

APPENDIX E

FCMP CONSISTENCY

This appendix provides the Federal Agency Consistency Determination prepared by the FAA in accordance with the Coastal Zone Management (CZMA), 16 U.S. Code (U.S.C.) § 1456.

**COASTAL ZONE MANAGEMENT ACT (CZMA)
FEDERAL AGENCY CONSISTENCY DETERMINATION**

Federal Agency: Federal Aviation Administration

Airport Owner: Palm Beach County Board of County Commissioners

Project: Near-Term components of the Airfield Improvement Project (AIP) at Palm Beach International Airport

Location: Palm Beach International Airport
1000 Turnage Boulevard
West Palm Beach, FL 33406
Palm Beach County

1.0 INTRODUCTION AND PROJECT BACKGROUND

Palm Beach County Department of Airports (Airport Sponsor) proposed airfield improvements at the Palm Beach International Airport (PBIA) that would provide additional airfield capacity and reduce aircraft operational delay. The airport improvements, collectively referred to as the Airfield Improvement Project (AIP), include the development of a new 8,000-foot air carrier runway (Runway 10R/28L), new taxiway construction, modification of existing runways and taxiways, expansion of existing general aviation (GA) support facilities, relocation of general aviation support facilities, installation of navigational aids (NAVIADS), development of new and modification of existing Global Positioning System (GPS) approaches, relocation of a Very-High Frequency Omnidirectional Radio Range (VOR) antenna, land acquisition, drainage canal relocation, and other connected actions. Accordingly, the Federal Aviation Administration (FAA) undertook the Environmental Impact Statement (EIS) process to fulfill its responsibilities under the *National Environmental Policy Act* of 1969 (NEPA) to identify, evaluate and disclose the potential environmental impacts associated with the construction and operation of the AIP.

Around the time that the FAA published the Draft EIS in September 2008, the nationwide economic recession was having a noticeable effect on the aviation industry and commercial service airports across the country, including PBIA, experienced a notable decrease in aviation activity. This prompted the FAA to revise its annually issued forecast of aviation activity for most airports in the U.S. At PBIA, the FAA's revised 20-year forecast showed a decrease in aircraft operations that was substantial enough, in terms of duration and number of operations, to bring into question the proposed timing for the implementation of the Airport Sponsor's proposed AIP that was evaluated in the DEIS. After consultation with the FAA, the Airport Sponsor concluded, and the FAA agreed, that when using the number of aircraft operations and the forecast growth rate of aircraft operations predicted in the FAA's revised forecast, the proposed capacity enhancement components of the AIP (Runway 10R/28L expansion) would not be needed at PBIA by the initial 2013 implementation year identified in the September 2008 DEIS. Based on this information, the Airport Sponsor, in 2009, proposed to the FAA a revised implementation plan and schedule for the AIP. The revised plan and schedule consists of developing the AIP in two components, which are designated in this FEIS as the Near-Term AIP Project and the Long-Term AIP Project. The

Airport Sponsor has requested the FAA's "unconditional" approval of the Near-Term components of the AIP and only conditional approval of the Long-Term components of the AIP.

The FAA prepared a Final Environmental Impact Statement (FEIS) and Record of Decision to fulfill its responsibilities under the *National Environmental Policy Act* of 1969 to identify, evaluate, and disclose the potential environmental impacts associated with the construction and operation of the proposed AIP. The Airport Sponsor's AIP was identified in the FEIS and ROD as the FAA's Preferred Alternative. The ROD also identified the Near-Term components of the Preferred Alternative as the agency's Selected Alternative.

The FEIS evaluated potential impacts to the natural and human environment, and accordingly, to Florida's coastal zone. This Federal Consistency Determination is attached to, and incorporated into, the ROD. Please refer to appropriate sections of the FEIS for more information and detailed discussion of the purpose and need, alternatives considered, and potential environmental impacts.

In accordance with the Coastal Zone Management Act (CZMA), 16 U.S.C. §1456, this Consistency Determination was prepared by the Federal Aviation Administration (FAA) for Federal actions associated with the Selected Alternative. This Consistency Determination provides information on the potential impact of the Selected Alternative, and its alternatives, on coastal resources.

