U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN-PACIFIC REGION

FINDING OF NO SIGNIFICANT IMPACT AND RECORD OF DECISION

Proposed Runway Safety Enhancement Project

Hayward Executive Airport
City of Hayward, Alameda County, California

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GENERAL INFORMATION ABOUT THIS DOCUMENT

WHAT'S IN THIS DOCUMENT? This document is the Federal Aviation Administration's (FAA) Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the City of Hayward's Runway Safety Enhancement Project at the Hayward Executive Airport located in Alameda County, California. This document includes the agency determinations and approvals for those proposed federal actions described in the Final Environmental Assessment (EA) dated February 2016. This document, and the attached Final EA, discuss all alternatives considered by FAA in reaching its decision; summarizes the analysis used to evaluate the alternatives; and briefly summarizes the potential environmental consequences of the Proposed Action and the No Action alternative, which are evaluated in detail in the Final EA, and this FONSI and ROD. This document identifies the environmentally preferred alternative and the agency preferred alternative. This document provides notice of an action occurring in a floodplain in accordance with Executive Order 11988, *Floodplain Management,* and an action occurring in a wetland in accordance with Executive Order 11990, *Protection of Wetlands*. This document identifies applicable and required mitigation.

BACKGROUND. The City of Hayward released a Draft EA for public comment in January 2015 and received comments between January 16, 2015 and February 16, 2015. The City of Hayward released a Final EA and a Proposed FONSI and ROD for public comment in June 2015 and received public comments between June 26, 2015 and July 27, 2015. The EA addressed the potential environmental effects of the proposed Runway Safety Enhancement Project including various alternatives to that proposal. The EA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) [Public Law 91-190, 42 United States Code (U.S.C.) 4321-4347], the implementing regulations of the Council on Environmental Quality (CEQ) [Title 40, Code of Federal Regulations (CFR) Parts 1500-1508], and FAA Orders 1050.1E, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. The FAA approved the Final EA on March 22, 2016.

WHAT SHOULD YOU DO? Read the Final EA and Proposed FONSI and ROD to understand the actions that FAA intends to take relative to the proposed Runway Safety Enhancement Project at Hayward Executive Airport.

WHAT HAPPENS AFTER THIS? The City of Hayward may begin to implement the Proposed Action.

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION

PROPOSED RUNWAY SAFETY ENHANCEMENT PROJECT

HAYWARD EXECUTIVE AIRPORT
CITY OF HAYWARD
ALAMEDA COUNTY, CALIFORNIA

1. Introduction

This document is a Finding of No Significant Impact (FONSI) on the environment and Record of Decision (ROD) as a result of the proposed Runway Safety Enhancement Project at Hayward Executive Airport (HWD), City of Hayward, Alameda County, California. The City of Hayward (City) is the sponsor for the Hayward Executive Airport. The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) before being able to take the federal action of approval of an application for federal assistance for construction of the proposed project, or approval of those portions of the Airport Layout Plan (ALP) that depict the proposed project. Approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended (Public Laws 97-248 and 100-223).

2. **Project Purpose and Need.** As discussed in Sections 1.3 and 1.4 of the Final Environmental Assessment (EA), the City's purpose and need for the Proposed Action is to enhance the safe operation of HWD by making physical modifications to the Air Operations Area (AOA) in the areas between the Runway Safety Areas. The purpose of the Proposed Action includes reducing the potential damage to aircraft that veer off the runways at HWD, improving drainage, and reducing habitat for wildlife hazardous to air operations. The City proposes to do this by implementing the recommendations of the FAA Runway Safety Action Team to take immediate steps to eliminate the hazard posed by the drainage ditches currently located adjacent to the Runway Safety Areas for Runway 10L-28R and 10R-28L.

   The FAA's statutory mission is to ensure the safe and efficient use of navigable airspace in the United States. The FAA must ensure that the proposed action does not derogate the safety of aircraft and airport operations at the HWD.

3. Proposed Action and Federal Actions

As discussed in Section 1.5 of the Final EA, the Proposed Action would provide improvements that would enhance Airport safety and efficiency. The City is proposing the following on-Airport projects:

- Construct box culverts for three segments of Sulphur Creek to enhance airport safety;
- Improve drainage, eliminate topographic inconsistencies, and enhance airport safety by grading existing infield areas.

