

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
GREAT LAKES REGION**

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

Proposed Terminal Area Plan and Air Traffic Procedures

**Chicago O'Hare International Airport
Chicago, DuPage County and Cook County, Illinois**



For further information:

Deb Bartell
U.S. Department of Transportation
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, Illinois 60018
847-294-7335

November 2022

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT/RECORD OF DECISION
PROPOSED TERMINAL AREA PLAN AND AIR TRAFFIC PROCEDURES
CHICAGO O'HARE INTERNATIONAL AIRPORT
CHICAGO, DUPAGE COUNTY AND COOK COUNTY, ILLINOIS**

1. Introduction

This document is a Finding of No Significant Impact (FONSI)/Record of Decision (ROD) for development projects and associated actions proposed by the City of Chicago (City), as owner and operator of the Chicago O'Hare International Airport (O'Hare or the airport), to take place at O'Hare. These development items and associated actions include the Terminal Area Plan (TAP), capital improvement projects, hotel developments, and offset air traffic approach procedures for Runway 10R/28L and are hereinafter referred to as the "Proposed Action." The Proposed Action is described in detail in Chapter 1, Section 1.5, of the Final Environmental Assessment (EA), with a summarized list of the proposed projects that make up the Proposed Action provided in Table 1-3. All proposed projects are organized into five groupings as listed below:

- Group 1: Terminal Projects
- Group 2: On-Airport Hotels
- Group 3: Airfield and Taxiway Improvements Not Required by the Terminal Projects
- Group 4: Support Facilities Not Required by the Terminal Projects
- Group 5: Air Traffic Actions for Offset Approach Procedures for Runway 10R/28L¹

The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) before being able to take the proposed federal actions. Pursuant to Section 163 of the Federal Aviation Administration Reauthorization Act of 2018 (Public Law 115-254), Congress limited FAA's approval authority to portions of the Airport Layout Plan (ALP) that meet certain statutorily defined criteria, including those portions necessary for aeronautical purposes. The FAA screened each project with the Proposed Action for conformity with the criteria of Section 163(d) and determined that it retains legal authority to approve or disapprove changes to the ALP for all proposed airfield improvement projects.² FAA approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended (Public Laws 97-248, 100-223, and 115-254).

2. Purpose and Need of the Proposed Action

In general, the purpose of the Proposed Action is to provide adequate terminal, gate, and apron areas, and to efficiently accommodate the existing and projected demand for originating and connecting hub operations and passengers. The specific purposes of Groups 1-5 are to:

- Groups 1, 3, and 5: Meet FAA design standards,

¹ Projects in Groups 2 through 5 are not connected to the projects in the other Groups. Indeed, they are independent actions that do not trigger the need for one another; implementation of one does not require the implementation of the other action.

² FAA March 28, 2022 letter to Chicago Department of Aviation Commissioner Jamie Rhee, Subject: FAA Approval Authority Review –Chicago O'Hare International Airport (ORD), Chicago, Illinois –Multiple projects, including Terminal Area Plan Projects (18 projects), On-Airport Hotel Projects (2), Airfield and Taxiway Improvements Not Required by the Terminal Projects (6), and Support Facilities Not Required by the Terminal Projects (9); and associated MS Excel file Parcel Exhibit ORD 002-2022 Section 163_FINAL.xlsx.

- Group 1: Provide terminal facilities that meet industry-recommended standards and modern customer service expectations,
- Group 2: Maintain Chicago Department of Aviation (CDA) financial independence and meet financial obligations,
- Group 4: Maximize employee parking and screening while also optimizing safety and security of goods processing and commercial vehicle holding, and
- Group 5: Retain operational efficiency and prevent additional delay.

The proposed projects were identified based on their ability to help achieve these goals. The specific needs for the proposed projects are summarized by Group below, with details provided in the Final EA, Section 2.3.

- Group 1: the projects in Group 1 were selected based on the need to (1) provide updated terminal facilities to address those that have reached the end of their design life; (2) provide facilities that meet modern passenger needs; (3) facilitate domestic and international airline partner operations to ensure that passengers, luggage, and aircraft can transition between the two types of travel; (4) provide sufficient gate frontage and availability, gate flexibility, and taxiway connections to efficiently accommodate the aircraft fleet mix; and (5) adequately size curbside facilities and ground access to terminal 5.
- Group 2: the projects in Group 2 were selected based on the need to increase non-aeronautical revenue.
- Group 3: the projects in Group 3 were selected based on the need to (1) provide additional temporary aircraft parking positions; (2) ensure the Runway 28R blast pad meets FAA standards; (3) improve efficiency and reduce aircraft occupancy time on Runway 9L/27R.
- Group 4: the projects in Group 4 were selected based on the need to (1) provide additional airline employee parking; and (2) safely and efficiently process goods currently being brought into the terminal core.
- Group 5: the projects in Group 5 were selected based on the need to have efficient approach capabilities for independent, simultaneous approaches, especially in poor weather during east and west flow operations that would enable use of Runway 10R or Runway 28L when Runway 10C or Runway 28C is in use, respectively.

