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Katherine Higgins, Operations Specialist
Federal Aviation Administration
Western Pacific Region
15000 Aviation Blvd.
Hawthorne, CA 90250
310-725-6597

RE: Draft Supplemental Environmental Assessment (DSEA) concerning proposed modifications to the Four Corner-Post Plan

Dear Ms. Higgins:

We were recently provided with the comments by the Superintendent of the Lake Mead National Recreation Area on the DSEA. The Superintendent's comments recommend that the FAA undertake additional analysis of the potential noise impacts of the proposed action and its alternatives on Lake Mead NRA, as well as wilderness and wilderness study areas managed by the NPS and other agencies.

The Clark County Department of Aviation (CCDOA) has a direct interest in the standards that are used for assessing noise impacts in the National Park System and wilderness areas managed by the Department of the Interior. We have served as the sponsor for numerous airport capital improvement projects for which potential impacts on these resources were examined as part of the NEPA environmental analysis. We have additional projects underway and plans that will address this same subject, including the proposed Southern Nevada Regional Heliport and the proposed Ivanpah Airport. Because we believe that the Superintendent's comments misstate the applicable requirements in a manner that will negatively affect the environmental analysis of CCDOA's projects, we are compelled to respond. L2-1

At the outset, it is important to recognize that only small portions of Lake Mead NRA and Muddy Mountains Wilderness Area lie within the DSEA study area, which was limited to areas affected by flight operations below 10,000 feet AGL. (See DSEA Ex. 1.1.) While additional areas lie within an expanded area (that includes flight operations above 10,000 feet AGL within the airspace controlled by Las Vegas TRACON), the DSEA states that the FAA's assessment of environmental impacts did not cover this expanded area. (DSEA, pg. 1-6.)

The FAA's noise analysis confirms that its selection of the study area was appropriate; the DSEA found that there are ***no*** significant noise impacts attributable to the proposed

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L2

action within Lake Mead NRA or Muddy Mountains. Even the lowest recognized impact (a 5 dB increase in areas exposed to noise between DNL 45 dB and DNL 60 dB) would not occur within these resources. (See DSEA Ex. 4.4 – 4.7.)

Further, the FAA specifically analyzed potential noise impacts in Lake Mead NRA and Muddy Mountains, primarily for purposes satisfying Section 4(f) of the DOT Act. The FAA found that aircraft overflying Lake Mead NRA would be at or above 16,000 feet AGL and that the associated noise would be less than DNL 30 dB. Aircraft overflying Muddy Mountains would be at or above 10,000 feet AGL with associated noise below DNL 24 dB. From this information, the FAA properly concluded that the proposed action would not "use" these resources under Section 4(f). (DSEA, pgs. 4-30 – 4-31.)

The DSEA also indicates that the proposed action may actually ***reduce*** noise impacts to Lake Mead NRA because fewer flights heading for destinations northeast of Las Vegas would fly over Lake Mead. This conclusion is confirmed by examining both the existing and proposed departure flight tracks (See DSEA Ex. 4.2) and the grid point noise analysis (See DSEA Ex. B-14 and Supplemental Noise Analysis).

The Superintendent, nevertheless, has requested that the FAA supplement the noise analysis by examining "the percent of time aircraft will be audible in the wilderness area" and similar potential impacts. Such analysis is neither required by applicable regulations nor appropriate in this circumstance. Whether and where aircraft are audible will not help determine whether the proposed action may have significant noise impacts or use resources protected under Section 4(f). Neither the FAA nor a reviewing court has ever said or suggested that audibility somehow corresponds to significance. L2-1

On the contrary, the FAA has stated that examining audibility is appropriate for assessing aircraft noise *only* within Grand Canyon National Park. This unique situation arises because NPS and FAA have been charged by Congress (through the Overflights Act of 1987, Public Law 100-91) with substantially restoring natural quiet at Grand Canyon NP. NPS has determined that natural quiet corresponds with aircraft audibility. FAA Order 1050.1E confirms the uniqueness of this standard by limiting the use of audibility as a supplemental noise metric to the Grand Canyon NP. (FAA Order 1050.1E at A-65.)

While we understand that the NPS manages soundscape as a natural resource, we see a serious risk in conflating audibility with significance for purposes of NEPA analysis. There are numerous noise-sensitive resources throughout the American Southwest that could be affected by proposed changes in airspace and proposed airport projects. NEPA does not, however, require analysis of every conceivable impact to every conceivable noise-sensitive resource. The FAA was required to conduct its noise analysis in the DSEA according to agency regulations that were adopted consistent with the regulations of the Council on Environmental Quality. The DSEA conforms to applicable FAA regulations as set forth in Order 1050.1E; to require additional analysis simply because there might be a change in the amount of time that aircraft may be audible within properties managed by the NPS would create a dangerous precedent and could jeopardize important National Aviation System and airspace projects and impede the national air transportation system. Accordingly, it makes no

L2

sense, and may be counterproductive, to include the type of analysis requested by the NPS in an environmental assessment. Again, neither the FAA nor a court has ever endorsed the Superintendent's apparent view.

The Superintendent also requested that the FAA analyze the cumulative impact of the proposed action along with other past, present, and future overflights above Lake Mead NRA. While we understand that the FAA is conducting this type of analysis for a proposed new airport in St. George, Utah (to examine noise impacts within Zion National Park), such an analysis is ***not*** appropriate here. Again, large portions of Lake Mead NRA are outside the study area. For areas within the study area, the DSEA identifies the past, present, and reasonably foreseeable actions that might, when considered along with the proposed action, impose significant impacts. (See DSEA at Sec. 4.6.) The FAA properly identified such cumulative actions, which did not include those suggested by the Superintendent. Considering the findings of the DSEA that cumulative noise levels would be low (approximately DNL 30 dB) and that "the Proposed Action would not increase the area exposed from the existing conditions or add additional areas" (DSEA, pgs 4-30 – 4-31), it was reasonable and appropriate for the FAA to conclude that actions identified by the Superintendent would not cumulatively result in a significant impact. L2-1

For these reasons, we urge the FAA to reject the Superintendent's requests to (1) examine the potential effect of the proposed action on audibility in Lake Mead NRA and Muddy Mountains Wilderness Area, and (2) analyze the cumulative impact to Lake Mead NRA from the proposed action and other overflights. The noise analysis contained in the DSEA appears to satisfy the NEPA requirements and confirms that noise impacts to these resources would not be significant. Undertaking the requested analysis would not affect this conclusion and is not appropriate for this environmental assessment.

We appreciate your consideration of this response.

Sincerely,

RANDALL H. WALKER
Director of Aviation

cc: William Dickinson, Lake Mead NRA
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