The Proposed Action would specifically involve placing three separate, hydrologically connected, linear segments of Sulphur Creek into box culverts. These include

- Install a 170-foot-long box culvert in Sulphur Creek to convey water between Runway 10L-28R and Taxiway A.
- Install a 180-foot-long box culvert in Sulphur Creek between Runway 10L-28R and Runway 10R-28L.
- Install a 90 foot long box culvert between Taxiway Z and Runway 10R-28L.
- Grade approximately 426,000 square feet (approximately 10 acres) of infield area between runways and taxiways of HWD, to convey surface waters from the AOA to Sulphur Creek, where it is subsequently discharged into San Francisco Bay.

Collectively, those projects comprise the Proposed Action and would bring infield areas of HWD into conformance with FAA airport design standards and implement the recommendation of the FAA Runway Safety Action Team. The construction of box culverts to enclose Sulphur Creek in the areas adjacent to Runways 10L-28R and 10R-28L would protect aircraft from damage and aircraft passengers from injuries that could otherwise occur if an aircraft veered off the runway and subsequently plunged into Sulphur Creek. Installing culverts in Sulphur Creek adjacent to Runways 10L-28R and 10R-28L would also eliminate habitat between the runways for wildlife hazardous to aircraft operations. Re-grading the infield areas would reduce the potential for the accumulation of standing water in those areas. This would also make HWD less attractive to hazardous wildlife.

The proposed Federal actions are:

- Unconditional approval of the ALP to depict installation of additional culverts, pursuant to 49 United States Code (U.S.C.) §§ 40103(b) and 47107(a)(16);

- Determinations under 49 U.S.C. §§ 47106 and 47107 relating to the eligibility of the Proposed Action for federal funding under the Airport Improvement Program (AIP) to assist with construction of potentially eligible development items shown on the ALP;

- Determination under 49 U.S.C. § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense;

- Approval of further processing of an application for federal assistance for near-term eligible projects using federal funds from the AIP, as shown on the ALP; and

- Approval of 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*.

4. Reasonable Alternatives Considered

As described in Chapter 2 of the Final EA, the alternatives evaluated include:

- **No Action Alternative:** The No Action Alternative involves no improvements at the HWD. Under the No Action Alternative Sulphur Creek would remain an open channel within the AOA, and no grading of the infield would occur.

- **Alternative 1. Proposed Action.** Construction of Alternative 1 would enclose three segments of Sulphur Creek in box culverts within the AOA and result in grading approximately 426,000 square feet of infield area between runways and taxiways of HWD to improve drainage.

- **Alternative 2. Load bearing grates.** Construction of Alternative 2 would consist of the construction of load-bearing grates over the existing open segments of Sulphur Creek within the AOA. Construction of Alternative 2 would also require the construction of support walls along the sides of each wetland segment of Sulphur Creek. Infield grading of the AOA would be the same as under Alternative 1.

- **Alternative 3. Combination of box culverts and load bearing grates.** Alternative 3 includes a combination of box culverts and load bearing grates. Alternative 3 includes the construction of box culverts for the three segments of Sulphur Creek within the Object Free Zone of Runways (OFZ) 10R-28L and 10L-28R. However the segment of the creek between Runway 10L-28R and Taxiway A, outside of the OFZ, would include support walls along the edge of the wetland and be covered with at-grade load-bearing grates. Infield grading of the AOA would be the same as under Alternative 1.

As described in Section 2.2 of the Final EA, the alternatives were evaluated as to whether the alternatives met the project purpose and need, and whether the alternatives would affect the operational efficiency of HWD.

The results of the Alternatives evaluation are described in Section 2.4 of the Final EA and summarized on Table 2-2 of the Final EA. Alternatives 2 and 3 were not carried forward for detailed evaluation in the Final EA because they did not fully meet the purpose and need of the project, and did not reduce the potential attractiveness of the HWD to wildlife hazardous to aircraft operations as effectively as Alternative 1, the Proposed Action. The No Action alternative has fewer environmental effects than the Proposed Action alternative. However the No Action alternative does not meet the purpose and need for the proposed project but was retained for analysis as required by 40 CFR § 1502.14(d).. The environmental impacts of the Proposed Action and the No Action alternative were evaluated in detail in the Final EA.