3. Federal Action

The federal actions necessary to carry out the Proposed Action are outlined below:

- Unconditional approval of the ALP to depict the proposed improvements subject to FAA approval pursuant to 49 United States Code (U.S.C.) Sections 40103(b) and 47107(a)(16); 14 Code of Federal Regulations (CFR) Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace; and 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports;
- Determinations under 49 U.S.C. Sections 47106 and 47107 associated with the eligibility of the proposed improvements subject to FAA approval for federal funding under: the Airport Improvement Program; under 49 U.S.C. Section 40117, as implemented by 14 CFR Section 158.25, to use passenger facility charges collected at O'Hare for portions of the Proposed Action to assist with construction of potentially eligible development items from the ALP; and
- Airspace actions under FAA Order JO 7400.2N Procedures for Handling Airspace Matters.

4. Reasonable Alternatives Considered

The alternatives evaluation for this EA followed a three-step process, reflecting FAA legal authorities, Council on Environmental Quality (CEQ) regulations, and special purpose law considerations. The FAA applied the same

systematic screening process to all five groups of projects in the Proposed Action, although the process was modified to accommodate the specific project needs of each group. Screening Step 1 addressed whether the alternatives would satisfy the purpose and need for each group of projects. The needs identified in the Final EA, Chapter 2, reflect a broad range of problems; therefore, a broad range of potential alternatives were considered to meet these needs. Screening criteria varied by project group and were based on the specific needs identified.

Screening Step 2 was used to determine if an alternative was feasible. Feasibility is defined in the negative by FAA guidance (FAA Order 1050.1F, Appendix B-2.3): "an alternative is not feasible if it cannot be built as a matter of sound engineering judgement." Under this step, alternatives were screened to ensure that they meet sound engineering and constructability principles. Analysis conducted in Step 3 evaluated the extent to which the alternative would avoid or minimize impacts to special purpose protected resources, as noted in the Final EA, Section 3.4.1.5.

Alternatives that did not meet criteria established in any one of the preceding steps were not carried forward for further assessment; for example, alternatives that did not meet Step 1 (purpose and need) criteria were not assessed in Step 2 (feasibility) of the screening process, and alternatives that did not meet Step 2 criteria were not assessed in Step 3 (avoidance/minimization). Additionally, alternatives that were not retained through this screening process were not subject to a detailed analysis of environmental consequences.

A range of alternatives was developed for Group 1 and Group 5 project groups. Groups 2, 3, and 4 are not anticipated to cause significant environmental consequences or unresolved conflicts, resulting in consideration of two alternatives: Proposed Action Alternative and No Action Alternative.

Only one Group 1 alternative satisfied Steps 1 and 2. During Step 3, it was shown that this alternative would cause impacts to resources protected under special purpose environmental laws and regulations, principally impacts to historic resources considered within Section 4(f) resources (O'Hare Global Terminal (OGT)/Concourse B, Rotunda, and Concourse C/Satellite 1). During Step 3, it was shown that there are no prudent and feasible alternatives that would avoid the on-airport Section 4(f) resources. The FAA then considered variations to the alternative that would minimize impacts to the 4(f) resources³ and avoid adverse effects. Numerous variations were identified as lessening the effects, but only one variant was found to avoid an adverse effect. After the alternatives screening process, the City incorporated the variant to the O'Hare Global Terminal (OGT)/Concourse B, Rotunda, and Concourse C/Satellite 1 as components of the Proposed Action. Two alternatives were carried forward for detailed consideration of environmental consequences. The two alternatives were the City's final Proposed Action and the No Action, which are summarized in the Final EA, Section 3.9, Table 3-7, and described in detail in the Final EA, Appendix C, Sections C.2, C.3, and C.4. The Proposed Action, including Groups 1 through 5, is FAA's Preferred Alternative.

5. Environmental Consequences

The potential environmental impacts were identified and evaluated in the Final EA. The FAA has reviewed the Final EA, and the FAA determined that the Final EA for the Proposed Action adequately describes the potential impacts of the Proposed Action.

The Final EA examined the following environmental impact categories: Air Quality; Climate; Noise and Noise-Compatible Land Use; Historical, Architectural, Archeological, and Cultural Resources; Department of Transportation Act, Section 4(f) and Land and Water Conservation 6(f); Biological Resources; Visual Effects; Hazardous Materials, Solid Waste, and Pollution Prevention; Natural Resources and Energy Supply; Surface Transportation and Parking; Water Resources; Environmental Justice; and, Irreversible and Irrecoverable Commitment of Resources.