2.0 REQUESTED FEDERAL ACTIONS

This section describes the Selected Alternative and requested federal actions. Detailed descriptions and graphic depictions of the Selected Alternative (Near-Term AIP Project) are provided in Chapter 1.0 of the FEIS and Section 2.0 of the ROD.

2.1 SELECTED ALTERNATIVE

The Selected Alternative includes the following actions and development items:

- Develop the Fixed Base Operator (FBO) and aeronautical use area in the northwest quadrant of PBIA (former Golfview area). This project includes the development of GA facilities and relocation of the Federal Inspection Services (FIS) to the northwest quadrant of the airport.

The Airport Sponsor's plan for the Golfview area is to develop hangars, aircraft parking apron, and supporting infrastructure on an as-needed basis, as the demand arises. Specific site development plans would be formulated on a case-by-case basis and in response to FBO requests to develop facilities at this location. For purposes of disclosing potential environmental impacts in this FEIS, the FAA assumed that the Near-Term development potential of this area would be approximately 50 percent of existing GA activity/facilities at two of the three existing FBOs located on the south side of the airport, east of Runway 14/32 that are currently operating at PBIA while the main facilities for each of these two FBOs were assumed to remain at their current location on the southeast side of the airport;

- Widen the full length of Taxiway "L," with taxiway connectors, from 50 feet to 75 feet along the full length of existing Runway 10L/28R and maintain a runway-to-taxiway separation distance of 400 feet; and
- Acquisition of approximately 13.2 acres of property on the east side of Military Trail Highway between the highway and the airport's west property line.

2.4 Requested Federal Actions

Requested federal actions include:

- Mixed ALP approval of the Selected Alternative. This would include the final and unconditional approval of revisions to the 2001 PBIA Airport Layout Plan (ALP), with subsequent modifications and amendments, for those portions of the 2001 ALP that depict the Near-Term components of the Preferred Alternative for which the FEIS provides environmental analysis,
- Conditional approval of revisions to the 2001 PBIA ALP (with subsequent modifications and amendments) for those portions of the 2001 ALP that depict the Long-Term components of the Preferred Alternative for which the FEIS provides environmental analysis, and
- Federal actions necessary for processing of an application(s) for Federal funding for Near-Term Preferred Alternative development projects qualifying under the Airport Improvement Program, 49 U.S.C. 47101, *et seq*, as well as Passenger Facility Charges, 49 U.S.C. §40117.

FAA action is necessary in connection with the Selected Alternative because, pursuant to 49 U.S.C. § 47107(a)(16), the FAA Administrator (under authority delegated from the Secretary of Transportation) must approve any revision or modification to an ALP before the revision or modification takes effect. The Administrator's approval includes a determination that the proposed alterations to the airport, reflected in the ALP revision or modification, do not affect adversely the safety, utility, or efficiency of the airport.

3.0 FEDERAL CONSISTENCY REVIEW

3.1 Coordination with State of Florida

Early coordination of the AIP was conducted with the Florida Department of Environmental Protection (FDEP) State Clearinghouse and reviewing agencies during the formal scoping process conducted for the EIS. The Scoping process indicated that the proposed airport improvements, at that stage, were consistent with the FCMP; however, the state's concurrence will be based on subsequent reviews and final concurrence would be determined during the environmental permitting process.

The AIP and Alternative 2 were also reviewed by state agencies when the Draft Environmental Impact Statement (DEIS), published in September 2008, was coordinated with the FDEP Florida State Clearinghouse. FDEP's review of the DEIS also noted that, based on information contained in the DEIS and review agency comments, the proposed activities were consistent with the FCMP. However, agency concerns must be addressed prior to project implementation and the state's continued concurrence will be based, in part, on adequate resolution of issues. The state's final consistency review would be conducted during the environmental permitting.

