

U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
NORTHWEST MOUNTAIN REGION
FINDING OF NO SIGNIFICANT ENVIRONMENTAL IMPACT
AND
RECORD OF DECISION
FOR THE
PROVO MUNICIPAL AIRPORT EXPANSION
PROVO, UTAH

SEPTEMBER 15, 1993

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I. INTRODUCTION AND BACKGROUND

The City of Provo, Utah proposes to extend runway 13-31 1509 feet to the northwest to a total length of 8600 feet and to construct safety areas (1000 feet long by 500 feet wide) at each end of runways 13-31 and 18-36.

The runway extension is proposed to accommodate existing and projected operations by business jet aircraft. Construction of the safety areas is proposed to bring the facility to current FAA design standards. The purpose and need for the project is to improve the safety and efficiency of aircraft operations at the Provo Municipal Airport.

The Master Plan update completed for the airport in 1989 identified the need for the expanded facilities. In 1990 the City of Provo began an Environmental Assessment (EA) process to investigate impacts associated with the proposed development.

A public information meeting was held in Provo, Utah on December 10, 1990 to gather input from the public regarding the proposed project. In addition a technical scoping meeting was held in Provo on December 11, 1990, with representatives from U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (COE), Utah Department of Natural Resources, Utah Division of Lands and Forestry, and Utah Division of Wildlife in attendance. A second public information meeting was held on March 14, 1991. In conjunction with this meeting, a technical field visit to the airport and Provo area wetlands was held on March 15, 1991. A third series of technical coordination and public information meetings were held during July 1991.

The Draft EA was made available for agency and public review from August 20, 1991 through November 15, 1991. A public hearing was held in Provo on October 30, 1991. The transcripts from the public hearing are contained in the October 1992 Final EA.

The public process for the 404 permit associated with the proposed project took place in June of 1992. The 404 permit and the comments and responses to those comments received during the 404 permit public process as well as agency coordination after that date are contained in the October 1992 Final EA.

Since the release of the October 1992 Final EA the public, USFWS, and the Utah State Division of Wildlife Resources have had additional comments on the project. A summary of those comments and an FAA response to those comments are contained in Appendix A to this Record of Decision (ROD).

After the 404 permit was issued and the Final EA released to the public in October 1992, the USFWS asked the FAA in December, 1992 to consider adding 30 acres of replacement wildlife habitat to the existing project wetland mitigation site identified in the Final EA. In response to USFWS concerns, the FAA has incorporated over 30 acres of wetland mitigation for wildlife resources in addition to that identified in the Final EA, as a condition of approval of this ROD.

Since the last formal public involvement, in consultation with USFWS, COE, and the Environmental Protection Agency (EPA) the FAA has added acreage to the wetland mitigation site so that it now amounts to 145 acres. As a result of physical land surveys and land appraisals, the FAA has more accurate data on the actual acreages of 4(f) land impacted as well as actual acreages for 4(f) land mitigation. This Record of Decision includes the more detailed information.

A draft of this Record of Decision had been released to the public for information and comment for 30 days prior to a final decision due to the changes that had been made since the last formal public comment period. The release of the draft consisted of formal public notice in the Salt Lake Tribune and mailing the draft to all previous commenters. In addition, feature articles related to the draft ROD were reported in local newspapers and a City Council meeting in Provo placed on its agenda discussion of the draft ROD. No additional comments were made to the FAA, Denver Airports District Office by phone or mail during the comment period.

The primary environmental concerns of this project are potential impacts to Utah Lake, Utah Lake State Park (ULSP), and adjacent wetlands. The Final EA as well as this ROD address these concerns and others.

II. THE PROPOSED AGENCY ACTIONS

Federal Aviation Administration actions requiring approval are summarized below:

A) The FAA must make a determination under CFR Part 157 [(49 U.S.C. App. 1354(a)] and 14 CFR Part 77 as to whether or not it objects to the airport development proposal from an airspace perspective, based upon aeronautical studies.

B) FAA actions under the authority of 49 U.S.C. App. 1348, involve the development of a procedure to effect the safe and efficient movement of aircraft through the design, establishment, and publication of standardized flight operating procedures related to an instrument approach to the runway which is proposed to be extended.

C) Under 49 U.S.C. App. 1348 (b), the FAA must make a decision, due to the proposed developments, to relocate the Instrument Landing System for runway 13/31.

D) FAA decisions involving the Airport's program include the following:

1. Environmental approval pursuant to 42 U.S.C. 4321 et. seq. and 40 CFR 1500 et. seq.

2. Airport Layout Plan approval pursuant to 49 U.S.C. App. 2210(a)(15).

3. Financial support through the federal grant-in-aid program (49 U.S.C. App. 2201 et. seq.)

E) Prior to any funding decision concerning the proposed airport, a determination must be made under 49 U.S.C. App. 1349 (a) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense.

III. ALTERNATIVES ANALYSIS

The basic improvements proposed for the airport were recommended in the 1989 Master Plan Update. During development the Master Plan, a technical coordination and public involvement process was conducted that regularly presented study findings and sought technical and public input in decisions. Public and agency involvement in the development, evaluation and selection of alternatives was extensive. Details of alternatives analysis included in the environmental process are included in the Final EA.

The FAA independently examined the various alternatives analysis results and concluded that the No-Action Alternative, Preferred Alternative, and five other alternatives involving extension of runway 13-31 or runway 18-36 were reasonable alternatives which warranted further detailed environmental study. The Final EA includes the detailed environmental analysis of the alternatives described below.

No-Action Alternative

No new construction would be undertaken and the runway facilities would remain unchanged, as described in Section 2.2.1 of the Final EA. The No-Action alternative would not accomplish the critical purpose and need of meeting current FAA design standards for runway safety areas, and would not improve the airports capability to serve the existing and increasing number of business jet operations.

Alternative One

Safety areas 1,000 feet long by 500 feet wide would be added to the approach end of runway 13 and at each end of runway 18-36. A similar safety area would be constructed adjacent to the extended approach end of runway 31. The approach end of runway 31 and it's associated taxiway would be extended to the southeast by 1509 feet to a total length of 8600 feet. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, and archaeological resources. Table ES-1 of the Final EA summarizes these impacts.

Alternative Two

Safety areas 1,000 feet long by 500 feet wide would be built contiguous to the ends of runway 13-31 and 18-36. A combination of extending both ends and associated taxiways of runway 13/31 to the northwest and to the southeast respectively could also accommodate the planned extension. For example, each end of runway 13-31 could be extended by 755 feet to a total length of 8,600 feet. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities and endangered and threatened species. Table ES-1 of the Final EA summarizes these impacts.

Alternative Three

Safety areas 1000 feet long by 500 feet wide would be added at both ends of runway 13-31 and 36. The approach end of runway 18 would be extended toward the north by 1,663 feet to a total length of 8600 feet. A safety area 1,000 feet long by 500 feet wide would be built contiguous to the extended approach end of runway 18. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, farmlands, and social impacts. Table ES-1 of the Final EA summarizes these impacts.

Alternative Four

Safety areas 1000 feet long by 500 feet wide would be added at both ends of runway 13-31 and 18. The approach end of runway 36 would be extended toward the south by 1,663 feet to a total length of 8600 feet. A safety area 1,000 feet long by 500 feet wide would be built contiguous to the extended approach end of runway 36. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities and endangered and threatened species. Table ES-1 of the Final EA summarizes these impacts.