³ The potential Section 4(f) impacts can be found in the Final EA, Section 5.7.

The Final EA, Section 5.2 discloses that the resource categories dismissed from or retained for further analysis include Coastal Resources, Farmlands, and Land Use.⁴ These resources are either not present where the activities associated with the Proposed Action would occur; there is no potential for the activities associated with the Proposed Action to create effects on these resources that would rise to a level of significance, as identified in FAA Order 1050.1F; or the resource is addressed in another environmental impact category.

A. Air Quality

The Proposed Action would not cause or contribute to any exceedances of the National Ambient Air Quality Standards nor delay attainment of the ozone standard (for which the Chicago area is designated “nonattainment”). In addition, the air pollutant and pollutant precursor emissions that would result from the Proposed Action are included in the Illinois State Implementation Plan, and as such, no mitigation measures are required. Regardless, the City is committed to implementing best practices to reduce public health and environmental effects during construction and operation of the Proposed Action to the extent practicable. These best practices are described in the City of Chicago’s Sustainable Airport Manual (SAM).

The City of Chicago developed the SAM, and it has become an integral part of overall design and construction standards for airport projects. The SAM supports the City’s ongoing efforts to implement more environmentally sustainable buildings and infrastructure. Many of these initiatives build on the City’s existing environmental best management practices (BMPs) and are intended to supplement existing federal, state, and/or local regulatory requirements with additional best practice environmental strategies and considerations. The recommendations in the SAM are considered by the airport in every step of the design, planning, and implementation of improvements at O’Hare.

The capital projects included in the Proposed Action would be constructed in accordance with the provisions of the current version of FAA AC 150/5370-10, Standard Specifications for Construction of Airports. Additional information on potential air quality impacts can be found in the Final EA, Section 5.3.

B. Climate

There would be increased airport-related emissions as part of the Proposed Action. There are currently no regulatory standards for greenhouse gas (GHG) emissions. Therefore, the estimated increase in airport-related emissions for the Proposed Action Alternative does not require mitigation. Regardless, the City plans to use of best practices that would reduce public health and environmental impacts during construction and operation of the Proposed Action. The best practices are outlined in the City’s SAM, which provides guidance on the incorporation of sustainable elements into a project. Many of these elements reduce GHG emissions. For example, the City encourages contractors working on projects at O’Hare to use clean vehicles—vehicles fueled by compressed natural gas or fuel/electric hybrids—for employee shuttle buses and light-duty vehicles. The City also requires staging areas for employees to congregate and board multiple-occupancy vehicles to access project sites. Another requirement is that new heating, ventilation, and air conditioning (HVAC) systems use low global warming potential refrigerants to minimize emissions (i.e., encouraging the use of carbon dioxide, ammonia, and propane)

Additional information on potential climate impacts can be found in the Final EA, Section 5.4.

⁴ Land use with respect to noise from aircraft operations, compatibility of existing and future off-airport land-use patterns is assessed as part of the analyses undertaken for the noise environmental impact category. Analyses otherwise contemplated for this category consider potential conflicts between the Proposed Action and the objectives of federal, tribal, state, regional, and local land use plans, policies, and controls for the area concerned. Because land use at O'Hare International Airport (O'Hare or the airport) is already recognized in federal, state, regional, and local land use plans, and given that the Proposed Action primarily consists of construction projects well removed from the boundary of O'Hare and thus removed from adjacent, potentially conflicting land uses, dismissal of this aspect of the category is warranted.

C. Noise and Noise-Compatible Land Use

There would be a change in noise exposure under the Proposed Action. There would be areas of increased noise and areas of decreased noise within the Proposed Action Day-Night Average Sound Level (DNL) 65 decibel (dB) noise contour compared with the No Action Alternative. Some areas of noise increases exceed the FAA threshold of significance for noise impacts. Compared with the Build Out Condition of the No Action Alternative, the Build Out Condition of the Proposed Action Alternative would add 571 residential housing units within the DNL 65 dB noise contour, and 247 housing units would be removed from within the DNL 65 dB noise contour. This would result a net difference of 324 housing units within the DNL 65 dB noise contour compared with the Build Out Condition of the No Action Alternative.

