

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

RECORD OF DECISION

**TAOS REGIONAL AIRPORT
AIRPORT LAYOUT PLAN IMPROVEMENTS**
Town of Taos, Taos County, New Mexico



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SECTION 1.0

INTRODUCTION AND PROPOSED ACTION

Through this Record of Decision (ROD), the Federal Aviation Administration (FAA) approves the actions associated with the proposed new runway (Runway 12/30) and related near-term master plan improvements at Taos Regional Airport (SKX). A detailed description and analysis of the Federal actions and proposed action is provided in the *Final Environmental Impact Statement, Taos Regional Airport, Airport Layout Plan Improvements, Town of Taos, Taos County, New Mexico, June 29, 2012* (FEIS).

This public ROD is issued in accordance with the requirements of the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) 1505.2. The principal features include:

- A statement of the agency's decision;
- An identification of all the alternatives considered by the agency in reaching its decision, with a specification of the alternative that is considered to be environmentally preferable; and
- The means adopted (mitigation measures) to avoid or minimize environmental harm from the alternative selected.

1.1 *PROPOSED ACTION SKX*

The Town of Taos, the owner and operator of SKX, has proposed the following airport improvements at SKX, which are described in Chapter 1.0 of the FEIS,:

- Construction of a new 8,600-foot by 100-foot runway (Runway 12/30) capable of accommodating Airport Reference Code (ARC) C-II aircraft. The proposed airfield system complex consists of the runway (able to accommodate aircraft weighing up-to 60,000 pounds) and full length parallel taxiway; runway lighting; navigational aids (NAVAIDs) for Category I Instrument Landing System (ILS) capabilities; runway safety areas (RSAs) and runway protection zones (RPZs), and associated grading, drainage, and utility relocations; installation of a Remote Transmitter/Receiver (RTR) located on airport property to allow aircraft operators at SKX to communicate with airport traffic control (ATC) in Albuquerque while at SKX [note: SKX does not have an ATC and the Albuquerque Radar cannot pick up aircraft in the Taos area at altitudes below 12,500 Mean Sea Level (MSL)];
- Shortening of Runway 4/22 by 420 feet to the northeast with an associated shift of the RSA, Runway Object Free Area (ROFA), and RPZ a similar distance to the northeast, to preclude penetration of the relocated Runway 4 threshold siting surface by aircraft operating on the new runway/taxiway system and to keep the existing non-precision RPZ entirely on airport property in accordance with the guidance in the FAA Order 5100.38C, Paragraph 701b(1);
- Construction of a new airport access road (approximately 3,200 feet long); and
- Extension of the airport access road from the existing automobile parking lot to the Fixed Base Operator (FBO) hangar/terminal.

The Town of Taos has requested the FAA to approve funding for the project and to approve revisions to its Airport Layout Plan (ALP) to depict the airport sponsor's proposed action. Associated safety actions considered as part of the requested ALP approval include:

- Determining conformance with FAA design criteria [Federal Aviation Regulations (FAR) Part 77];
- Determining that all proposed airport development is in accordance with standards established or approved by the Secretary of Transportation, including but not limited to, standards for site layout, site preparation, paving, lighting, and safety approaches;
- Determining effects of project upon safe and efficient utilization of airspace;
- Determining that Proposed Project is in conformance with FAA design criteria and approval of construction plans and specifications;
- Establishing new ILS and associated approach lighting systems, and NAVAIDs as appropriate, for new Runway 12/30 and shortened existing Runway 4/22; and
- Establishing new flight procedures, including visual and instrument procedures for new Runway 12/30 and shortened existing Runway 4/22 (FAR Part 95).

The Federal actions are discussed in Chapter 2.0 of the FEIS.

The FAA's decision is based on the information contained in the FEIS and all other applicable documents available to the FAA and considered by it, which constitute the administrative record.

Based on this review, the FAA has determined that the selected alternative is also the environmentally preferred alternative.

This approval should not be construed to mean that funding will be approved, but only that the Agency has determined that the proposed action is eligible for Federal funding based on completion of the environmental review process. Approval of the project is based in part on the airport sponsor's agreement to perform certain mitigation measures outlined in the FEIS and the ROD.

In reaching this determination, careful consideration has been given to:

- SKX as a part of the state and national air transportation system;
- The aviation safety and operational objectives of the project in the light of the various aeronautical factors and judgments presented;
- The anticipated environmental impacts of the proposed action and alternatives, and mitigation measures to avoid or minimize environmental impacts from the alternative selected;
- Consideration of alternatives to the proposed action; and
- Mitigation measures to minimize or avoid harm from the proposed action, including the means to monitor and enforce mitigation measures through conditions of approval set forth in the ROD.

A discussion of the leading factors considered by the Agency in reaching this decision follows.

SECTION 2.0

PURPOSE AND NEED

2.1 INTRODUCTION

Taos Regional Airport ("SKX" or "the Airport") is operated by the Town of Taos and is situated southwest of Taos, New Mexico. The Airport serves the general aviation needs of the local area. The Airport has one runway (4/22) that is 5,798 feet long by 75 feet wide. There were 13,600 aircraft operations at SKX in 2010.

2.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

The Town of Taos desires to correct the operational deficiencies of the existing runway system at SKX and improve safety of the operating environment at the airport. The FAA has a statutory authority to both support and promote national transportation policies, to prescribe standards and regulations relating to its aviation safety duties and powers, and to ensure that the safe operation of the airport and airway system is its highest priority.

2.2.1 PURPOSE FOR THE PROPOSED IMPROVEMENTS

The purpose for the proposed improvements is to correct the existing operational deficiencies at SKX. The project would improve safety and efficiency at SKX by:

- Providing a runway that meets FAA's recommended annualized (>95%) and seasonal (December-March and May-August) runway wind coverage and
- Providing a runway of sufficient length to improve payload capacities of the existing and forecast design aircraft serving the Town of Taos.

2.2.2 NEED FOR THE PROPOSED IMPROVEMENTS

Improving the safety and utility of SKX requires that an additional runway be constructed and that additional runway length be provided. The FAA has determined that the proposed improvements at SKX are needed because:

- The existing single runway (Runway 4/22) does not provide adequate annual wind coverage for the majority of aircraft (small single-engine and light multi-engine aircraft having a Maximum Certificated Take-off Weight (MCTOW) of 12,500 pounds or less) currently using the airport and projected to continue to make up the majority of aircraft using SKX.
- Existing Runway 4/22 does not provide sufficient runway length for the design aircraft (high performance turboprop and small cabin-class jet aircraft - i.e., Learjet 60 or Cessna Citation - having a MCTOW of 60,000 pounds or less) included in the existing and forecast aircraft fleet.

2.2.3 PURPOSE AND NEED SUMMARY

Currently, SKX has several deficiencies in its design that should be remedied. The Purpose and Need for the Proposed Project at SKX is to remedy these existing deficiencies. These deficiencies limit SKX's ability to safely accommodate all current and projected aviation demand, and limit the operational efficiency of aircraft utilizing the airport. General aviation users of the airport have expressed concerns about unsafe conditions due to wind and density altitude effects on the existing runway system during pilot surveys and the FAA's Public Scoping Meeting conducted in the Town as part of Phases 1 and 2 of the EIS. Concerns expressed by the users of the airport were confirmed by the FAA through analyses of wind coverage and runway length requirements conducted for the EIS in accordance with procedures and guidelines contained in the FAA's Advisory Circulars (ACs) on airport design and operation (FAA AC 150/5300-13, *Airport Design*; FAA AC 150/5325-4B, *Runway Length Requirements for Airport Design*). It should be noted that the FAA's National Plan of Integrated Airport Systems (NPIAS) 2001-2005, states that, overall, few accidents are attributable to airport deficiencies, and "the success of airports in not becoming a link in the chain of events or circumstances that lead to an accident can be attributable to their adherence to Federal standards for design and operation."

The overall goal of the Town is to develop an airport facility that provides enhanced safety and utility of SKX for all users by providing sufficient runway length for the most demanding family of aircraft (high performance turboprop and small cabin class jet aircraft with a Maximum Certified Take-off Weight (MCTOW) of 60,000 pounds or less) included in the existing and projected aircraft fleet. It is anticipated that as the longer Runway 12/30 becomes available for use, a slightly higher number of cabin-class turboprop and jet aircraft will utilize the airport. Because of limitations related to factors such as density altitude, available runway length, and the aeronautical role of the airport, the likelihood of larger narrow-body commercial aircraft operating at SKX is remote.

In addition to the design/operational deficiencies described above, it is important to note that SKX cannot adequately fulfill its role in the local and state airport system as defined in the 2000 New Mexico Airport System Plan (NMAASP). In accordance with the NMAASP, SKX should provide access to business aircraft within 30 minutes driving time of nearby population centers, like the Town of Taos. Runway length analysis undertaken for the EIS has revealed that these aircraft require a greater runway length than that existing at SKX. The added length would allow all existing and forecast aircraft at SKX to operate more efficiently in SKX's high-altitude, low-density environment. That is, aircraft will be able to carry payloads that are at or near their design payload capacities.

SECTION 3.0

AGENCY ACTIONS

The Federal actions necessary for implementation of the proposed airport improvements and being approved by the FAA through signature of this ROD are:

- The unconditional approval of revisions to the SKX ALP for the following proposed improvements:
 - Construction of a new 8,600-foot by 100-foot runway capable of accommodating ARC C-II aircraft. The proposed airfield system complex consists of the runway (able to accommodate aircraft weighing up-to 60,000 pounds) and full length parallel taxiway; runway lighting; NAVAIDs for Category I ILS capabilities; RSAs and RPZs, and associated grading, drainage, and utility relocations; and installation of a remote transmitter/receiver (RTR) located on airport property to allow aircraft operators at SKX to communicate with ATC in Albuquerque while at SKX;
 - Shortening of Runway 4/22 by 420 feet to the northeast, with an associated shift of the RSA, ROFA, and RPZ a similar distance to the northeast to keep the existing non-precision RPZ entirely on airport property in accordance with the guidance in FAA Order 5100.38C, Paragraph 701b(1);
 - Construction of a new airport access road (approximately 3,200 feet long); and
 - Extension of the airport access road by approximately 2,800 feet from the existing automobile parking lot to the FBO hangar/terminal.
- Associated safety actions to include:
 - Determining conformance with FAA design criteria (Part 77);
 - Determining that all proposed airport development is in accordance with standards established or approved by the Secretary of Transportation, including but not limited to, standards for site layout, site preparation, paving, lighting, and safety approaches;
 - Determining the effects of the project upon safe and efficient utilization of airspace;
 - Determining that the Proposed Project is in conformance with FAA design criteria and approval of construction plans and specifications;
 - Establishing new ILS and associated approach lighting systems, and NAVAIDs as appropriate, for new Runway 12/30 and shortened existing Runway 4/22;
 - Establishing new flight procedures, including visual and instrument procedures for new Runway 12/30 and shortened existing Runway 4/22 (FAR Part 95); and
- Determinations under Title 49 United States Code (U.S.C) Sections 47106 and 47107 relating to eligibility of the Proposed Project for Federal funding under the Airport Improvement Program (AIP) for the Proposed Project.

Agency actions are further discussed in Chapter 2.0 of the FEIS. Agency findings may be found in Section 9.0 of this ROD.

SECTION 4.0

ALTERNATIVES ANALYSIS

In addition to the relevant environmental statutes, the FAA, in its consideration of alternatives, has kept in mind two Agency statutory missions: to encourage the development of civil aeronautics and air commerce in the United States (49 U.S.C. 40104).

While the FAA does not have the authority to control or direct the actions and decisions of the Town of Taos relative to planning for this project, it does have the authority to withhold project approval, including Federal funding and the other Federal actions discussed in this ROD. It was from this perspective that all the various alternatives were considered in terms of evaluating and comparing their impacts to determine whether there was an alternative superior to that proposed by SKX.

This section describes the process used to identify reasonable alternatives for the Town of Taos to achieve its objective of improving the operational conditions, efficiency, and safety at SKX, and to improve the ability of SKX to fulfill its role in the New Mexico Airport System Plan. It presents an overview of the FAA's responsibilities, the methods used to evaluate the alternatives (screening criteria), what the alternative concepts were, and how each of the alternatives compared against the various criteria the FAA used to evaluate the alternatives. The section also discusses why some alternatives were no longer considered by the FAA after the initial evaluation process, and why some were retained for more detailed evaluation. The section also identifies the FAA's "Preferred Alternative" for the proposed development of SKX, and concludes with a listing of Federal laws and regulations that the FAA considered during the development and evaluation of the alternatives.

4.1 *TYPES OF ALTERNATIVES*

The FAA completed a thorough and objective review of reasonable alternatives to the Town's Proposed Project at SKX. The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) require that an agency look at "reasonable" alternatives. With those standards in mind, the FAA did not evaluate alternatives in detail if they showed no possibility of meeting the purpose and need for the Proposed Project, as described previously.

The FAA has disclosed and discussed the purpose and need for the proposed runway improvements at SKX in Chapter 2.0 of the FEIS. Chapter 3.0 of the FEIS identifies the alternatives evaluated, the FAA's alternatives screening process, and the alternatives that met the Level 1 (Purpose and Need) and the Level 2 (Constructability, Environmental, and Cost) criteria. Those alternatives that did not meet the Level 1 and Level 2 criteria were not considered further within the EIS. However, the No-Action Alternative was carried through detailed environmental analysis for baseline comparative purposes, to fulfill CEQ requirements at Section 1502.14(d), to disclose potential impacts if the runway improvements are not built, and to disclose potential environmental impacts associated with the cumulative actions.

In the development of the EIS, the FAA re-examined the recommendations of a previous SKX Master Plan study, previous ALP drawings, previous environmental analysis as conducted in Phase 1 of the EIS, and independently evaluated numerous alternatives for further consideration.

Off-site alternatives that were examined included:

- Other Modes of Transportation,
- Development of a new airport, and
- Use of other existing airports within the General Aviation Service Region.

On-site alternatives that were examined included:

- No-Action,
- The Town of Taos' Proposed Improvements, and
- Various other runway configurations.

The alternatives evaluation utilized a two-level screening process formulated to concentrate on the purpose and need for the proposed runway improvements and the reasonableness of the alternatives. The alternatives listed above include those that were initially considered by the FAA but were eliminated from consideration prior to the screening process, those that did not meet the purpose and need criteria and were eliminated from further consideration in the Level 1 screening analysis, and those that met the purpose and need criteria continued on to the next level of analysis. As part of the second level of screening analysis, additional criteria relating to infrastructure, land acquisition, relocation, estimated costs, and environmental impacts were developed and utilized. If no significant issues were revealed, an alternative was retained for detailed evaluation. If an alternative did result in significant issues, it was dropped from further consideration. The following briefly describes the evaluation criteria used in the analysis of alternatives.

