Federal Aviation Administration

Finding of No Significant Impact (FONSI)
and
Record of Decision (ROD)

For the ILHS-HAA Project
Instrument Flight Procedures Low-Level Helicopter System (ILHS)
to support Helicopter Air Ambulance (HAA) Operations

November 2023

I. INTRODUCTION

This document serves as the Federal Aviation Administration's (FAA) Finding of No Significant Impact and Record of Decision (FONSI/ROD) for the Draft Environmental Assessment for the Instrument Flight Procedures Low-Level Helicopter System (ILHS) to support Helicopter Air Ambulance (HAA) Operations (ILHS-HAA), which is made Final by striking all relevant and timeframe references to "Draft" and replacing with "Final," amending Appendix B to reflect release of the Draft EA, and striking Appendix J for lack of public comment, with an effective date of October 2023, attached hereto and incorporated by reference. The FONSI/ROD has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code (U.S.C.) Section 4321 et seq.); implementing regulations issued by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations (CFR), parts 1500-1508); and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, effective July 16, 2015 ("FAA Order 1050.1F"). This FONSI/ROD is also used by the FAA to demonstrate and document its compliance with the several procedural and substantive requirements of aeronautical, environmental, programmatic, and other statutes and regulations that apply to FAA decisions on proposed actions. This FONSI/ROD is based on the information and analysis contained in the Final Environmental Assessment (Final EA) dated October 2023.

Furthermore, this FONSI/ROD:

- Documents the FAA's finding that the ILHS-HAA will not have significant environmental impacts and explains the basis for that finding; and,
- Approves certain Federal actions associated with the implementation of the Proposed Action. Implementation of the Proposed Action will result in no airport/heliport-related development, land acquisition, construction, or other ground disturbance activities.

In approving the ILHS-HAA, the FAA has considered 49 U.S.C. § 40101(d)(4), which gives the FAA various responsibilities and holds it accountable for controlling the use of navigable airspace and regulating civil and military operations in that airspace in the interest of safety and efficiency. Additionally, consideration has been given to 49 U.S.C. § 40103(b)(2), which authorizes and directs the FAA Administrator to prescribe air traffic rules and regulations governing the flight of aircraft, for the navigation, protection, and identification of aircraft, and the protection of persons and property on the ground, and for the efficient utilization of the navigable airspace, including rules as to safe altitudes of flight and rules for the prevention of collisions between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

Furthermore, the FAA has given careful consideration to the aviation safety and operational objectives of the ILHS-HAA in light of the various aeronautical factors and judgments presented; the need to enhance efficiency of the national air transportation system; and the potential environmental impacts of the Project.

II. BACKGROUND

The FAA is in the process of implementing the Next Generation Air Transportation System (NextGen), the FAA's plan to modernize the National Airspace System (NAS) through 2025. The NextGen program is the FAA's long-term plan to modernize the NAS from a ground-based system of air traffic control to a Global Positioning System (GPS)-based system of air traffic management which allows for the development of PBN procedures. Achieving the NextGen system requires implementing RNAV (Area Navigation) and RNP (Required Navigation Performance) PBN procedures and aircraft "auto-pilot" and Flight Management System (FMS) capabilities. RNAV and RNP capabilities are now readily available, and PBN can serve as the primary means aircraft use to navigate along a route. Helicopter-specific FMS capabilities are being introduced and implemented that support RNAV RNP requirements. The FAA continues to develop the NAS deploying NextGen technology in efforts such as the ILHS-HAA Project.

III. PROPOSED ACTION

The Proposed Action consists of development of standard air traffic routes to enhance efficient handling and movement of helicopter air traffic, while maintaining safety, into and out of the ILHS-HAA Study Area airspace. The Proposed Action would include:

- 8 new ZK routes
- 21 existing Arrival IFPs
- 13 existing Departure IFPs.