5. Assessment

The potential environmental impacts and possible adverse effects created by the Proposed Action and the No Action Alternatives were identified and evaluated in a Final EA prepared in February 2016. The Final EA has been reviewed by the FAA and found to be adequate for the purpose of the proposed Federal action. The FAA determined that the Final EA for the proposed project adequately describes the potential impacts of the Proposed Action and No Action Alternatives. No new issues surfaced as a result of the public review process. Implementation of the No Action Alternative would not involve any construction activities or changes to the existing environment. Therefore, the No Action Alternative has no environmental impacts and the No Action Alternative is not discussed further in this FONSI/ROD.

Chapter 3 of the Final EA identified an Airport Study Area (ASA) (Final EA, Figure 3-1) and environmental resources within that study area that have no potential to be affected by the Proposed Action. These environmental resources include Coastal Resources; Compatible Land Use; Department of Transportation

Section 4(f); Farmlands; Light Emissions and Visual Impacts; Natural Resources and Energy Supply; Noise; Secondary (Induced) Impacts; and Wild and Scenic Rivers. Brief explanations as to why these environmental resources would not be affected as a result of implementation of the Proposed Action are provided in Sections 3.2.1 to 3.2.9 of the Final EA. Section 4.4.1 of the Final EA also identifies these resource categories and specifically states the Proposed Action would not affect them.

Chapter 4 of the Final EA evaluated in detail the potential effect of the Proposed Action on the following environmental impact categories: Air Quality; Fish, Wildlife and Plants; Floodplains; Hazardous Materials, Pollution Prevention, and Solid Waste; Historical, Architectural, Archaeological and Cultural Resources; Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety; Water Quality; Wetlands; Construction Impacts; and Cumulative Impacts.

A. Air Quality. The effects of the Proposed Action on air quality are described in Section 4.2 of the Final EA. Implementation of the Proposed Action would not result in any increase in air emissions associated with aircraft operations at HWD. Section 4.2.2.2, Table 4-1 of the Final EA and Section 4.3, *Construction Impacts,* of the Final EA discuss air emissions associated with construction of the Proposed Action. Construction of the Proposed Action would not result in air emissions that exceeded de minimis levels for any criteria air pollutant emission threshold identified by the National Ambient Air Quality Standards or the California Ambient Air Quality Standards. Therefore, implementation of the Proposed Action would not result in a significant impact on Air Quality.

B. Construction Impacts. Environmental impacts associated with the construction activities needed to implement the Proposed Action are discussed in Section 4.3 of the Final EA. Construction activities, although short-term in duration, have the potential to cause substantial environmental effects. Construction activities associated with the Proposed Action include cement mixing, parking, equipment storage, vehicle staging, and temporary infrastructure designed to accommodate construction crews.

The amount of airborne suspended particulates would temporarily increase in the vicinity of HWD during certain construction activities. Heavy construction equipment used at the site would emit exhaust containing criteria air pollutants regulated by the National Ambient Air Quality Standards and California Ambient Air Quality Standards. Temporary air quality impacts associated with these sources would vary depending on the local weather conditions, level of construction activity, and the nature of the construction operation; however, these temporary impacts would not be significant since the construction would be

of limited duration and the selected contractor would be required to implement Best Management Practices (BMP) noted below.

Criteria pollutant emissions associated with construction of the Proposed Action would not exceed applicable *de minimis* thresholds as described in Section 4.2 of the Final EA, and the Air Quality section of this FONSI/ROD. Therefore, construction activities needed to implement the Proposed Action would not result in a significant air quality impact. To minimize temporary air quality impacts, the contractor would be required to implement BMPs, such as treating excavated areas with water during dry and windy conditions, covering haul trucks, maintaining construction vehicles appropriately, using reduced speeds, suspending certain construction activities during high wind conditions, and covering graded areas with stabilizing materials.

No federally or state listed threatened or endangered species occur within the construction area so construction activities associated with implementation of the Proposed Action would not affect any of these species. As discussed in Section 4.4 of the Final EA, ground nesting birds protected by the Migratory Bird Treaty Act could occur in the Area of Potential Ground Disturbance for the Proposed Action. Therefore, a field survey for migratory birds will be undertaken before construction is initiated and, if ground nesting birds protected by the Migratory Bird Treaty Act are present, a buffer of 50 feet between construction areas and the nesting birds would be established with construction fencing and maintained until the birds have completed nesting. The FAA will condition any AIP grant for construction of this project with the requirement that HWD complete this mitigation measure to minimize environmental effects of the Proposed Action and ensure compliance with the Migratory Bird Treaty Act.