There are 11,379 existing housing units within the Proposed Action DNL 65 dB noise contour, and 6,277 of those residences have not previously been mitigated by the CDA as they are outside the area of the existing RSIP.⁵

The Proposed Action was also evaluated for significant noise impacts. A significant noise impact would occur if there is a 1.5 dB increase with the Proposed Action DNL 65 dB noise contour, as compared with the No Action Alternative, over noise-sensitive land use. Of the 571 additional housing units within the Proposed Action DNL 65 dB noise contour, 227 housing units would be exposed to a significant noise impact with the Proposed Action compared with the No Action Alternative; 224 of the 227 residences have been previously mitigated with sound insulation by the CDA, making them compatible structures for noise. Two of the three remaining residences are scheduled to be completed in 2022 as part of the CDA's ongoing Residential Sound Insulation Program (RSIP). The third residence declined the invitation for sound insulation; therefore, the FAA has determined that the residence is compatible for noise purposes. Therefore, while there are 227 housing units that will experience a significant impact in noise, all 227 units are considered compatible for noise by the FAA. The CDA and the FAA will evaluate one school (Transition Learning Center) that would be exposed to a significant noise impact for potential eligibility for school sound insulation.

Other noise minimization measures that the CDA intends to continue are:

- The existing Fly Quiet Program,
- The Airport Noise Management System,
- Working with the O'Hare Noise Compatibility Commission, and
- Use of the ground run-up enclosure during engine run-up testing.

Additional information on potential noise and noise compatible land use impacts can be found in the Final EA, Section 5.5.

D. Historic, Architectural, Archaeological, and Cultural Resources

The FAA determined that three existing on-airport properties that may be impacted by the Proposed Action were eligible for the National Register of Historic Places: Terminal 1, the Rotunda, and the City's Control Tower. The Illinois State Historic Preservation Office (SHPO) concurred with the FAA's determinations of eligibility in letters dated September 12, 2019, and December 18, 2019 (see the Final EA, Appendix G, Attachments G-2.1, G-2.2, G-2.3, and G-2.4). The FAA initially determined that the Proposed Action would have no effect on the City's Control Tower and no adverse effect on Terminal 1 and the Rotunda. The FAA also determined that the Proposed Action would have no effect to off-airport historical, architectural, archeological, or cultural resources.

In correspondence dated January 24, 2022, the SHPO concurred with the no effect finding to the CDA Control Tower and off-airport historic properties. In this correspondence, the SHPO noted that the stage of design

⁵ The existing RSIP is based on the Record of Decision for the OMP Environmental Impact Statement, which established the Build Out DNL 65 dB noise contour for that NEPA documentation.

presented for the OGT avoids an adverse effect to Terminal 1 and the Rotunda with conditions. The FAA responded to the SHPO on March 3, 2022, identifying conditions for future review. Following this, the SHPO concurred with the FAA's finding of no adverse effect to Terminal 1 and the Rotunda in correspondence dated April 13, 2022 (see the Final EA, Appendix G, Attachment G-3.3).

The CDA will provide design plans to the SHPO for review to assess that the Proposed Action will continue to have no adverse effect on Terminal 1, which includes Concourses B and C, and the Rotunda. This review will occur after the CDA has completed engagement with federal regulatory agencies—Customs and Border Protection, Transportation Security Administration, etc.—and airline stakeholders to ensure project stability in terms of both scope and budget of the project as it relates to the interface design assumptions. As such, the CDA estimates that the plan review with SHPO will occur after the 30 percent design development but before the 90 percent design development milestone; therefore, the review will likely occur around the 60 percent design development milestone.

Additional information on potential historical, architectural, archeological, and cultural resources impacts can be found in the Final EA, Section 5.6.

E. Department of Transportation Act Section 4(f)

The FAA identified on-airport and off-airport Section 4(f) properties. On-airport, the Proposed Action would result in no effect to the City's Control Tower and no adverse effect under Section 106 to the two other on-airport historic sites (the Rotunda and Terminal 1). As a result, the FAA has determined that there would be no impact for the City's Control Tower and a *de minimis* impact for Terminal 1 and the Rotunda under Section 4(f). Since all construction activity would occur on-airport, analysis of off-airport impacts was limited to whether the Proposed Action would result in a constructive use. Based on this analysis, the Proposed Action would not result in a substantial impairment to any off-airport Section 4(f) properties, and therefore, there would be no constructive use to any off-airport Section 4(f) properties. As a result, the Proposed Action would not have a significant impact on any Section 4(f) properties. Therefore, no mitigation measures are required.

Additional information on potential Section 4(f) impacts can be found in the Final EA, Section 5.7.

F. Biological Resources

Over the last 70 years, the airport and its surrounding environs have been heavily developed for commercial, industrial and transportation purposes. Species better adapted to urban environments are present at the airport and surrounding areas. Due to the degree of development at the airport, most land use consists of impervious area and mowed/maintained landscapes.