4.1.1 *LEVEL 1 ANALYSIS: PURPOSE AND NEED CRITERIA*

The first level of analysis evaluated whether the various alternatives met the purpose and need criteria specific to the airfield (i.e., provide adequate annual wind coverage and runway length) established in Chapter 2.0, Purpose and Need, of the FEIS. Improvements to the airfield are needed to increase the annualized all-weather runway system wind coverage to 95 percent or above to meet FAA recommendations, while also providing consistent and acceptable runway wind coverage throughout seasonal months of the year (i.e., December-March and May-August). In addition, the runway length analysis revealed that a minimum runway length of 8,600 feet was needed to accommodate the existing and forecast design aircraft runway length requirements during the hottest summer months, during which the highest density altitude conditions occur.

4.1.2 *LEVEL 2 ANALYSIS: CONSTRUCTABILITY, COST CONSIDERATIONS, AND ENVIRONMENTAL IMPACTS*

Level 2 of the alternatives analysis was designed to determine which alternatives were considered feasible, prudent, and reasonable development options relevant to the proposed runway improvements. These criteria were specific to the financial and physical environments affected by such a project. This level of the alternatives analysis considered "constructability" parameters including effects on infrastructure, required land acquisition, number of residences relocated and businesses impacted by

each alternative, the cost of the alternatives, and preliminary environmental impacts of the alternatives. Alternatives that were retained after the Level 2 evaluation are the subject of more detailed analysis described in Chapter 5.0, Environmental Consequences, of the FEIS. The following presents a brief summary of the Level 2 criteria used in the alternatives screening process.

4.1.2.1 *Impacts to Existing On-Airport Facilities*

The effects of each runway alternative were measured against potential impacts to existing on-airport facilities.

4.1.2.2 *Impacts to Existing Off-Airport Infrastructure*

The effects of each runway alternative were measured against potential impacts to existing infrastructure serving SKX (i.e., U.S. Highway 64).

4.1.2.3 *Required Land Acquisition*

A comparison was made of the amount of land that would need to be acquired for each of the alternatives. The FAA also carefully considered conceptual alternatives proposed by the Taos Pueblo that required acquisition of Taos Pueblo Tract A land. The FAA conducted a qualitative analysis of their potential environmental impacts in comparison to those of other alternatives. As discussed below, FAA determined that the conceptual alternatives were not feasible for reasons including cost and the Town's stance.

4.1.2.4 *Comparative Cost Considerations*

The evaluation of comparative costs for each of the alternatives involved an analysis of the total costs of those portions of the alternatives that would be eligible for Federal funding, if funding were approved.

4.1.2.5 *Environmental Impacts*

The initial screening process focused on several environmental categories that are protected under special purpose environmental laws and that contain specific provisions for the avoidance and minimization of impacts. These categories include wetlands, floodplains, Section 4(f) and Section 6(f) sites, and historic and archaeological resources. Section 4(f) of the DOT Act of 1966 (codified as Section 303, Title 49 U.S.C.) states that "the Secretary may approve a transportation program or project (other than any project for a park road or parkway under section 204 of title 23) requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if— (1) there is no prudent and feasible alternative to using that land; and (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use."

The *Land and Water Conservation Fund (LWCF) Act* of 1965, as amended, and Title 16 U.S.C., Section 4601-8(f)3, more commonly referred to as Section 6(f), requires that all properties receiving

LWCF assistance for planning, acquisition, or development be perpetually maintained for public outdoor recreation use. The act requires, in part, that: "No property acquired or developed with assistance under this section shall, without approval of the Secretary of the Interior, be converted to other than public outdoor recreation uses."

All alternatives were subjected to this screening process. All but four of the alternatives were eliminated through the screening process.

4.1.2.6 Taos Pueblo Conceptual Alternatives

Taos Pueblo submitted for the FAA's consideration two conceptual alternatives for the development of SKX. As a result of government-to-government consultation between the FAA and Taos Pueblo, these conceptual alternatives were considered by the FAA in the Draft Environmental Impact Statement (DEIS). However, they were not retained as one of the alternatives for detailed analysis in the DEIS.

Although the conceptual alternatives were submitted to the FAA through the Cooperating Agency process, these conceptual alternatives had not been officially approved by Taos Pueblo leadership prior to submitting them to the FAA. Taos Pueblo's April 3, 2006 letter to the FAA stated that, "the leadership of the Pueblo has so far only given approval to suggesting that the conceptual alternatives be considered" and that their position on the alternatives will be determined after the impacts of the alternatives are evaluated. Although the conceptual alternatives were not formally approved by Taos Pueblo leadership (or even one that would necessarily be supported by a Cooperating Agency if it were retained for detailed evaluation), the FAA conducted a review of the feasibility, practicability, and reasonableness of the conceptual alternatives. This review is detailed in the following paragraphs.

Alternative Concept 1 consisted of the development of a new runway designated as Runway 13/31, which would be 8,600 feet long and 100 feet wide. Alternative Concept 2 consisted of a new runway designated as Runway 14/32, also 8,600 feet long and 100 feet wide. These conceptual runway alternatives varied from the EIS Proposed Project (Runway 12/30) by just 10 degrees (Concept 1) and 20 degrees (Concept 2) of the Town's proposed runway heading. Other than the proposed runway length and magnetic orientation, no other detailed information on these conceptual alternatives, such as the amount of property acquisition needed, the cost of the property, the connected projects associated with the alternatives, the environmental impacts, or whether they included any new off-site access, was provided to the FAA. Although these details were not provided to the FAA, it was assumed by the FAA that both of these concepts included the shortening of existing Runway 4/22 by 420 feet and the development of the other airport-related support projects previously detailed as part of the Proposed Project in Section 1.2 of the FEIS.

The FAA looked at several important factors in its consideration of these conceptual alternatives. The first factor FAA considered was the need to acquire Taos Pueblo land in order to implement the alternatives. The FAA considered the submittal of conceptual alternatives that required the acquisition of Taos Pueblo land to be a direct contradiction to previous, and even ongoing, sentiments of the Taos Pueblo regarding the use of their lands for the Proposed Project at SKX. During the initial development of the Proposed Project by the Town, Taos Pueblo indicated that they would not sell any portion of Tract A to the Town in

order to implement the proposed improvements at SKX (Anyon, et al., 1998). This has been a long-standing directive from the Taos Pueblo, which the FAA has abided by throughout the EIS process, particularly in the formulation and evaluation of alternatives. In particular, early in preparing the EIS, the FAA screened out alternatives in its alternatives screening process that would require direct use of Taos Pueblo lands. In their April 3, 2006 letter to the FAA, the Taos Pueblo indicated that the conceptual alternatives were submitted to the FAA as part of the "Pueblo's role as a Cooperating Agency for the preparation of the EIS." However, in this same letter, on this same subject, the Taos Pueblo indicated that, "The Pueblo's position continues to be that any increased impacts on the Pueblo and its culture that would result from the proposed project are not acceptable." As a result, the FAA did not believe it was reasonable to consider the conceptual alternatives further in the EIS process. The FAA made this finding because both conceptual alternatives required the acquisition of a portion of Taos Pueblo's Tract A, an area that the Taos Pueblo previously claimed to be an area that will be adversely impacted, because it is a place where sensitive cultural practices occur. Unlike the Town's proposed project, the acquisition of Tract A land and building either of the conceptual alternatives on it would directly affect Taos Pueblo lands and could adversely affect any of the Pueblo's cultural activities occurring on Tract A. Such actions would be contrary to Taos Pueblo's long-standing position on Tract A.

A second, albeit lessor factor, that the FAA considered in reviewing Taos Pueblo's conceptual alternatives was the Town's position, as owner and operator of the airport. The Town informed the FAA in a letter dated July 31, 2007, that it would not consider any proposal to lease or purchase any additional property for the purpose of building a new crosswind runway. The Town, as owner and operator of the airport, is responsible for constructing and paying for part of the Proposed Project.

A third factor taken into consideration in the FAA's evaluation of the Taos Pueblo's conceptual alternatives focused on the overall objective of the conceptual alternatives. In a telephone conference held on September 6, 2006, the Taos Pueblo indicated to the FAA that the intent of the conceptual alternatives was to help reduce overflights of significant Taos Pueblo resources, particularly the Taos Pueblo World Heritage Site (WHS). The FAA's evaluation of aircraft flight tracks associated with the future No-Action Alternative, the Town's proposed project, and its reasonable alternatives indicated that the Proposed Project and its reasonable alternatives would result in flight track changes only in areas under the immediate traffic pattern of the airport. These areas would occur under the immediate traffic patterns and would generally be at a distance within 13,000 feet of the airport, and the arrival/departure flight tracks in areas farther out from the airport (the areas of critical concern to the Taos Pueblo) would remain the same, with or without the Proposed Project. The FAA's review of the Taos Pueblo's conceptual alternatives indicated that shifting the proposed runway heading by 10 degrees (Conceptual Alternative 1) or 20 degrees (Conceptual Alternative 2) would not result in any changes in the proximity of flight tracks to areas of critical concern to the Taos Pueblo (i.e., Taos Pueblo WHS) or the Blue Lake Wilderness Area (see Figure 3.3-1 of the FEIS). Since the flight tracks beyond the immediate area of the airport (i.e., areas over the Taos Pueblo WHS and the Blue Lake Wilderness Area) would not change as a result of the Proposed Project, the Taos Pueblo conceptual alternatives similarly would not result in a reduced likelihood of overflights to these sensitive Taos Pueblo cultural and historic resources. In addition, both of the Taos Pueblo's conceptual alternatives would cause direct impacts to Tract A as a result of physical construction of proposed runways on Tract A and, correspondingly increased overflights

of Tract A as aircraft approach and depart conceptual Runways 13/31 or 14/32. Therefore, another basis for the FAA's conclusion that neither of the Taos Pueblo's conceptual alternatives warranted further consideration in the EIS is that they would not fulfill the Taos Pueblo's intended purpose of reducing uncontrolled overflights over the Taos Pueblo WHS and the Blue Lake Wilderness Area.

In their comments on the DEIS, the Taos Pueblo requested that FAA reconsider its position and conduct an analysis of its conceptual alternatives. In response to these comments, the FAA conducted a qualitative analysis comparing the impacts of the Taos Pueblo's conceptual alternatives with those of the alternatives the FAA has analyzed in detail in the EIS (No Action and Alternatives 2C, 2D, and 3). In the comparisons, the FAA looked at impact categories that may be affected by the new runway alignments proposed in the Taos Pueblo's alternative concepts. Those categories included potential noise and visual impacts, floodplains, biotic communities, and both Federal- and/or state-listed threatened and endangered species.

The Taos Pueblo conceptual alternatives were qualitatively evaluated by the FAA to determine if they would result in noise and visual impacts substantially different from the noise and visual impacts associated with the alternatives retained by the FAA for detailed evaluation in the EIS (the No-Action Alternative and Alternatives 2C, 2D, and 3). Since the aircraft types, number of aircraft operations, and day/night split of operations would be the same for all alternatives, including the Taos Pueblo conceptual alternatives, the focus of the qualitative noise and visual evaluation was the location of the arrival and departure flight tracks associated with the Taos Pueblo's conceptual runway alignments.

When using the FAA and U.S. Environmental Protection Agency (EPA) approved Integrated Noise Model (INM), the location of the flight tracks of aircraft are the factor that most affects where potential noise and visual impacts would occur. The types of aircraft, the frequency of operations, and the day/night split of aircraft determine the magnitude of the potential impacts. As discussed in the preceding paragraphs, the location of the flight tracks associated with the Taos Pueblo's conceptual runway alternatives would differ from the No-Action Alternative and Alternatives 2C, 2D, and 3 only in areas relatively close to the airport (within 2 to 3 miles), as shown in Figure 3.3-1 of the FEIS. Therefore, with all other factors being equal (number of operations, type of aircraft, and day/night split), the FAA believes it was reasonable to conclude that the potential noise and visual impacts of the Taos Pueblo's conceptual alternatives would be of the same magnitude as Alternatives 2C, 2D, and 3, and that although the potential noise and visual impacts would be shifted slightly from the other alternatives, the noise and visual impacts would still be experienced within the same two to three mile area close-in to the airport as the No-Action Alternative and Alternatives 2C, 2D, and 3. Notably, due to their runway heading orientations (13/31 and 14/32), both of the Taos Pueblo conceptual runway alternatives would result in a greater number of arrival and departure flight tracks directly over Tract A (see Figure 3.3-1 of the FEIS) when compared to the No-Action Alternative and Alternatives 2C, 2D, and 3. As a result, both of the Taos Pueblo conceptual alternatives would result in a greater number of overflights of Tract A, and an associated increase in both noise and visual impacts to Tract A when compared to the No-Action Alternative and Alternatives 2C, 2D, and 3.

In areas greater than two to three miles away from the airport, which includes areas of critical concern to the Taos Pueblo people (i.e., the Taos Pueblo WHS and the Blue Lake Wilderness Area), the flight tracks of arriving and departing aircraft associated with the Taos Pueblo conceptual runway alternatives would

be the same as the existing condition, the No-Action Alternative and Alternatives 2C, 2D, and 3 (see Figure 3.3-1 of the FEIS). Thus, it was reasonable for the FAA to conclude that the potential noise and visual impacts associated with the Taos Pueblo conceptual alternatives over the Taos Pueblo WHS and the Blue Lake Wilderness Area would not be substantially different in magnitude or location from those resulting from the existing condition, the future No-Action Alternative, and future Alternatives 2C, 2D, and 3.

The FAA also examined the potential for the alternative concepts identified by the Taos Pueblo to affect 100-year floodplains, pursuant to Executive Order 11988. The FAA determined that the necessary acquisition or lease area for the Taos Pueblo's Alternative Concept 1 would include 28.7 acres of 100-year floodplain, 6 acres of which would be directly impacted by that alternative. The footprint for Alternative Concept 2 would affect 1.7 acres of 100-year floodplain in the necessary acquisition or lease area, and 2.7 acres of 100-year floodplain in the non-leased area, or a total of 4.4 acres of 100-year floodplain. These areas would be very similar to the 4.6 acres of 100-year floodplain that Alternative 2C would affect, more than that which would occur under Alternative 2D (2.7 acres), and less than under Alternative 3 (12.7 acres). The No-Action Alternative would not result in impacts to the 100-year floodplain.

The FAA examined the potential for the Taos Pueblo's Conceptual Alternatives 1 and 2 to reduce impacts to threatened or endangered species, or plant and animal (biotic) communities. The biotic habitat (i.e., primarily sagebrush and arroyo) that the Taos Pueblo's conceptual alternatives would affect is very similar to the type and quantity that Alternatives 2C, 2D, and 3 would affect. As a result, the FAA has determined that the Taos Pueblo's conceptual alternatives would result in impacts to biotic communities very similar to those Alternatives 2C, 2D, and 3 would cause.