The Proposed Action considered in this study would include the implementation of modernized RNAV RNP ZK routes that would improve existing routing. The primary

components of the Proposed Action are, to the extent possible, redesign the routing to more efficiently serve the ILHS-HAA Study Airports/Heliports and to (1) Improve the flexibility in transitioning air traffic by minimizing the need for merging traffic flows by increasing the number of transfer control points and routes that are dedicated to specific Study Airports/Heliports; (2) Improve the segregation of helicopter traffic by implementing ZK routes that would better segregate en route traffic within the airspace; and, (3) Improve the predictability of transitioning air traffic. The optimized RNAV RNP routes would also provide vertical navigation, allowing the helicopter to climb to or descend within the ZK route with reduced pilot-controller communications and fewer inefficient level flight segments.

Implementation of the Proposed Action would not increase the number of helicopter operations at the Study Airports/Heliports. Furthermore, the Proposed Action would not involve physical construction of any facilities such as additional heliports, runways, or taxiways, and would not require permitting or other approvals or actions at either the state or local level. Therefore, the implementation of the proposed changes to procedures in the ILHS-HAA Project would not require any physical alterations. The target date for starting implementation of the ILHS-HAA routes would be late 2023.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The ILHS-HAA consisted of a Performance Based Navigation (PBN) Project Design Team phase, which analyzed the ILHS-HAA Study Area operational challenges and explored opportunities to optimize helicopter air traffic routes for Study Area Airports/Heliports. There are currently no ZK routes within the ILHS-HAA Study Area. The ILHS-HAA Routes Design Team (Design Team) concluded that these routes can improve the efficient use of the airspace. In particular, the routing of helicopters serving the ILHS-HAA Project can be improved to increase the efficient use of the airspace to the benefit of pilots, controllers, and the general public. Additionally, current VFR flights lack efficiencies inherent in RNAV-based design. This is because they rely on line of sight piloting technics that cannot provide specific and precise navigational benefits for aircraft, including predetermined speeds or altitudes. This requires increased communication between controller and pilot. Consequently, less-precise flight paths may result due to the time it takes the controller to issue an instruction to the pilot and for the pilot to read the instruction back to the controller for confirmation before the instruction can be executed. As a result, flight route predictability is reduced, as is efficient use of the airspace. In addition, current traffic flows operate on RNAV arrival/departure IFPs that end close to the airport/heliport increasing task complexity en route and also contributes to inefficient routes and altitudes at the termination of the RNAV arrival/departure procedure. Transfer to VFR flight can require sequencing and separation through the vectoring of helicopters reducing the predictability and repeatability of the routing while increasing cockpit and ATC task complexity. The Design Team materials reflect three key factors as causes of inefficiencies in the ILHS-HAA Study Area:

- Lack of predictable standard routes defined by a series of waypoints in the en route environment to the airport/heliport arrivals/departures.
- Complex converging and dependent route procedure interactions.
- Lack of flexibility in the efficient transfer of traffic between the en route and terminal area airspace

These three factors demonstrate the need for the Proposed Action.

The purpose of the Proposed Action is to address the issues discussed previously in order to improve the efficiency of the procedures and airspace utilization in the ILHS-HAA Project. To meet this goal, the Proposed Action would optimize routing to and from the Study Airports/Heliports, while maintaining or enhancing safety, in accordance with FAA's mandate under federal law. This goal would be achieved by creating RNAV (RNP) routes reducing dependence on ground-based NAVAID technology and VFR flight in favor of more efficient satellite-based navigation. Specifically, the objectives of the Proposed Action are as follows:

- Improve the predictability in transitioning air traffic between en route and terminal area airspace and between terminal area airspace area and the runways/helipads
- Provide en route connectivity for arrivals and departures in in the GSA
- Improve the flexibility in transitioning air traffic between en route and terminal area airspace and between terminal area airspace area and the runways/helipads

The FAA expects that the frequency of controller/pilot communication would decrease, reducing both controller and pilot workload by decreasing the complexity of the routes flown. Improvements from RNAV routes would reduce the need for vectoring and level flight segments, resulting in more predictable traffic flows. Modernizing RNAV procedures will also comply with direction issued by Congress in the Modernization and Reform Act of 2012.