The FAA determined the Proposed Action would have no effect on threatened and endangered species or protected habitat under Section 7 of the Endangered Species Act. Although there would be no significant impacts on biological resources, the CDA will incorporate BMPs and conservation measures that minimize potential impacts to habitats and biota into their requests for proposals and general conditions in the bidding documents for construction projects. These may include:

- BMPs for erosion and sediment control, such as surface protection for slopes, sediment capture, and runoff management.
- Installation of silt curtains and berms, to the extent possible, to isolate the work area during fill placement to prevent temporary impacts on water quality on the airport.

Additional information on potential biological impacts can be found in the Final EA, Section 5.8.

G. Light Emissions and Visual Impacts

Potential impacts from light emissions would be associated with the on-airport non-aeronautical projects (i.e., hotels)—or Group 2 projects—and the air traffic actions—or Group 5 projects. The effects from the hotels would arise from construction and operation of the hotels. Specifically, illumination of parking areas, buildings, and signage would occur upon completion of construction. With respect to Group 5 projects, the aircraft on arrival to Runway 10R/28L would generate light emissions with intensities similar to those experienced in existing conditions. If the Proposed Action were not selected and aircraft were to fly the runway extended centerline, the position of the aircraft overhead would be laterally offset to a minor extent—runway centerline versus a 2.5 degree offset.

Given the placement of the proposed hotel on the west side of the multimodal facility (MMF), at the northeast corner of the airport, and depending upon its ultimate height, it is foreseeable that the building itself—including any aviation red lighting required for safety of aircraft overflying landing on Runway 27R—would be visible from Rosemont residences to the east of the MMF structure and the railroad right-of-way. Illuminated off-street parking associated with the hotel would also have light emissions. The Group 2 hotel associated with Terminal 5 would similarly create additional light emissions; however, this site's distance from the eastern airport boundary is considerably greater than that of the MMF hotel site.

Additional information on potential light emissions and visual impacts can be found in the Final EA, Section 5.9.

H. Hazardous Materials, Solid Waste, and Pollution Prevention

For construction, no significant impacts related to hazardous materials are expected or anticipated given adherence to applicable laws and regulations. Solid waste from operations would increase proportionally with the forecasted increase in passengers (e.g., regardless of whether the Proposed Action is implemented or not). However, the increase in volume of solid waste can be accommodated at the existing disposal facility without compromising capacity. The City would continue to operate the airport with the existing pollution prevention measures outlined in the SAM.

All pollution prevention measures outlined in the City's SAM (including those related to Hazardous Materials, Solid Waste, and Pollution Prevention) and in Section 5.10 of the Final EA are scalable and flexible to meet the impacts of the Proposed Action. Therefore, no additional action is required or foreseen at this time. The SAM has been and will continue to be updated regularly, as needed, to address changes in the regulatory framework.

Additional information on potential hazardous materials, solid waste, and pollution prevention impacts can be found in the Final EA, Section 5.10.

I. Natural Resources and Energy Supply

While there will be increased demand for natural resources and energy supply under the Proposed Action, there are adequate supplies; therefore, mitigation is not required. The SAM includes several sustainability practices that would minimize the use of natural resources and energy in project construction and operation.

Additional information on potential natural resources and energy supply impacts can be found in the Final EA, Section 5.11.

J. Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks

The socioeconomics analysis for the Final EA was limited to surface transportation and parking. Environmental justice (EJ) was analyzed in the Final EA. However, since the Proposed Action did not have the potential to adversely affect children's environmental health and safety, this subcategory was not carried forward for in-depth analysis.

1. Surface Transportation and Parking

The potential impacts on surface transportation for the on-airport roadways were analyzed. The level of service (LOS) and volume to capacity (V/C) ratios were determined for the on-airport terminal roadway segments. A total of 31 on-airport roadway links were analyzed under the No Action and Proposed Action Alternatives. Under the Proposed Action, one roadway segment would result in a LOS less than the acceptable "D" or a V/C ratio greater than 1.0. This segment is Link #6 – Terminal 1 upper-level access from Interstate 190 westbound to through lane bypass with an AM Peak LOS E and a V/C ratio 0.90. Compared with the No Action Alternative, the LOS for Link #6 improves from F to E, and the V/C ratio improves from 1.03 to 0.90 under the Proposed Action. In addition, the six other roadway segments under the No Action Alternative with a LOS E or F improve to a LOS D or greater with the Proposed Action.

The potential impacts on surface transportation for off-airport roadways were analyzed using the same LOS and V/C ratio method. Under the Proposed Action, five roadways have been identified as having a LOS less than "D" and or a V/C ratio greater than 1.0, and one would have a LOS reduction of one level or more.

Only three study intersections would degrade to a LOS E or F from a LOS D or better, none of which have a V/C ratio of over 1.3. Two intersections maintain the same LOS F. The traffic simulation showed adequate operations of intersection and roadway segments without residual queuing. The Proposed Action would not result in significant impacts to the transportation network.