Alternative Five

Safety areas 1,000 feet long by 500 feet wide would be added to the ends of runway 13-31. As with runway 13-31, a combination of extending the runway and associated taxiways on both the approach and departure ends of runway 18-36 could accommodate the planned extensions. Both the approach and departure ends of runway 18 could be extended by 833 feet to a total length of 8600 feet. Safety areas 1,000 feet long by 500 feet wide would be constructed contiguous to both ends of runway 18-36.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, and farmlands. Table ES-1 of the Final EA summarizes these impacts.

Preferred Alternative

Safety areas 1,000 feet long by 500 feet wide would be added to the approach end of runway 31 and at each end of runway 18-36. The approach end of runway 13 and it's associated taxiway would be extended to the northwest by 1509 feet to a total length of 8,600 feet. A 1,000 foot long by 500 foot wide safety area would be constructed contiguous to the extended approach end of runway 13. This alternative is preferred for improving the north-south runway system at Provo Municipal Airport. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

Analysis of Public Recreational Use Lands - 4(f)

Section 4.7 of the Final EA discussed the impacts to 4(f) [49 U.S.C. 303(c)] lands relative to the preferred alternative, development alternatives, and the no action alternative. The previous discussion in this Record of Decision addressed the alternatives considered and the purpose and need for the project. This discussion within the Record of Decision summarizes the alternatives discussion and purpose and need and addresses the results of the impact analysis relative to the selection of the preferred alternative and decision process associated with the agency's 4(f) responsibilities.

4(f) Purpose and Need/ Proposed Action Statement

The purpose and need for the project is to enhance the safety and efficiency of the Provo Municipal Airport by complying with current Federal Aviation Administration minimum design standards in order to serve existing and forecast users. The proposed development would consist of a runway extension of 1509 feet and the construction of 1000 foot x 500 foot safety areas at each runway end. The purpose of the runway extension is to provide a more efficient operation for the existing and forecast users, it is not proposed to accommodate larger aircraft than those that

now operate from the airport. The efficiency is related to the allowable aircraft takeoff weight and stage length capability. The safety areas are proposed to provide a safe area which can support aircraft in the event of an underrun or overshoot of the runway. The Provo Municipal Airport is currently operating without any runway safety areas (a 1000 foot deficiency on each runway end).

4(f) Alternatives Consideration

Seven development alternatives have been environmentally evaluated during the Environmental Assessment and Record of Decision Process. In addition, several environmental mitigation alternatives have been evaluated during the Environmental Assessment and Record of Decision process. Each are briefly discussed below.

The acreages identified in this record of decision are based on the land area deed descriptions representing the edge of the water as the property boundary. The edge of the water was based on July 1992 aerial photos. An alternative method for determining property boundaries is to use the compromise elevation of the lake. This compromise elevation is what the State of Utah recognizes as there property boundary. Both methods will be used to acquire adequate interest in the property for project purposes. However, since the Deed held by Utah Lake State Park describes the water's edge as the property boundary, this method was used to identify 4(f) impacts.

No-Action Alternative

No new construction would be undertaken and the runway facilities would remain unchanged, as described in Section 2.2.1 of the Final EA. The No-Action alternative would not accomplish the critical purpose and need of meeting current FAA design standards for runway safety areas, and would not improve the airports capability to serve the existing and future business jet operations. No additional DOT Section 4(f) impacts would result from this alternative, however, the alternative is not considered prudent and feasible to meet the purposes and needs of the project.

Alternative One

Safety areas 1,000 feet long by 500 feet wide would be added to the approach end of runway 13 and at each end of runway 18-36. A similar safety area would be constructed adjacent to the extended approach end of runway 31. The approach end of runway 31 and it's associated taxiway would be extended to the southeast by 1509 feet to a total length of 8600 feet. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension. The affected 4(f) property would include 3.73 acres of ULSP land for safety area and object free area acquisition as well as 25.61

acres for Runway Protection Zone easements. The ULSP acreage planned for acquisition is currently planned for long term water accessible campsite development. The acreage is affected by flooding with poor vegetative qualities. The ULSP acreage needed for an avigation easement within the RPZ is currently used by ULSP for boating, camping and other recreational activities. In addition, although not formally a part of ULSP, the runway extensions of runway end 31 and 36 would extend into the Utah Lake currently used for agricultural and some recreational (bird watching) use. The total acreage affected by these safety areas is 86.2. Offsite noise resulting from this alternative is not expected to be significant in that the 65 DNL noise contour does not extend beyond the land acquisition boundary.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, and archaeological resources. Table ES-1 of the Final EA summarizes these impacts. This alternative was most adamantly opposed by the USFWS, Utah Division of Wildlife Resources, the Corps of Engineers, and area Environmental Groups due to its greater impacts on Provo Bay. This alternative was the preferred alternative from a runway development standpoint in that it would not have involved relocation of facilities to the extent the preferred alternative does. When analyzing 4(f) impacts, it should be recognized that while this alternative involves less acreage of impact, it is not the alternative with the least environmental impact. The reason for this is that the mitigation required under this alternative would not result in the improved recreation scenario that would result from the preferred alternative with mitigation. It should also be noted that the precise acreage of 4(f) impact and requirements of 4(f) to minimize harm has been weighed against other legislative mandates protecting endangered species and wetlands. In the case of this alternative, endangered species and wetland impacts would be greater than under the preferred alternative.

Alternative Two

Safety areas 1,000 feet long by 500 feet wide would be built contiguous to the ends of runway 13-31 and 18-36. A combination of extending both ends and associated taxiways of runway 13/31 to the northwest and to the southeast respectively could also accommodate the planned extension. For example, each end of runway 13-31 could be extended by 755 feet to a total length of 8,600 feet. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

Similar to alternative one, the process of the environmental assessment identified this alternative as less desirable than the preferred alternative in that the endangered species and wetland impacts would be greater although the precise acres of ULSP land acquisition would be less. 14.04 acres of ULSP land would be acquired under this alternative and 32.14 acres of runway

protection zone aviation easement over ULSP land would be acquired.

Also, as in the case of Alternative one, the USFWS, Utah Division of Wildlife Resources, Corps of Engineers, and local Environmental Groups considered this alternative less preferable due to its greater impacts on Provo Bay.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities and endangered and threatened species. Table ES-1 of the Final EA summarizes these impacts.

Alternative Three

Safety areas 1000 feet long by 500 feet wide would be added at both ends of runway 13-31 and 36. The approach end of runway 18 would be extended toward the north by 1,663 feet to a total length of 8600 feet. A safety area 1,000 feet long by 500 feet wide would be built contiguous to the extended approach end of runway 18. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative has the same number of ULSP acres of impact as Alternatives 1,4,5.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, farmlands, and social impacts. Table ES-1 of the Final EA summarizes these impacts.

Alternative Four

Safety areas 1000 feet long by 500 feet wide would be added at both ends of runway 13-31 and 18. The approach end of runway 36 would be extended toward the south by 1,663 feet to a total length of 8600 feet. A safety area 1,000 feet long by 500 feet wide would be built contiguous to the extended approach end of runway 36. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

This alternative has similar ULSP impacts as alternatives 1,3, and 5. The acreages impacted would be identical.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities and endangered and threatened species. Table ES-1 of the Final EA summarizes these impacts.

Alternative Five

Safety areas 1,000 feet long by 500 feet wide would be added to the ends of runway 13-31. As with runway 13-31, a combination of extending the runway and associated taxiways on both the approach and departure ends of runway 18-36 could accommodate the planned extensions. Both the approach and departure ends of runway 18 could be extended by 833 feet to a total length of 8600 feet. Safety areas 1,000 feet long by 500 feet wide would be constructed contiguous to both ends of runway 18-36.