Lastly, the FAA considered the Pueblo's conceptual alternatives' potential to affect Tract A under U.S. DOT Section 4(f). The FAA determined that Tract A in and of itself contained elements and supported cultural uses (ceremonial hunting, sage gathering, religious activities, etc.) that contributed to the historic significance of the Area of Potential Effect (APE). FAA based this determination on consultation with the New Mexico State Historic Preservation Officer (SHPO) and the Taos Pueblo and information contained in the Anyon Study (1998)¹. Both of the Taos Pueblo's conceptual alternatives would cause direct impacts to Tract A as a result of physical construction of the runway on Tract A. FAA considered that as the conceptual alternatives required acquisition of a portion of Tract A, they would have the potential for direct impacts to Section 4(f) resources. However, during further consultation, the Pueblo noted that the portion of Tract A where the Pueblo's conceptual alternatives would occur, "is not a traditional cultural property protected under Section 4(f), and therefore this reason for omitting these alternatives from further consideration fails." As a result, it is not clear whether or not acquisition, lease or disturbance of the section of Tract A needed for the Pueblo's conceptual alternatives involves actual physical use of traditional cultural properties (TCPs) protected under Section 4(f). Based on the reasons discussed above, including the qualitative analysis prepared after issuance of the DEIS, it is no longer necessary to

¹ The Anyon Study states the use of Tract A as a whole for religious and cultural practices is reflected by the fact that Tract A is a "Significant Place," similar in kind to the Taos Pueblo, Blue Lake Wilderness area, Tract B, Rio Grande Gorge, and Other Traditional Cultural Properties that would be impacted as a result of the proposed action. Page 98 of the Report states: "Aircraft taking off and landing at Taos airport fly low over Tract A, and this has already impacted its use for religious purposes. Traditional leaders like Ignacio Suazo (1997) think that the number of planes flying over Tract A will increase as a result of the proposed airport expansion, and this will affect the ability of the Taahtah-Deenah (Taos Pueblo People) to conduct religious activities (I. Suazo 1997)." In addition, Anyon, in Table 4 of the Report (pg. 105), indicates impacts to Tract A would have indirect and cumulative effects.

reach a decision or resolve whether or not the Taos Pueblo's conceptual alternatives trigger requirements under DOT Section 4(f).

In the EIS, the FAA provided several reasons for its decision to not treat the Taos Pueblo's conceptual alternatives as reasonable alternatives and to not evaluate them in detail in the DEIS. For the FEIS, the FAA has responded to all comments the Taos Pueblo has raised. The FAA has conducted these qualitative analyses of the Taos Pueblo's conceptual alternatives focusing on a comparison of the impacts associated with the Taos Pueblo's conceptual alternatives and the impacts of the alternatives FAA retained for detailed evaluation in the EIS.

Taos Pueblo's role as a Cooperating Agency in the EIS process is to assist the FAA with matters pertaining to the Taos Pueblo's special expertise and jurisdiction. The FAA has, at the request of the Taos Pueblo, provided special funding to allow the Taos Pueblo to retain the services of consultants to help them understand the analyses contained in the EIS and its appendices and to help provide meaningful, constructive input to the EIS process. The FAA appreciates the contribution of the Taos Pueblo with regard to their conceptual alternatives and their special expertise; however, the FAA has determined that neither of the conceptual alternatives the Taos Pueblo has provided to the FAA are reasonable, prudent, or practicable alternatives to the Proposed Project. The FAA based this determination on the considerations discussed in detail in the preceding paragraphs. Therefore, the FAA did not retain the Taos Pueblo's conceptual alternatives for detailed consideration in the EIS.

4.2 *COMPARISON OF ALTERNATIVES RETAINED FOR DETAILED CONSIDERATION*

On the basis of being able to meet all of the Level 1 purpose and need criteria and the Level 2 constructability, environmental impact, and cost considerations, the following three "Build" Alternative concepts were retained as reasonable alternatives in the FEIS: Alternative 2C, Alternative 2D, and Alternative 3. All three "Build" Alternative concepts provide the FAA-recommended annualized wind coverage (consistently throughout the year) and adequate runway length for the existing and forecast design aircraft utilizing SKX.

4.2.1 *ALTERNATIVE 2C*

Alternative 2C is based on a two-runway system comprised of a new runway having a 12/30 magnetic orientation that would be constructed entirely on existing airport property. The new runway would tie-in to the existing runway system via a 160-foot extension of Taxiway "A." The Runway 4 threshold would be relocated 420 feet to the northeast, thereby reducing Runway 4/22's length to 5,378 feet. The runway would remain at a width of 75 feet. Runway 12/30 would have a length of 8,600 feet and a width of 100 feet and serve as the airport's instrumented runway. Precision instrument landings would occur on Runway 12 only.

4.2.2 *ALTERNATIVE 2D*

As with Alternative 2C, Alternative 2D would provide a new Runway 12/30 constructed to a length of 8,600 feet. However, when compared to Alternative 2C, the entire runway/taxiway system would be shifted 798 feet to the southeast to minimize impacts to the 100-year floodplains that traverse the RPZs at

each end of the airport property. The Runway 4 threshold would be relocated 420 feet to the northeast. The resultant length for Runway 4/22 would be 5,378 feet. The runway would remain at a width of 75 feet. New Runway 12/30 would have a length of 8,600 feet and a width of 100 feet and serve as the airport's instrumented runway. Precision instrument landings would occur on Runway 12 only.

4.2.3 *ALTERNATIVE 3*

Alternative 3 is based on a two-runway system that is comprised of a new 8,600-foot runway having a 7/25 magnetic orientation. The new Runway 7/25 would be constructed southeast of Runway 4/22. The Runway 4 threshold would be relocated 364 feet to the northeast, thereby reducing Runway 4/22's length to 5,434 feet. Runway 4/22 would remain at a width of 75 feet. Runway 7/25 would have a length of 8,600 feet and a width of 100 feet and serve as the airport's instrumented runway. Precision instrument landings would occur on Runway 7 only.

The alternatives that were retained for detailed evaluation are reasonable alternatives for meeting the FAA's purpose and need for the Proposed Project. The No-Action Alternative was also retained pursuant to CEQ requirements and for detailed analysis in subsequent chapters of the FEIS for baseline comparative purposes without the Proposed Project.

4.3 *SELECTED ALTERNATIVE*

FAA based its decision on the Selected Alternative on a number of factors including the alternatives' ability to meet the purpose and need for the Proposed Project, the environmental impacts of the alternatives, the cost of the alternatives, and the ability to mitigate unavoidable impacts. Based on that evaluation, there was no practicable alternative that did not include construction in the floodplain and that still would meet the purpose and need of the proposed action.

In comparing Alternatives 2C and 2D, FAA determined that they both meet the purpose and need criteria, they have similar impacts to the natural and physical environment (including noise), and their costs are of the same magnitude. The main difference between Alternatives 2C and 2D is the area of unavoidable impact to 100-year floodplains. The FEIS evaluation indicates that each of the "Build" Alternatives would result in unavoidable development within the 100-year floodplain. However, consistent with requirements in Executive Order 11988 and DOT/FAA Orders, Alternative 2D is the least environmentally damaging practicable alternative. Alternative 2D would impact approximately 2.7 acres of 100-year floodplain, which will result in 2.26 acres less of unavoidable floodplain impacts when compared to Alternative 2C and 9.99 acres less of unavoidable floodplain impacts when compared to Alternative 3. Of the "Build" Alternatives, Alternative 3 would impact the most 100-year floodplains (12.69 acres) and would not follow the policies of Executive Order 11988 nor DOT/FAA Orders. There would be no significant impacts to floodplains under the Selected Alternative.

Alternative 3 is less desirable than the other "Build" Alternatives because it would include acquiring 360 acres of additional property and relocating 12 residential properties and one business. The Town already owns the property required for Alternatives 2C and 2D. The DEIS estimated the cost associated with the acquisition of additional property and construction of Runway 7/25 under Alternative 3 would be approximately \$1.7 million greater than Alternatives 2C or 2D, not including the four homes that have

been built in the acquisition area since the DEIS was published. Additional land acquisition would impose additional expenses that the Town, as the Airport Sponsor, is unwilling to bear.

Under Alternative 3, the end of Runway 25 would be located 2,030 feet from the Taos Regional Landfill. This is significantly closer to the landfill than Alternatives 2C and 2D and, because of this proximity and runway orientation (i.e., the landfill is closer to the path of arriving and departing aircraft), Alternative 3 has the potential to result in an increased possibility of bird strikes. Also, Alternative 3 is not consistent with the Towns' grant assurance obligations to take appropriate action to assure compatible land uses in the vicinity of the airport under 49 U.S.C. §47107(a)(10) as set forth in FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*. It is also inconsistent with Town's Bird/Aircraft Strike Hazard Assessment.

The FAA carefully considered and analyzed the impacts of the various alternatives. The Agency also evaluated the ability of these alternatives to satisfy the identified purposes and needs for this proposal. The Agency also reviewed the testimony at the public hearings, comments submitted in response to the circulation of the DEIS, including those received through coordination with Federal, state, and local agencies. After distribution of the FEIS, the FAA also reviewed the additional comments from the public and agencies. Taking all of these factors into consideration, the FAA selected Alternative 2D as the Agency's preferred alternative because it would meet all defined project needs. Because the environmental impacts associated with Alternatives 2C and 3 are greater than those associated with 2D, Alternative 2D is also the environmentally preferred alternative.

SECTION 5.0

PUBLIC AND AGENCY INVOLVEMENT

Agency and public input were actively solicited throughout the environmental process. The public information program included information meetings at three points in the process in addition to the public hearing on the DEIS. Each of these public information meetings were conducted at two separate locations in the potentially affected areas. In all cases, these meetings were advertised in local community newspaper, *The Taos News*, the primary newspaper of general distribution in the Taos area. In addition, meeting notifications were sent to numerous government agencies, elected officials, airport tenants, business groups, environmental groups, and community leaders. The following public and agency involvement opportunities were provided during the preparation of the EIS.

Scoping

- A Pre-Scoping Document was distributed to 20 Federal, state, and local agencies on May 13, 1992.
- An agency scoping meeting was conducted on May 13, 1992. Eleven of the 20 agencies invited to the Agency Scoping Meeting attended.
- A public scoping meeting was also conducted on May 13, 1992. Approximately 177 people attended the meeting. A total of 91 comments were submitted either in writing or at the scoping meetings.

EIS Advisory Committee Meetings

An EIS Advisory Committee was established to enhance the flow of information between the study team and the public and to provide an additional avenue for effective communication. Three meetings were conducted. The first meeting was held on February 3, 1993. There were 20 people in attendance. The second meeting was held on June 22, 1993 with 22 people in attendance. The third meeting was held on October 21, 1999 with 11 people in attendance.

Public Workshop 1

- The meeting was conducted on February 4, 1993.
- Approximately 58 persons attended the meeting.

Public Workshop 2

- The meeting was conducted on June 22, 1993.
- Approximately 63 persons attended the meeting.

Public Workshop 3

- The meeting was conducted on October 21, 1999.
- Approximately 33 persons attended the meeting.

Noise Analysis Workshop

Two workshops were held in Taos on November 12, 2002 to discuss the most recent noise analyses performed for the EIS and the potential noise effects on historic properties. The first workshop was attended by the National Park Service (NPS), New Mexico SHPO, and Hispanic and Taos Valley groups. Later that same day, the second workshop was attended by Taos Pueblo, the NPS, and the New Mexico SHPO.

Mailing Lists

A mailing list was compiled and utilized over the duration of the EIS in order to distribute notices of public participation activities. The list consisted of Federal agencies, State of New Mexico elected officials and agencies, Taos County officials, Town of Taos officials, Taos Pueblo officials, local organizations, and individuals that attended either the Scoping meeting, Public Workshops, or requested to be on the mailing list.

Media Coordination

To reach a wider audience, a media list was compiled and utilized to send press releases and newspaper advertisements announcing public participation events. Newspaper advertisements were published in the front section of *The Taos News* on two separate dates before each meeting. Press releases were also sent to 14 newspapers, radio stations, and television stations in the Taos area. The press releases contained information regarding the status and progress of the EIS as well as announcing upcoming meetings. Each press release resulted in local news coverage.

Telephone Hotline

A local telephone hotline was established through a local voice mail service (505-751-1115). The hotline number was published in newspaper advertisements, press releases, and meeting handouts. A recorded announcement was updated periodically to keep citizens informed of the project status and the dates and locations of public participation events.

Draft EIS

- Eighty-four copies of the DEIS were distributed. An additional 41 copies of the Executive Summary were also distributed.
- These were available at the local library, SKX, the Town Hall, and the FAA.
- The Notice of Availability of the DEIS was published in the October 13, 2006 Federal Register.

Public Information Workshop and Public Hearing

A Public Information Workshop regarding the DEIS was conducted at the Taos Convention Center, in Taos, New Mexico on November 14, 2006 from 6:00 p.m. to 10:00 p.m. Subjects covered by information displays during the Public Information Workshop included an overview of the EIS process, a description of the Proposed Project, the purpose of and need for the Proposed Project, and projected impacts of the Proposed Project concerning environmental impact categories (i.e., noise, historic and cultural resources, floodplains, etc.) evaluated in the DEIS.

A Public Hearing was conducted jointly by the FAA and the Town of Taos concurrently with the Public Information Workshop. The hearing was presided over by a Public Hearing Officer. After initial opening remarks by the Hearing Officer and representatives of the FAA, the Town, the New Mexico SHPO, the NPS, and Taos Pueblo, the public was invited to provide comments before the Hearing Officer. The Hearing Officer requested that comments be limited to three minutes in length. A court reporter was present at both the Public Workshop and the Public Hearing to provide transcripts of all public comments. A total of 70 attendees signed in at the Public Workshop/Public Hearing.

Final EIS

- Forty-nine copies of the FEIS were distributed. An additional 30 copies of the Executive Summary were also distributed.
- These were available at the local library, SKX, the Town Hall, and the FAA.
- Notification included a legal notice in *The Taos News* published on June 28, 2012.
- The Notice of Availability of the FEIS was published in the June 29, 2012 Federal Register.

Descriptions of the public and agency meetings can be found in Chapter 7.0 of the FEIS. A summary of comments received on the DEIS and at the public hearing are also located in the FEIS (Appendix S). One comment was received from the public on the FEIS. One comment was received from local, state, and Federal agencies. Comments on the FEIS may be found in **Appendix 1** of this ROD. Responses to FEIS comments may be found in **Section 8.0** of this ROD.