V. ALTERNATIVES

The following provides a summary of the alternatives development process and alternatives considered.

Identification and Evaluation of Potential Alternatives - Developing alternatives for the ILHS-HAA Project was a multi-step process that began with the formation of the Design Team. The Design Team defined operational issues related to improving predictability, reducing complexity, and improving flexibility in the ILHS-HAA Project and recommended conceptual designs for routes that would address these issues. The recommended routes were reported to the working groups and reviewed subject matter experts from the ARTCC and TRACON for feasibility and other experts for locations served, ERAM capabilities, ADS-B coverage, and NAS resource processing. The Design Team designed individual routes based on the recommendations received from Helicopter Air Ambulance operators that would fly the routes. Each route that the Design Team designed had to meet several design criteria as well as the Project purpose and need. The FAA rejected individual routes if, on their own merit, they did not meet the purpose and need of the project.

The Proposed Action that this EA evaluates is a package of many individual, interrelated routes combined into one alternative derived from a complex, iterative process. These routes were considered and evaluated individually and in combination with one another to determine whether the component route would meet the Project's purpose and need. The FAA considered multiple versions of each air traffic route. Several versions were not carried forward as they failed to meet the purpose of the Project.

The General Study Area (GSA) captures all helicopter radar flight tracks using radar data from the period of January 2, 2020 to November 6, 2021 (hereafter referred to as 2020/2021). The 2020/2021 flight track data was the most recent available at the outset of the study. The 2020/2021 radar data was analyzed to identify patterns indicating commonly used flight paths. These identified common flight paths and air ambulance operator information were analyzed to derive a network of straight line, point to point flight tracks that considered the air

ambulance helicopter paths between certain pairs of identified Study Airport/Heliports. To account for potential variability, each derived straight-line flight path was buffered by a 2 NM boundary. The collection of derived and buffered flight tracks were used to create an initial GSA, then was adjusted to remove Canadian territory and account for off shore anomalies and areas lacking terrain data that is used within the noise model. The initial GSA boundary was compared against US Census block boundaries and adjusted to match those boundaries appropriately. These adjustments resulted in a final lateral boundary of the GSA used for all analyses. The resulting General Study Area includes all or portions of 24 counties in Maine, New Hampshire, and Massachusetts.

The ILHS-HAA General Study Area encompasses seven airports that are proposed to be served by the proposed project:

- Banks Airport
- Bethel Regional Airport
- Newton Field Airport
- Portland International Jetport
- Sanford Seacoast Regional Airport
- Stephen A Bean Municipal Airport
- Vinalhaven Airport

The ILHS-HAA General Study Area also includes the following heliports served by the proposed routes:

- Kelly Field (SKF)
- AR Gould Hospital Heliport
- Bar Harbor Heliport
- Blue Hill Memorial Hospital Heliport
- Boston Medical Center Hospital Heliport
- Bridgton Hospital Heliport
- C A Dean Memorial Hospital Heliport
- Calais Regional Heliport
- CMMC Air Ambulance Landing Site Heliport
- Cranberry Isles Heliport
- Down East Community Hospital Heliport
- Eastern Maine Medical Center Heliport
- Franklin Memorial Hospital Heliport
- Houlton Regional Hospital Heliport
- Huggins Hospital Heliport
- Lincoln Health Miles Campus
- Maine Coast Memorial Heliport
- Maine General Medical Center Waterville Heliport
- Maine Medical Center Heliport
- Millinocket Regional Heliport
- Monhegan Island Heliport
- Northern Light Mayo Hospital Heliport
- Northern Maine Medical Center Heliport
- Penobscot Bay Medical Center Heliport
- Portsmouth Regional Hospital Heliport
- PVH Heliport
- Rumford Community Hospital Heliport
- Southern Maine Health Care SMMC Helipad
- Southern Maine Health Care/Sanford Heliport
- Stephens Memorial Hospital Heliport
- Waldo County General Hospital Heliport
- Wentworth Douglass Hospital Heliport
- York Hospital Heliport

The EA refers to the airport and heliports collectively as the Study Airports/Heliports.

