

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration Office of Commercial Space Transportation

Finding of No Significant Impact and Record of Decision

Environmental Assessment for the Huntsville International Airport Reentry Site Operator License and Sierra Space Corporation Vehicle Operator License

Summary

The Federal Aviation Administration (FAA) prepared the attached Final Environmental Assessment (EA) to analyze the potential environmental impacts of activities associated with Huntsville-Madison County Airport Authority's (herein referred to as the Authority) proposal to operate a commercial space reentry site at the Huntsville International Airport (HSV) and Sierra Space Corporation's (herein referred to as Sierra Space) proposal to conduct reentries of the Dream Chaser vehicle at HSV (collectively, the Proposed Action). Under the Proposed Action, the FAA would issue a Reentry Site Operator License to the Authority in order to offer HSV as a reentry site to Sierra Space Corporation, provide unconditional approval of the portion of the Airport Layout Plan (ALP) that shows the designation of a reentry site boundary, and develop Letter(s) of Agreement (LOAs) with HSV and Sierra Space to outline notification procedures prior to, during, and after an operation as well as procedures for issuing a Notice to Air Missions (NOTAM). In addition, under the Proposed Action the FAA would issue a Vehicle Operator License to Sierra Space for conducting up to one reentry annually in 2023 to 2025, up to two reentries in 2026, and up to three reentries in 2027 of the Dream Chaser vehicle at HSV. The EA was prepared in accordance with the National Environmental Policy Act of 1969, as amended (NEPA; 42 United States Code [U.S.C.] § 4321 et seq.); Council on Environmental Quality NEPA implementing regulations (40

Code of Federal Regulations [CFR] parts 1500 to 1508 ¹²); FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*; and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*.

After reviewing and analyzing available data and information on existing conditions and potential impacts, the FAA has determined that the Proposed Action would not significantly affect the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required, and the FAA is issuing this Finding of No Significant Impact (FONSI) and Record of Decision (ROD). The FAA has made this determination in accordance with applicable environmental laws and FAA regulations. The Final EA is incorporated by reference into this FONSI/ROD.

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Purpose and Need

The Authority's purpose is to provide a commercial space reentry facility to initiate its reentry site operator capabilities for the recovery of horizontally landed orbital reusable vehicles. The Authority's need is to facilitate and foster the operation of new types of orbital reentry vehicles to meet the demand for lower-cost space related industries, providing benefits to both the government and the

¹ The Council on Environmental Quality (CEQ) amended its regulations implementing NEPA effective September 14, 2020. Under section 1506.13 of the amended regulations, agencies had discretion to apply the amended regulations to NEPA processes that were begun before September 14, 2020. FAA initiated its NEPA process for this action on February 6, 2020 and decided not to apply the September 14, 2020 regulations. Therefore, the 1978 CEQ regulations continue to apply to this NEPA process.

² CEQ published a final rule in the Federal Register on April 20, 2022, to amend certain provisions of its regulations for implementing NEPA. The rule is effective on May 20, 2022. This Final EA was prepared in accordance with the 1978 version of CEQ's NEPA-implementing regulations.

private sectors. The Authority seeks to advance the space industry and foster the local and regional growth and development of the commercial space industry.

Sierra Space's purpose is to provide payload and cargo return services to the National Aeronautics and Space Administration (NASA) for resupply of the International Space Station (ISS) by landing the Dream Chaser at HSV. These missions are purchased by NASA to provide a commercial resupply service, but Dream Chaser is owned and operated by Sierra Space. This relationship allows the vehicle to be used to support additional missions for other government and non-government customers. These missions, by Dream Chaser and/or other horizontal vehicles, could include experiments, space tourism, or other related commercial space activities. Sierra Space's need is to have a suitable site to reenter the Dream Chaser vehicle to complete their payload and cargo return service missions. This would further Sierra Space's service goals and support company growth by expanding its offerings to the space industry already prevalent in the U.S. and build an economic base of space-related industries.

