

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN-PACIFIC REGION

***FINDING OF NO SIGNIFICANT IMPACT
and
RECORD OF DECISION***

Proposed Acquisition of Tiyan Parkway Remnant Parcels

Final Supplement to the Proposed Tiyan Parkway
Final Environmental Assessment

A.B. Won Pat (Guam) International Airport
Tamuning, Guam



For further information

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U.S. DEPARTMENT OF TRANSPORTATION
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FINDING OF NO SIGNIFICANT IMPACT / RECORD OF DECISION

PROPOSED ACQUISITION OF TIYAN PARKWAY REMNANT PARCELS

FINAL SUPPLEMENT TO THE PROPOSED TIYAN PARKWAY
FINAL ENVIRONMENTAL ASSESSMENT

A.B. WON PAT (GUAM) INTERNATIONAL AIRPORT
TAMUNING, GUAM

1. Introduction.

This document is a Finding of No Significant Impact and Record of Decision (FONSI/ROD) on the environment and supplements information in the previously issued Federal Aviation Administration (FAA), FONSI/ROD for the proposed construction of a portion of Tiyan Parkway on A.B. Won Pat (Guam) International Airport (GUM), in Tamuning, Guam. The Government of Guam - Department of Public Works (DPW) and the United States Department of Transportation, Federal Highway Administration (FHWA) proposed construction of an approximate two and one quarter mile Tiyan Parkway in central Guam. FHWA issued a Final Environmental Assessment (EA) in August 2012 for the construction of Tiyan Parkway. The FAA participated in the preparation of the EA as a cooperating agency, since a portion of Tiyan Parkway will be on GUM and requires FAA approval. The FAA adopted the August 2012 FHWA Final EA for the proposed Tiyan Parkway and issued a FONSI/ROD on December 4, 2013, for the portion of Tiyan Parkway that would be constructed on GUM property.

Subsequently in a December 2013, Memorandum of Agreement between FHWA, FAA, DPW, the Government of Guam - Department of Land Management, and the A.B. Won Pat International Airport Authority (GIAA), it was agreed that off-airport land acquired by the Government of Guam for use in Tiyan Parkway, which would not be needed for the roadway, would be offered for use by GIAA. It was determined that nine remnant parcels totaling approximately 9.3 acres that are adjacent to GUM would not be needed for the Tiyan Parkway right-of-way. These remnant parcels would be incorporated into GUM property to ensure that there would be no incompatible land use conflicting with airport operations and to support development of storm water drainage for GUM as discussed in the Tiyan Parkway Final EA. The parcels are within the area considered for use of Tiyan Parkway and were analyzed as part of the proposed project in the Final EA. The FAA and GUM prepared a Supplement to the Final EA to further evaluate the proposal to acquire these remnant parcels.

The attached April 2015 Final Supplement to the FHWA Final EA was prepared to evaluate the additional proposed action to acquire the remnant parcels. The remnant parcels are shown in Figure 2 of the April 2015 Final Supplement. The Final Supplement augments the 2012 Final EA by accounting for the acquisition of 9.3 acres of land that is no longer needed after construction of Tiyan Parkway and would be acquired for airport purposes. This FONSI/ROD uses the information from the Final Supplement to the Final EA and updates the findings in the previously issued FAA December 4, 2013, FONSI/ROD.

The FAA must comply with the National Environmental Policy Act of 1969 (NEPA) before being able to take the federal action of approval of those portions of the Airport Layout Plan (ALP) that depict the addition of the remnant parcels to GUM airport property. Approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended (Public Laws 97-248 and 100-223).

2. Purpose and Need of the Proposed Action.

The purpose for acquisition of the remnant parcels by GIAA is to incorporate land that will not be used for Tiyan Parkway into GUM property to ensure that there would be no incompatible land use that would conflict

with airport operations and to support development of storm water drainage for GUM as discussed in the August 2012 Final EA.