Section 106 Consultation

From March 25, 1994 to December 21, 2011 there were 43 meetings and many additional telephone conferences and electronic mail messages among the FAA and the various consulting parties involved in the Section 106 consultation process, including Taos Pueblo, the Advisory Council on Historic Preservation (ACHP), the NPS, the SHPO, the New Mexico Department of Transportation Aviation Division (NMDTAD), and the Town of Taos.

Summary of Public and Agency Involvement

The following table summarizes the various meetings held throughout the environmental review process.

SUMMARY OF COORDINATION MEETINGS				
Meeting Type	Date	Location	Primary Purpose	Attendance
Agency Scoping Meeting	5/13/1992	Rio Grande Room, Taos	Discuss the EIS Project Scope.	13
Public Scoping Meeting	5/13/1992	Rio Grande Room, Taos	Discuss the EIS Project Scope.	177
Taos Pueblo Meeting	7/14/1993	Taos Pueblo	Discuss the EIS Project.	n/a
EIS Advisory Committee	2/3/1993	El Alcalde Room, Taos	Present finding regarding Purpose and Need, Introduce the EIS Project and Alternatives.	20
Public Workshop	2/4/1993	Coronado Hall, Taos	Present finding regarding Purpose and Need, Introduce the EIS Project and Alternatives.	58
EIS Advisory Committee	6/22/1993	Rio Grande Room, Taos	Present the results of the Environmental Analyses.	22
Public Workshop	6/22/1993	Rio Grande Room, Taos	Present the results of the Environmental Analyses.	63
Section 106 and Cooperating Agency Issues Meeting	3/25/1994	Santa Fe	Discussion of Section 106 and cooperating agency issues with Taos Pueblo, ACHP, NPS, Bureau of Indian Affairs, SHPO, and EPA.	n/a
Section 106 Meeting	11/3/1994	Taos	Discussion of Section 106 responsibilities with Taos Pueblo, SHPO, NMDTAD, Town of Taos, New Mexico Environmental Law Center, and NPS.	n/a
Section 106 Meeting	12/15/1994	Taos	Discussion of Section 106 and establishment of APE with Taos Pueblo, SHPO, NPS, Town of Taos, ACHP, NMDTAD, and EIS Advisory Committee.	n/a
Taos Pueblo Meeting	5/31/1995	Taos Pueblo	Meeting with Taos Pueblo to experience Blue Lake Wilderness area.	n/a
Section 106 Meeting	6/15/1995	Taos Pueblo	Discussion of Section 106 issues with Taos Pueblo.	n/a
Pueblo Ethnographic Study Meeting	2/2/1996	Taos Pueblo	Discussion of Section 106 and Memorandum of Understanding (MOU) for Pueblo Ethnographic Study.	35

SUMMARY OF COORDINATION MEETINGS				
Meeting Type	Date	Location	Primary Purpose	Attendance
Section 106 Meeting	11/20/1996	Taos	Discussion of Section 106 process and EIS status with Town of Taos Mayor and City Manager.	n/a
Section 106 Ethnographic Study Meeting	10/21/1997	Taos Pueblo	Discussion of Section 106 Ethnographic Study issues with Taos Pueblo.	n/a
APE Criteria Meeting	2/7/1999	Santa Fe	Discussion of APE criteria with SHPO.	n/a
Public Workshop and Phase 2 Kick-off Meeting	10/21/1999	Rio Grande Room, Taos	Provide the public and Federal, state, and local agencies notice of the status of the EIS process and provide updated information on the EIS.	33
Section 106 and Mitigation Meeting	2/8/2001	Santa Fe	Discussion of Section 106 status and mitigation with SHPO.	n/a
Noise Analysis Meeting	11/12/2002	Taos	Discussion of analysis of potential noise effects on National Register of Historic Places (NRHP)-eligible properties with Taos Pueblo, and Hispanic and Taos Valley groups.	n/a
Section 106 Meeting	7/21/2003	Taos	Discussion of Section 106 process and issues with SHPO and SRI Foundation.	n/a
Section 106 Meeting	4/13/2004	Sagebrush Conference Center, Taos	Discussion of Section 106 status with Taos Pueblo, Hispanic and Taos Valley groups, SHPO, and NPS.	25
Section 106 Meeting	8/11/2004	Taos	FAA met at Taos Pueblo with Pueblo representatives to discuss Section 106 findings	n/a
Section 106 Meeting	11/16/2004	Telecom	Conference call with Taos Pueblo to provide them an opportunity to ask questions about the consultant selection process and FAA AC 150/5100-14C. Consultant selection completed by Taos Pueblo October 21, 2005 with selection of ESA Airports.	n/a
Section 106 Meeting	2/24/2006	Telecom	Conference call with Taos Pueblo and their consultant to provide them an opportunity to ask questions on the Preliminary Draft EIS (PDEIS).	n/a

SUMMARY OF COORDINATION MEETINGS				
Meeting Type	Date	Location	Primary Purpose	Attendance
Section 106 Meeting	5/10/2006	Taos Pueblo	Airports Division Manager and Louisiana/New Mexico Airports District Office (ADO) Manager met with Taos Pueblo representatives to discuss PDEIS and their concerns about airport expansion project, including Section 106 issues.	n/a
Section 106 Meeting	9/6/2006	Telecom	Conference call with Taos Pueblo, their consultant, and NPS about the flying demonstration we offered to provide for Taos Pueblo's benefit in observing the flight tracks related to the proposed airport runway project.	n/a
Public Hearing	11/14/2006	Rio Grande Room, Taos	Joint effort between the FAA and Town of Taos to receive comments on the DEIS.	70
Section 106 Meeting	4/18/2007	Taos	ADO and Program Manager visit Taos to discuss PDEIS with Taos Pueblo and Town of Taos and introduce new Program Manager.	n/a
Section 106 Meeting	5/14/2007	Taos Pueblo	Airports Division Manager and staff met with Taos Pueblo representatives to continue discussion about PDEIS and their concerns about airport expansion project, including Section 106 issues and proposed mitigation measures.	n/a
Pre-Flight Demonstration Meeting	6/25/2007	Taos	Final review of flight routes, sound level monitoring, timeline, communication, and personal safety during the flight demonstration.	50
Flight Demonstration	6/26/2007	Various sites in the Taos area	Provide the Taos Pueblo with a better understanding of how aircraft currently operate at SKX and how aircraft would operate with the implementation of the Proposed Project.	n/a
Post-Flight Demonstration Meeting	6/27/2007	Taos	Discussion of general observations and comments, results of sound level monitoring, and visual observation on the flight demonstration	36
Section 106 Meeting	10/19/2007	Taos	Meeting to begin the Section 106 Consultation Process for the Avoidance, Minimization, and Mitigation of Adverse Effects.	24

SUMMARY OF COORDINATION MEETINGS				
Meeting Type	Date	Location	Primary Purpose	Attendance
Section 106 Meeting	11/27/2007	Telecom	Continued coordination of Preliminary Concepts to Avoid, Minimize, or Mitigate Adverse Effects	16
Section 106 Meeting	1/16/2008	Telecom	Continued coordination of Preliminary Concepts to Avoid, Minimize, or Mitigate Adverse Effects	28
Section 106 Meeting	2/22/2008	Telecom	Continued coordination of Preliminary Concepts to Avoid, Minimize, or Mitigate Adverse Effects	18
Section 106 Meeting	March 2008	Washington, D.C.	Taos Pueblo to Washington, D.C. to meet with FAA and ACHP regarding EIS progress and Section 106 concerns.	n/a
Section 106 Meeting	March 2008	Washington, D.C.	Town of Taos to Washington, D.C. to meet with FAA and ACHP regarding Town's position with respect to EIS.	n/a
Section 106 and Mitigation Meeting	10/18/2008	Taos	Meeting with FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning mitigation measures to address adverse effects.	n/a
Mitigation Meeting	11/11/2008	Telecom	Meeting with Taos Pueblo, NPS, ACHP, Town of Taos, and consultant to continue discussions of preliminary concepts to avoid, minimize, or mitigate adverse effects.	n/a
Section 106 Meeting	3/24 and 3/25/2009	Taos	Meeting to discuss mitigation measures with Section 106 consulting parties	28 and 24
Section 106 and Mitigation Meeting	7/9/2009	Washington, D.C.	FAA meets with Taos Pueblo in HQ.	n/a
Section 106 Meeting	10/20 and 10/21/2009	Taos	Meeting with FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning mitigation measures to address adverse effects.	n/a
Section 106 Meeting	11/9/2009	Taos	Meeting with FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning mitigation measures to address adverse effects.	n/a
Section 106 Meeting	December, 2009 to February, 2011		Consultation continues with ACHP acting as facilitator.	n/a

SUMMARY OF COORDINATION MEETINGS				
Meeting Type	Date	Location	Primary Purpose	Attendance
Government-To-Government Meeting	5/26/2011	Taos	Meeting with representatives of the White House, U.S. DOT, FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the Draft Memorandum of Agreement (DMOA).	n/a
Government-To-Government Meeting	11/22/2011	Taos Pueblo	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA.	n/a
Government-To-Government Meeting	11/30/2011	Web-based	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA	n/a
Government-To-Government Meeting	12/2/2011	Web-based	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA	n/a
Government-To-Government Meeting	12/12/2011	Web-based	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA	n/a
Government-To-Government Meeting	12/15/2011	Web-based	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA	n/a
Government-To-Government Meeting	12/21/2011	Web-based	Meeting with representatives of the FAA, Taos Pueblo, NPS, ACHP, SHPO, and Town of Taos concerning the DMOA	n/a

n/a = not available.

Sources: FAA and URS Corporation, 2012.

SECTION 6.0

IMPACTS AND MITIGATION MEASURES

This section describes the environmental impact categories that were examined in the FEIS, the potential impacts, and mitigation for the proposed action.

6.1 *IMPACT CATEGORIES*

This section contains a summary of the principle findings relative to environmental consequences of the proposed action of each of the impact categories examined. More detailed descriptions of the evaluations conducted for each of the environmental categories examined for the selected alternative can be found in the FEIS (Chapter 5.0).

In accordance with environmental guidance found in FAA Order 1050.1E, *Environmental Impacts: Policies and Procedures*, and Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions For Airport Actions*, 22 impact areas were systematically examined in this EIS. These 22 areas were:

- Noise;
- Compatible Land Use;
- Socioeconomic Impact, Environmental Justice (including impacts upon Taos Pueblo), and Children's Environmental Health and Safety Risks;
- Secondary (Induced) Impacts;
- Air Quality;
- Water Quality;
- Section 4(f) (DOT Section 303(c)) and Department of Interior (DOI) Section 6(f) Resources;
- Historic and Archaeological Resources;
- Biotic Communities;
- Threatened and Endangered Species;
- Wetlands and Other Waters of the U.S.;
- Floodplains;
- Coastal Zone Management and Coastal Barriers;
- Wild and Scenic Rivers;
- Farmlands;
- Energy Supply and Natural Resources;
- Light Emissions;
- Solid Waste;
- Construction Impacts;
- Hazardous Substances and Environmental Contamination;
- Other Considerations; and

- Cumulative Impacts.

6.2 IMPACTS

A detailed environmental analysis of the potential environmental impacts resulting from the construction and operation connected with the selected alternative was accomplished as part of the FEIS. Two study periods were examined, 2010 and 2018 for conditions anticipated occurring in the future with and without development of the preferred alternative. As explained in Appendix T of the FEIS, the FAA initially prepared the FEIS in July 2009, but did not publish the FEIS at that time because of ongoing Section 106 consultations between the FAA, Taos Pueblo, and other Consulting Parties. Because of the length of time to issue the FEIS, the Town of Taos currently projects that, if approved by the FAA in its Record of Decision (ROD), the proposed improvements at the Taos Regional Airport (SKX) would be completed and operational in 2015, instead of the year 2010, the projected first year of operation evaluated in the DEIS.

FAA Order 5050.4B states that a DEIS remains valid for a period of 3 years from the date the approving FAA official signs the Notice of Availability (NOA) for the DEIS. The NOA for the DEIS was signed in October 2006. Because the DEIS is more than 3 years old, the FAA conducted a written re-evaluation of the DEIS (see Appendix T of the FEIS) to determine whether the evaluation of impacts associated with the Proposed Project and its "Build" Alternatives as set forth in the DEIS remain applicable, accurate, and valid in accordance with FAA Order 1050.1E, paragraph 514a and 5050.4B, Section 1401.b.3. The FAA found that no substantial changes have occurred and that a complete revision or supplement to the DEIS was not warranted.

In publishing this FEIS, the FAA was faced with a decision to either completely revise the FEIS to reflect the change in the implementation schedule or retain the analyses, with some exceptions and update, as presented in the DEIS. Based on analysis further explained in Appendix T of the FEIS, the FAA determined that the level of aviation activity projected for the DEIS future study year 2010 is generally equivalent to what is currently projected for 2015 and the aviation activity previously projected for the DEIS future study year 2018 is now generally equivalent to what is anticipated for 2020. Because the analyses remain valid and to avoid further delay in the publication of the FEIS, so FAA can issue a decision on the Proposed Project, and in consideration of the prudent use of Federal resources, the FAA determined that a complete revision to the FEIS, to account for the change in time, is not warranted. For the purpose of describing potential environmental impacts, the analyses presented in the DEIS and in this FEIS for years 2010 and 2018 are deemed to be representative of that expected for the years 2015 and 2020.

However, the FAA recognized that some environmental and social conditions have changed since the publication of the DEIS in 2006. These changes were considered during the preparation of this FEIS and, where appropriate and necessary, revisions to the FEIS text have been made. In cases where a change in environmental or social conditions has occurred, but would result in only a minor change in expected impacts, the changes have been documented in a Technical Memorandum, which is contained in Appendix T of the FEIS.

For the purpose of describing potential environmental impacts, references in the following discussion pertaining to potential impacts for years 2010 and 2018 are deemed to be representative of that expected for the years 2015 and 2020. The following are impacts associated with the development of the Proposed Project and reasonable alternatives.

6.2.1 NOISE

During the development of the EIS, a forecast of aviation activity was developed, and was used to provide the basis of assessing the relative change in aircraft activity that would be directly influenced by availability of increased runway take-off lengths at SKX. These forecasts were used, in conjunction with local fleet mix data, to develop the analysis of aircraft noise at SKX and the supplemental noise analysis performed.

Because of the time that elapsed between preparation of the DEIS and FEIS, the opening year of the proposed runway had to be shifted from 2010 to 2015 and the out year from 2018 to 2020. As this shift in turn affected the relevant forecast operations, the FAA evaluated the noise analysis in the DEIS to determine if it was still valid. The 2006 DEIS forecast predicted 16,930 aircraft operations for the With-Project opening year of 2010, and 19,930 aircraft operations for the With-Project out year of 2018. Based on the proposed project implementation year of 2015, there would be an estimated 17,412 aircraft operations in the With-Project opening year of 2015, and 19,148 operations in the With-Project out year of 2020. In comparing the revised project implementation years to those evaluated in the 2006 DEIS, these changes represent an increase of 2.8 percent for the opening year and a decrease 3.9 percent for the out year, or 482 additional operations and 782 fewer aircraft operations, respectively. The FAA determined that the Airport Sponsor's forecasts, which provided the basis for the noise analysis in the DEIS, were still acceptable for use in the FEIS. See the Technical Memorandum in Appendix T in the FEIS for more information regarding the comparison of the aviation forecasts.