Proposed Action

The FAA's Proposed Action is to:

- 1) Issue a Reentry Site Operator License (RSOL) pursuant to 51 U.S.C. Ch. 509 and 14 CFR Part 433 to the Authority to operate a commercial reentry site at HSV. Under the RSOL, the Authority could offer the site to Sierra Space to conduct reentries of the Dream Chaser vehicle.
- 2) Issue a Vehicle Operator License (VOL) pursuant to 51 U.S.C. Ch. 509 and 14 CFR Part 450 to Sierra Space to conduct reentries of the Dream Chaser, a commercial space reentry vehicle, at HSV.
- 3) Provide unconditional approval of the portion of the Airport Layout Plan (ALP) pursuant to 49 U.S.C. § 40103(b) and § 47107(a)(16) that shows the designation of a reentry site boundary and develop LOAs with HSV and Sierra Space to outline notification procedures prior to, during, and after an operation as well as procedures for issuing a NOTAM.

Alternatives

Alternatives analyzed in the EA include (1) the Proposed Action and (2) the No Action Alternative.

Under the No Action Alternative, the FAA would not issue an RSOL to the Authority or unconditionally approve ALP changes depicting the reentry site boundary. Additionally, the FAA would not issue a VOL

to Sierra Space to conduct reentries at HSV. The No Action Alternative serves as a baseline of environmental conditions to assess the comparative impacts of the Proposed Action. The No Action Alternative would not meet the stated purpose and need.

Public Involvement

On November 12, 2021, the FAA published the Draft EA on the FAA's website at https://www.faa.gov/space/stakeholder_engagement/huntsville_reentry, beginning the public comment period. The FAA provided a public notice of the availability of the Draft EA for public review and comment through the Federal Register and local newspaper advertisement. A virtual public meeting was held on December 9, 2021. The public comment period ended on December 22, 2021. The FAA received 40 comments and considered all public comments when preparing the Final EA. Responses to the public comments are located in Appendix E of the Final EA.

Summary of Environmental Impacts

The potential environmental impacts from the Proposed Action and No Action Alternative were evaluated in the attached Final EA for each environmental impact category identified in FAA Order 1050.1F.

Chapter 3 of the Final EA describes the affected environment and regulatory setting. In addition, Chapter 3 identifies those environmental impact categories that are not analyzed in detail, explaining why the Proposed Action would have no potential effect on those impact categories: Air Quality, Climate, Coastal Resources, Farmlands, Land Use, Natural Resources and Energy Supply, Visual Effects (including Light Emissions), and Water Resources.

Chapter 3 of the Final EA also provides evaluations of the potential environmental consequences of each alternative for each of the environmental impact categories analyzed in detail and documents the finding that no significant environmental impacts would result from the Proposed Action. As part of the assessment, Chapter 3 addresses the requirements of special purpose laws, regulations, and executive orders.

A summary of the documented findings for each impact category, including requisite findings with respect to relevant special purpose laws, regulations, and executive orders, follows.

- **Noise and Noise-Compatible Land Use**, Final EA Section 3.2.1. Noise impacts from the Proposed Action would result from a sonic boom generated by each reentry operation. Given the maximum frequency of reentry operations, the Proposed Action would result in up to one sonic boom in 2023, 2024, and 2025; up to two sonic booms in 2026; and up to three sonic booms in 2027. The daytime or nighttime timing of Sierra Space’s proposed reentry operations would depend on the specifics of each operation. The maximum peak overpressure for one sonic boom produced by the Proposed Action would be 1.25 pounds per square feet (psf). This is similar to a clap of thunder, which is a phenomenon commonly experienced by residents in the affected area. The maximum noise impact scenario (up to three reentry operations in 2027, which could all occur at night), would result in a C-weighted Day-Night Level (CDNL) sound of 43.3 dBC (C-weighted decibels), which is below the FAA’s noise compatibility threshold of 60 dBC (equivalent to DNL 65 dBA). The maximum sonic boom overpressure level of 1.25 psf is also below the National Institute for Occupational Safety and Health and Occupational Safety and Health Administration 4-psf impulsive hearing conservation noise criterion, although the unexpected, loud impulse noise of sonic booms may cause a startle effect in people. The maximum sonic boom overpressure level of 1.25 psf is also below the 2-psf threshold for structural damage. The Proposed Action would also result in changes to enroute flights through the issuance of NOTAMs (up to 2 hours per reentry operation), which could increase noise exposure from those people and resources affected by the re-routed aircraft flight paths. However, aircraft flight path changes are anticipated to be infrequent and short in duration, and on existing en-routes and flight paths. Therefore, the Proposed Action would not cause significant effects related to noise and noise-compatible land use.
- **Biological Resources (including Fish, Wildlife, and Plants)**, Final EA Section 3.2.2. The Proposed Action would not result in ground disturbing activities at HSV that could result in direct impacts to federally or state-listed threatened or endangered species. Operational impacts associated with the Proposed Action could potentially cause noise and bird strike impacts to federally or state-listed species or common wildlife in the study area (depicted in Figure 3-1 of the Final EA) but would not significantly increase the chance of migratory bird strikes at HSV. The reentry vehicle would produce sonic booms over the study area with a maximum sonic boom overpressure of 1.25 psf, which would have similar overpressures to natural environmental sources, such as thunder. The FAA anticipates reentry operations “may effect but would not likely adversely affect” Endangered Species Act-listed wildlife species in the study area. The U.S.