Temporary noise impacts associated with the use of construction vehicles and machinery would be limited to the immediate vicinity of the Proposed Action. Earthwork and site preparation would result in temporary noise generation while these activities are taking place. Noise levels would vary dependent on the nature of construction activities, the type, and model of equipment used. Given the distance to the nearest noise-sensitive land use and the presence of vegetated buffers surrounding HWD, temporary noise impacts from construction equipment would not be significant.

HWD operates two runways and annual operations of propeller aircraft are less than 90,000 operations and less than 700 jet operations. As discussed in Section 4.3 of the Final EA, aviation noise levels associated with those numbers of annual aviation operations is limited. Therefore, any temporary runway closures during project construction that shift all aircraft operations onto Runway 10R-28L or 10L-28R, would not result in significant noise impacts on noise-sensitive land uses.

Short-term construction-related employment of local contractors would occur as a result of the Proposed Action. This is considered to be a positive impact. With respect to changes in traffic volumes in the vicinity of HWD during construction activities, the increase in construction-related traffic would be considered minor. Since these roads around HWD operate at acceptable levels of service, the Proposed Action would not result in significant secondary induced impacts.

BMPs to protect water quality will be implemented to prevent the possibility that contaminants could be discharged into groundwater resources during construction activities. As discussed in Section 4.9 of the Final EA, HWD will be required to implement BMPs to maintain water quality during construction. Construction activities also would be subject to coverage under the General Permit for Discharge of Storm Water Associated with Construction Activity, Construction General Permit Order 2009-0009-DWQ. Given the guidelines of water-related BMPs, construction permit conditions, and the design of project-specific plans; construction activities associated with implementation of the Proposed Action would not have a significant impact on water quality.

C. Fish, Wildlife, and Plants. As discussed in Section 3.3.3 and Section 4.4 of the Final EA, the Proposed Action would result in the elimination of approximately 0.19 acres of wetland/wildlife habitat within the AOA of HWD and its replacement with an enclosed concrete culvert. In addition, the Proposed Action would involve grading activities which would result in the disturbance of approximately 426,000 square feet of annual grassland located on an active airfield surrounded by runways and taxiways, and other sections of Sulphur Creek that are already enclosed in culverts.

FAA has determined that no Federal or State listed threatened or endangered species or critical habitat are known or likely to occur within the ASA, or the Area of Potential Ground Disturbance due to a lack of suitable habitat. Therefore, the Proposed Action would not affect any Federal or State listed threatened or endangered species.

As discussed in Section 4.4 of the Final EA, ground nesting birds protected by the Migratory Bird Treaty Act could occur in the Area of Potential Ground Disturbance for the Proposed Action. Therefore, prior to construction activities, HWD will complete a field survey of the Area of Potential Ground Disturbance to determine if ground nesting birds protected by the Migratory Bird Treaty Act are present. If nests of birds protected by the Migratory Bird Treaty Act are present, a buffer of 50 feet between construction areas and the nesting birds would be established with construction fencing and maintained until the birds have completed nesting. The FAA will condition any AIP grant for construction of this project with the requirement that HWD complete this mitigation measure to

minimize environmental effects of the Proposed Action and ensure compliance with the Migratory Bird Treaty Act.

Section 4.4.2.2 of the Final EA states the Proposed Action would not result in adverse effects to Federal or State listed Threatened or Endangered Species. This section of the Final EA also states the Proposed Action would result in the loss of approximately 0.19 acres of wetland/wildlife habitat. This is habitat that could be used by migratory birds and common wildlife species. This habitat loss would be mitigated as described in Section 4.10 of the Final EA regarding Wetland impacts and in the Wetland impact paragraph of this FONSI/ROD.

D. Floodplains. As discussed in Section 3.3.2 and 4.5 of the Final EA, implementation of the Proposed Action would enclose three segments of Sulphur Creek within the AOA within concrete box culverts and result in grading approximately 426,000 square feet of infield area between runways and taxiways of HWD. All three culverts are within the 100-year floodplain of Sulphur Creek and portions of the 426,000 square foot graded area are also within the 100-year floodplain of Sulphur Creek.