This alternative would involve the same number of ULSP acres of impact as Alternatives 1,3, and 4.

This alternative was not chosen as the preferred alternative due to adverse impacts to biotic communities, endangered and threatened species, and farmlands. Table ES-1 of the Final EA summarizes these impacts.

Preferred Alternative

Safety areas 1,000 feet long by 500 feet wide would be added to the approach end of runway 31 and at each end of runway 18-36. The approach end of runway 13 and it's associated taxiway would be extended to the northwest by 1509 feet to a total length of 8,600 feet. A 1,000 foot long by 500 foot wide safety area would be constructed contiguous to the extended approach end of runway 13. This alternative is preferred for improving the north-south runway system at Provo Municipal Airport. The portion of the existing dike adjacent to runway 13-31 and 18-36 would be relocated to include the safety areas and runway extension.

Department of Transportation Section 4(f) is applicable to the selection of the preferred alternative in that this alternative would result in the need to take land presently within the property boundaries of Utah Lake State Park (ULSP) and use it for the construction of a runway extension/safety area. 27.49 acres of ULSP land would need to be acquired for Safety Areas and Object Free Areas and 39.63 acres of an avigation easement would need to be acquired for the Runway Protection Zone.

Measures to Minimize Harm

The use of this 4(f) land requires an approval of a land conversion under Section 6(f) of the Land and Water Conservation Fund Act (16 USC Sec 460 1-8(f)(3)). For this reason, mitigation associated with the taking of the 4f land also incorporates mitigation requirements related to the Section 6(f) conversion.

The mitigation for the taking of the ULSP land consists of acquisition of a greater number of acres (acres taken is equal to 27.49 plus 39.63 acres for an avigation easement; acres replaced is equal to 86.09 acres) of equal value (assessed value of acres

taken and acres replaced equals approximately \$500 an acre). In addition, the mitigated acreage will be improved to provide water accessible campsite of equal number to the long range planned campsites on the acreage taken. The estimated cost of the improvement is approximately \$800,000.

The mitigation to minimize harm was a result of extensive consultation with the Utah Lake State Park and State of Utah Parks Department. The conclusion of the consultation has been the amendment authorizing conversion of Utah Lake State Park land under Section 6(f) of the Land and Water Conservation Fund Act (ref. Appendix C).

4 (f) Conclusion

All of the development alternatives identified in the Final EA would result in use of 4(f) lands in that the needed construction of a standard safety area and acquisition or easement of a runway protection zone would involve acquisition of ULSP land. Proximity impacts relative to noise from aircraft overflights over ULSP were analyzed and determined to be below the threshold of significance in that they would not substantially impair the resources (reference EA Sec 4.7 and 4.1). Cultural resource impacts relative to Section 4(f) were analyzed and determined to be below the threshold of significance for all alternatives (ref EA Sec 4.8).

Given that all of the development alternatives would result in 4(f) impacts, the focus of the 4(f) analysis became whether the no action alternative was feasible and prudent. The no action alternative fails to satisfy the aviation needs at the Provo Municipal Airport in that the airport would not have any safety area off the runway ends (1000 foot safety areas are the standard and the runways currently have no safety areas), the airport would not have standard object free areas (800 feet wide and 1000 feet off the runway end is the standard), the dike would continue to obstruct the runway approach, and the runway length would continue to constrain the efficiency of operations at the airport. Chapter 1 of the EA provides information on FAA design standards requirements relative to safety areas as well as information on the operational efficiency of constraints of the existing runway lengths. FAA minimum design standards requirements are associated with the Airport's ability to improve the airport with FAA Airport Improvement Program funds. This suggests that there is no prudent alternative to impacting 4(f) resources.

The preferred alternative incorporates all possible planning to minimize harm and through mitigation, reduces environmental impacts to below thresholds of significance. The mitigation identified in this ROD is a result of consultation with the public officials having jurisdiction over the land (ULSP and the National Park Service). Mitigation not only includes land acquisition adjacent to the park of a greater number of acres

than taken, but it also includes development of this land into a marina campground with 75 campsites accessible by boat. The land being taken for airport development is currently not developed, although a Master Plan of the park shows future development of the area similar to the development contained in the ULSP mitigation project.

Given the considerations associated with each of the project alternatives evaluated relative to safety needs and requirements, enhancement of airport operations, the environment, and land use, no prudent alternative which avoids either park land or wetlands exists for this proposed program of improvements to the Provo Municipal Airport. This preferred alternative and its mitigation plan (Section 7 of Appendix D in the Final EA) minimizes conflicting impacts upon wetlands and park land. It further minimizes conflicting impacts upon biotic communities, endangered and threatened species, farmlands, archaeological and cultural resources, and social conditions.

ALTERNATIVES CONCLUSION

In its consideration of alternatives, the FAA included policy considerations related to the environment and to the FAA statutory charter to encourage and foster the development of civil aeronautics (49 U.S.C. App. 1346). The preferred alternative demonstrated the best ability to meet the purpose and need of the project with the least corresponding environmental impact. The No Action Alternative did not meet the purpose and need for the project in that it did not address existing airfield capacity constraints to the extent needed and did not satisfy FAA design standards for safety areas.

In summary, of the alternatives evaluated, the preferred alternative identified in the Final EA and this ROD best met the purpose and need of the project and minimized environmental impacts to the extent feasible.

After careful consideration of the analysis of the impacts of the various alternatives considered, and of the ability of these alternatives to satisfy the identified purpose and need for the proposed facility; and after review and consideration of the testimony at the public hearing, of comments submitted in response to the circulation of the Draft EA, of comments received during the 404 permit public process, of comments received after the release of the Final EA; and of coordination with federal, state, and local agencies; and after considering federal policy, the FAA hereby selects the development proposal identified as the preferred alternative in the Final EA, for approval in this Record of Decision.

IV. THE AGENCY FINDINGS

The FAA makes the following determinations for this project, based upon appropriate evidence set forth in the Final EA and other portions of the administrative record.

A) With planned mitigation, there will be no significant adverse effects on natural resources likely to be caused by this project. All reasonable steps have been taken to minimize adverse effects on natural resources. [49 U.S.C. App. 2208 (b)(5)]

Given the inability of the No Action and the other rejected alternatives to adequately satisfy the purpose and need for the proposed project, as discussed in the Final EA, approval of the proposed development is necessary. There will be no significant impacts to natural resources as a result of the preferred alternative and its associated mitigation. The FAA has determined that where natural resource adverse affects would have resulted, all reasonable steps to minimize such effects will be taken, through commitments to mitigate (see Section V, below, Mitigation), and all such affects will be reduced to below applicable thresholds of significance.

B) Air and Water Quality Certification [49 U.S.C. App. 2208 (b)(7)(A)] and Air Quality Conformity [42 U.S.C. 7506(c)(1)]

The State of Utah, Division of Environmental Quality, has certified in writing that there is reasonable assurance that the project will be located, designed, and constructed, and operated so as to comply with applicable air and water quality standards. See the State of Utah letter the Appendix to this Record of Decision. Based on the air quality analysis in the Final EA, the FAA determines under section 176(c)(1) of the Clean Air Act, as amended, that the proposed development will conform to applicable provisions and purposes of Utah Air Quality State Implementation Plans in that the development will not: (i) cause or contribute to any new violation of any standard in the area, (ii) increase the frequency or severity of any existing violation in the area, or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in the area.