Additional information on potential surface transportation and parking impacts can be found in the Final EA, Section 5.12.

2. Environmental Justice

Significant effects on the noise environment (and therefore EJ impacts) are anticipated for the Build Out Condition of the Proposed Action. Steps have been taken previously to mitigate the underlying environmental impact of significant noise impacts. Measures anticipated to continue include sound insulation of households to decrease the noise impact to below the threshold of significance.

It is expected that 227 residences would experience a potentially significant noise impact from the Proposed Action. Noise impacts exceeding the threshold of significance are predicted in nine Census Blocks that lie within two Block Groups. These residences are also in areas identified as areas of EJ concern. From housing data provided by the CDA, 224 of these 227 residences have already been sound insulated, leaving three residences (approximately 1.3 percent) that were not previously sound insulated under the CDA's ongoing RSIP. Two of the three remaining residences are scheduled to be completed in 2022 as part of the CDA's RSIP. When completed, this sound insulation would decrease the noise impact on the dwellings to a level that is considered less than significant. The third residence declined the invitation for sound insulation; therefore, the FAA has determined that the residence is compatible for noise purposes.

The estimated population affected in the 227 households would range from 530 to 433 people, depending on which Census data is used. Of this affected population, an estimated six persons would reside in dwellings that have not been mitigated to date.⁶ Because of the mitigation implemented at the 224 residences and the offers made to the three remaining homes, these noise impacts would be less than significant. This would also mitigate the corresponding effects on areas of EJ concern. As a result, no effects rising to a level of potential significance for any environmental impact categories would occur in populated areas as a result of the Proposed Action. In addition, no impacts to the physical or natural environment would occur that would also uniquely and significantly affect EJ populations. Therefore, no further mitigation steps would

⁶ The three residences that are not mitigated all lie within Census Block 170438408023013. Based on the average household size (1.9 persons per dwelling unit) for this Census Block, it is estimated that six persons would reside in those three dwellings.

be taken with respect to EJ populations; however, ongoing and future noise mitigation efforts previously discussed and already in effect would remain.

To further assess whether impacts would be predominantly or disproportionately borne by EJ populations, the FAA performed a detailed statistical analysis of the demographics of populations residing in areas where the significant effects would occur. The analysis indicates that the Proposed Action would not disproportionately burden racial or ethnic minorities, nor would it disproportionately burden low-income populations.

Additionally, Section 12.2.4 of the FAA Order 1050.1F Desk Reference states that “environmental justice impacts may be avoided or minimized through communicating early and consistently with the public and allowing ample time for public coordination.” In conjunction with this EA, the FAA has engaged in targeted outreach to EJ communities of concern where a potential significant impact may occur. Specifically, targeted mailings describing the Proposed Action and the analyses undertaken have been sent to the specific areas of EJ concern. The targeted mailings augmented scoping for the EA efforts previously undertaken.

Additional information on potential EJ impacts can be found in the Final EA, Section 5.14.

K. Water Resources

The water resources analysis for this EA was limited to wetlands, floodplains, surface waters, and water quality. The Proposed Action did not have the potential to adversely affect groundwater or wild and scenic rivers; therefore, these subcategories were not analyzed.

Wetlands that would be impacted by the Proposed Action at O'Hare are not natural and are characterized as small, isolated areas with relatively low water quality and limited runoff storage function due to their small sizes. These wetlands are not jurisdictional under the Clean Water Act and do not provide functions that rise to a level requiring mitigation; therefore, no mitigation is proposed. Efforts, however, would be made to minimize impacts during design and construction.

No portion of the Proposed Action would fall within the 100-year floodplain or floodway. Therefore, the Proposed Action would not result in impacts to regulated floodplains.

Impacts to water quality during construction would be minimized by CDA through the incorporation of Stormwater Pollution Prevention Plans, which included erosion control plans, and BMPs, into their requests for proposals on construction projects. The use of silt fences and/or vegetative filter strips to buffer drainages also would be included in the erosion control plans. Additionally, areas of disturbance would be revegetated to minimize erosion and impacts to surface waters.

Impacts to water resources under the Proposed Action would not be significant.

Additional information on potential water resources impacts can be found in the Final EA, Section 5.13.

L. Irreversible and Irretrievable Commitment of Resources

Implementation of the Proposed Action would involve committing a range of natural, physical, human, and fiscal resources. Construction of terminal facilities, airfield improvements, and support facilities (Groups 1, 3, and 4) entails consumption of raw materials and resources (e.g., steel, cement, aggregate, asphalt, minerals, wood products, etc.) in a manner generally considered irretrievable. Fossil fuel, labor, and similar resources would be required during construction but would also be irretrievably consumed during ongoing operations of the proposed facilities. Similarly, for Group 5, ongoing operations would irretrievably consume fuel and labor, although not in a manner appreciably different from the No Action Alternative.