The Purpose and Need of the Proposed Action is discussed in Chapter 1 of the Final EA and includes reducing the potential damage to aircraft that veer off the runways at HWD, improving drainage, and reducing habitat for wildlife hazardous to air operations. The Purpose and Need of the project cannot be met by implementing a project outside of the 100-year floodplain of Sulphur Creek because the primary source of potential damage to an aircraft and its passengers that veers off the runway is that the aircraft would plunge into Sulphur Creek itself. Similarly, the location of the proposed drainage improvements and reductions in habitat for wildlife hazardous to air operations are also physically located in the 100-year floodplain of Sulphur Creek, and cannot be implemented elsewhere. Therefore, there is no practicable alternative to implementing the Proposed Action within the 100-year floodplain. HWD cannot implement the recommendations of the FAA Runway Safety Action Team to take immediate steps to eliminate the hazard posed by the drainage ditches currently located adjacent to the Runway Safety Areas for Runway 10L-28R and 10R-28L without implementing the project within the 100-year floodplain.

The effect of the Proposed Action on the 100-year floodplain was evaluated in Section 4.5.2 of the Final EA. With implementation of the Proposed Action, the elevation of areas inundated by the 100-year floodplain is anticipated to increase by 0.1 foot. This is due to the installation of the box culverts with water inlet structures in place of a continuously open stream channel. However, as shown in Figures 1-5 and 4-1 of the Final EA, the lateral extent of the 100-year floodplain is essentially the same under the Proposed Action and the No Action Alternative. So, while implementation of the Proposed Action would increase the

depth of water in areas inundated within the 100-year floodplain on HWD by 0.1 foot, the lateral extent of the 100-year floodplain is essentially unchanged under the Proposed Action as compared to the No Action alternative.

The 426,000 square feet of infield grading associated Proposed Action will facilitate improved drainage with the AOA, as compared to the No Action alternative. So while the 100-year flood elevation will be 0.1 foot deeper under the Proposed Action, flood water would be expected to drain away more evenly, and without ponded areas.. The FAA concludes the enhancements of aviation safety obtained by placing Sulphur Creek within underground box culverts and the improved drainage to reduce use of ponded areas on HWD by hazardous wildlife warrants the 0.1 foot increase in the 100-year floodplain elevation on HWD.

As described in Section 4.5.2.2 of the Final EA, the FAA considers an action to have a significant encroachment and impact on a 100-year floodplain when that action:

1) would have a high probability of loss of human life;
2) would likely have substantial, encroachment-associated costs or damage, including interrupting aircraft service or loss of a vital transportation facility (e.g., flooding of a runway or taxiway; important navigational aid out of service due to flooding, etc.); or
3) would cause significant adverse impacts on natural and beneficial floodplain values.

Implementation of the Proposed Action and the associated 0.1 foot increase in depth of the existing 100-year floodplain, would not result in:
1) a high probability of loss of human life;
2) a substantial, encroachment-associated costs or damage, including interrupting aircraft service or loss of a vital transportation facility (e.g., flooding of a runway or taxiway; important navigational aid out of service due to flooding, etc, beyond what already occurs under existing conditions); and
3) significant adverse impacts on natural and beneficial floodplain values.
Therefore, implementation of the Proposed Action would not result in a significant impact or significant encroachment on the existing floodplain.

E. Hazardous Materials, Pollution Prevention, and Solid Waste. As discussed in Section 4.6 of the Final EA, implementation of the Proposed Action would not increase the number of operations and enplanements at HWD, and, therefore not result in permanent change in the amount of municipal solid waste generated at HWD. Also, the improvements associated with the Proposed Action are not located in areas of HWD that are known or suspected to contain environmental contamination. Therefore, implementation of the Proposed Action

would not result in a significant impact associated with the generation of solid waste or hazardous waste. An evaluation of pollution prevention measures associated with the use and disposition of hazardous materials during construction is discussed in the Section 4.3 of the Final EA and the Construction Impacts section of this FONSI/ROD.

F. Historical, Architectural, Archaeological, and Cultural Resources. As discussed in Section 4.7 of the Final EA, there are no historic properties on HWD that are on or eligible for listing on the National Register of Historic Places (NRHP) within the Area of Potential Effect (APE). The FAA had previously consulted with the California State Historic Preservation Officer (SHPO) regarding whether resources on or eligible for the NRHP at HWD. The SHPO concurred with FAA's determination that there are no historic properties present at HWD within the APE. As discussed in Section 4.7.2.2 of the Final EA, the FAA reconfirmed this determination with the California SHPO on October 29, 2015. It is very unlikely that undiscovered archaeological resources eligible for the NRHP exist at HWD, as extensive grading and earthmoving activities have occurred in developing the airfield in the past. As there are no historic properties on or eligible for the NRHP within the APE, the Proposed Action would have no effect on historic properties. However, in the event that unanticipated archaeological or cultural resources are discovered during construction, all ground disturbing activities in the vicinity of the find will be halted. The SHPO and FAA would immediately be notified to ensure compliance with 36 CFR § 800.13, *Post Review Discoveries*.

G. Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety. Section 4.8 of the Final EA addresses potential for Socioeconomic Impacts, disproportionate environmental impacts on low-income or minority populations resulting in Environmental Justice impacts, and Children's Environmental Health and Safety impacts.

The Proposed Action would not require the acquisition of land, relocation of any individuals, or result in the disruption of any established community or existing local traffic patterns. Construction activities associated with the Proposed Action would occur entirely on HWD property and would not temporarily or permanently disrupt essential community services.

The Proposed Action has no potential to relocate minority or low-income populations closer to environmental contaminants, and would not produce a significant increase in air pollutant emissions, or result in a release of environmental contaminants into the environment. Therefore, the Proposed Action would not result in a disproportionately high or adverse environmental impact on minority or low-income populations.

Section 4.8.2.2 of the Final EA states, the Proposed Action has no potential to relocate children to locations closer to environmental contaminants, to produce a significant increase in air pollutant emissions, or result in a release of environmental contaminants into the environment. Therefore, the Proposed Action would not increase environmental health and safety risks to children.

H. Water Quality. As discussed in Section 4.9 of the Final EA, implementation of the Proposed Action involves the placement of culverts (8-feet by 4-foot culverts) and fill into Sulphur Creek. Section 4.9.2.2 of the Final EA describes the three sections of culvert that are to be installed. Specifically, the first section (from Taxiway A to Taxiway Z, respectively) would involve the placement of a 170-foot-long box culvert and the subsequent filling and grading of a 3,920-square-foot segment of the creek. The second segment would involve the placement of a 180-foot-long box culvert into Sulphur Creek. This component would also involve subsequent filling and grading of 2,745-square-feet of creek channel. Finally, a 90-foot-long section of box culvert would be placed into the third and final segment of Sulphur Creek. This 1,655 square-foot area would also be filled and graded. This action would result in the replacement of the existing natural creek bottom with an impervious concrete bottom. The net increase in impervious surface area caused by the above activities would result in a 0.67-acre foot stormwater runoff increase over the duration of the entire year and would reduce natural infiltration in this portion of Sulphur Creek.

During construction, grading of the infield has the potential to increase sediment loads and turbidity in stormwater runoff. In the long term, the proposed channelization of the creek would decrease sediment loads into Sulphur Creek due to the replacement of the earthen banks between the infields with a concrete-lined channel. The Proposed Action would be subject to existing water quality permit conditions set forth in National Pollutant Discharge Elimination System Permit number CAS612008 and would not require groundwater withdrawals at HWD.

Since the Proposed Action would involve grading and soil disturbance over 1 acre, HWD will be required to file a Notice of Intent (NOI) with the San Francisco Regional Water Quality Control Board (SFRWQCB) to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan that includes construction and post-construction BMPs including, but not limited to the following:

- Install fiber rolls or silt fencing adjacent to aquatic features for erosion control. Fiber rolls should be buried 3-4 inches into the soil, staked every 4 feet, and limited to use on 3:1 slopes. Silt fencing should be trenched 6

inches by 6 inches into the soil, staked every 6 feet, and placed 2-5 feet from the toe of any slope;
- Designate a concrete washout area to avoid wash water from concrete tools or trucks from entering gutters, inlets, or storm drains. Maintain washout area and dispose concrete waste on a regular basis; and
- Protect drain inlets from polluted storm water through the use of filters such as fabrics, gravel bags, or straw wattles.

With implementation of the BMPs described above, the Proposed Action would not exceed water quality standards. Therefore, implementation of the Proposed Action would not result in a significant water quality impact.

I. Wetlands. As discussed in Section 4.10.2.2 of the Final EA, implementation of the Proposed Action involves the installation of three culverts that would result in the fill of 440 linear feet of Sulphur Creek including adjacent wetlands and totaling approximately 0.19 acres. This amount of stream channel and wetland impact is the minimum possible impact that allows the purpose and need of the project to be met, as this is the minimum fill amount that is required to install the three culverts in Sulphur Creek. Therefore, the Proposed Action is the least environmentally damaging practicable alternative to meet the purpose and need for the project.