C) The FAA has given this proposal the independent and objective evaluation required by the Council on Environmental Quality. (40 CFR 1506.5)

As described in the Final EA, there was a lengthy process that led to the ultimate identification of the preferred alternative. The Federal Aviation Administration provided the input, advice, and expertise throughout the planning and technical analysis, along with an administrative and legal review of the project. From its conception, the Federal Aviation Administration has been extensively involved in the project.

D) The project is reasonably consistent with existing plans of public agencies for development of the area surrounding the airport [49 U.S.C. App. 2208(b)(1)(A)].

The City of Provo has, during this Environmental process, and throughout the history of the airport, expressed their intent to diligently pursue the compatibility of land uses around the airport. This project itself is designed to establish and maintain, to the extent practical, compatible land uses within the Provo Municipal Airport environs. Mitigation measures included in Section V of this Record of Decision are designed to implement these commitments.

E) Fair consideration has been given to the interests of communities in or near the project location [49 U.S.C. App. 2208(b)(4)].

The planning process, during the decade of the 1980's, and the environmental process, beginning in the late 1980's and extending to this point of decision, provided numerous opportunities for the expression and response to issues put forward by communities in and near the project location. Further, nearby communities have had the opportunity to express their views during the Draft EA public comment period, 404 permit public comment period, and public hearing.

F) Appropriate action has been taken or will be taken to restrict the use of land in the vicinity of the airport to purposes compatible with airport operations. [49 U.S.C. App 2210(a)(5)].

In addition to the commitments described above, the City of Provo will implement the measures described in Section V of the Record of Decision to help ensure the compatibility of land uses in the airport environs.

G) For this project, involving new construction which will affect wetlands, there is no practicable alternative to such construction. The proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. [Executive Order 11990, as amended]

The COE, USFWS, EPA, and State Division of Wildlife Resources have been actively involved in the analysis of impacts and formulation of wetland mitigation for the project. There is no practical alternative to impacting wetlands and the Final EA, the 404 Permit, and this ROD includes all practical measures to minimize harm. Wetland mitigation is a condition of the 404 Permit, is a condition of project approval in this Record of Decision, and will be a condition of the grant assurances with the Preferred Alternative.

H) For this project, which would involve a Section 4(f) impact, there is no feasible and prudent alternative and all reasonable steps have been taken to minimize adverse effects. [49 U.S.C. 303(c)].

The Final EA, in Section 4, and Part III of this Record of Decision analyzed Section 4(f) impacts in detail for the no-action and development alternatives. The basis of the 4(f) analysis included the impact of taking recreational land, impacts to wetland resources, the impact on cultural resources, and proximity impacts which included impacts to the recreational use of surrounding public lands. Based upon the Final EA analysis referenced above, and with reference to the analysis described in the previous section of this Record of Decision, it has been determined that no significant adverse impacts to recreational uses of surrounding public lands will ultimately result from the development of the preferred alternative and its associated mitigation. The Final EA and this Record of Decision concludes that Section 4(f) requirements have been met in that there is no feasible and prudent alternative to impacting Section 4(f) land and that all reasonable steps have been taken to minimize adverse affects. This is supported by the inclusion of mitigation proposed by Utah Lake State Park in the project proposal. Thus, there is no Section 4(f) impediment to the issuance of the approvals for the preferred alternative.

I) Finding of No Significant Environmental Impact (40 CFR 1508.13)

After careful and thorough consideration of the discussions set forth in the Final EA and in this Record of Decision, it is found that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in section 101(a) of the National Environmental Policy Act of 1969 (NEPA), 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 NEPA.

V. MITIGATION

In accordance with 40 CFR 1505.3, the FAA will take appropriate steps, through grant assurances and conditions, airport layout plan approvals, and contract plans and specifications, to ensure that the following mitigation actions are implemented during project development, and shall monitor the implementation of these mitigation actions as necessary to assure that representations made in the Final EA with respect to mitigation are carried out.

Each of the environmental topics (noise, air quality, etc.) discussed in the Final EA include a summary of mitigation actions (if applicable). Practical means to avoid or minimize environmental harm are summarized below.

THE EXISTING DENSE SHRUBBY VEGETATION BELOW APPROACH SLOPE NORTH OF RUNWAY SAFETY AREA SHALL BE MAINTAINED, TO THE EXTENT CONSISTENT WITH SAFETY REQUIREMENTS, AS NOISE BUFFER BETWEEN THE AIRPORT AND ULSP.

THE ACQUISITION OF AN AVIGATION EASEMENT FOR THE RUNWAY 13 PROTECTION ZONE.

ALL DISTURBED SURFACES WILL BE SEEDED TO PREVENT EROSION, AND AN EROSION CONTROL PLAN SHALL BE SUBMITTED TO COE FOR APPROVAL. DUST AND EROSION CONTROL WILL BE INCORPORATED INTO THE CONSTRUCTION MANAGEMENT PROGRAM.

FILL WORK, FILL AREAS, AMOUNT OF FILL, AND TESTING OF FILL MATERIAL SHALL BE IN ACCORDANCE WITH COE 404 PERMIT CONDITIONS.

THE DIKE EXTENSION WILL BE RIP RAPPED. TO THE EXTENT PRACTICAL, THE RIP RAP WILL BE HAVE A SMOOTH SURFACE TO ASSIST THE ENDANGERED JUNE SUCKER.

CONSTRUCTION SCHEDULING WILL TAKE ADVANTAGE OF LOW WATER CONDITIONS.

MITIGATION OF LOSS OF POTENTIAL UTAH LAKE STATE PARK CAMPSITES DUE TO THE AIRPORTS NEED FOR LAND WHERE THE CAMPSITES ARE PRESENTLY PROPOSED. THE MITIGATION SITE IS LANDWARD OF SKIPPER BAY ON UTAH STATE LAKE PARK LAND. MITIGATION WILL BE IN ACCORDANCE WITH THE FINAL EA AND 404 PERMIT.

MONITORING FOR POTENTIAL IMPACT TO CULTURAL RESOURCES DURING CONSTRUCTION WILL TAKE PLACE. IF CULTURAL RESOURCES ARE FOUND, THE CONSTRUCTION WILL CEASE UNTIL THE SIGNIFICANCE OF THE RESOURCES HAS BEEN IDENTIFIED AND MITIGATED.

WETLAND HABITAT VALUE REPLACEMENT ACREAGE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE 404 PERMIT WETLAND MITIGATION REQUIREMENTS.

WETLAND WILDLIFE HABITAT REPLACEMENT AMOUNTING TO ACRE FOR ACRE REPLACEMENT OF HABITAT LOSS, REGARDLESS OF THE DEFINED WETLAND VALUE. THE REPLACEMENT ACREAGE WILL BE AT THE SITE SHOWN IN THE FINAL EA ADJACENT TO THE COE JURISDICTIONAL

WETLAND MITIGATION SITE. THE WETLAND REPLACEMENT ACREAGE WILL CONSIST OF CURRENTLY PRIVATELY OWNED LAND.