A noise analysis was performed in accordance with NEPA requirements and FAA-approved methodology. The FAA's approved airport noise model, the INM, Version 6.1 was used to develop the noise exposure contours for all future cases. Subsequent to the preparation of the DEIS, FAA developed and released Versions 6.2 and 7.0a, 7.0b, and 7.0c of the INM. FAA guidance notes that the latest and most currently available version of the INM should be used when the responsible FAA official begins preparing the analysis for a proposed action. The FAA may use a new version of INM after a project's noise analysis has begun, but use of the new model version is not required. In this instance, there was no major revision or addition to the analysis or Proposed Project. Further, when considering the types of general aviation aircraft that utilize SKX, and the relatively small number of aircraft operations that occur at SKX, the FAA determined that when compared to INM Version 6.1, the use of INM Version 7.0c would not substantially change the results reported in the EIS. (See the Technical Memorandum in Appendix T of the FEIS for further discussion.) For these reasons, the noise analysis was not redone using INM Version 7.0a when that version of the model became available.

The FAA relies on the compatible land use guidelines in Title 14 CFR Part 150 to determine the compatibility of lands in the vicinity of SKX that fall into the Part 150 classifications (e.g., residential, public use, commercial use, manufacturing, and production land uses). The Part 150 guidelines have

been long accepted for determining noise impacts utilizing yearly day-night average sound levels (DNLs). For example, the residential and commercial areas of the Town would fall within the Part 150 guidelines. The FAA has defined a DNL of 65 A-weighted decibels (dBA) as the noise compatibility threshold for residential and other noise-sensitive land uses. The Order states, "A significant noise impact would occur if analysis shows that the proposed action will cause noise sensitive areas to experience an increase in noise of DNL 1.5 dB or more at or above DNL 65 dB noise exposure when compared to the no action alternative for the same timeframe." Applying that standard, the FEIS shows that, as discussed in Section 5.1.3 and 5.1.4 of the FEIS, the DNL 65 dBA contour would be entirely contained on existing airport property and there would be no residential or other noise-sensitive land uses significantly impacted from any of the "Build" Alternatives for 2010 and 2018.

Order 1050.1E, Appendix A, paragraph 14.3 states, "Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within national parks, national wildlife refuges and historic sites, including traditional cultural properties. For example, the DNL 65 dB threshold does not adequately address the effects of noise on visitors to areas within a national park or national wildlife refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute." Based on Taos Pueblo's unique status, the FAA supplemented its usual reliance on DNL and the Part 150 compatible land use guidelines for its determinations under Section 106 of the *National Historic Preservation Act* (NHPA) and Title 49 U.S.C. Section 303(c) due to the recognized quiet nature of the historic landscape. In fact, this review is one of the most extensive ever performed because of the Taos Pueblo's unique status as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site and certain surrounding noise-sensitive traditional cultural properties that continue to support the Taos Pueblo way of life as it existed centuries ago. The Taos Pueblo is unique in that it is the only living community in the United States on the UNESCO World Heritage List.

The FAA conducted extensive supplemental grid-point noise analyses using three noise metrics to evaluate the Build Alternatives potential noise effects.

- The Maximum Sound Level (Lmax) is a single-event metric that assesses the loudest aircraft noise².
- Time Above Ambient (TAA) assesses the amount of average daily time that aircraft noise would be above the average background, or ambient, noise level in the Taos area (26 dB).
- DNL represents average aircraft noise levels, which would occur over a 24-hour period with a 10-decibel (dB) penalty added to aircraft operations between the hours of 10:00 p.m. and 6:59 a.m. See Appendix M of the FEIS for more detailed information.

² A 3 dB change in sound level represents a doubling of sound energy. It is difficult for the average individual to detect a 3 dB difference in the level of two distinct sounds unless they occur very close together (FICON, 1992). Therefore, a 3 dB change in sound level is defined as "just perceptible," a 5 dB change in sound level is defined as "clearly perceptible," and a 10 dB change is defined as "twice as loud" (Hassall and Zaveri, 1979). For the purposes of this EIS, a change of 3 dB Lmax has been described as "barely perceptible." The legend in Figures 5.1.6-2, 5.1.6-5, 5.1.6-8, and 5.1.6-11 of the FEIS describe changes equal to or greater than 3 dB as "perceptible" even though some of the changes in the figures are "barely perceptible."

The grid points help inform the reader about project-induced noise that would occur throughout much of the APE. The grid analysis covered the broad area (APE Noise Analysis Grid) and the more detailed area of the Town (Taos Area Noise Analysis Grid). The grid points help inform the reader about project-induced noise that would occur throughout much of the APE. The DNL, Lmax, and TAA noise metrics were modeled at each grid point using the FAA's INM to determine if a perceptible change of 5 dBA (DNL), or a barely perceptible change of 3 dBA (Lmax), would occur at any of the grid points when compared to the future No-Action Alternative.

The supplemental noise analysis was performed by FAA to better analyze and explain potential noise effects on historic properties in the Taos area, including Taos Pueblo, a UNESCO World Heritage Site. The potential for increases or decreases in noise levels throughout the Area of Potential Effect (APE) has been extensively studied and analyzed by the FAA.

Chapter 5.0 of the FEIS analyzed potential noise changes³ over 20 historic architectural resources properties listed on the National Register of Historic Places, including the World Heritage Site. The analysis looked for potential changes over the properties for both 2010 and 2018, comparing the "Build" alternatives with the "No-Action" alternative.

- Under all Build Alternatives, none of the 20 properties, including the WHS, are projected to experience changes of at least 5 dBA (perceptible) using the DNL metric when compared to the future No-Action Alternative for 2010 or 2018 as shown in Tables 5.1.5-1 and 5.1.5-5 of the FEIS.
- Under Alternatives 2C or 2D none of the 20 properties, including the WHS, are projected to experience an increase of 3 dBA (barely perceptible) or greater in 2010 or 2018 using the supplemental metric Lmax when compared to the No-Action Alternative as shown in Tables 5.1.5-2, 5.1.5-3, 5.1.5-6, and 5.1.5-7 of the FEIS.
- Using the supplemental metric Lmax, one property is projected to experience an increase of 5 dBA under Alternative 3 when compared to the No-Action Alternative for 2010 and 2018 as shown in Tables 5.1.5-4 and 5.1.5-8 of the FEIS.

The analysis projects some of the sites to have an increase in TAA while others would experience a decrease in time when aircraft might be heard above the ambient sound level. A listing of those 20 properties and the results of the supplement analysis may be found in Tables 5.1.5-1 through 5.1.5-8 in the FEIS, as well as later in **Section 6.2.8** of this ROD.

³ FAA's Guidance on Procedures for Evaluating the Potential Noise Impacts of Airport Improvement Projects on National Parks and Other Sensitive Park Environments (FAA, 2007) recommends use of the following change of exposure (COE) criteria:

- ± 3 dB COE for single event loudness (e.g., Lmax)
- ± 5 dB COE for cumulative noise descriptors (e.g., DNL, Leq) below DNL 60 dB
- A 3 dB COE criterion for single event loudness represents a "barely audible" level. Scientific studies have shown the human ear cannot generally distinguish changes in sound level of less than two or three decibels. (FAA, 2007)
- A 5 dB COE criterion for cumulative noise descriptors is considered very conservative for impact assessment below DNL 60 dB. This criterion is based on Order 1050.1E, Appendix A, paragraphs 14.d and 14.e, which recommends use of a 5 dB COE criterion below DNL 60 dB. It is also consistent with the scientific findings of FAA's two visitor dose-response studies in National Parks. A DNL 5 dB COE criterion has been used on all airport and air traffic supplemental noise studies since 1995, including the Flagstaff Proposed Airport Improvement EA, the Mesquite Replacement GA Airport EIS, and the St. George Replacement Airport EIS. It also represents the main criterion for evaluating changes in air traffic procedures and has been extended procedurally to low level environments on several major park studies. (FAA, 2007)

- The FAA also evaluated the historic landscape associated with Taos Pueblo using supplemental noise metrics. During consultation with Taos Pueblo, the FAA was provided with 80 traditional cultural property (TCP) locations that are considered very sensitive to aircraft noise and overflights. Those 80 TCPs are located throughout the APE. These locations are not shown in the FEIS to ensure the protection of sensitive information related to Taos Pueblo culture and cultural sites (Title 36 CFR 800.11(c)). Of the 80 TCP locations, 18 were chosen by the FAA to analyze within INM, measuring the DNL, Lmax, and TAA noise levels. These 18 locations were selected because they are either directly under aircraft flight tracks or are in close proximity to one or more tracks and, therefore, represent the worst of impacts one might expect at any of the TCPs. The analysis reveals that a perceptible increase in DNL would occur in 2010 at only one of the Taos Pueblo traditional cultural properties (TP76) that were analyzed for Alternatives 2C and 2D. In 2018, this same location (TP76) would experience an increase with Alternatives 2C and 2D (9.7 and 11.0 dBA, respectively), while a decrease in DNL would occur at one of the Taos Pueblo traditional cultural properties that were analyzed for 2010 and 2018 for Alternatives 2C and 2D. Even with these increases, the overall DNL value for the Selected Alternative at the TCP is 31.5 dBA DNL in 2010 and 32.3 dBA DNL in 2018 (see Table 5.1.5-13 of the FEIS). None of the "Build" Alternatives would result in exceedances of the FAA's "Threshold of Significance" for noise impacts under DNL.
- In both study years, one location (TP76) would experience a perceptible increase in Lmax of 9.6 dBA for Alternative 2C and 10.6 dBA for Alternative 2D. In both study years, two locations (TP3 and TP64) would experience a perceptible increase in Lmax of 12.4 dBA and 4.5 dBA, respectively, for Alternative 3.
- Also, increases in TAA would occur at all locations for each alternative in both future study years.

Table 5.1.5-13 of the FEIS shows the results of the DNL analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the Lmax analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the time above ambient noise level analysis.

In addition to the TCP locations listed in Table 5.1.5-17 of the FEIS, tracts of Taos Pueblo lands identified by Taos Pueblo during Section 106 consultation as well as during the development of the DEIS were evaluated to determine the potential for increased overflights of aircraft using SKX for each "Build" Alternative when compared to the future No-Action Alternative. Taos Pueblo lands evaluated include the Taos Pueblo Land Grant (includes the Taos Pueblo WHS); Tenorio Tract (adjacent and northwest of Taos Pueblo Land Grant); Tract A; Tract B; Tract C (adjacent and northwest of the Blue Lake Wilderness Area); Karavas Tract (adjacent and southwest of Taos Pueblo Land Grant); the Blue Lake Wilderness Area; and the Bottleneck Tract (between Tract C and the Blue Lake Wilderness Area).

- As discussed in the FEIS and shown on Figures 5.1.2-1 through 5.1.2-6 of the FEIS, virtually all of the flight tracks associated with the No-Action Alternative and the "Build" Alternatives avoid the Taos Pueblo WHS and the Blue Lake Wilderness Area.
- As shown in Figures 5.1.6-1, 5.1.6-4, 5.1.6-7, and 5.1.6-10 of the FEIS, for all three Build Alternatives, there are no perceptible changes over the Blue Lake Wilderness Area using the DNL metric for years 2010 or 2018.

- As shown in Figures 5.1.6-2 and 5.1.6-8 of the FEIS, for Alternatives 2C and 2D, there are no changes above 3dBA over the Blue Lake Wilderness Area using the supplemental metric Lmax for years 2010 or 2018.
- As shown in Figures 5.1.6-5 and 5.1.6-11 of the FEIS, for Alternative 3, due to the Runway 7/25 alignment, it is anticipated that overflights of Tract B would decrease as a result of Alternative 3 while overflights of Tract A were estimated to remain similar to the No-Action Alternative. The potential for overflights of the Karavas Tract and the western area of the Taos Pueblo Land Grant was estimated to increase as a result of Alternative 3. See Section 5.1.5 of the FEIS.
- Due to the Runway 12/30 alignment, it is anticipated that overflights of Tracts A and B would decrease as a result of Alternatives 2C and 2D. See Section 5.1.5 of the FEIS.
- Potential overflights of the western edge of the Taos Pueblo Land Grant (due to arrivals to the existing Runway 22) would also be reduced as a result of Alternatives 2C and 2D since aircraft would be distributed to another runway. See Section 5.1.5 of the FEIS.
- The Karavas Tract could experience an increase in overflights due to departures from Runway 12 in Alternatives 2C and 2D. See Section 5.1.5 of the FEIS.
- As shown on Figures 5.1.6-1 through 5.1.6-9 of the FEIS, changes in DNL, Lmax, and TAA would be experienced primarily along extended runway centerlines (approximately 5 statute miles from the nearest runway end) of the proposed runway in each "Build" Alternative⁴.

As discussed in Section 5.1.5 of the FEIS, five sites along the Rio Grande Gorge were also analyzed, looking for changes over the sites for both 2010 and 2018, comparing the "Build" Alternatives with the "No-Action" alternative. See Figure 5.1.5-1 of the FEIS for the site locations.

- In 2010, Alternative 2C would have two locations that would experience a perceptible increase greater than 5 dBA in DNL. Location RG3 would increase by 5.1 dBA and location RG4 would increase by 5.5 dBA. Alternative 2D would have one location that would experience a perceptible increase greater than 5 dBA in DNL. (Location RG4 would increase by 5.2 dBA.) No perceptible changes greater than 5 dBA in DNL would occur with Alternative 3.
- In 2018, locations RG3 and RG4 would experience a perceptible increase of 5.2 and 5.9 dBA, respectively with Alternative 2C. Location RG4 would experience a perceptible increase of 5.6 dBA with Alternative 2D. No perceptible change greater than 5 dBA in DNL would occur with Alternative 3.

⁴ Section 5.1.6 of the FEIS describes the changes correctly as "perceptible" for DNL and incorrectly as "barely perceptible" for Lmax along extended runway centerlines. However, Figures 5.1.6-3, 5.1.6-4, 5.1.6-9, and 5.1.6-10 in the FEIS correctly show the Lmax increases above 3 dBA for most of the points close to the airport and along the alignment of the proposed new runway. In addition, Appendix Q of the FEIS correctly states that most of the perceptible changes (using the 3 dB threshold) in maximum noise levels and all of the changes of 5 dB or more in the average daily noise levels would occur at points close to the airport and along the alignment of the proposed new runway as shown in Figures 9 and 10 of Appendix Q of the FEIS.