Fish and Wildlife Service (USFWS) concurred with the FAA's Section 7 effect determination on November 15, 2021 (see Appendix B of the Final EA). Therefore, the Proposed Action would not result in significant impacts on biological resources.

- **Department of Transportation Act, Section 4(f)**, Final EA Section 3.2.3. The FAA identified 17 properties potentially eligible for protection under Section 4(f) within the sonic boom study area, including public recreational areas, National Register of Historic Places-listed (NRHP-listed) historic sites, and a wildlife refuge area (see Table 3-2 of the Final EA). The Proposed Action would not result in ground disturbing activities at HSV or would otherwise physically occupy or directly use any potential Section 4(f) resources, so there would be no potential for *physical use* of Section 4(f) resources. To rise to the level of *constructive use*, a noise impact must substantially impair the activities, features, or attributes that qualify the property for protection under Section 4(f). For noise impacts to result in substantial impairment, a lack of noise must be a recognized attribute of the property. Properties for which serenity and a quiet setting are not significant attributes were dismissed (including 11 local parks and four NRHP-listed properties) from detailed consideration in this EA because a certain level of noise is an inherent and pre-existing attribute of the property or because already existing noise exposure from outside sources was identified during the screening. The USFWS Wheeler National Wildlife Refuge (NWR) and the Tennessee Valley Authority (TVA) Wheeler Reservoir were identified as properties within the sonic boom study area for which serenity and a quiet setting are significant attributes. The Proposed Action would result in a maximum sonic boom overpressure (1.25 psf) for up to one reentry operation in 2023, 2024, and 2025; up to two operations in 2026; and up to three operations in 2027. The sonic boom overpressure would be similar in intensity to thunder, which is commonly experienced by residents of the study area and would therefore not substantially impair the Section 4(f) resources as a new source of noise. The sonic boom overpressure would also be below the threshold for structural damage, and therefore not result in impacts to structural components of Section 4(f) resources, including NRHP-listed resources. Therefore, the Proposed Action would not cause a *constructive use* of Section 4(f) resources. The FAA sent its preliminary determination of no *constructive use* to the officials with jurisdiction: USFWS, for the Wheeler National Wildlife Refuge; TVA, for the TVA Wheeler Reservoir; and the Alabama State Historic Preservation Officer (SHPO), for the NRHP-listed resources on November 3, 2021. USFWS responded on February 2, 2022, and concurred with

the FAA's preliminary determination. TVA and the Alabama SHPO did not respond or object to the FAA's preliminary determination.