The FEIS (FEIS) was coordinated with the FDEP Florida State Clearinghouse. The FDEP indicated that the proposed airport improvements are consistent with the FCMP; however, as a matter of standard permitting review procedures of the FDEP, the final consistency determination will be made during the

environmental permitting process for the Selected Alternative (see correspondence from FDEP dated March 21, 2011 in Appendix B of this ROD).

3.2 FAA Consistency Determination

Consistency with the FCMP involves the review and consideration of twenty-three state statutes that collectively provide the framework for the management of Florida's coastal resources. The results of the FAA's consistency review for the Selected Alternative is summarized in the attached table.

Based on the information received during the scoping process conducted for the EIS; the comments received by the FAA on the DEIS and FEIS; coordination with the FDEP State Clearinghouse; the analyses presented in the FEIS; and this Consistency Determination, the FAA determined that the proposed airfield improvements associated with the Selected Alternative would be consistent with the Florida Coastal Management Plan (FCMP).

3.3 Coordination of Federal Consistency Determination

The FAA's Consistency Determination for the overall Preferred Alternative was attached to and incorporated with the FEIS, which was submitted to the Florida State Clearinghouse on January 26, 2011. The state conducted its review and provided the FAA with its Federal consistency concurrence (see correspondence from FDEP dated March 21, 2011 in Appendix B of this ROD). As noted above, the State's final consistency review will be conducted during the environmental permitting stage, which would occur after the FAA issues its ROD and at such time that the Airport Sponsor decides to implement those components of the Selected Alternative for which unconditional approval was granted.

The state's response regarding this Consistency Determination should be sent to:

Mr. Allan Nagy
Environmental Program Specialist
Federal Aviation Administration
Orlando Airports District Office
5950 Hazeltine National Drive, Suite 400
Orlando, FL 32822

Dean Stringer, Manager
Orlando Airports District Office
Federal Aviation Administration

Date

FCMP FEDERAL CONSISTENCY REVIEW
Proposed Airfield Improvements at the Palm Beach International Airport
Airfield Improvement Program (AIP)

| Statute | Consistency | Scope |
|---|--|---|
| Chapter 161 Beach and Shore Preservation | Construction and operation of the Selected Alternative would take place on existing Palm Beach International Airport property developed for aviation use. The Selected Alternative would not be constructed in an area seaward of a Coastal Construction Control Line (CCCL) or Mean High Water Line (MHWL). No material secondary or cumulative impacts are anticipated as potential water quality impacts are expected to be minimized through the use of BMPs during construction and no operational impacts are expected as compared to the No-Action Alternative. | Provides for beach and shoreline protection through regulation of coastal construction. |
| Chapter 163, Part II Growth Policy: County and Municipal Planning; Land Development Regulation | The need to provide improved and expanded facilities was identified in the County-approved Airport Master Plan, which is incorporated into the Comprehensive Plan. | Requires the local governments to develop comprehensive plans that encourage appropriate use of land and resources in a manner consistent with the public interest. |
| Chapter 186 State and Regional Planning | The Selected Alternative was coordinated with federal, state, and local governments and agencies, including the State Clearinghouse, as part of the public review of the FEIS. The Selected Alternative was coordinated with review agencies during the FEIS public comment period. | Requires preparation of state and regional plans that promote governmental coordination and guide state and regional programs and functions. |
| Chapter 252 Emergency Management and Disaster Preparedness, Response and Mitigation | The Selected Alternative would not increase vulnerability of people and property to man-made, technological, or natural disasters. Emergency response and evacuation procedures would not be affected by the Selected Alternative. The Selected Alternative would not encroach on a 100-year floodplain. The project would meet local floodplain management and building requirements. | Provides for planning and implementation of the state's response to, efforts to recover from, and the control of natural, technological, and manmade disasters. |
| Chapter 253 State Lands | The Selected Alternative would be constructed on property owned by Palm Beach County and would not involve use of state lands or submerged lands. | Addresses state administration (i.e., acquisition, leasing, disposal, and management) of public lands. |