In both study years, location RG3 in Alternative 2C would experience a perceptible increase in Lmax of 5.2 dBA. In both study years, location RG3 in Alternative 2D would experience a perceptible increase in Lmax of 3.7 dBA. In both study years, Alternative 3 had no barely perceptible changes.

The FEIS also analyzed potential impacts over four Catholic processions at six traditional performance sites located within the APE.

- Using the same parameters as discussed above, the analysis concluded that Alternatives 2C and 2D (the selected alternative) would not cause perceptible changes of at least 5 dBA using the DNL metric or barely perceptible changes of 3 dBA (barely perceptible) when compared to the future No-Action Alternative for 2010 or 2018 during the processions at the traditional performance sites.
- Alternative 3, however, could cause perceptible increases in Lmax at three sites, potentially impacting three processions. The analysis projects some of the sites to have an increase in TAA while others would experience a decrease in time when aircraft might be heard above the ambient sound level.
- No perceptible increases greater than 5 dBA in DNL would occur at Las Colonias in Alternatives 2C and 2D in 2010 and 2018. A greater than 5 dBA increase in DNL would occur in Alternative 3 in 2010 (11.7 dBA) and 2018 (11.6 dBA) at Las Colonias as shown in Table 5.1.5-9 of the FEIS. The increase is due to the new Runway 7/25 aircraft traffic pattern and its close proximity to Las Colonias. All other locations would be below ambient noise levels in both study years.
- When compared to the future No-Action Alternative, Alternatives 2C and 2D would not cause a barely perceptible change in Lmax in 2010 or 2018 as shown in Tables 5.1.5-10 and 5.1.5-11, respectively of the FEIS. Increases would occur at Valdez (4.9 dBA), Arroyo Seco (6.6 dBA), and Las Colonias (14.7 dBA) in Alternative 3 in 2010 and 2018, as shown in Table 5.1.5-12 of the FEIS. The increase is due to the new Runway 7/25 aircraft traffic pattern and its close proximity to these communities.

A listing of those processions and traditional performance sites, as well as the results of the supplemental noise analysis may be found in Tables 5.1.5-9 through 5.1.5-12 of the FEIS.

Chapter 5.0 of the FEIS analyzed potential noise changes over the Wheeler Peak and Latir Peak Wilderness areas. No perceptible changes in DNL, barely perceptible increases in Lmax or increase in TAA would occur at the grid points in or around these wilderness areas.

Vibration

Vibration impacts were considered in the FEIS regarding the Taos Pueblo structures. The FEIS reviewed two previous vibration studies at locations with sensitive historic structures. For both studies the sensitive structures were located much closer to the airports than Taos Pueblo is to SKX. One of the airports, Phoenix Sky Harbor International Airport, serves hundreds of large jet operations daily and has a runway end located within one-half mile of ancient adobe Hohokam Indian ruins. Both studies concluded that aircraft operations did not result in significant structural vibration to nearby sensitive historic structures. Because of the distance between the airport and Taos Pueblo (approximately 7 miles), as well as the

relatively low activity level and smaller aircraft associated with the airport, the FAA concluded that the potential of structural damage at Taos Pueblo is not likely to result from the operation of SKX.

6.2.2 COMPATIBLE LAND USE

The compatibility of existing and planned land uses in the vicinity of an airport is usually associated with the extent of the airport's noise impacts. If the noise analysis indicates that there is no significant impact, a similar conclusion usually may be drawn with respect to compatible land use. Noise levels associated with the "Build" Alternatives would not result in any incompatible land uses based on the projected DNL noise levels and FAA Land Use Compatibility Guidelines. The residential land use along Santistevan Road would experience increased noise and overflights under Alternative 3; however, the increase would not be considered significant under FAA Guidelines.

All proposed airport improvements associated with Alternatives 2C and 2D would be constructed on existing airport property and would, therefore, have no direct effect upon off-airport land uses. Both alternatives would require the acquisition of avigation easements over County property just east of each runway end. Acquisition of the easement will prevent any future incompatible land uses. The Airport Sponsor does not anticipate any difficulty acquiring the easement. The relocation of the existing end of Runway 4/22 by 420 feet for Alternative 2C and 2D to the northeast would reduce that runway's length, thereby relocating the Runway 4 RPZ entirely onto existing airport property, and off of Taos Pueblo Tract A. No relocation or wetland impacts, direct use of Section 4(f) or 6(f) protected resources or constructive use of Section 4(f) resources, or direct historic resource impacts are anticipated for Alternatives 2C, 2D, or the No-Action Alternative. Adverse effects to historic properties discussed in **Section 6.2.8** of this ROD have been resolved under the Section 106 of the NHPA through an Memorandum of Agreement (MOA). The MOA contains the stipulations agreed to by the Section 106 Consulting Parties to avoid, minimize or mitigate adverse effects. The signed MOA is made part of FAA's ROD and demonstrates that FAA has worked with the Consulting Parties to resolve adverse effects under 36 CFR § 800.6. A copy of the MOA is contained in Appendix B of the FEIS as well as **Appendix 3** of this ROD.

In addition, Alternatives 2C, 2D, and 3 would result in floodplain impacts (4.96, 2.70, and 12.69 acres, respectively).

Alternative 3 would have the greatest land use impacts of the three "Build" alternatives, as it would be constructed partially on approximately 360 acres of property that would need to be acquired by the Town, part of which is currently developed for residential use along Santistevan Road. According to property information provided by Taos County (County), at least 30 parcels of land would be impacted and up to eight residential relocations would be necessary under Alternative 3. As discussed in Appendix T of the FEIS, a review of the updated land use derived from 2011 aerial photographs identified four additional residences and one business that would require acquisition and relocation within the area that is required to construct and operate Alternative 3. The type of impact and mitigation for these additional units are discussed in the FEIS. The Town already owns approximately 29 acres of the property that would be needed to implement Alternative 3. Approximately 13 acres of 100-year floodplain would be acquired, as well. No wetland impacts, direct use of Section 4(f) and 6(f) protected resources, or direct historic

resource impacts are anticipated under Alternative 3. Additionally, there is no constructive use of Section 4(f) properties.

Changes to on-airport land use would occur due to the conversion of some areas to use for airport facilities. This conversion would affect biotic communities and floodplains, which are discussed in further detail in Sections 5.9 and 5.12 of the FEIS, respectively. The Town, as the Airport Sponsor, has provided assurance, as required under Title 49 U.S.C. 47106(a)(1), that they have implemented, and will continue to, implement measures to maintain land use compatibility in the areas in proximity to SKX.

The "Build" Alternatives are not expected to have significant indirect land use impacts in the Detailed Study Area (DSA) or the County, because the potential for latent demand for expanded, year-round commercial air service by commuter and/or larger jet aircraft was considered to be minimal. The air taxi operator at SKX, Rio Grande Air, ceased operations in June 2004. In November 2004, Westward Airways inaugurated air taxi service from SKX and was forecasted to account for 1,460 annual operations (based on their existing flight schedule; INM aircraft type SD330). Although Westward Airways ceased service to SKX in 2005, it is anticipated that a similar service would be started in the future and would continue through 2010 and 2018. Therefore, Rio Grande Air was forecasted to account for 2,400 annual operations (by INM aircraft type GASEPF) in 2010 and 2018. In the past, the Town has secured air service to SKX with revenue guarantees to carriers through a consortium of similar municipalities in New Mexico in concert with the U.S. DOT-approved Small Community Air Service Development Pilot Program grant. The grant (which is no longer in place) served to further promote expansion of air taxi services and tourist/recreation destinations, thus contributing slightly to increased tourist housing and second-home development in parts of the County.

6.2.3 *SOCIOECONOMIC IMPACTS, ENVIRONMENTAL JUSTICE (INCLUDING IMPACTS UPON TAOS PUEBLO), AND CHILDREN'S ENVIRONMENTAL HEALTH AND SAFETY RISKS*

Alternatives 2C and 2D would not result in socioeconomic impacts. Alternative 3 would result in limited socioeconomic impacts related to the relocation of homes (up to 12 residences) and one business. None of the "Build" Alternatives would create an appreciable permanent change in employment over the temporary increase in employment for construction. No residential units have been constructed within the area proposed for construction of Alternatives 2C or 2D. There are 12 residential units and one business unit within the footprint identified for development of Alternative 3. Acquisition of the 360 acres of land to develop Alternative 3 would require the relocation of these residences and business.

FAA analyzed environmental justice impacts pursuant to the general provisions of Executive Order 12898 and applied guidance contained in the DOT Order 5610.2, and FAA Order 1050.1E, Appendix A, Section 16, and Chapter 10 of the FAA's Environmental Desk Reference for Airport Actions. FAA's analyses demonstrated that there are minority populations protected under these orders in the area that the proposed project would affect. Specifically, both the Town and the County of Taos are largely comprised of persons of Hispanic origin of all races. In addition, the Taos Pueblo WHS and the historic district are predominantly comprised of American Indians. FAA determined that the proposed project would not result in significant environmental impacts. Therefore, there would be no disproportionately high and adverse effects on the area's minority populations.

FAA acknowledges that it made a determination that there would be an adverse effect resulting from the proposed project under Section 106 of the NHPA (Section 106). The adverse effects, as described in Appendix Q of the FEIS, include an increase in total general aviation operations associated with each of the "Build" Alternatives that may result in increased uncontrolled overflights of the Taos Pueblo World Heritage Site and small increases in visual and auditory intrusions over traditional cultural properties identified by the Taos Pueblo in some areas of the NRHP-eligible historic district (see the MOA in Appendix B of the FEIS and **Appendix 3** of this ROD for a more detailed discussion of the adverse effects). The FAA closely examined these adverse effects for environmental justice implications because they could also be considered impacts that uniquely affect the Taos Pueblo people, a minority population.

The proportionate increase in uncontrolled overflights associated with the increase in aircraft operations in 2010 and 2018 is not likely to appreciably change the L_{max}. Even though there are additional operations due to the project under Alternatives 2C and 2D, the Taos Pueblo World Heritage Site will experience an L_{max} under those alternatives that is less than that of the No-Action Alternative. Under Alternative 3, the Taos Pueblo World Heritage Site would experience an L_{max} greater than the No-Action Alternative, but still not reach the level of "barely perceptible." With respect to the visual intrusions over the historic district, FAA's analysis demonstrates that in most cases aircraft on the standard flight tracks would actually appear smaller under the "Build" Alternatives than they would under the No-Action Alternative. With respect to the auditory intrusions over the historic district, noise levels would be louder than the ambient noise level for less than 5 percent of the average annual 24-hour day. Further, of the 18 traditional cultural properties (TCPs) studied, only one of the TCPs under the L_{max} analysis for Alternatives 2C and 2D would experience noise increases above the 3 dBA level (9.6 dBA for Alternative 2C and 10.6 dBA for Alternative 2D). In both study years, two locations would experience increases above the 3 dBA level in L_{max} (12.4 dBA and 4.5 dBA, respectively, for Alternative 3).

Further, mitigation measures developed pursuant to the Section 106 consultation process for historic resources would mitigate potential environmental justice impacts to the Taos Pueblo as a minority population. Mitigation measures are included in a MOA that was executed pursuant to Section 106. The context and intensity of the adverse effects of the "Build" Alternatives on historic properties as compared to the No-Action Alternative supports FAA's determination that these adverse effects do not result in an environmental justice impact.

Also, the proposed runway alignments and their associated arrival and departure paths (which take aircraft away from the Taos Pueblo World Heritage Site), should reduce the frequency of low altitude overflights of Taos Pueblo Tracts A and B when compared to the No-Action Alternative under Alternatives 2C and 2D, but would increase with the implementation of Alternative 3.

Accordingly, because none of the "Build" Alternatives would result in a disproportionately high and adverse effect on a minority or low-income population, nor would they result in disproportionate health and safety risks to children, there would be no significant impacts associated with the proposed action for this impact category.

6.2.4 *SECONDARY (INDUCED) IMPACTS*

The "Build" Alternatives would not result in any appreciable secondary or induced impacts, including population growth, increased development, and business activity over the existing trends through 2010. There is a possibility that the "Build" Alternatives would permit part- and full-time residents and winter tourists to better utilize air transportation services in the Taos area between years 2010 and 2018. Some temporary employment from the Taos area would be utilized during the "Build" Alternatives construction period; however, permanent employment increases are not anticipated as a result of any of the "Build" Alternatives.

6.2.5 *AIR QUALITY*

As discussed in Section 1.1 of the Technical Memorandum found in Appendix T of the FEIS, the Airport Sponsor has indicated that the construction completion date for the proposed improvements at SKX has been revised from 2010 to 2015. The year 2010 was one of the study years for purposes of evaluating potential impacts from the Proposed Project in the 2006 DEIS. The FAA reviewed the forecast of aircraft operations for the proposed construction completion/first year of operation date of 2015 and future operational year of 2020, based on the 2006 DEIS forecast in comparison with the aviation forecast for SKX published in the FAA's 2011 Terminal Area Forecast (TAF). Results of this review indicate that the projected levels of aviation activity based on the 2006 DEIS forecast, as compared to the FAA's 2011 TAF, were within the FAA's criteria for determining consistency with the TAF as prescribed in FAA Order 5050.4B paragraphs 706.b (3) (a) and (b). Therefore, the FAA has determined that the environmental analyses documented in the 2006 DEIS using 2010 and 2018 activity levels accurately portray the future No-Project and With-Project condition, and the air quality analysis contained in the 2006 DEIS remains valid.

The FAA reviewed the need for an evaluation of impacts for the 2015 and 2020 operational levels at SKX pursuant to FAA Order 1050.1E, Change 1, which outlines the process for determining whether airport-related improvement projects require analysis under the NEPA (FAA, 2006), and the FAA publication, *Air Quality Procedures for Civilian Airports and Air Force Bases*, which provides guidelines on the methodology, necessary content, and other requirements of the analysis, if it is required (FAA, 1997).

Pursuant to the instructions contained in the guidance documents, an air emissions inventory must be performed for the No-Action Alternative and the "Build" Alternatives if: 1) annual commercial enplanements exceed 1.3 million passengers and/or 2) general aviation operations are greater than 180,000 annually. (For further discussion on these instructions, see Section 5.5.2 of the FEIS.) The With-Project general aviation operations at SKX based on the DEIS forecast are projected to be 17,412 in 2015 and 19,148 operations in 2020. Based on these operational levels, evaluation of potential impacts from the project on the National Ambient Air Quality Standards (NAAQS) is not required since activity at SKX would be less than the 180,000 annual operation threshold value. From these findings, the planned improvements to SKX are not expected to have a negative effect on air quality conditions. Because SKX is located in an attainment area, the General Conformity requirements also do not apply.