- **Hazardous Materials, Solid Waste, and Pollution Prevention**, Final EA Section 3.2.4. Dream Chaser propellants (Hydrogen Peroxide and Kerosene) would only be present in residual amounts at landing. During the reentry and post-reentry time periods, Runway 18L-36R would be closed to all except Sierra Space personnel involved in post-reentry procedures. The Proposed Action would result in one new hazardous substance—hydrogen peroxide—being briefly stored at HSV. As part of the Dream Chaser safing activities, all residual hydrogen peroxide would be flushed and/or diluted, offloaded into approved storage containers, and transported off-Airport to be disposed of in an approved method by local waste management in accordance with applicable requirements. With proper handling of hydrogen peroxide, no adverse effects to the environment are expected. Dream Chaser would also contain residual amounts of RP-1 (no more than 100 lbs. or 15 gal), which would be stored at the existing kerosene storage area at the Airport. The Proposed Action would not significantly increase the amount of RP-1 stored at HSV. There would be no significant changes in the amounts of other hazardous materials at HSV. Sierra Space would manage all hazardous materials and hazardous and non-hazardous wastes in accordance with the applicable federal, state, and local requirements and regulations at HSV. Therefore, no significant impacts related to hazardous materials, solid wastes, or pollution prevention are anticipated to result from the Proposed Action.
- **Historical, Architectural, Archeological, and Cultural Resources**, Final EA Section 3.2.5. The Proposed Action does not include ground disturbing activities and would not result in any direct effects on historic properties. The Area of Potential Effects (APE) was determined in consultation with the Alabama SHPO to be the same as the study area and encompasses the area where a sonic boom overpressure of 1.0 psf could occur. The maximum sonic boom overpressure estimated to occur within the study area would be 1.25 psf, which is below the 2 psf threshold for damage from overpressure on well-maintained structures. In terms of auditory effects, the intensity of sonic booms associated with operation of the Proposed Action would be similar in intensity to thunder. Therefore, the FAA has determined that this undertaking will have No Adverse Effect on historic properties in the APE. On November 9, 2021, the Alabama SHPO, concurred with the FAA's determination that the proposed undertaking would have "No

Adverse Effect” on historic properties (see Appendix B of the Final EA). The FAA sent a letter to seven identified Native American tribes that may have an interest in the counties within the APE initiating Government-to-Government and Section 106 consultation on October 22, 2021; no responses were received.

- **Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Risks,** Final EA Section 3.2.6. The potential employment of up to 40 employees by Sierra Space from the Proposed Action would not significantly affect the labor force in the study area or surrounding region, change the local population, or require the relocation of existing residents or disrupt or divide the physical arrangement of an established community. The Proposed Action has the potential to increase surface traffic through commercial space spectators, up to 40 new employees, and the use of semi-trailer trucks used to transport the Dream Chaser and any ground transportation equipment associated with each proposed reentry operation. Given the low frequency of proposed reentry operations, this would not significantly change the level of service of local roads. Socioeconomic impacts from re-routing aircraft and ground closures at HSV due to the Proposed Action would be similar to re-rerouting aircraft for other reasons and would be temporary and infrequent in nature, so the FAA does not expect airspace closures from the Proposed Action would result in significant socioeconomic impacts. The Proposed Action does not include construction or the development of facilities at HSV that would directly affect environmental justice minority and low-income populations. Similarly, reentry operations would not result in significant direct impacts to any resource that would affect minority and/or low-income populations. There are 10 public and private schools and 6 daycare centers located within the sonic boom study area, but the potential for routine classroom disruption would be negligible due to the infrequent and low magnitude of the sonic booms associated with proposed reentry operations. Therefore, the Proposed Action would not cause significant effects with respect to socioeconomics, environmental justice, or children’s environmental health and safety risks.

Please refer to Chapter 3 of the Final EA for a full discussion of the determination for each environmental impact category.

Findings and Determinations

The FAA makes the following determinations based on the appropriate information and analysis set forth in the Final EA and on other portions of the administrative file.

Proposed Action and Summary of Necessary Permits and Approvals

Preparation of an EA, public review and comment, and issuance of this FONSI/ROD fulfills the FAA's requirements under NEPA. The FAA has selected the Proposed Action. Under the Proposed Action, the FAA would issue a Reentry Site Operator License to the Authority in order to offer HSV as a reentry site to Sierra Space Corporation, and the FAA would provide unconditional approval of the portion of the Airport Layout Plan (ALP) that shows the designation of a reentry site boundary, and develop Letter(s) of Agreement (LOAs) with HSV and Sierra Space to outline notification procedures prior to, during, and after an operation as well as procedures for issuing a Notice to Air Missions (NOTAM). In addition, under the Proposed Action the FAA would issue a Vehicle Operator License to Sierra Space for conducting up to one reentry annually in 2023 to 2025, up to two reentries in 2026, and up to three reentries in 2027 of the Dream Chaser vehicle at HSV.

Section 4(f)

The Proposed Action would trigger the application of 49 U.S.C. § 303(c), commonly known as Section 4(f) of the Department of Transportation (DOT) Act, with regard to properties protected under that act. The Proposed Action would not constitute a use of a Section 4(f) resource. The FAA determined that the Proposed Action does not involve a physical use of a Section 4(f) resource and would not result in a constructive use based on the FAA's determination that the Proposed Action would not substantially impair a Section 4(f) resource. Therefore, the FAA has determined that the Proposed Action would not result in significant adverse impacts on Section 4(f) properties/resources.