The Proposed Action Alternative's overall uses would not be anticipated to adversely affect their continued availability. Conversion of land use from land used for a detention basin to a hotel (the hotel next to the MMF

in Group 2) is similarly an irreversible commitment of resources for the duration of the period that such land is used for such purposes. Finally, selection and implementation of the Proposed Action would require an irretrievable commitment of fiscal resources (i.e., funding). However, consideration of impacts in this category is not required for an EA under FAA's 1050 Desk Reference, Chapter 16. And there is no significance threshold under FAA Order 1050.1F for this resource category.

Additional information on potential irreversible and irretrievable commitment of resources impacts can be found in the Final EA, Section 5.15.

M. Cumulative Impacts

Cumulative impacts are the total combined impacts on the environment from the Proposed Action and other past, present, or reasonably foreseeable future actions. Past actions include those that occurred in the five years prior to 2018. Present and reasonably foreseeable future actions include those that were implemented after 2018 or would be implemented by 2032. No significant cumulative impacts would occur with the Proposed Action; therefore, no mitigation is warranted.

Additional information on anticipated cumulative impacts by resource and whether mitigation and minimization measures would be necessary can be found in the Final EA, Section 5.16.

6. Public Involvement and Agency Coordination

The views of communities—local residents, the general public, and stakeholders—are important to the FAA. As such, the FAA is committed to public involvement and agency input throughout the EA process. As summarized below, a variety of methods have been undertaken to gather input from local residents, the general public, and stakeholders.

The FAA conducted a scoping process with a 45-day public comment period from May 25 through July 9, 2021. The FAA informed the public about the scoping process via materials on the FAA website, posting public notices in the Federal Register and local newspapers, and sending e-mails to stakeholders, including elected officials, school board members, activists, and Tribal leaders.

The FAA engaged in targeted outreach to EJ communities of concern where a potential environmental impact may occur. Specifically, targeted mailings were sent on April 20, 2022, to 227 households. These mailings described the Proposed Action and the analyses undertaken to date.

The public was also invited to comment on the Draft EA during a 45-day public comment period lasting from June 2, 2022, through July 19, 2022. Public notices announcing the release of the Draft EA, the public comment period, and planned public workshops were placed in multiple newspapers, including two that were published in Spanish. In addition, e-mails were sent to stakeholders, including elected officials, school board members, activists, and Tribal leaders, and notices of availability of the Draft EA were posted at libraries in several communities surrounding O'Hare. The FAA hosted two virtual public workshops via Zoom Meetings to present the Draft EA and receive public comments on July 12, 2022, and July 14, 2022. During this process, the FAA received 49 public comment submissions; each submission may have included one or more topics. FAA carefully considered each submission in the preparation of the Final EA. The public comment submissions, the issue or topic identified, and the FAA's response is provided in the Final EA, Appendix P. Additional detail on the public involvement and agency coordination efforts can be found in the Final EA, Chapter 6.

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

The attached Final EA examines each of the various environmental resources that were determined present at the project location or had the potential to be impacted by the Proposed Action. The terminal area plan and air traffic procedures would not involve any environmental impacts, after mitigation, that would exceed a threshold of

significance as defined by FAA orders (1050.1F and 5050.4B). Based on the information contained in the Final EA, the FAA has determined that the Proposed Action meets the purpose and need, would not cause any significant impacts that cannot be mitigated, and is the most reasonable, feasible, and prudent alternative. The FAA has decided to approve the FAA's federal actions relative to the Proposed Action as described in this FONSI/ROD.

8. Agency Findings and Determinations

The FAA makes the following findings and determinations for this the Proposed Action based on the information and analysis set forth in the Final EA and other portions of the administrative record.

A. FAA finds the Proposed Action is reasonably consistent with existing plans of public agencies for development of the area [49 U.S.C. Section 47106(a)]

The Proposed Action is consistent with the plans, goals, and policies for the area. The Proposed Action is also consistent with the applicable regulations and policies of federal, state, and local agencies.

B. FAA finds the Proposed Action is reasonably necessary for use in air commerce or in the interests of national defense [49 U.S.C. Section 44502(b)]

C. Independent and Objective Evaluation

As required by the Council on Environmental Quality (40 CFR Section 1506.5) (2020) the FAA has independently and objectively evaluated the Proposed Action. As described in the Final EA, the Proposed Action and the No Action Alternatives were studied extensively to determine the potential impacts and appropriate mitigation measures for those impacts. The FAA provided input, advice, and expertise throughout the analysis, along with administrative and legal review of the project.