CONTRIBUTION OF A SUM NOT TO EXCEED \$50,000.00 TO THE UTAH JUNE SUCKER RESTORATION PROGRAM OR THE FOLLOWING:

CONSTRUCTION ON AIRPORT PROPERTY OF TWO REARING PONDS NOT TO EXCEED .25 ACRES THAT ARE A MAXIMUM 10 FEET DEEP WITH WATER SUPPLY CONSTRUCTED TO ALLOW WATER FLOW. NETTING WILL BE PLACED OVER THE PONDS TO PREVENT BIRDS FROM PREDATING ON THE JUNE SUCKER LARVAE AND FRY. MANAGEMENT OF THE POND AND RESPONSIBILITY OF THE JUNE SUCKERS WILL REST WITH THE UTAH DIVISION OF WILDLIFE RESOURCES PER SEPTEMBER 1992 CORRESPONDENCE WITH USFWS. MAINTENANCE OF THE WATER DELIVERY SYSTEM IS THE RESPONSIBILITY OF THE CITY OF PROVO. WATER QUALITY WILL BE KEPT AT A LEVEL AT OR BETTER THAN UTAH LAKE WATER QUALITY. THE CITY OF PROVO SHALL BE RESPONSIBLE FOR WATER QUALITY AND USFWS SHALL BE RESPONSIBLE FOR WATER QUALITY AND CONTAINMENT MONITORING. THE CITY OF PROVO SHALL BE RESPONSIBLE FOR PROVIDING THE REARING PONDS FOR 5 YEARS FROM THE DATE CONSTRUCTION OF THE PONDS IS COMPLETED. THE DESIGN AND LOCATION OF THE REARING PONDS SHALL BE COORDINATED WITH USFWS AND THE UTAH DIVISION OF WILDLIFE RESOURCES FOR COMMENT.

THE WETLAND MITIGATION SITE WILL BE MAINTAINED AS A WETLAND MITIGATION SITE IN PERPETUITY.

A MANAGEMENT/MONITORING PLAN FOR THE MITIGATION SITE SHALL BE DEVELOPED BY THE CITY OF PROVO AND COORDINATED WITH COE AND USFWS 12 MONTHS PRIOR TO CONSTRUCTION OF THE RUNWAY EXTENSION/SAFETY AREA.

VI. DECISION AND ORDER

Since the alternative identified in the Final EA as the preferred alternative has been determined to be the environmentally preferred alternative both in the Final EA and in this Record of Decision, the two remaining choices available to the FAA are to approve the agency actions necessary for the project's implementation, or to not approve them. Approval would signify that applicable federal requirements related to airport development planning have been met, and would permit the City of Provo to proceed with the proposed development and receive federal funds for eligible items of development. Not approving the agency actions would prevent the City of Provo from proceeding with federally supported development of the proposed project.

I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the proposed project, including the purposes and needs to be served by the project, the alternative means of achieving them, the environmental impacts of these alternatives, the mitigation

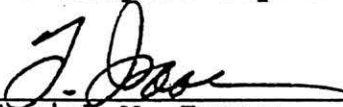
necessary to preserve and enhance the environment, and the costs and benefits of achieving these purposes and needs in terms of effective and fiscally responsible expenditure of federal funds.

Based upon the administrative record of this project, I make the finding prescribed by 49 U.S.C. App. Section 1349(a) that the proposed project is reasonably necessary for use in air commerce and in the interests of national defense.

I therefore direct that action be taken to carry out the agency actions discussed more fully in Section II of this Record, including:

- A. The provision of financial support for eligible airport development projects through the airports grant-in-aid program,
- B. Relocation of Federally operated Instrument Landing System for runway 13/31.
- C. Airport Layout Plan approval.
- D. Development of a procedure to effect the safe and efficient movement of aircraft through the design, establishment, and publication of standardized flight operating procedures related to an instrument approach to runway 13/31.

Furthermore, I hereby determine that the FAA has no objection to the City of Provo development proposal from an airspace perspective, based upon the November 2, 1992 aeronautical study of the Airport Layout Plan under case 92-ANM/D-122-NRA.


Frederick M. Isaac
Regional Administrator,
Northwest Mountain Region
Federal Aviation Administration

9/20/93
Date

This decision, including any subsequent action approving a grant of Federal Funds to the City of Provo is made pursuant to 49 U.S.C. App. 1301 et. seq. and 49 U.S.C. App. 2201 et. seq., and constitutes a final order of the Administrator subject to review by the Courts of Appeals of the United States in accordance with the provisions of Section 1006 of the Federal Aviation Act of 1958, as amended, 49 U.S.C. App. 1486.

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APPENDICES

APPENDIX A Response to Comments Received after the Final Environmental Assessment and prior to February 1993.

APPENDIX B Letter from State of Utah Department of Environmental Quality.

APPENDIX C Section 6(f) Amendment for conversion of Utah Lake State Park property.

APPENDIX D Airspace Case 92-ANM/D-122-NRA Determination.

9-15-93

APPENDIX A

This response to comments section presentation format is as follows:

- The commenter is identified by name
- A characterization of each primary comment made by the commenter is preceded by a "C:" and the FAA response to each characterized comment is preceded by an "R:".

Kelly Morgan, Provo, Utah, November 10, 1992

- C: Filling the wetlands will open the door to industrialization.
- R: Impacting 60 acres of wetlands is specifically related to a runway extension and runway safety area to serve existing and future users of the airport. No wetlands other than those discussed in the EA, 404 permit, ROD will be impacted as a result of the proposed project. No other projects are interdependent or related.
- C: Wetland impacts will in turn impact wildlife habitat and endangered species.
- R: The EA and ROD have addressed wetland, wildlife, and endangered species impacts and have identified appropriate mitigation for those impacts. Although the identified impacts have not changed since the Final EA was release, the FAA has incorporated additional mitigation for wildlife impacts in this ROD.
- C: Have there been studies on the effects of the spreading of geneva slag over the area ?
- R: The 5th special condition of the 404 permit for the proposed project states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Reference page E-1 of the October 1992 Final EA which contains this 404 permit. No decision has been made on what type of fill will be used for the proposed project.
- C: How many new roads will be constructed to make the area more accessible and what impact will these roads have on the environment?
- R: There are no new roads interdependent with the proposed airport project identified in the Final EA.
- C: Please consider an EIS in order to give the public time to respond to this proposal.
- R: Included in the EA process were several public meetings, a public hearing, 404 permit public comment period, and public notices of document availability. Reference page 5-1 in the Final EA released to the public in October of 1992.

Herbert Frost, Orem, Utah, November 12, 1992

- C: The commenter recommends a full EIS to address the impact of planes on nesting habitat of coot, white faced ibis, Snowy Egret, American Bittern, Canada Goose, Marsh Wren, Red Winged and Yellowheaded Blackbirds, several species of ducks.
- R: The Final EA, at page 4-65, issued in October 1992 addresses the impacts to all involved wildlife habitats and endangered species. Mitigation for any impacts to wildlife habitats and endangered species has also been included in this ROD.
- C: The commenter recommends a full EIS because of concern that Geneva Steel Mill slag may be used as fill for construction areas extending into the lake.
- R: The 5th special condition of the 404 permit for the proposed project states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Please reference page E-1 in the October 1992 Final EA which contains this 404 permit. No decision has yet been made on what type of fill will be used for the proposed project.