Climate Change

Research has shown that there is a direct link between fuel combustion and greenhouse gas (GHG) emissions. Although there are no Federal standards for aviation-related GHG emissions, it is well established that GHG emissions can affect climate. In terms of U.S. contribution, the U.S. General Accounting Office (GAO) reports that domestic aviation accounts “for about 3 percent of total U.S. GHG emissions from human sources” compared with other industrial sources, including the remainder of the transportation sector (20 percent) and industry (41 percent).⁵ SKX operations are a fraction of 1 percent of total aviation operations in the U.S. On a national and global scale, GHG emissions associated with operations at SKX are negligible.

6.2.6 WATER QUALITY

Surface waters within the Rio Pueblo de Taos sub-basin and Rio Grande tributaries, groundwater, water supply, and wastewater treatment would be affected with the implementation of the No-Action Alternative and the “Build” Alternatives in 2010 and 2018. The FAA determined that the analysis contained in the 2006 DEIS regarding water supply and wastewater treatment impacts remains valid and that no substantial impact to water supply and wastewater treatment facilities, or their capacities, would occur. Each alternative would be in compliance with the Clean Water Act.

Impacts to surface water quality would primarily occur from stormwater runoff during construction and operation of the new runway facility. A National Pollution Discharge Elimination System (NPDES) permit would be required for construction activities. There has been no indication of difficulty in getting the required permits, which will be obtained prior to construction. Short-term impacts from stormwater runoff from cleared areas void of vegetation during construction could result in temporary increases in turbidity within surface waters. The proposed airport improvements have the potential to degrade water quality from stormwater runoff from the new runway and taxiway. However, due to the low rainfall in the area, surface water impacts from stormwater runoff would be minimal. In addition, Best Management Practices (BMPs) would be implemented during construction to minimize erosion and sediment transport. Some of the permanent BMPs implemented to minimize long-term water quality impacts could include ditch checks, swales, and spill prevention.

Although the “Build” Alternatives would reduce the area available for infiltration due to the covering by impervious surfaces, large areas of undisturbed, pervious land will remain in the airport area. As a result airport construction would not significantly impact groundwater recharge or groundwater quality.

Potable water and wastewater treatment demands are expected to increase for the No-Action Alternative and the “Build” Alternatives due to the additional projected operations at SKX. Potable water demand is expected to increase for the No-Action Alternative and any of the “Build” Alternatives, for the years 2010 and 2018. The existing well at SKX is anticipated to be able to meet this increased water demand. Wastewater demands are expected to be equivalent to the year 2010 and year 2018 potable water

⁵ IPCC Report as referenced in GAO Environment: Aviation’s Effects on the Global Atmosphere Are Potentially Significant and Expected to Grow; GAO/RCED-00-57, February 2000, p. 14. GAO cites available EPA data from 1997.

demands. Wastewater will continue to be collected and discharged to on-site septic systems that may require some expansion and drainfield replacement.

Mitigation measures to offset the impacts to water quality are discussed in Chapter 6.0, Mitigation, of the FEIS.

6.2.7 SECTION 4(f) (DOT SECTION 303(c)) AND DEPARTMENT OF INTERIOR SECTION 6(f) RESOURCES

Section 4(f) of the DOT Act, which is codified and renumbered as section 303(c) of 49 U.S.C., provides that the Secretary of Transportation will not approve any program or project that requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance or land from an historic site of national, state, or local significance as determined by the officials having jurisdiction thereof, unless there is no feasible and prudent alternative to the use of such land and such program, and the project includes all possible planning to minimize harm resulting from the use. "Use" within the context of Section 4(f) includes not only actual physical taking of such lands but also indirect impacts as well, termed "constructive use."

As further explained in FAA Order 1050.1E, "When there is no physical taking but there is a possibility of constructive use, the FAA must determine if the impacts would substantially impair the 4(f) resource. If there would be no substantial impairment, the action would not constitute a constructive use and would not therefore invoke Section 4(f) of the DOT Act." As stated in FAA Order 1050.1E, a significant impact would occur pursuant to NEPA when a proposed action either involves more than a minimal physical use of a Section 4(f) property or is deemed a "constructive use" substantially impairing the Section 4(f) property, and mitigation measures do not eliminate or reduce the effects of the use below the threshold of significance. Substantial impairment only occurs when the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Order 1050.1E states, "With respect to aircraft noise, for example, the noise must be at levels high enough to have negative consequences of a substantial nature that amount to a taking of a park or a portion of a park for transportation purposes."

Section 4(f) properties within the project study area include the Latir Peak and Wheeler Peak Wilderness Areas. The FAA consulted with the U.S. Forest Service, the agency managing the wilderness areas, and determined, based on this consultation, that these two public wilderness areas are Section 4(f) properties. The FAA also consulted with appropriate Federal, state, and local agencies as well as interested parties and the public about possible effects the "Build" Alternatives would have on all of the properties listed on or eligible for listing on the NRHP or on New Mexico's State Register of Historic Places that are located within the APE.⁶ Section 4(f) properties within the project study area (i.e., Section 106 APE) also include the NRHP-eligible historic district associated with the peoples of Taos Pueblo. The NRHP-eligible historic district includes the following contributing elements: the Taos Pueblo WHS, 80 identified

⁶ As stated in Appendix Q of the FEIS, the FAA and SHPO were not able to agree on the NRHP eligibility of the six sets of locations associated with traditional Catholic religious practices. Rather than trying to resolve this issue, the parties agreed that the FAA would simply go ahead and assess the effects of the undertaking on the generally identified locations of traditional religious processions and performances without making further attempts to determine their NRHP eligibility. If any potentially adverse effects were to be found, FAA would then make further efforts to assess the eligibility and qualities of integrity of the affected traditional cultural property.

traditional cultural properties and other unidentified traditional cultural properties associated with Taos Pueblo. As stated in Section 4.2.3.2 of the FEIS, the Blue Lake Wilderness Area contains traditional cultural properties. FAA consulted with the Taos Pueblo, the Advisory Council on Historic Preservation, the National Park Service, the New Mexico State Historic Preservation Office, the New Mexico Department of Transportation Aviation Division and the Town of Taos concerning the effect of the proposed action on the NRHP-eligible historic district.

No Direct Use

The "Build" Alternatives would not physically destroy, damage, or alter contributing elements of the historic district, the Latir Peak Wilderness Area and the Wheeler Peak Wilderness Area, or on any of the NRHP-listed or state-listed properties within the APE. As stated in Section 4.2.3.4 of the FEIS, the area of direct impacts within the APE, associated with Alternatives 2C, 2D, and 3, did not contain historic architectural resources, including the WHS, identified in Table 4.2.3-3 of the FEIS. While there would be no land acquisitions associated with Alternatives 2C or 2D, there would be acquisition of easements off each end of the runway. The easements would prevent future development of noncompatible land uses in the Runway Protection Zones and would have no direct impact on any contributing element of the historic district, the Latir Peak Wilderness Area and the Wheeler Peak Wilderness Area, or on any of the NRHP-listed or state-listed properties within the APE. Therefore, no direct use of a Section 4(f) resource would occur as a result of Alternatives 2C or 2D.

Alternative 3 involves the acquisition of lands outside the current SKX boundaries and within the historic district. However, the acquisition of land required for the construction of Alternative 3 would not directly impact any contributing element of the historic district, the Latir Peak Wilderness Area and the Wheeler Peak Wilderness Area, or on any of the NRHP-listed or state-listed properties within the APE. Therefore, no direct use of a Section 4(f) resource would occur as a result of Alternative 3. No Section 4(f) resources would be directly impacted or used.

No Constructive Use

As discussed in Section 5.7.3.2 of the FEIS, the FAA utilized the Part 150 Land Use Compatibility Guidelines (FAR Part 150) to assess the potential Section 4(f) impacts from the proposed project. Utilizing the Part 150 Guidelines to assess potential impacts, none of the "Build" Alternatives would result in exceedances of the FAA's "Threshold of Significance" for noise impacts over these resources. As stated in Sections 4.2.3.4 and 5.8.3 of the FEIS, none of the historic architectural resources identified in Table 4.2.3-3 of the FEIS, are located within the 65 DNL contours associated with Alternatives 2C, 2D, and 3.⁷ The five additional properties identified since the publication of the DEIS are also outside the 65 DNL contours associated with Alternatives 2C, 2D, and 3. See Appendix T of the FEIS, Section 5.7.

However, because of Taos Pueblo's unique status as a UNESCO WHS and the existence of certain associated noise-sensitive traditional cultural properties, for this EIS, the FAA supplemented its usual

⁷ The FAA Environmental Desk References states, "Responsible FAA officials should note that if a historic neighborhood is historically significant due to architectural characteristics, then project-related noise increases would not constitute a constructive use."

reliance on DNL and the Part 150 compatible land use guidelines as a basis for its determinations under Section 106 of the NHPA and 49 U.S.C. 303(c). In fact, this review is one of the most extensive ever performed by the agency because of the environmental sensitivity and concerns related to the potential impacts on the Taos Pueblo WHS and surrounding noise-sensitive traditional cultural properties.

Based on the results of the supplemental analysis detailed in Sections 5.1 (Noise) and 5.7 [Section 4(f)] of the FEIS, the FAA has concluded that there would be no constructive use of the Wheeler Peak or Latir Peak Wilderness areas. No perceptible changes in DNL, barely perceptible increases in Lmax noise levels, or increases in TAA Noise Level would occur at the grid points in or around the Wheeler Peak and Latir Peak Wilderness areas under the "Build Alternatives." (See FEIS, Section 5.1.6.) Under Alternatives 2C or 2D none of the New Mexico State Register Cultural Properties or the NRHP architectural properties analyzed, including the World Heritage Site, are projected to experience an increase of 3dB (barely perceptible) or greater in 2010 or 2018 using the supplemental metric Lmax when compared to the No-Action Alternative as shown in Tables 5.1.5-2, 5.1.5-3, 5.1.5-6, and 5.1.5-7 of the FEIS. Therefore, there would be no constructive use of the architectural properties.

During consultation with Taos Pueblo, the FAA was provided with 80 traditional cultural property locations that are considered very sensitive to aircraft noise and overflights. Those 80 traditional cultural property s are located throughout the APE. Based on the results of analysis detailed in Sections 5.1 (Noise), 5.7 [Section 4(f)], 5.8 (Historic), and 5.14 (Wild and Scenic Rivers) of the FEIS, the FAA has concluded that there would be no constructive use of Section 4(f) resources:

- As discussed in the FEIS and shown on Figures 5.1.2-1 through 5.1.2.-6 of the FEIS, virtually all of the projected flight tracks associated with the No-Action Alternative and the "Build" Alternatives avoid the Taos Pueblo WHS and the Blue Lake Wilderness Area.
- As shown in Figures 5.1.6-1, 5.1.6-4, 5.1.6-7, and 5.1.6-10 of the FEIS, for all three Build Alternatives, there are no perceptible changes over the Blue Lake Wilderness Area using the DNL metric for years 2010 or 2018.
- As shown in Figures 5.1.6-5 and 5.1.6-11 of the FEIS, for Alternative 3, due to the Runway 7/25 alignment, it is anticipated that overflights of Tract B would decrease as a result of Alternative 3 while overflights of Tract A were estimated to remain similar to the No-Action Alternative. The potential for overflights of the Karavas Tract and the western area of the Taos Pueblo Land Grant was estimated to increase as a result of Alternative 3.
- Compared to the "No-Action" Alternative for both 2010 and 2018, under Alternative 2C, two locations along the Rio Grande WSR (RG3 and RG4) would experience a perceptible increase greater than 5 dBA DNL, while under Alternative 2D, only one of those locations (RG4) would experience a perceptible increase greater than 5 dBA DNL. For Alternative 2C, location RG3 would experience a perceptible increase greater than 5 dBA using the supplemental metric Lmax, while under Alternative 2D, location RG3 would experience a barely perceptible increase greater than 3 dBA using the same supplemental metric. No perceptible changes occurred using the DNL metric or the supplemental metric at any location for Alternative 3 when compared to the "No-Action" Alternative for both 2010 and 2018 as shown in Table

5.1.5-18 of the FEIS. No constructive use of the Rio Grande WSR would occur as a result of any of the "Build" Alternatives.

Of the 80 TCP locations, 18 were chosen by the FAA to analyze within INM, measuring the DNL, Lmax, and TAA noise levels. These 18 locations were selected because they are either directly under aircraft flight tracks or are in close proximity to one or more tracks and therefore represent the worst of impacts one might expect at any of the TCPs. The other 62 TCP locations are not near any projected future flight tracks. The analysis reveals:

- A perceptible increase in DNL would occur in 2010 at only one of the Taos Pueblo traditional cultural properties (TP76) that were analyzed for Alternatives 2C and 2D. In 2018, this same location (TP76) would experience an increase with Alternatives 2C and 2D (9.7 and 11.0 dB, respectively), while a decrease in DNL would occur at one of the Taos Pueblo traditional cultural properties that were analyzed for 2010 and 2018 for Alternatives 2C and 2D. Even with these increases, the overall DNL value for the Selected Alternative at the TCP is 31.5 dBA DNL in 2010 and 32.3 dBA DNL⁸ in 2018 (see Table 5.1.5-13 of the FEIS).

Perceptible increases in Lmax would occur at TP76 in Alternatives 2C and 2D (9.6 dBA and 10.6 dBA respectively) and at locations TP3 and TP64 (12.4 dBA and 4.5 dBA respectively) in Alternative 3 in both future study years. Also, increases in TAA would occur at all locations for each Alternative in both future study years.

(Table 5.1.5-13 of the FEIS shows the results of the DNL analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the Lmax analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the time above ambient noise level analysis.)

Appendix N of the FEIS analyzes visual impacts that may occur under the "Build" Alternatives as compared to the "No-Action" Alternative for both 2010 and 2018. The analysis found that locations directly under the instrument approach paths and all departure paths for the new runway ends under each "Build" scenario would experience a visual increase in aircraft size as compared to the "No Action"

⁸ As indicated in Section 6.1b of FAA Order 1050.1E, the FAA uses Federal Highway Administration guidance defining *Constructive Use* under 23 CFR 771.135 (now 23 CFR 774.15; See 73 FR 13368, March 12, 2008). FHWA has determined that a constructive use would not occur for "Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose" when the project noise does not exceed 57 Leq(h). See 23 CFR 774.15 and referenced Table 1 in 23 CFR 772. As FAA has stated in other NEPA documents, the 57 Leq(h) can be conservatively equated to 43.2 DNL. The criteria are based on the 1-hour Leq (Leq(h)) metric for peak hour traffic. The DNL metric is a 24-hour cumulative noise metric with an added 10 dB penalty for events that occur during nighttime hours. Translating the 1-hr Leq threshold to a 24-hour Leq can be done conservatively (finding the lowest 24-hr threshold level) by assuming that the threshold value (Leq(h) 57 dB) would occur of only one hour during the day and then no noise for the remaining 23 hours of the day. This would result in a 24 hour Leq of 43.2dB. The comparison of DNL values to 24-hour Leq values generally represents a conservative comparison since DNL levels are typically higher than Leq values would be for the same amount of noise.

alternative. It should be noted that there are no Section 4(f) resources located at any of these locations. Also, four Taos Pueblo traditional cultural property locations, as well as the World Heritage Site, were also analyzed to determine if there were any visual impacts associated with the three "Build" Alternatives when compared to the "No-Action" Alternative. The analysis found that changes at the four traditional cultural property locations and the World Heritage Site ranged from very small (fractions of an inch) increases to very small decreases in how an aircraft would be perceived visually. See Table N-5 of the FEIS for a summary of the analyses. No constructive use of the four traditional cultural properties or the World Heritage Site would occur as a result of any of the "Build" Alternatives.