VI.ENVIRONMENTAL CONSEQUENCES

The FAA analyzed the potential environmental impacts that could result from implementation of the Proposed Action as well as the impacts associated with the No Action Alternative on all relevant environmental impact categories specified in FAA Order 1050.1F. The FAA evaluated both alternatives for conditions in 2023, the first year of implementation of the optimized air traffic procedures under the Proposed Action, and 2028, five years after expected implementation of the Proposed Action.

The Proposed Action would not involve land acquisition, physical disturbance, or construction activities and, therefore, would not affect certain environmental impact categories. The following environmental resource categories would remain unaffected because either the resource does not exist within the General Study Area or it would not be affected by the activities associated with the Proposed Action. The unaffected resource categories or sub-categories include:

- Coastal Resources
- Farmlands
- Biological Resources (including Fish and Plants only)
- Water Resources (including Wetlands, Floodplains, Surface Waters, Groundwater, and Wild and Scenic Rivers)
- Hazardous Materials, Solid Waste, and Pollution Prevention
- Historical, Architectural, Archeological, and Cultural Resources –Archeological and Architectural sub-category only
- Land Use
- Visual Effects – Light Emissions only
- Natural Resources and Energy Supply – Natural Resources sub-category only
- Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks – Socioeconomic Impacts sub-category, Children’s Environmental Health and Safety Risks sub-categories.

The Proposed Action would not involve land acquisition; physical changes to the environment resulting from ground disturbance or construction activities; changes in patterns of population movement or growth, increases in public service demands, or business and economic activity; or generation, disturbance, transportation, or treatment of hazardous materials. Furthermore, the Proposed Action does not include the construction of airport or heliport facilities that would result in or induce an increase in operational capacity. Thus, the Proposed Action would not result in Secondary or Induced impacts.

Those environmental impact categories potentially affected by the Proposed Action are discussed in the following sections.

Noise

As required by FAA Order 1050.1F, the Aviation Environmental Design Tool version 3d (AEDT 3d) was used to model the noise impacts for the ILHS-HAA project because the project involves a study area larger than the immediate vicinity of an airport/heliport, incorporates more than one airport/heliport, and includes actions above 3,000 feet above ground level (AGL). Noise was analyzed for both the Proposed Action and the No Action Alternative during the year in which implementation of the Proposed Action would be initiated (2023) and a five-year look-ahead (2028).

The AEDT model computed DNL exposure values at three sets of data points throughout the General Study Area:

1. 48,261 2020 United States Census Bureau population census block centroids (center point of a census block);
2. 224,613 unique points representing certain specific cultural resources and areas potentially protected under Section 4(f) of the Department of Transportation Act (DOT Act) (49 U.S.C. § 303(c)), and historic properties protected under Section 106 of the National Historic Preservation Act (NHPA)(16 U.S.C. § 470 *et seq.*); and,
3. 80,956 uniform grid points covering the General Study Area (using 0.5 nautical mile spacing) to document helicopter DNL exposure levels at potential noise sensitive locations that were not otherwise identified.

Helicopter noise exposure was modeled for both the Proposed Action and the No Action Alternative under 2023 and 2028 forecast conditions. For 2023 and 2028:

- No significant noise (+1.5 DNL dB resulting in 65 DNL dB or higher) was identified.
- No reportable noise (+3.0 dB resulting in a value of 60-65 DNL dB) was identified.
- No reportable noise (+5.0 dB resulting in a value of 45-60 DNL dB) was identified.

The noise analysis demonstrates that implementing the Proposed Action would not result in a day-night average sound level (DNL) increase of 1.5 DNL dB or higher in noise-sensitive areas exposed to DNL 65 dB or higher or a reportable noise increase in lower DNL level areas. Therefore, the Proposed Action would not result in a significant or reportable noise impact.