Mark Kropf, Provo, Utah, November 11, 1992

- C: The commenter is concerned that the City of Provo Administration has not informed public or asked public (via public hearings) whether or not this proposed construction should go through.
- R: The City of Provo was responsible for completing an environmental assessment on the proposed project. Included in the EA process were several public meetings, a public hearing, 404 permit public comment period, and public notices of document availability. Reference page 5-1 in the Final EA released to the public in October of 1992.
- C: The commenter is concerned that environmental impacts were overlooked which included per the commenter's statements, the quick issue of a U.S. Army Corps of Engineers (COE) 404 permit allowing for 60 acres of Utah State park wetlands to be filled with slag from Geneva steel.
- R: The 404 permit was issued after an extensive public process for both the environmental assessment and 404 permit. The 404 permit (reference Final EA made public in October 1992) does not specifically reference Geneva Steel slag but the 5th special condition of the 404 permit states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Impacts associated with the project do not

include 60 acres of ULSP wetlands nor does the project description state that 60 acres of wetlands will be filled with Geneva Steel slag. No decision on fill material for the proposed project has yet been made.

- C: The commenter is concerned that the City of Provo overlooked the impact of industrialization of the airport extension area, which would involve new road construction.
- R: There is no interdependency between further industrialization of the area or road construction and the proposed project as described in the EA. Also a road network west of I-15 which has been in the city master plan for many years, was not overlooked in the environmental assessment (ref. October 1992 Final EA)
- C: The commenter is concerned that the EA overlooked significant destruction of a large area of Utah Lake State Park (ULSP) including habitat destruction and loss of public access to that area of the park due to the impact of the proposed project.
- R: The taking of ULSP land and the associated mitigation are described in detail at page 4-52 in the Final EA issued in October 1992. Further mitigation related to wildlife habitat impacts has been incorporated into this ROD.

Steve Jordon, Provo, Utah, November 17, 1992

- C: The commenter is concerned that the proposed project would involve filling prime wetlands, which would affect many bird, aquatic, and terrestrial species, including the Bald Eagle and other endangered species.
- R: Page 4-65 of the Final EA issued in October 1992 addresses the impacts to wetlands and wildlife habitat and endangered species. The results of Section 7 consultation with USFWS is included in the Final EA under Section 4 and in the Appendix listing consultation letters. Mitigation for any impacts to wildlife habitats and endangered species has also been included in this ROD.
- C: The commenter is concerned that proposed fill material for use in the proposed project would be toxic slag.
- R: The 5th special condition of the 404 permit for the proposed project states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Please reference the October 1992 Final EA at page E-1 which contains this 404 permit.

- C: The commenter requests that a full EIS be completed to address the proposed project.
- R: The EA and 404 permit process, along with the additional Agency Consultation conducted after completion of the Final EA, has resulted in adequate impact assessment and associated mitigation to allow an agency to make an environmental decision at this time based on our Finding of No Significant Impact.

Mark Nelson, Provo, Utah, November 10, 1992

- C: It has come to my attention that Mayor Jenkins has gone ahead with plans to expand the airport with little or no public involvement.
- R: The City of Provo released the Final EA in October of 1992 for proposed improvements to the airport. This EA represents a culmination of approximately 2 years of impact assessment which included several public meetings, a public hearing, and a public 404 permit process.
- C: The commenter requests that an EIS be considered due to concerns about what Geneva Steel slag would do to the Canadian Geese and other wildlife residents of Utah Lake.
- R: No decision on the use of specific fill material for the proposed project has yet been made. However, the 5th special condition of the 404 permit for the proposed project states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Please reference the October 1992 Final EA at page E-1 which contains this 404 permit.
- C: The commenter requests that a full EIS be prepared due to concerns about the possible increase in industrialization.
- R; The proposed airport improvements are being proposed to increase the safety and efficiency of existing as well as future aircraft operations. The proposed project, as described in the October 1992 Final EA, is not similar to the example of industrialism as described by the commenter.
- C: The commenter believes it is important to allow 30 days for the public to decide what is best.
- R: The public has been given adequate opportunity to participate in the EA and 404 permit process over the past 2 years, including a combined public comment period of several months. Additionally, the public was given an

additional 30 days to review the draft Finding of No Significant Impact/ Record of Decision.

Dean and Carol Withrow, Salt Lake City, Utah, November 21, 1992

- C: The commenter requests a full EIS to address impacts to migratory birds and the wildlife that use Provo Bay.
- R: Please reference the October 1992 EA at page 4-65 and this ROD which address impacts and mitigation related to migratory birds and other wildlife that use Provo Bay.
- C: The commenter requests a full EIS to address the location of new campgrounds.
- R: Please reference the October 1992 Final EA at page 4-55 and 404 permit which include a description of the preferred alternative for campsite relocation.
- C: The commenter request a full EIS to address runway improvement alternatives to taking public park land.
- R: Please reference the October 1992 Final EA at page 4-52 which fully describes the alternative analysis.

Brian Thorne, Provo, Utah, Undated but received by FAA on November 17, 1992

- C: The commenter requests that a full EIS be completed because of concerns that the impacts of the proposed airport improvements have not been properly discussed with the public.
- R: Included in the EA process were several public meetings, a public hearing, 404 permit public comment period, and public notices of document availability. Reference pages 5-1 in the Final EA released to the public in October of 1992.
- C: The commenter requests that a full EIS be completed because of concerns about the loss of wetlands and wildlife habitat and affects to endangered species.
- R: Chapter 4 and Appendix D and E in the Final EA issued in October 1992 addresses the impacts to wetlands and wildlife habitat and endangered species. Mitigation for any impacts to wildlife habitats and endangered species has also been included in this ROD.
- C: The commenter requests that a full EIS be completed because of concerns with the dumping of Geneva slag into the area.
- R: The 5th special condition of the 404 permit for the proposed

project states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances. Please reference the October 1992 Final EA at page E-1 which contains this 404 permit. No decision has yet been made on fill material associated with the proposed project.

C: The commenter requests that a full EIS be completed because of concerns that the development of the airport further raises the fear of further industrialization.

R: There is no interdependency between further industrialization of the area or road construction and the proposed project as described in the EA.

National Audobon Society, Salt Lake City, Utah, November 27, 1992

C: The commenter requests an EIS because the commenter believes that the proposed project will have significant impacts to Provo Bay.

R: The impacts to Provo Bay as well as alternatives to avoid impacts to Provo Bay have been fully analyzed in the October 1992 Final EA. The preferred alternative is a direct result of responding to Agency and environmental organization concerns of avoiding impacts to Provo Bay to the extent feasible.

C: The commenter requests an EIS because the commenter believes that the Final EA does not address future developments that would be a result of the Runway Improvements, specifically a highway west of I-15 and other potential future airport development.

R: Road improvements west of I-15 which have been planned by the City of Provo for many years, and plans by the City of Provo for hangar/commercial development on the airport (also planned for many years) are not related to or interdependent with the proposed project of a runway extension and runway safety area development. Neither of the aforementioned planned projects are "a result of the runway improvements." The runway improvements are designed to address the needs of existing users. Airport use is not forecast to increase or change as a result of the proposed improvements. The October 1992 Final EA does discuss the known city plans for the area to the extent it practically can.

C: The commenter requests an EIS due to concerns about changes made between the August 1991 draft EA and the October 1992 Final EA and lack of opportunity of public to comment on those changes. Specifically, the commenter is concerned that the public didn't have the opportunity to comment on

campground mitigation, wetland impact/mitigation "flux", and wetland mitigation not included in the draft EA.