NHPA

The FAA has determined that this undertaking would have No Adverse Effect on historic properties in the APE. On November 9, 2021, the Alabama SHPO, concurred with the FAA's determination that the proposed undertaking would have "No Adverse Effect" on historic properties (see Appendix B of the Final EA).

Floodplains

The FAA has concluded that the Proposed Action would not involve a significant encroachment on a floodplain as defined in DOT Order 5650.2, which implements Executive Order 11988. These Orders establish a policy to avoid supporting construction within a 100-year floodplain, where practicable, and, where avoidance is not practicable, to ensure that the construction design minimizes potential harm to or within the floodplain. The Proposed Action does not include construction and would not encroach on floodplains.

Wetlands

Executive Order 11990 requires all Federal agencies to avoid providing assistance for new construction located in wetlands, unless there is no practicable alternative to such construction, and all practicable measures to minimize harm to wetlands are included in the action. The Proposed Action does not include construction and would not impact any wetlands.

Clean Air Act

The Proposed Action would conform with the Clean Air Act of 1970, as amended. Because the Proposed Action would not cause pollutant concentrations to exceed one or more of the NAAQS, as established by the EPA under the Clean Air Act, for any of the time periods analyzed, nor would it increase the frequency or severity of any such existing violations, the FAA has determined that the Proposed Action would not result in significant adverse air quality impacts.

Endangered Species Act

The Proposed Action includes all practicable measures to minimize harm to endangered species as much as such harm may result from implementation of the Proposed Action (Endangered Species Act of 1974, U.S.C. § 1531, as amended).

To comply with Section 7 of the Endangered Species Act of 1974, as amended, agencies overseeing federally approved projects are required to obtain information from the USFWS concerning any species, listed or proposed to be listed, as may be present in the area of concern. The FAA completed consultation with USFWS in 2021, in accordance with Section 7 of the ESA. The FAA anticipates reentry operations “may effect but would not likely adversely affect” Endangered Species Act-listed wildlife species in the study area. The U.S. Fish and Wildlife Service (USFWS) concurred with the FAA’s Section 7 effect determination on November 15, 2021 (see Appendix B of the Final EA). Therefore, the Proposed Action would not result in significant impacts on biological resources.

All Practicable Means to Avoid or Minimize Harm

Implementation of the Selected Action will result in the use of resources and in unavoidable environmental impacts. Section 1505.2(c) of the CEQ Regulations requires the FAA to state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and, if not, why they were not. No mitigation measures were required for implementation of the Proposed Action. The FAA finds that all reasonable steps to avoid or minimize environmental harm from the Proposed Action occurred.

Independent Evaluation

The FAA has given this proposal the independent and objective evaluation required by Section 1506.5 of the CEQ Regulations. As documented in the Final EA and this FONSI/ROD, the FAA has engaged in a lengthy and extensive process related to the screening and selection of the viable alternatives that best fulfilled the identified purposes and needs. The process included identifying the purpose and need for the project; screening and selecting reasonable alternatives and, ultimately, the Proposed Action; and fully discovering and disclosing potential environmental impacts. The Draft EA and Final EA documents disclose and analyze the environmental impacts of the Proposed Action and the other reasonable alternatives. The FAA provided oversight of the technical analyses provided in the Final EA and provided input, advice, and expertise throughout the planning and technical analysis, along with an administrative and legal review of the project. From its inception, the FAA has taken a strong leadership role in the environmental evaluation of the Proposed Action and maintained its independence and objectivity.

Decision Considerations

The FAA decision in this FONSI/ROD is based on a comparative examination of environmental impacts for each of the alternatives studied during the environmental review process. The EA discloses the potential environmental impacts for each of the alternatives and provides a full and fair discussion of those impacts. There would be no significant impacts, including no significant cumulative impacts, to the natural environment or surrounding population as a result of the Proposed Action.

The FAA believes the Proposed Action best fulfills the purpose and need identified in the Final EA. In contrast, the No Action Alternative fails to meet the purpose and need identified in the Final EA. The FAA has determined that the Proposed Action is a reasonable, feasible, practicable, and prudent alternative for a federal decision considering the established goals and objectives.