Noise Compatible Land Use

Analysis of the potential impacts to noise compatible land use was focused on changes in helicopter noise exposure resulting from implementing the Proposed Action. FAA Order 1050.1F states, “The compatibility of existing and planned land uses in the vicinity of an airport is usually associated with the extent of the airport’s noise impact. If the noise analysis concludes that there is no significant impact, a similar conclusion usually may be drawn with respect to compatible land use.” Air traffic actions like the ILHS-HAA Project do not result in direct impacts to land such as ground disturbance. Accordingly, the compatible land use analysis relies on changes in helicopter noise exposure between the No Action Alternative and Proposed Action as the basis for determining compatible land use impacts within the General Study Area.

The Proposed Action, when compared with the No Action Alternative, would not result in changes in helicopter noise exposure in 2023 and 2028 that would exceed the FAA’s significance threshold. Likewise, there are no conflicts with federal, regional, state, or local land use plans, policies, and controls. Therefore, the Proposed Action would not result in significant compatible land use impacts.

Department of Transportation Act, Section 4(f)

Evaluating potential impacts to Section 4(f) resources focuses on changes in helicopter noise exposure resulting from implementing the Proposed Action. The FAA’s helicopter noise exposure analysis indicates that the Proposed Action would not result in a reportable noise increase at any Section 4(f) resource identified within the GSA, when compared with the No

Action Alternative. Any changes in helicopter traffic patterns would occur at altitudes and distances from viewers that would not substantially impair the view or setting of the Section 4(f) resources. Therefore, the Proposed Action would not result in potential impacts to Section 4(f) resources.

Historical and Cultural Resources

The helicopter noise exposure analysis indicates that there would be no significant impact to the noise environment at any historic or cultural resources under the Proposed Action compared with the No Action Alternative. The helicopter noise exposure analysis indicates there would be no reportable noise increases within the GSA. Changes in historic and current helicopter traffic patterns would occur at altitudes and distances from viewers that would not substantially impair the view or setting of historic or cultural resources or those resources potentially eligible for NHRP listing. The Proposed Action would not directly or indirectly change any known characteristics qualifying or potentially qualifying a historic resource for inclusion in or its eligibility for the NRHP. Consultation is ongoing regarding historic resources in the APE. Therefore, there would be no adverse effects to historic or cultural resources under the Proposed Action.

Wildlife (Avian and Bat Species)

The greatest potential for impacts to wildlife species would result from wildlife strikes on avian and bat species. Changes to helicopter air ambulance flight paths under the Proposed Action would primarily occur with en route phases of flight intended for use in IFR conditions. Avian strikes with air ambulance helicopters in the GSA average roughly one every three years for the AW-109 air ambulance helicopter type. Under the Proposed Action, changes to proposed flight paths would involve IFR helicopters and no changes to arrival and departure corridors that are currently used in IFR operations would be expected. Therefore, no significant impacts to bird or bat species would occur.

Environmental Justice

Neither the Proposed Action nor the No Action Alternative would displace people or businesses. No census block centroids in the GSA would experience a change in noise exposure in 2023 and 2028 that exceeds any of the FAA's significance or reportable thresholds for noise impacts on people. Therefore, no adverse direct or indirect effects would occur to any environmental justice populations within the GSA under the Proposed Action.

Energy Supply

In comparison to the No Action Alternative, the Proposed Action would result in a relatively small increase in helicopter fuel burned in 2023 of 6.7 percent and in 2028 of 6.8 percent. These increases, which total roughly 7,000 gallons of additional Jet-A annually, would not be anticipated to negatively affect local aircraft fuel supplies. Therefore, there would be no significant impacts to energy supply that would exceed available or future supplies of energy.

Air Quality

The Proposed Action would result in an increase in emissions when compared to the No Action Alternative. However, changes to flight paths under the Proposed Action would occur at or above 1,500 feet AGL represent 0.042 (2023) and 0.046 (2028) Metric Tons (approximately 7,000 gallons) of Jet-A demand annually, and are presumed to conform to the

applicable state implementation plans (SIPs). Furthermore, changes to flight paths below the mixing height are also presumed to conform when modifications to procedures are designed to enhance operational efficiency. The slight increase in emissions is expected to have little if any effect on emissions or ground concentrations. Therefore, there would be no significant impacts to air quality.