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| Statute | Consistency | Scope |
|---|--|--|
| <p>Chapter 258 State Parks and Preserves</p> <p>Chapter 259 Land Acquisition for Conservation or Recreation</p> <p>Chapter 260 Recreational Trails System</p> <p>Chapter 375 Multipurpose, Outdoor Recreation, Land Acquisition, Management, and Conservation</p> | <p>The Selected Alternative would not impact state parks, recreational areas, or preserves. Indirect impacts caused by aircraft noise would not be significant and are considered compatible with the parks and recreation areas in the vicinity of PBI. Opportunity for recreation on state lands would not be affected.</p> | <p>Chapter 258: Administration and management of state parks and preserves.</p> <p>Chapter 259: Acquisition of land for environmental and recreation purposes.</p> <p>Chapter 260: Acquisition of land and development of recreational trails system.</p> <p>Chapter 375: Planning for multipurpose outdoor recreation and conservation.</p> |
| <p>Chapter 267 Historical Resources</p> | <p>The Selected Alternative would not have a direct effect (i.e., physical impact) on historic or archaeological resources. An analysis of potential indirect and secondary impacts, including noise, did not indicate an adverse effect on historic or architectural resources. The Selected Alternative was coordinated with the Florida State Historic Preservation Officer.</p> | <p>Addresses management and preservation of the state's historical and archaeological resources.</p> |
| <p>Chapter 288 Commercial Development and Capital Improvements</p> | <p>The Selected Alternative would improve general aviation facilities at PBI that support personal, business, and tourism travel in Palm Beach County. The Selected Alternative would not inhibit or adversely impact economic development efforts, commercial development, or planned capital improvements.</p> | <p>Promotes development of general business, trade, and tourism components of the state economy.</p> |
| <p>Chapter 334 Transportation Administration</p> <p>Chapter 339 Transportation Finance and Planning</p> | <p>The Selected Alternative would not affect adjacent roads or highways, induce traffic demand, or substantially alter surface transportation patterns.</p> <p>No adverse impact to the administration or planning of transportation systems is expected. The Selected Alternative is included in the adopted PBI Airport Master Plan. Components of the Selected Alternative are included, or may be requested to be included in, the joint FAA and FDOT Capital Improvement Program (JACIP) and the FDOT capital work program.</p> | <p>Chapter 334: Establishes state policy for planning and development of transportation systems.</p> <p>Chapter 339: Addresses the finance and planning needs of the state's transportation system.</p> |
| <p>Chapter 370 Saltwater Fisheries</p> | <p>Coordination with the National Marine Fisheries Service finds the Selected Alternative would not affect waters or habitat classified as Essential Fish Habitat. No impact on saltwater fisheries is anticipated.</p> | <p>Addresses management and protection of the state's saltwater fisheries.</p> |

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| <p align="center">Chapter 372 Wildlife</p> | <p>The land uses and habitats affected by the Selected Alternative are not optimal habitats for wildlife or threatened and endangered species. A majority of the AIP construction area is comprised of developed airfield. The vegetative and water habitats located on the airport are subject to regular airfield maintenance and aircraft overflights, which reduce their attractiveness for most species.</p> <p>The Selected Alternative would result in a permanent alteration of 0.82 acre of man-made upland cut ditches and 124 acres of uplands mostly associated with airport operations. Minimal impacts to wildlife would occur in conjunction with the paving of airfield property that is currently mowed and maintained as grassed field.</p> <p>The Selected Alternative may affect, but is not likely to adversely affect Threatened and Endangered species (American alligator and Wood stork). The Selected Alternative would not adversely affect any bird or plant species.</p> | <p>Addresses the management of the wildlife resources.</p> |
| <p align="center">Chapter 373 Water Resources</p> | <p>Implementation of project-specific erosion control and pollution prevention measures (i.e., structural BMPs, non-structural BMPs, and SPCC plan) would minimize the potential for exceeding applicable water quality standards during construction. Changes in the amount of impervious surface at PBIA would increase stormwater runoff. This additional stormwater runoff would be collected and treated on-site through systems designed specifically for the Selected Alternative. A permit from the South Florida Water Management District is required.</p> <p>The Selected Alternative would not introduce activities (i.e., aircraft repair) having potential to generate new or higher levels of pollutants to surface waters.</p> <p>Given the nature of the Selected Alternative; proposed stormwater treatment systems; and use of project-specific erosion control and pollution prevention measures, substantial and long-term water quality impacts are not anticipated.</p> | <p>Addresses water resources and their quality.</p> |