The FAA's statutory mission is to ensure the safe and efficient use of navigable airspace in the United States. The FAA must ensure that the proposed action does not derogate the safety of aircraft and airport operations at GUM. The land acquisition supports FAA requirements to maintain compatible land uses around the airport and prevent non-compatible uses that may affect airport operations, and to maintain appropriate storm water drainage at the airport.

3. Proposed Project and Federal Actions.

For the purposes of this FONSI/ROD, the FAA Federal actions necessary to carry out the near-term proposed projects include:

- Unconditional approval of the portion of the ALP that depicts the land acquisition and proposed improvements pursuant to 49 United States Code (U.S.C.) §§ 40103(b), 44718 and 47107(a)(16) and Title 14 Code of Federal Regulations (CFR) Part 77 and Part 157.

4. Reasonable Alternatives Considered.

Section 2 of the Final Supplement to the Final EA analyzed the proposed action (land acquisition). The no action alternative remains the same as discussed in the Tiyan Parkway Final EA. The proposed action in this Final Supplement to the Final EA was not included as part of the original proposed action identified in the August 2012 Tiyan Parkway Final EA, which described the right-of-way needs for the alignment of Alternative 4 (Preferred) for Phase 2 of Tiyan Parkway (Table 2-2, page 2-10). FAA need not examine other alternatives because the project does not involve any unresolved conflict of resources (FAA Order 5050.4B, paragraph 706.d(5)). The selection of Alternative 4 led to the identification of remnant parcels and unused DPW parcels along the Tiyan Parkway corridor adjacent to GUM, which GIAA subsequently proposed to acquire. The GIAA proposal to acquire these unneeded parcels did not result in any changes to the consideration of alternatives.

5. Assessment.

The attached Final Supplement to the Final EA examines and updates the environmental resource categories that were identified and evaluated in the Final EA prepared in August 2012. The examination of the following environmental impact categories were updated in the Supplement to the Final EA: Air Quality; Coastal Resources; Compatible Land Use; Construction Impacts; Fish, Wildlife, and Plants; Hazardous Materials, Pollution Prevention, and Solid Waste; Historical, Architectural, Archaeological, and Cultural Resources; Noise; Secondary (Induced) Impacts; Water Quality and Cumulative Impacts. The Final Supplement to the Final EA was reviewed by the FAA and found to be adequate for the purpose of the proposed FAA Federal action. The FAA determined that the Final Supplement to the Final EA for the proposed project adequately describes the potential impacts of the proposed action. No new issues surfaced as a result of the public review process.

The following environmental impact categories were not evaluated further because the proposed additional action at GUM would not change the impacts to these environmental resources as described in the Final EA dated August 2012: Department of Transportation Act, Section 4(f); Floodplains; Farmlands, Light Emissions and Visual Impacts; Natural Resources and Energy Supply; Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks; Wetlands; and Wild and Scenic Rivers.

A. Air Quality. Section 3.1 of the Final Supplement states that best management practices would be implemented to minimize impacts to air quality during construction of storm drainage improvements. These measures are described on Page 3-17 of the Final EA. The project is for acquisition of land no longer needed for Tiyan Parkway and would not cause a change in project construction or project limits as evaluated in the Final EA. Therefore, there would be no changes to the effects on air quality as analyzed and discussed in Final EA since the proposed action is only a transfer of property title to GIAA.

B. Coastal Resources. Section 3.2 of the Final Supplement states the project is within the Guam Coastal Zone Management Program (CZM). Page 3-8 of the Final EA states the proposed action is consistent with the Guam CZM program. The FAA determined that the proposed action to acquire the remnant parcels identified in the Supplement is consistent with the Guam CZM, since it does not change any elements that were previously considered and analyzed in the Final EA. The Guam Bureau of Statistics and Plans issued a letter on December 5, 2013 and March 12, 2014, stating that the acquisition of the remnant parcels is consistent with the policies of the Guam CZM. Copies of these letters are included in Appendix B of the Final Supplement.