Climate

Although fuel burn would increase slightly under the Proposed Action as compared to the No Action Alternative, there would be no significant impacts to the climate.

Visual Effects

Implementation of the Proposed Action would not increase the number of helicopter operations at the Study Airports/Heliports compared with the No Action Alternative. Changes in helicopter traffic patterns under the Proposed Action are expected to be at altitudes and distances sufficiently removed from viewers that visual impacts would not be anticipated. Therefore, the Proposed Action would not result in visual impacts.

Cumulative Impacts

Consideration of cumulative impacts applies to the impacts resulting from the implementation of the Proposed Action with other actions. CEQ regulations define a cumulative impact as “an impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.” The regulations also state that cumulative impacts can result from individually minor but collectively significant actions that take place over a period of time.

The implementation of the Proposed Action when considered with other past, present, and reasonably foreseeable future actions would not be expected to result in significant cumulative impacts.

Mitigation

Thresholds of significance for any environmental impact category would not be exceeded due to the Proposed Action; therefore, no mitigation is being proposed as part of this project.

Other Considerations

The Proposed Action involves air traffic control routing changes for airborne helicopters only. The United States Government has exclusive sovereignty of airspace in the United States [49 U.S.C. Section 40103(a)]. Congress has provided extensive and plenary authority to the FAA concerning the efficient use and management of the navigable airspace, air traffic control, air navigation facilities, and the safety of aircraft and persons and property on the ground [49 U.S.C. Sections 40103(b)(l) and (2)]. To the extent applicable, and as there are no significant impacts under noise or compatible land use, the Proposed Action is consistent with the plans, goals, and policies for the area and with the applicable regulations and policies of federal, state, and local agencies.

VII. AGENCY AND PUBLIC INVOLVEMENT

Public involvement and early consultation process began with the initiation of the preparation of the EA. On August 31, 2022, the FAA distributed an early notification letter to 732 federal, state, regional, and local officials and agencies, as well as to five area tribes. On September 4, 2022, a Notice of Intent to Prepare an EA was published in English in the Portland Press Herald (ME), the Bangor Daily News (ME), the Portsmouth Herald (NH) and the New Hampshire Union Leader (NH) newspapers. Three written comments were received in response to the Notice of Intent and where applicable, were considered in preparation of the Draft and Final EAs.

On May 5, 2023 the FAA initiated Section 106 consultation with the Maine, New Hampshire, and Massachusetts SHPO offices and Tribal Historic Preservations Officers from five tribes within the GSA; namely: Houlton Band of Maliseets, Aroostook Band of Micmacs, Penobscot Nation, Passamaquoddy Tribe of Indian Township, Passamaquoddy Tribe of Pleasant Point, and the Cowasuck Band of the Pennacook/Abenaki PeopleTribe that may have interests within the General Study Area in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470 et seq.) and the implementing regulations at 36 C.F.R. Part 800. The Maine SHPO responded to the FAA's request for concurrence in methodology on May 24, 2023, subsequently, the FAA responded with additional requested information and a request for concurrence on a finding of no adverse effect on September 19, 2023. On October 25, 2023, FAA received the Maine SHPO concurrence with FAA's finding of no adverse effect.

The Draft EA was released on May 7, 2023. The FAA updated the project website to reflect the release of the EA, including making the entire EA and supporting map files available electronically. The FAA published a notice of availability of the EA in the same newspapers as the NOI. Digital copies were made available to select libraries in each County of the General Study Area. In addition, the FAA sent letters to the previous recipients of the early coordination letters to update them on the status of the project, advise them of the release of the EA (including the project's web address), and solicit written and emailed comments. Public comments were solicited through all formal public involvement efforts and no public comments were received within the formal comment solicitation period on the Draft EA.

