysis.

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

All pertinent conditions and requirements of the prior approvals have, or will be, met in the current action. See **Section 3.6**, Validity of Prior EIS Data and Analysis for details on the mitigation requirements that have been completed and will continue to be implemented.

The ROD was approved with conditions that remain valid. The Re-Evaluation identifies conditions that include compliance by O'Hare with implementation of mitigation measures outlined in the ROD to address environmental consequences of implementing the OMP. FAA is satisfied that the required mitigation measures outlined in the ROD have been, or will be, implemented. As noted in **Section 3.6**, the City of Chicago continues to implement its commitments to sound-insulate noise-sensitive facilities located within the 65 Day-Night Average Sound Level (DNL) and greater noise contours for the Build Out. Consistent with the EIS and ROD, there are housing units within the 65 DNL contours for interim conditions that are outside of the 65 DNL contour for Build Out that have not been and will not be sound-insulated. No further conditions of project approval are required. FAA is satisfied that the required mitigation will be implemented.

6.1.2 Determination

FAA concludes that the contents of previously prepared environmental documents remain valid and that there are no significant changes that require the preparation of a supplement or new EIS.

The EIS and Re-Evaluation confirm that the EIS provides a fair and full discussion of impacts. The Re-Evaluation and EIS also confirm that the process included appropriate planning and design for avoidance, minimization, mitigation, and/or compensation of impacts, as required by the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations, other special purpose environmental laws, and FAA environmental orders.

FAA has determined that environmental and other relevant concerns presented by interested agencies and citizens have been addressed in the Re-Evaluation. In making this determination, FAA has considered all comments submitted during the public comment period for this Re-Evaluation. Details on the public outreach process for the Re-Evaluation can be found in **Chapter 4** and **Appendix H**, and the public comments and responses are provided in **Appendix I**. FAA believes that with respect to the OMP and the Proposed Interim Fly Quiet, there are no outstanding environmental issues within FAA jurisdiction to be studied or NEPA requirements that have not been met.

I certify this evaluation concludes that the contents of previously prepared environmental documents remain valid.



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Date