C. Compatible Land Use. Section 3.3 of the Final Supplement states the parcels are within the original Project Study Area identified in the Final EA. The proposed action in the Supplement would not change the land use as discussed on Page 3-4 in the Final EA and would allow GUM to acquire the property and ensure that future uses are compatible with airport operations. The land use assurance letter is included in Appendix C of the Final Supplement.

D. Construction Impacts. Section 3.4 of the Final Supplement states the proposed action to acquire the remnant parcels would not change the construction impacts described on Page 3-34 of the Final EA which stated that construction activities associated with the proposed project would result in temporary effects in terms of noise, water quality, and air quality. Therefore, there would be no change from the Final EA since the proposed action is only a transfer of property title to GIAA.

E. Fish, Wildlife and Plants. Section 3.5 of the Final Supplement states the proposed action to acquire the remnant parcels would not change the land area or use as analyzed in the Final EA. The FHWA determined in the Final EA that there would be no effects, since the project corridor, which includes the remnant parcels, did not contain any federally listed species or habitat as discussed on Page 3-10 of the Final EA. Therefore, there would be no impacts to federally listed species or habitat since the proposed action is only a transfer of property title to GIAA.

F. Hazardous Materials, Pollution Prevention and Solid Waste. Section 3.6 of the Final Supplement states the proposed action to acquire the remnant parcels and use for storm water drainage would not result in changes to hazardous materials or solid wastes as analyzed on Pages 3-32 and 3-33 of the Final EA. The use of best management practices would be utilized to minimize any pollutant discharges during construction. Therefore, there would be no impacts.

G. Historic, Architectural, Archaeological and Cultural Resources. Section 3.7 of the Final Supplement states the proposed action would not change the effects on historical, architectural, archaeological, and cultural resources as discussed on Page 3-27 of the Final EA. The remnant parcels are within the Area of Potential Effect (APE) identified in the Final EA. FHWA determined there were no historic properties identified within the APE. FHWA made a finding that no historic properties would be affected. The Guam Historic Preservation Office concurred with this determination and finding. Therefore, the proposed acquisition of remnant parcels would not result in effects to historic properties.

H. Noise. Section 3.8 of the Final Supplement states the proposed action would not change the effects on noise as discussed on Page 3-21 of the Final EA, which states noise from construction activities would only be temporary and involve heavy machinery and vehicles. The proposed action would not generate any changes to aircraft operations and would not result in any aircraft noise impacts. The parcel acquisition would not create any changes that would change the existing noise contours for the airport.

I. Secondary (Induced) Impacts. Section 3.9 of the Final Supplement states the proposed action would not change the secondary impacts discussed on Page 3-35 of the Final EA. The proposed action would not generate new aircraft noise impacts, or change the land use such that it would be incompatible with existing noise contours for the airport.

J. Water Quality. Section 3.10 of the Final Supplement states the proposed action would not change the effects on water quality as analyzed and discussed on Page 3-6 of the Final EA. During construction of

storm water drainage improvements in the parcels to be acquired, the appropriate mitigation measures would be implemented, as described on page 3-9 of the Tiyan Parkway Final EA.

K. Cumulative Impacts. Section 3.11 of the Final Supplement states the proposed action to acquire the remnant and adjacent parcels would not change the cumulative effects as analyzed and discussed in Chapter 3, Section O of the Tiyan Parkway Final EA. The Sponsor's Proposed Action would not result in a significant cumulative impact.

L. Environmentally Preferred Alternative and FAA Preferred Alternative

In connection with its decision to approve the proposed ALP revisions, the FAA considered the environmental impacts from the Proposed Action and the No Action Alternatives. The FAA determined that all practicable means to avoid or minimize environmental harm from the Proposed Action have been adopted and there would be no significant environmental impacts from the proposed land acquisition and that the project would not jeopardize the safe and efficient operations at GUM. The No Action alternative has not changed from the Final EA and has fewer environmental effects than the Proposed Action alternative and thus would be the environmentally preferred alternative. However, the No Action alternative does not meet the Purpose and Need for the proposed project. Thus, the FAA's preferred alternative is the Proposed Action because it meets the Purpose and Need of the proposed project with minimum adverse environmental effects. Further, it also meets the FAA's statutory mission to ensure the safe and efficient use of navigable airspace by enhancing aviation safety and meeting the latest FAA airport design standards at GUM.