VIII. THE AGENCY'S FINDINGS

A. The ILHS-HAA will ensure the safety of aircraft and the efficient use of airspace. (49 U.S.C. § 40103(b)).

The Federal Aviation Act of 1958 gives the Administrator the authority and responsibility to assign by order or regulation the use of the navigable airspace in order to ensure the safety of aircraft and the efficient use of the airspace. In its continuous effort to ensure safety of aircraft and improve the efficiency of transit through the navigable airspace, the FAA will create or modify ZK Routes in the ILHS-HAA Study Area. The project will enhance the efficiency of the airspace in the ILHS-HAA Study Area by creating more predictable ground and vertical paths through the limited airspace in the region. Additionally, this project will allow the FAA to further achieve its NextGen goals.

In deciding to implement the Proposed Action, the FAA carefully evaluated both the Proposed Action and the No Action Alternatives. The No Action Alternative would do nothing to improve the efficiency of the airspace or address any of the three key causal factors for airspace

efficiency. The No Action Alternative would not further the Agency's goal in transitioning to NextGen.

B. This project does not involve the use of any historic sites or other properties protected under Department of Transportation Act Section 303(c), also known as Section 4(f) or under the National Historic Preservation Act.

The project does not involve any physical development or modification of facilities and therefore no actual, physical use of resources protected under Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act would result. The project would also not result in a constructive use of any protected property because it would not cause increases in noise sufficient to impair the value of those resources. None of the parks or natural areas in the General Study Area have a quiet setting as a generally recognized purpose and attribute.

The project would not cause an adverse effect on historic resources listed on or eligible for listing on the National Register of Historic Places. This determination is based on consultation under Section 106 of the National Historic Preservation Act with the Maine, New Hampshire, and Massachusetts State Historic Preservation Officers, the National Park Service, and the Department of the Interior.

C. Clean Air Act, Section 176 (c)(1) Conformity Determination (42 U.S.C. § 7506(c)).

The project is an air traffic control activity that adopts RNAV RNP ZK routes for air operations. It is presumed to conform under 72 Fed. Reg. 41565 (July 30, 2007). The project would not result in the development of physical facilities nor would it result in or induce an increase in operational capacity in the study area. Analysis concluded that the project conforms to the purposes of the SIP for the States of Maine, New Hampshire, or Massachusetts. The project will not cause a new violation of the NAAQS, worsen an existing violation, or delay meeting the standards of the NAAQS in the General Study Area.

D. Findings Pursuant to the Purpose and Need

Upon implementing the Proposed Action, the airspace that serves the Study Airports/Heliports would include optimized air traffic routings to improve the efficiency of the air traffic routes. Based on the EA prepared for the Proposed Action, this FONSI/ROD is issued. Both the EA and the FONSI/ROD are hereby incorporated into this decision.

IX.DECISIONS AND ORDERS

After careful and thorough consideration of the EA and the facts contained herein, I find that the Proposed Action is consistent with existing national environmental policies and objectives as set forth in Section 101 of National Environmental Policy Act and other applicable environmental requirements and will not significantly affect the quality of human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of National Environmental Policy Act. Therefore, an environmental impact statement will not be prepared.

I, the undersigned, have reviewed the referenced EA including the evaluation of the purpose and need that this Project would serve, the alternative means of achieving the purpose and need, and the environmental impacts associated with these alternatives. I find the Project

described in the EA is reasonably supported, and issuance of a finding of no significance is appropriate. Therefore, an environmental impact statement will not be prepared.

I have carefully considered the FAA's statutory mandate under 49 U.S.C. § 40103 to ensure the safe and efficient use of the national airspace system as well as the other aeronautical goals and objectives discussed in the EA.

Accordingly, under the authority delegated to me by the Administrator of the FAA, I approve the operational changes as described in the proposed action alternative and direct that actions be taken that will enable implementation of the ILHS-HAA Project.

Approved: Gene Burdick Digitally signed by Gene Burdick Date: 2023.11.07 11:50:18 -05'00'

Gene Burdick
Acting Director
Eastern Service Center, AJV-E
Federal Aviation Administration

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. Any party seeking to stay implementation of the ROD must file an application with the FAA prior to seeking judicial relief as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.