To compensate for the loss of 0.19 acres, and 440 linear feet of jurisdictional waters, the City of Hayward, as the airport sponsor, would restore or purchase stream channel and/or wetland habitat credit from an established mitigation bank, or identify an alternative mitigation measure to compensate for the losses of stream channel and wetland habitat at a minimum 1:1 ratio.

Implementation of the Proposed Action will require authorization to fill waters within Clean Water Act jurisdiction from the U.S. Army Corps of Engineers under the Clean Water Act, Section 404 permit program, and Water Quality Certification from the local water quality certification agency, the SFRWQCB. As the Proposed Action involves filling less than 0.5 acre of jurisdictional waters, the project could be authorized by the U.S. Army Corps of Engineers under Nationwide Permit 39 for Commercial and Institutional Developments or as an Individual Permit. The city of Hayward would submit a Clean Water Act, Section 404 permit application for the Proposed Action as part of the engineering design process.

In previous informal discussions between the City of Hayward and the SFRWQCB, the SFRWQCB has indicated their preference for mitigation for impacts to Sulphur Creek in the form of daylighting upstream creek channels currently in underground culverts. Alternatively, the City of Hayward could purchase mitigation credits, after an appropriate mitigation ratio was determined

to offset wetland impacts during the Clean Water Act, Section 404 permitting process. These credits would be purchased from a wetland mitigation bank approved by the U.S. Army Corps of Engineers and the SFRWQCB within the lowlands surrounding San Francisco Bay. For example, HWD is within the agency-approved service area for the San Francisco Bay Wetland Mitigation Bank at Redwood Shores on San Francisco Bay.

The U.S. Army Corps of Engineers and the SFRWQCB would both review the city of Hayward's proposed mitigation prior to the U.S. Army Corps of Engineers issuance of a Clean Water Act, Section 404 authorization for this project or the SFRWQCB issuance of a Clean Water Act, Section 401, water quality certification for the Proposed Action.

The conversion of approximately 0.19 acres of wetlands and 440 linear feet of creek channel is a potentially significant impact that would be reduced to a not-significant level because mitigation for the impact of the placing the wetlands and creek channel in a culvert will be required by the Clean Water Act, Section 404 permit. In order to further ensure that this potentially significant impact is reduced to a not significant level, the FAA will condition any AIP grant for construction of this project with the requirement that the city of Hayward must provide the FAA will a current U.S. Army Corps of Engineers Clean Water Act, Section 404 authorization to proceed with the Proposed Action before the city of Hayward undertakes any construction of the Proposed Action. Since the impact of the Proposed Action would be offset by these mitigation measures, implementation of the Proposed Action would not result in a significant wetland impact.

J. Cumulative Impacts. Section 4.11 of the Final EA describes other past, present, and reasonably foreseeable projects in the ASA for the Proposed Action. The past, present, and reasonably foreseeable projects have increased the quantities of impervious surfaces at HWD. Surface runoff increases have not caused Sulphur Creek to exceed its 15-year storm design capacity. When past, present, and reasonably foreseeable projects are considered in relation to the Proposed Action, those projects would not cumulatively contribute to a significant adverse environmental effect. Therefore, implementation of the Proposed Action would not result in a significant cumulative environmental impact.

6. Public Participation

As discussed in Section 5 of the Final EA, the Notice of Availability of the Draft EA for a 30-day review period was published in the *Hayward Daily Review* newspaper on January 16, 2015. The review period extended through February 17, 2015. A Notice of Availability of a Final EA and a Proposed

FONSI/ROD was published in the *Hayward Daily Review* on June 26, 2015. The review period extended through July 27, 2015.

During the review periods the Draft EA and Final EA were available at the administrative office of HWD, and HWD's website www.haywardairport.org, the Hayward Public Library, the FAA's San Francisco Airports District Office, and FAA's Western-Pacific Region Office in Hawthorne, California. Three comment letters were received during the public comment period on the Draft EA, with two of the letters being sent by the same person. One public comment letter was received during the public comment period on the Final EA. The public comments did not identify any environmental impacts of the Proposed Action that had not been previously considered. The public comments and responses are included in Appendix F of the Final EA.

7. Inter-Agency Coordination

In accordance with 49 USC § 47101(h), FAA has determined that no further coordination with the U.S. Department of Interior or the U.S. Environmental Protection Agency is necessary because the proposed project does not involve construction of a new airport, new runway or major runway extension that has a significant impact on natural resources including fish and wildlife; natural, scenic and recreational assets; water and air quality; or another factor affecting the environment.