An FAA decision to take the required actions and approvals is consistent with its statutory mission and policies supported by the findings and conclusions reflected in the environmental documentation and this FONSI/ROD. The FAA's statutory direction from Congress under the Commercial Space Launch Act is to protect the public health and safety, safety of property, and national security and foreign policy interests of the United States and to encourage, facilitate, and promote commercial space launch and reentry activities by the private sector in order to strengthen and expand U.S. space transportation infrastructure. The FAA's responsibilities are authorized by Executive Order 12465, Commercial Expendable Launch Vehicle Activities (49 Federal Register 7099, 3 CFR, 1984 Comp., p. 163), and the Commercial Space Launch Act of 2015 (51 U.S.C. §§ 50901–50923) as amended by the U.S. Commercial Space Launch Competitiveness Act of 2015 (Public Law 114-90) for oversight of commercial space launch and reentry activities, including issuing Reentry Site Operator Licenses for the operation of commercial space reentry sites and Vehicle Operator Licenses. After reviewing the Final EA and all its related materials, the undersigned has carefully considered the FAA's goals and objectives in relation to various aspects of the launch activities described in the Final EA, including the purpose and need to be met, the alternative means of achieving them, the environmental impacts of these alternatives, and the costs and benefits of achieving the stated purpose and need.

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements and 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.

APPROVED: MICHELLE S MURRAY

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DATE: May 11, 2022

Michelle S. Murray
Manager, Safety Authorization Division

Decision and Order

Huntsville International Airport, Madison County, City of Huntsville, Alabama

The FAA recognizes its responsibilities under NEPA, CEQ regulations, and its own directives. Recognizing these responsibilities, the FAA has carefully considered the objectives of the proposed reentry activities at the HSV in relation to aeronautical and environmental factors. Based upon the above analysis, the FAA has determined that the Proposed Action meets the purpose and need of the proposed project.

Having carefully considered the aviation and public safety and operational objectives of the project, as well as being properly advised as to the anticipated environmental impacts of the proposal, under the authority delegated by the Administrator of the FAA, we find that the project is reasonably supported.

Therefore, we direct that the following actions be taken under the authority of 51 U.S.C. §§ 50901 et seq. and 49 U.S.C. §§ 47101 et seq.:

1. Federal environmental approval for (1) the issuance of an RSOL to the Authority for the operation of a commercial space reentry site at HSV, and (2) issuance of a VOL to Sierra Space, subject to all applicable laws and regulations, that would allow them to conduct reentry operations of the Dream Chaser vehicle at HSV.

This Decision does not in any way constitute a decision to grant a RSOL or VOL. Additional non-environmental statutory, regulatory, and administrative findings are needed to approve such licenses. This Decision represents only a determination that the environmental prerequisites of the Proposed Action have been met.

2. Unconditional approval of the ALP modifications that reflect the designation of the reentry site boundary and existing airport facilities and infrastructure. Under the modified ALP, the reentry site boundary would contain the public area distance around Runway 18L-36R, which would host all reentries.

This Decision and the issuance of an RSOL or a VOL does not relieve the Authority of its obligations under Title 49 U.S.C. § 47107, et seq. which sets forth assurances to which an airport sponsor agrees as a condition of receiving Federal financial assistance. Similarly, the Authority has obligations under the provisions of section 13(g) of the Surplus Property Act of 1944, as

amended, 49 U.S.C. § 47152.³ In addition, the Authority will continue to comply with the requirements of 14 CFR Part 139, Certification of Airports.

Issued on: May 11, 2022

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Manager, Jackson Airports District Office

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Michelle S. Murray
Manager, Safety Authorization Division

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 filling a petition for review in the appropriate United States Court of Appeals no later than 60 days after this 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.

³ Title 49 U.S.C. § 47101, et. seq. provides for Federal airport financial assistance for the development of public-use airports under the Airport Improvement Program (AIP) established by the Airport and Airway Improvement Act of 1983, as amended. Upon acceptance of the AIP grant, the assurances become a binding contractual obligation between the airport sponsor and the Federal government. The Authority bears sole responsibility for compliance with the assurances. The Authority is also responsible for compliance with its obligations under the Surplus Property Act (49 U.S.C. § 47152). These responsibilities continue after issuance of a reentry site operator license or launch licenses.