6. Public Participation.

Appendices A, B, D and E of the Final Supplement document the public and additional agency coordination held for the Supplement. GIAA published a notice of availability of the Draft Supplement on October 9, 2014, in the *Guam Pacific Daily News*, a local newspaper in Guam, with comments due by November 8, 2014. There were two written comments one from Guam Department of Agriculture and one from the Guam Department of Parks and Recreation, concerning the protection, preservation, and conservation of natural resources and Section 106 requirements, respectively. The comments reiterated previously submitted comments from the respective agencies addressed in the Final EA. Responses to these comments are included in Appendix F of the Final Supplement to the Final EA.

7. Reasons for the Determination that the Proposed Project will have No Significant Impacts.

The attached Supplement to the Final EA examines each of the various environmental resources that were deemed present at the project location, or had the potential to be impacted by the Proposed Action. The proposal to acquire 9.3 acres of remnant parcels would not involve any environmental impacts that would exceed the threshold of significance as defined by FAA Orders 1050.1E and 5050.4B. The FAA decided to implement the Proposed Action as described in the attached April 2015 Final Supplement to the Final EA.

8. Agency Findings

The FAA makes the following determination for this project based on information and analysis set forth in the Final Supplement to the Final EA, the FHWA Final EA and other portions of the administrative record:

Independent and Objective Evaluation: As required by the Council on Environmental Quality (40 C.F.R. § 1506.5) the FAA independently and objectively evaluated this proposed project. As described in the Final Supplement, and the FHWA Final EA, the Proposed Action and the No Action alternatives were studied extensively to determine the potential impacts and appropriate mitigation measures for those impacts. The FAA provided input, advice, and expertise throughout the analysis, along with administrative and legal review of the project.

9. Decision and Orders.

Based on the information in this FONSI/ROD and supported by detailed discussion in the Final Supplement to the Final EA, the FAA selected the Proposed Action to acquire 9.3 acres of remnant parcels as the FAA's Preferred Alternative. The FAA must select one of the following choices:

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

Approval signifies that applicable Federal requirements relating to the proposed airport development and planning have been met. Approval permits GIAA to proceed with implementation of the Proposed Action. Disapproval would prevent GIAA from implementing the Proposed Action elements within GUM.

Under the authority delegated to me by the Administrator of the FAA, I find that the project is reasonably supported. I, therefore, direct that action be taken to carry out the agency actions discussed more fully in Section 3 of this FONSI/ROD.

Unconditional approval of the portion of the ALP that depicts the land acquisition and proposed improvements pursuant to 49 U.S.C. §§ 40103(b), 44718 and 47107(a)(16) and Title 14 CFR Part 77 and Part 157.

This order is issued under applicable statutory authorities, including 49 U.S.C. §§ 40101(d), 40103(b), 40113(a), 44701, 44706, 44718(b), and 47101 et seq.

I have carefully and thoroughly considered the facts contained in the attached Final Supplement to the Final EA. Based on that information, I find the proposed Federal action is consistent with existing national environmental policies and objectives of Section 101(a) of the National Environmental Policy Act of 1969 (NEPA). I also find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to Section 102(2)(C) of NEPA. As a result, the FAA will not prepare an Environmental Impact Statement for this action.

APPROVED:



Mark A. McClardy
Manager, Airports Division, AWP-600

5/8/15

Date

DISAPPROVED:

Mark A. McClardy
Manager Airports Division, AWP-600

Date

RIGHT OF APPEAL

This FONSI/ROD constitutes a final order of the FAA Administrator 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 order is issued in accordance with the provisions of 49 U.S.C. § 46110.