- R: The public process included a public 404 permit process which detailed campsite mitigation as well as wetland mitigation. Several comments were made by agencies, the public, and environmental organizations during this public process. Responses to those comments are included in the October 1992 Final EA. The transcripts of the public hearing held October 30, 1992 on the draft EA include discussion of Provo's work with ULSP toward developing a mitigation plan to relocate park activities, and a statement that the final mitigation plan would be a product in the final document. Also during the public hearing in October of 1991, there was information provided on the wetland impacts with general delineations and statements that further details would be provided in the 404 permit process. With regard to the wetland impact/mitigation "flux", the map delineations of wetland impact in the assessment have not changed since the 404 permit public process began. The interpretation of those maps by the COE resulted in their calculation of 10 additional acres of impact. The mitigation required for that additional acreage of impact was included in the final permit. The only additional wetland mitigation acreage "flux" has occurred as a result of public and agency concern for wildlife habitat impacts. In that, USFWS requested an additional 30 acres of wetland habitat mitigation beyond the 30 acres of high value wetland mitigation required by the COE. The FAA has incorporated additional mitigation as requested by USFWS in this Record of Decision as a condition of ROD approval. Until the City of Provo has the right to occupy the private land which will be used as a wetland mitigation site, further delineation cannot take place. Also, long standing land ownership disputes have prevented a clear delineation of land acquisition for mitigation. The public has been given adequate information on impacts to make substantive comments on the proposed project. The FAA has accepted, reviewed, and responded to those comments during the draft EA, public hearing, 404 public process, Final EA, and as a part of this Record of Decision. Additionally, the public is being given an additional 30 days to review the draft Finding of No Significant Impact/ Record of Decision.

Lillian Hayes, Provo, Utah, November 25, 1992

- C: The commenter requests that a full EIS should be undertaken since the use of the Provo Bay area as a possible wildlife refuge has not been addressed.
- R: There is no current use of the Provo Bay as a designated wildlife refuge. Impacts of the proposed project were fully

assessed and coordinated with the U.S. Fish and Wildlife Service as well as the State Division of Wildlife Resources.

- C: The commenter suggests that a full EIS should be undertaken since the draft EA and Final EA failed to mention the Migratory Bird Treaty Act. The commenter is concerned that birds visiting Provo Bay have not been thoroughly analyzed.
- R: Impacts on migratory birds, endangered species, as well as other wildlife species in the proposed project area have been analyzed. Please reference the October 1992 Final EA.
- C: The commenter requests that a full EIS should be undertaken since the commenter believes the Final EA did not mention that the Utah State Park camping area will be relocated to a 60 acre area, that most of this area is seasonally flooded, and that this relocation will eliminate the area's use as a seasonal wildlife and migratory bird habitat.
- R: Please refer to the October 1992 Final EA which details the location and description of campsite mitigation. The mitigation outlined in the Final EA, 404 permit and this ROD compensates for wetland and wildlife habitat loss associated with campsite mitigation. The campsite mitigation area is not seasonally flooded.
- C: The commenter requests that a full EIS should be undertaken since the general public has not had an opportunity to participate in a hearing regarding the impacts to the ULSP.
- R: Impacts to ULSP were presented at the October 1991 public hearing and were discussed in the draft EA. Mitigation for the State Park impacts was discussed at the October 1991 hearing, detailed during the public 404 permit process, and summarized in the Final EA
- C: The commenter requests that a full EIS should be undertaken since Section 4(f) requires that a thorough 4(f) analysis be completed to determine that no prudent and feasible alternative to the proposed project exists and that the program includes all possible planning to minimize harm to the ULSP.
- R: A thorough 4f analysis has been completed as part of the Environmental Assessment and this Record of Decision. Please refer to Section 4 of the Final EA and the Alternatives Section of this ROD where the 4f analysis is addressed.
- C: The commenter requests that a full EIS should be undertaken to determine whether or not the "no-build" alternative is prudent and feasible.

- R: Please refer to the October 1992 Final EA which thoroughly discusses all alternatives and the Alternatives Section of this ROD.
- C: The commenter requests that a full EIS should be undertaken since the Final EA failed to address the change in land use zoning of the airport for industrial purposes which took place on August 4, 1992.
- R: The airport has had a planned commercial/industrial area for many years. No change in use of the identified industrial area relative to zoning has occurred.
- C: Does the FAA approve the proposed aerospace park and industrial/commercial development adjacent to the airport ?
- R: The FAA makes a determination as to the effect proposed development at the airport would have on the safe and efficient use of airspace. The FAA does have approval authority for the airport layout plan. The airport industrial area is identified on the Airport Layout Plan approved by the FAA in 1989.
- C: The commenter requests that a full EIS should be undertaken since the public has not been informed that the proposed project includes fencing-off a portion of the dike road that provides access to hunting, fishing, bird watching, nature study and other activity
- R: The dike road around the airport has been fenced in the past, has been closed by City of Provo executive order in the past, and is a road strictly for the service of the dikes and airport. Public activities on the dike road are and would be in the future considered to be a non-compatible use.
- C: Airport Board (appointed) minutes are not on file with the City Recorder.
- R: This is not an environmental assessment issue.
- C: The commenter suggests a full EIS should be undertaken since according to the commenter, EPA's Section 404(b)(1) guidelines for water quality have not been met and the Draft EA and Final EA fail to identify the source of the fill.
- R: Please refer to special condition No. 5 of the 404 permit (included in the October 1992 Final EA) which states that a testing program shall be implemented in order to assure that imported fill material does not contain harmful or toxic substances.

C: The commenter suggests a full EIS should be undertaken since according to the commenter, recent sightings by a park ranger of endangered bald eagles in the project area contradict the conclusion of the Final EA that eagles do not roost on or near the project area.

R: Please refer to the October 1992 Final EA which addresses Bald Eagle impacts. The EA details the use of the area by Bald Eagles and the resulting impact.

U.S. Environmental Protection Agency, Denver, Colorado, (Verbal)

C: The wetland technical report does not state that alternative 2 is not a practical alternative. Alternative 2 refers to utilizing private lands northeast of ULSP for development of a campsite.

R: Alternative 2 is not a practical alternative because displaced waterfront campsites need to be replaced with similar property (e.g. waterfront property). ULSP agreed to cooperate with the subject project as long as impacts to their property/facilities were mitigated. Alternative 2 would utilize an upland site for campsites. This is not considered in-kind mitigation by ULSP and would essentially create a campsite that the public would not use. In addition, campsite replacement needs to be located near Park facilities.

C: Another Alternative for ULSP campsite mitigation that should be considered is purchasing waterfront property somewhere else along Utah Lake.

R: Purchasing land somewhere else along Utah Lake for ULSP mitigation does not represent a practical alternative for the following reasons. According to National Wetland Inventory Maps, and wetland fieldwork by Science Applications International Corporation (SAIC), wetlands are associated with most of the Utah Lake shoreline. Moving the location of the mitigation would just move the location of additional impacts to wetlands. It is difficult and probably impossible to avoid impacts to wetlands with Utah Lake waterfront development. Secondly, moving the site of campsite development away from existing ULSP facilities would lower the value of any campsite, increase the cost of development, and not represent in-kind mitigation for ULSP.

C: As an alternative to the proposed waterfront campsite development, a channel could be excavated in Utah Lake to direct water to an inland campsite and marina.

- R: This alternative was not considered for the subject project and would not represent a practical alternative for the following reasons. The existing boat harbor at ULSP requires constant maintenance dredging. Channel excavation and maintenance sufficient to support an inland boat harbor would probably result in similar impacts to those identified for the current proposal. Furthermore, an inland campsite development would not represent in-kind mitigation to ULSP.
- C: The 60 acres of impacts identified in the Final EA versus the 50 acres of impacts identified in the 404 public notice is cause for a new public notice.
- R: The Environmental Assessment and 404 permit process both constituted extensive public process. The acreage identified in map form for the 404 permit was accurate, the additional 10 acres resulted from fine-tuning of the impact assessment. That is not unusual nor is it cause to reopen the 404 permit process. The public was given adequate information in the 404 public notice to provide substantive comments. Further, although not the focus of conversation, the issue was brought up verbally and in meetings and telephone conversations with interested agencies after the public notice. The mitigation plan is appropriate for the 60 acres of impact.