8. Reasons for the Determination that the Proposed Project will have No Significant Impacts.

The attached Final EA evaluates the potential of the Proposed Action and alternatives to have an environmental impact on environmental resources as identified in FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures,* and 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions.* As described in the Final EA, implementation of the Proposed Action would not result in any environmental impacts after mitigation that would exceed the threshold of significance as defined by FAA Orders 1050.1F and 5050.4B. The FAA will include as a special condition for approval of further processing of an application for federal assistance for near-term eligible projects using federal funds from the AIP, as shown on the ALP, that the City of Hayward agrees to mitigate for environmental impacts to the Sulphur Creek stream channel and wetlands at a minimum 1:1 ratio, as identified in Section 4.10 of the Final EA.

9. Agency Findings.

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

A. Floodplains: As discussed in Section 3.3.2 and 4.5 of the Final EA, portions of the Proposed Action would occur within the 100-year floodplain of Sulphur Creek on HWD. The Purpose and Need of the Proposed Action is discussed in Chapter 1 of the Final EA and includes reducing the potential damage to aircraft that veer off the runways at HWD, improving drainage, and reducing habitat for wildlife hazardous to aircraft and airport operations. As discussed in Chapter 2 of the Final EA, the Purpose and Need of the project cannot be met by implementing a project outside of the 100-year floodplain of Sulphur Creek because the primary source of potential damage to an aircraft, and its passengers, that veers off the runway is that the aircraft would plunge into Sulphur Creek itself. The FAA identified no practicable alternatives to avoid the floodplain.

In accordance with Department of Transportation Order 5650.2, *Floodplain Management and Protection*, the FAA considers an action to have a significant encroachment on a 100-year floodplain when that action:

1) would have a high probability of loss of human life;
2) would likely have substantial, encroachment-associated costs or damage, including interrupting aircraft service or loss of a vital transportation facility (e.g., flooding of a runway or taxiway; important navigational aid out of service due to flooding, etc.); or
3) would cause significant adverse impacts on natural and beneficial floodplain values.

The Final EA disclosed that implementation of the Proposed Action is anticipated to increase the elevation of the 100-year floodplain by 0.1 foot, while the lateral extent of the 100-year floodplain is essentially unchanged. Therefore, the FAA has determined that the Proposed Action would not result in a significant encroachment or impact on the 100-year floodplain, and that there is no prudent or feasible alternative to locate the Proposed Action completely outside of the 100-year flood.

B. Wetlands: As discussed in Sections 2.6, 3.3.8 and 4.10 of the Final EA, implementation of the Proposed Action would require removal of 0.19 acre of wetlands. Consistent with the provisions of Executive Order 11990, *Protection of Wetlands*, dated May 24, 1977, the FAA finds that there is no practicable

alternative to the removal of 0.19 acre of wetlands on HWD property to construct the Proposed Action. The FAA has determined that all practicable measures to minimize harm to wetlands, including providing compensatory mitigation for the wetlands removed, will be taken as part of the Proposed Action.

C. Independent and Objective Evaluation: As required by the Council on Environmental Quality (40 CFR § 1506.5), the FAA has independently and objectively evaluated this proposed project. 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.

10. 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, the Runway Safety Enhancement Project, as the FAA's Preferred 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 the applicable federal requirements relating to the proposed airport development and planning have been met. Approval permits the City of Hayward to proceed with implementation of the Proposed Action and associated mitigation measures. Disapproval would prevent the City of Hayward from implementing the Proposed Action elements atHWD.

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

A. Unconditional approval of the ALP to depict installation of additional culverts, pursuant to 49 U.S.C. §§ 40103(b) and 47107(a)(16);

B. Determinations under 49 U.S.C. §§ 47106 and 47107 relating to the eligibility of the Proposed Action for federal funding under the AIPto assist with construction of potentially eligible development items shown on the ALP;

C. Determination under 49 U.S.C. § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense;

D. Approval of further processing of an application for federal assistance for near-term eligible projects using federal funds from the AIP, as shown on the ALP; and

E. Approval of 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.*

APPROVED:

Mark A. McClardy
Manager, Airports Division, AWP-600

5/10/16
Date

DISAPPROVED:

Mark A. McClardy
Manager, Airports Division, AWP-600

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.