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| <p align="center">Chapter 376 Pollutant Discharge Prevention and Removal</p> | <p>During construction, the contractor would be required to prepare a project-specific Spill Prevention, Control, and Countermeasures Plan (SPCC) documenting measures to prevent accidental release to the environment and, should they occur, the corrective actions to minimize the environmental impacts.</p> <p>Project-specific BMPs would be implemented for the operation of the Selected Alternative in accordance with existing or modified stormwater discharge permit conditions.</p> <p>The Selected Alternative would not alter the types and uses of hazardous and other regulated materials used at PBIA (e.g., cleaning solvents, lubricants). No involvement and impact associated with hazardous materials or wastes is anticipated.</p> <p>The Selected Alternative would not involve the transfer of pollutants between vessels; between onshore facilities and vessels; between offshore facilities and vessels; or between terminal facilities within the jurisdiction of the state and state waters.</p> | <p>Regulates transfer, storage, and transportation of pollutants, and cleaning of pollutant discharges in state waters or affecting coastlines, recreation, or marine-related livelihood.</p> |
| <p align="center">Chapter 377 Energy Resources</p> | <p>Implementation of the Selected Alternative would not substantially increase fuel demand at PBIA. The Selected Alternative would not induce additional aircraft operations or substantially alter vehicle trip patterns. A minor and temporary increase in fuel consumption would occur during construction.</p> <p>No natural resources, energy resources, or minerals that are unusual in nature or are in short supply would be impacted by the Selected Alternative.</p> | <p>Addresses regulation, planning, and development of energy resources of the state.</p> |
| <p align="center">Chapter 380 Land and Water Management</p> | <p>The Selected Alternative would be developed consistent with local land and water management plans. The Selected Alternative is subject to local permit, stormwater, and environmental requirements and review. The Selected Alternative will require a permit modification from the South Florida Water Management District.</p> | <p>Establishes land and water management policies to guide and coordinate local decisions relating to growth and development.</p> |
| <p align="center">Chapter 381 Public Health, General Provisions</p> | <p>The Selected Alternative would require only minor modification and/or extension of existing on-site potable water and sanitary sewer utility lines. No appreciable change in the type, quantity, or disposal of solid wastes is expected. The Selected Alternative would not impact public policy or management in regard to sanitation, communicable diseases, or public health.</p> | <p>Establishes public policy affecting public health of the state.</p> |

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|--|--|---|
| Chapter 388 Mosquito Control | The Selected Alternative would not affect local arthropod (mosquito) control efforts or contribute to increased propagation of mosquitoes. | Provides funding authority and development of criteria for arthropod control effort in the state. |
| Chapter 403 Environmental Control | <p>As discussed in the Water Resources section above, the construction and operations of the Selected Alternative would include project-specific BMPs and pollution prevention measures. The Selected Alternative is not expected to exceed applicable state water quality standards or have substantial and long-term water quality impacts.</p> <p>The Selected Alternative would not induce or alter activity at the airport; therefore, no material change in the nature and type of operational air emissions are expected. PBIA is located within an attainment area for all criteria air pollutants.</p> <p>Construction wastes would be collected, transported, recycled, and disposed of in compliance with applicable state and local regulations. No potential issues regarding solid or hazardous wastes have been identified.</p> | Establishes state regulatory policy for certain environmental resources (i.e., water quality, air quality, waste disposal). |
| Chapter 582 Soil and Water Conservation | The Selected Alternative would not affect soils or farmland within a Soil and Water Conservation District. The project site is located on urban airport developed for aviation use. The Selected Alternative would not convert prime farmland. | Provides for the control and prevention of soil erosion. |