D. National Historic Preservation Act

The FAA determined that three existing on-airport properties that may be impacted by the Proposed Action were eligible for the National Register of Historic Places: Terminal 1, the Rotunda, and the CDA Control Tower. The Illinois State Historic Preservation Office (SHPO) concurred with the FAA's determinations of eligibility in letters dated September 12, 2019, and December 18, 2019 (see the Final EA, Appendix G, Attachments G-2.1, G-2.2, G-2.3, and G-2.4). The FAA determined that the Proposed Action would have no effect on the CDA Control Tower and no adverse effect on Terminal 1 and the Rotunda. As a condition of this FONSI/ROD and a condition within the SHPO concurrence on the no adverse effect finding for Terminal 1 and the Rotunda, the CDA will provide design plans to the SHPO for review to ensure that the Proposed Action will continue to have no adverse effect on Terminal 1, which includes Concourses B and C, and the Rotunda. The procedures for the review in Section 5.6 of the EA shall be followed. The FAA also determined that the Proposed Action would have no effect to off-airport historical, architectural, archeological, or cultural resources.

E. Air Quality and General Conformity

Portions of O'Hare lie in both Cook County and DuPage County. These counties are designated by the U.S. Environmental Protection Agency (USEPA) as a "serious nonattainment" area for an Ozone (O₃) standard promulgated by the USEPA in 2008 and a "marginal nonattainment" area for an O₃ standard promulgated in 2015. In consultation with the Illinois Environmental Protection Agency (IEPA), FAA has determined that the air pollutant and pollutant precursor emissions that would result from the Proposed Action are accounted for in the Illinois State Implementation Plan's Attainment Demonstration [40 CFR Section 93.158(a)(1)]. Therefore, no mitigation measures are required (see the Final EA, Appendix E, Attachment E-2, for further details and IEPA concurrence letter).

FAA has determined the proposed federal action will comply with the State Implementation Plan (SIP) in accordance with Section 176(c) of the Clean Air Act (CAA) Amendments [42 U.S.C. Section 7506(c)]. FAA

prepared a draft and final General Conformity Determination for the Proposed Action, which is included in the Final EA, Appendix E, Attachment E-2. FAA has determined that air quality impacts associated with the Proposed Action conform to the SIP under Section 176(c)(1) of the Clean Air Act, as amended, 42 U.S.C. 7506(c)(1) and 40 CFR Part 93.

F. As Necessary, Before Construction Begins

FAA will review a Construction Safety and Phasing Plan to maintain aviation and airfield safety during construction pursuant to FAA Advisory Circular 150/5370-2F, Operational Safety on Airports During Construction, 14 CFR Part 139, 49 U.S.C. Section 44706.

G. As Necessary, After Construction is Completed

FAA will review changes to the Airport's certification manual following completion of construction of the Proposed Action pursuant to 14 CFR Part 139.

9. Decision and Orders

Based on the information in this FONSI/ROD and supported by detailed discussion in the Final EA, the FAA has selected the Proposed Action as the FAA's Selected Alternative. The FAA must select one of the following choices:

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

Approval signifies that applicable federal requirements relating to the proposed airport development and planning have been met. Approval permits the City of Chicago to proceed with implementation of the Proposed Action. Disapproval would prevent the City of Chicago from implementing the Proposed Action at O'Hare.

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

- Unconditional approval of the ALP to depict the proposed improvements subject to FAA Approval pursuant to 49 U.S.C. Sections 40103(b) and 47107(a)(16); 14 CFR Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace; and 14 CFR Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports.
- Determinations under 49 U.S.C. Sections 47106 and 47107 associated with the eligibility of the proposed improvements subject to FAA approval for federal funding under: the Airport Improvement Program; under 49 U.S.C. Section 40117, as implemented by 14 CFR Section 158.25, to use passenger facility charges collected at O'Hare for portions of the Proposed Action to assist with construction of potentially eligible development items from the ALP.
- Construction, installation, relocation and/or upgrade of visual aids including but not limited to taxiway edge lighting and signage and associated utility lines. This equipment is necessary to ensure the safety of air navigation for aircraft operations at the airport.
- Airspace actions under FAA Order JO 7400.2N Procedures for Handling Airspace Matters.

Although not a condition of approval of this FONSI/ROD, the City of Chicago shall implement wherever appropriate the measures identified in the various subsections entitled Mitigation and Minimization in the Final EA. As noted above in Section 5.C, Noise and Noise-Compatible Land Use, two homes will be sound insulated as part of the existing RSIP.

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

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

APPROVED:

Elliott Black
Acting Regional Administrator
Great Lakes Region

Date

DISAPPROVED:

Elliott Black
Acting Regional Administrator
Great Lakes Region

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. Section 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. Section 46110.