United States Fish and Wildlife Service (Verbal and Written Comments), Salt Lake City, Utah,

- C: Concern that agreed to mitigation for June Sucker will be incorporated contractually into City of Provo agreements
- R: The mitigation for the June Sucker identified by USFWS during Section 7 consultation, during the 404 permit process, and prior to the Final EA has been incorporated into the Final EA, this Record of Decision, and will be a special condition of any federal grants associated with the project.
- C: Concern that there are unmitigated wetland wildlife impacts. USFWS requested acre for acre replacement of the 60 acres of wetland habitat impacted by the proposed project. This would be 30 acres of wetland mitigation in addition to the 30 acres of COE jurisdiction wetland mitigation credit identified in the 404 permit. USFWS also requested that the added mitigation acreage currently be in private ownership.
- R: The requested additional mitigation for wetland wildlife impacts has been included in this Record of Decision and will be made a special condition of any federal grants associated with the proposed project construction

- C: A management/monitoring plan must be completed
- R: This is a requirement of the 404 permit, this Record of Decision, and will be made a special condition of any federally funded grants associated with the proposed project construction.
- C: The wetlands must be maintained as wetland habitat in perpetuity.
- R: This is a requirement of the 404 permit, this Record of Decision, and will be made a special condition of any federally funded grants associated with the proposed project construction.
- C: Is there any interdependency between access improvement west of I-15 and the proposed project?
- R: There is no interdependency between long standing long range access improvements west of I-15 and the proposed airport improvements described in the Final EA
- C: What will the timing of the wetland mitigation be relative to the overall proposed project?
- R: If funds are available for the proposed project, the first funding year will be for environmental work, project design (including wetland mitigation) and land (including wetland and park mitigation).
- C: The Bureau of Land Management (BLM) owns a large portion (22 acres) of the mitigation site identified in the Final EA and 404 permit.
- R: Qualified appraisals of the land, review of maps, and discussion with the BLM have not resulted in the identification of BLM land ownership on the mitigation site
- C: Spring Creek pollutants will impact the mitigation site.
- R: Spring Creek flows southwest of the mitigation site and should not affect the mitigation site water quality.
- C: The City operated landfill north of the mitigation site will adversely affect the wildlife habitat at the site
- R: The city of Provo will be monitoring water quality at the mitigation site to determine if there is any deterioration of water quality due to a landfill north of the site and not adjacent to the site. There has been no known significant pollutant historical impact to the site.

C: There is a discrepancy between 404 public notice and 404 permit.

R: The 404 public notice identified 50 acres of calculated impact with maps. The 404 permit was based on a calculated impact of 60 acres using the same maps disclosed during the 404 public process. The 404 public notice provided the public with enough substantive data to comment on the permit. USFWS was verbally made aware of the calculated difference prior to the permit and Final EA.

C: The difference between the calculated acres in the 404 public notice and the calculated acres in the 404 permit will compound the affect on the June Sucker.

R: The Section 7 consultation on the project was completed prior to the 404 public notice and identified recommended mitigation for impacts to noncritical historical June Sucker Habitat. Additional consultation after the 404 public notice (but not as a result of the 404 public notice) resulted in USFWS recommending more mitigation for impacts to noncritical historical habitat since although the project hadn't changed, the assessment of how endangered the June Sucker was had changed according to USFWS. This mitigation came, after extensive discussion, to written agreement in correspondence September 28, 1992. The mitigation identified by USFWS was not a result of any quantifiable impacts reported by USFWS.

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APPENDIX B



State of Utah

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF THE EXECUTIVE DIRECTOR

Norman H. Berger
Governor
Kenneth L. Alkana
Executive Director

238 North 1400 West
P.O. Box 144810
Salt Lake City, Utah 84114-4810
(801) 538-6121
(801) 538-6016 Fax
(801) 538-6421 T.D.D.

September 30, 1992

Alan E. Wiechmann, Manager
Airports District Office
Federal Aviation Administration
5440 Roslyn Street, Suite 300
Denver, CO 80010

Dear Mr. Wiechmann:

As you are aware, Federal Aviation Administration Order 5050.4A requires the governor of a state to submit a letter of certification concerning water and air regulations for projects that the FAA intends to fund in full or in part. This certification is intended to state that a "reasonable assurance" exists that all applicable federal and state air and water regulations will be met by the proposed federal action, which in this case is the proposed expansion of the Provo Municipal Airport Municipal in Provo, Utah.

The Utah Department of Environmental Quality has reviewed the draft of the Environmental Assessment for this proposed action. As a result of this review, the Utah Department of Environmental Quality has concluded that the proposed improvements will not have a negative impact on the air or water quality in the area that surrounds the airport. Through correspondence with the airport's consultants and operators, all parties are aware that the State will take enforcement and prioritizing actions necessary to assure compliance with all applicable environmental regulations.

Based on the above review and consultation with the staff involved, I believe there is reasonable assurance that compliance with the applicable federal and state regulations will occur. Therefore, this letter constitutes the required state certification that should allow finalization of the EA and funding of the project by the FAA.

Please contact me or my staff if you have any questions or comments regarding this letter or any aspect of this action.

Sincerely,

Kenneth L. Alkana
Executive Director

APPENDIX C

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

STATE UTAH
Project Amendment No. 258.4

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT To Project Agreement No. 49-00358 is hereby made and agreed upon by the United States of America, acting through the Director of the National Park Service and by the State of Utah pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above mentioned agreement is amended by adding the following:

27.49 acres of land at Utah Lake State Park, located south of the boat harbor, shall be converted in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act and shall be replaced with property located north of the boat harbor. Replacement shall be identified and acquired within one year. Assurance is hereby given that replacement will be of at least equal fair market value and equal recreation utility. Conversion is in accordance with the State Comprehensive Outdoor Recreation Plan.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA

By

Lloyd Goodell
(Signature)

As

ASSOCIATE REGIONAL DIRECTOR

(Title)

National Park Service
United States Department of
the Interior

Date

SEP 10 1993

STATE

UTAH

(State)

By

Lyle T. Bennett
(Signature)

Lyle T. Bennett
(Name)

Alternate State Liaison Officer
(Title)

APPENDIX D



U.S. Department
of Transportation

Federal Aviation
Administration

MEMORANDUM

Subject:

92-ANM/D-122-NRA

Date:

11/3/92

From:

ANM-537

Reply to

Attn of: Riley

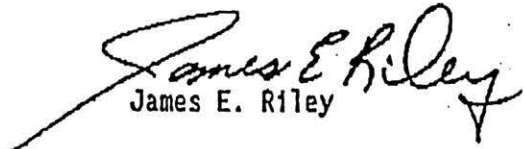
(206) 227-2537

To:

DEN-621

We have conducted an aeronautical study of the proposed ALP review of Provo Municipal Airport and have no objections. However, as outlined in the attached ANM-420 comments, FAA cables will be impacted by planned development. Coordinate construction activities through the AIP or 7460-1 airspace process to identify cables. The sponsor is responsible for protecting cables.

Also, comments from ANM-220 regarding cost of proposed upgrades are attached.


James E. Riley