Because of the projected increase in general aviation activity forecasted as a result of the "Build" Alternatives (aircraft activity would increase on average by seven flights per day in 2010 and 13 flights per day in 2018), the FAA has determined that these alternatives would have the potential to cause an increase in uncontrolled overflights of the Taos Pueblo World Heritage Site and other sites of religious and cultural significance in the NRHP-eligible historic district when compared to the future No-Action Alternative.

Page 50 of the Anyon Study states that the plaza of the WHS is used daily for domestic activities, but on feast days, it becomes the setting for ceremonial dances. Appendix Q of the FEIS states that the 80 TCP properties include sacred water areas; sacred shrines; traditional resource areas; ancestral villages trails, and agricultural areas; and landscape feature shrines. Traditional resource areas include locations used for hunt, gathering plants, and collecting minerals. Some properties encompass more than one type; for example, some sacred water areas are also associated with resource procurement. As discussed in Appendix Q of the FEIS, The FAA has determined under Section 106 of the NHPA that the effects of any of the "Build" Alternatives on the Taos Pueblo World Heritage Site and the historic district associated with the peoples of Taos Pueblo (which, for the purpose of this project has been determined to be a NRHP-eligible district) are as follows:

- There would be no visual, audible, or vibration effects that would diminish the integrity of Taos Pueblo World Heritage Site as a result of aircraft on the flight tracks for any of the "Build" Alternatives.
- The undertaking will not induce development or growth that would result in a change in the setting or character of the use of the World Heritage Site.
- There is the possibility of an increase of some unknown magnitude in the number of uncontrolled overflights over the Taos Pueblo WHS as a result of the "Build" Alternatives. The FAA considers this potential increase in the number of uncontrolled overflights to be an adverse effect.
- Construction of any of the "Build" Alternatives would result in small increases in visual and auditory intrusions into some parts of the NRHP-eligible historic district and would cause small increases in noise levels, overflights, and visual impacts at some of the 80 identified traditional cultural properties and the Rio Grande Gorge. Given the low ambient noise levels within most parts of the district, the contemplated nature of activities at some of the contributing properties, the frequent use of many of the contributing properties, and the importance of the historic district in maintaining the continuing cultural identity of Taos Pueblo, the FAA finds that these changes would

diminish the district's integrity of setting, feeling, and association and would, therefore, result in an adverse effect.

The FAA also determined that, with the exception of the Taos Pueblo World Heritage Site the effects of the "Build" Alternatives on historic architectural resources are as follows:

- There will be no effect on NRHP-eligible or -listed archaeological resources as a result of any of the "Build" Alternatives.
- There will be no effect on NRHP-eligible or -listed historic buildings, districts, or acequias systems in the area of direct effect from construction activities. Moreover, there will be no effects from aircraft-related vibration.
- There will be no effect on any of the NRHP-eligible or -listed historic buildings, districts, or acequia systems within the APE from identified visual or auditory intrusions.
- The "Build" Alternatives will not induce development or growth that would result in a change in the setting or character of the use of these historic properties.

Pursuant to Title 36 CFR 800, the FAA also took into consideration traditional cultural properties not associated with Taos Pueblo. The FAA has examined the potential for future aircraft overflights to distract the participants at the six processional and traditional performances locations. Based on these analyses, the FAA has made a determination that the effects of the "Build" Alternatives on traditional cultural properties not associated with Taos Pueblo are as follows:

- There will be no adverse effects on traditional processional and performance sites. Although some potential increases in noise are projected for some of these sites, these traditional activities take place in villages and generally along roads, where traffic and other activities create noise levels well above the 26 dB background noise levels established for the rural portions of the APE. That aside, the brief duration of the processional and performances and the small increase in the projected number of overflights per day (seven more flights/day in 2010 and 13 more/day in 2018) make it unlikely that there will be any significance diminishment of the integrity of these traditional cultural properties if they are, in fact, eligible for inclusion in the NRHP.
- The undertaking will not induce development or growth that will result in a change in the setting or character of these properties.

As stated in FAA Order 1050.1E, "Findings of Adverse Effects do not automatically trigger Section 4(f) unless the effects substantially impair the affected resources historical integrity." The adverse effect would not be so severe that attributes that qualify the NRHP-eligible historic district for protection under Section 4(f) would be substantially impaired. Following the guidance within FAA Order 1050.1E and with approval from the FAA's Office of Environment and Energy (AEE), the FAA conducted extensive supplemental grid point noise analyses using three metrics to evaluate the potential noise effects of the Proposed Project and other reasonable alternatives. Based on the analysis of noise in Sections 5.1, 5.7, 5.8, and 5.14 of the FEIS and summarized above, the FAA has determined that the adverse effect would

not be so severe that attributes that qualify the NRHP-eligible historic district for protection under Section 4(f) would be substantially impaired.

Moreover, the FAA conducted formal Section 106 consultation with the Taos Pueblo and the Section 106 Consulting Parties, as well as the ACHP and NPS, and identified ways to mitigate projected adverse effects on historic properties in accordance with Section 106 of the NHPA. A copy of the MOA is contained in Appendix B of the FEIS and **Appendix 3** of this ROD. Therefore, the FAA has concluded that there would be no constructive use of the historic district as a result of the "Build" Alternatives, or any of the other Section 4(f) resources, and there are no significant impacts as a result of the "Build" Alternatives.

Section 6(f) resources were evaluated within the DSA to determine if any direct uses of Section 6(f) resources would occur and within the Section 106 APE for indirect impacts. Of the Section 6(f) resources listed in Appendix B of the FEIS, none are located within the DSA and, therefore, would not be converted to aviation use by the project. Therefore, none of the "Build" Alternatives would impact a Section 6(f) resource.

6.2.8 HISTORIC AND ARCHAEOLOGICAL RESOURCES

Under Section 106 of the NHPA, the FAA must, prior to expenditure of funds or approval of an ALP, take into account the effects of the project on historic properties within the APE. Historic properties are defined in 36 CFR 800.16(l)(1) as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in" the NRHP. The APE for the undertaking is an 800,000-acre area surrounding SKX (Figure 4.2.3-1 of the FEIS). The FAA has identified historic properties within the APE in consultation with the SHPO, the NPS, the Town of Taos, Taos Pueblo, other traditional communities in the Taos area, and local interested parties (see Section 4.2.3 of the FEIS). The APE boundaries encompass traditional cultural properties associated with Taos Pueblo and other traditional communities of the Taos area. This APE also includes the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area (which contains traditional cultural properties). See Section 4.2.3.2 of the FEIS. The nature and extent of these studies took into account "the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects," as required by 36 CFR 800.4(b)(1). FAA's analyses for this EIS exceeded evaluations typically done for this type of project. FAA did so because of Taos Pueblo's very unique stature. The SHPO concurred with the FAA that these studies constituted a good faith and reasonable effort to meet the requirements of 36 CFR 800.4(b)(1) (see letter from Biella to Spriggs, April 17, 2000 in Appendix B of the FEIS).

No NRHP-listed archaeological or historic architectural properties are located in the area of direct impact associated with the "Build" Alternatives. Thus, there are no direct effects as a result of any of the "Build" Alternatives.

The FAA also conducted a noise-sensitive receptor analysis of several of the National Historic Landmark (NHL) and NRHP-listed properties, including the World Heritage Site, listed in Table 4.2.3-3 of the FEIS. These included:

- Turley Mill and Distillery (NRHP)
- Carson School (NRHP)
- San Ysidro Oratorio (NRHP)
- Pueblo of Picuris (NRHP)
- Rancho de Taos Plaza (NRHP)
- San Francisco de Assisi Mission Church (NRHP and NHL)
- Sylvester M. Mallette Cabin (NRHP)
- Pierce-Fuller House (NRHP)
- Red River Schoolhouse (NRHP)
- Brigham Young House (NRHP)
- Kit Carson House (NRHP and NHL)
- Taos Downtown Historic District (NRHP)
- Taos Pueblo WHS (NRHP and NHL)
- Orin Mallette Cabin (NRHP)
- Ernest L. Blumenschein House (NRHP and NHL)
- Old Tres Piedras Administration Site (NRHP)
- Eanger Irving Couse House and Studio/Joseph Henry Sharp Studios (SR)
- The Mabel Dodge Luhan House (Both, NHL)
- Morada de San Antonio (SR)

Chapter 5.0 and Appendix T of the FEIS analyzed potential noise changes over historic architectural properties listed on the NRHP, including the World Heritage Site. The analysis looked for potential effects at the properties for both 2010 and 2018, comparing the "Build" Alternatives with the "No-Action" Alternative.

- Under all "Build" Alternatives, none of the properties analyzed, including the WHS, are projected to experience changes of at least 5 dBA (perceptible) using the DNL metric when compared to the future No-Action Alternative for 2010 or 2018 as shown in Tables 5.1.5-1 and 5.1.5-5 of the FEIS.
- Under Alternatives 2C or 2D none of the properties analyzed, including the WHS, are projected to experience an increase of 3dB (barely perceptible) or greater in 2010 or 2018 using the supplemental metric Lmax when compared to the No-Action Alternative as shown in Tables 5.1.5-2, 5.1.5-3, 5.1.5-6, and 5.1.5-7 of the FEIS.
- Using supplemental metric Lmax, one property is projected to experience an increase of 5 dBA under Alternative 3 when compared to the No-Action Alternative for 2010 and 2018 as shown in Tables 5.1.5-4 and 5.1.5-8 of the FEIS⁹.

⁹ The FAA Environmental Desk References states, "Responsible FAA officials should note that if a historic neighborhood is historically significant due to architectural characteristics, then project-related noise increases would not constitute a constructive use."

The analysis projects some of the sites to have an increase in TAA while others would experience a decrease in time when aircraft might be heard above the ambient sound level. A listing of those properties and the results of the supplement analysis may be found in Tables 5.1.5-1 through 5.1.5-8 in the FEIS as well as later in **Section 6.2.8** of this ROD.

As discussed in Section 5.8 of the FEIS, the FAA determined that with the exception of the WHS, the effects of the "Build" Alternatives on archaeological and historic architectural resources¹⁰ are as follows:

- There will be no effect on NRHP-eligible or -listed archaeological resources as a result of any of the "Build" Alternatives.
- There will be no effect on NRHP-eligible or -listed historic buildings, districts, or acequias systems in the area of direct effect from construction activities. Moreover, there will be no effects from aircraft-related vibration.
- There will be no effect on any of the NRHP-eligible or -listed historic buildings, districts, or acequia systems within the APE from identified visual or auditory intrusions.
- The "Build" Alternatives will not induce development or growth that would result in a change in the setting or character of the use of these historic properties.

The FEIS, in Section 5.8.4.2, also analyzed potential impacts over four Catholic processions at six traditional performance sites located within the APE. A listing of those processions and traditional performance sites, as well as the results of the supplemental noise analysis may be found in Tables 5.1.5-9 through 5.1.5-12 of the FEIS. The FAA determined under Section 106:

- There will be no adverse effects on traditional procession and performance sites. Although some potential increases in noise are projected for some of these sites, these traditional activities take place in villages and generally along roads, where traffic and other activities create noise levels well above the 26 dB background noise levels established for the rural portions of the APE. That aside, the brief duration of the processions and performances and the small increase in the projected number of overflights per day (seven more flights/day in 2010 and 13 more/day in 2018) make it unlikely that there will be any significance diminishment of the integrity of these traditional cultural properties if they are, in fact, eligible for inclusion in the NRHP.
- The undertaking will not induce development or growth that will result in a change in the setting or character of these properties.

A listing of those processions and traditional performance sites, as well as the results of the supplemental noise analysis may be found in Tables 5.1.5-9 through 5.1.5-12 of the FEIS.

¹⁰ Since the publication of the DEIS, five additional properties within the APE have been identified in a search of the NRHP and two additional properties have been identified in a search of the New Mexico State Register of Cultural Places. These NRHP properties include the Bernard Beimer, Jr. House; Eagle Nest Dam; Black Copper Mine and Stamp Mill; D.H. Lawrence Ranch Historic District; and Eanger Irving Couse House and Studio/Joseph Henry Sharp Studios. The New Mexico State Register of Cultural Places properties include The Church and Campo Santo of the Most Holy Trinity and the Red River Community House. FAA has made a determination, under Section 106, that the Proposed Project and its "Build" Alternatives will have no effect on these historic properties. The SHPO has concurred with the FAA on these determinations (see concurrences from Biella dated April 10, 2012 and April 24, 2012 in Appendix A of the FEIS).

Because of Taos Pueblo's unique status as a UNESCO WHS and the existence of certain associated noise-sensitive traditional cultural properties, for this EIS, the FAA supplemented its usual reliance on DNL and the Part 150 compatible land use guidelines as a basis for its determinations under Section 106 of the NHPA. In fact, this review is one of the most extensive ever performed by the agency because of the environmental sensitivity and concerns related to the potential impacts on the Taos Pueblo WHS and surrounding noise-sensitive traditional cultural properties.

The FAA evaluated the historic landscape associated with Taos Pueblo using supplemental noise metrics. During consultation with Taos Pueblo, the FAA was provided with 80 traditional cultural property locations that are considered very sensitive to aircraft noise and overflights. Those 80 traditional cultural properties are located throughout the APE. The intent of the traditional cultural property concept is that it is place specific.¹¹ Because traditional cultural properties are located throughout the APE, the entire APE, approximately 800,000 acres was treated as a NRHP-eligible historic district for purposes of evaluation effects and consultation on those effects. These locations are not shown in the FEIS to ensure the protection of sensitive information related to Taos Pueblo culture and cultural sites (Title 36 CFR 800.11(c)).

Taos Pueblo provided TCP locations to the FAA in a document entitled "*Taos Pueblo Culture and Resources Study of Impacts Related to the Proposed Expansion of the Taos Municipal Airport (Study)*" dated May 27, 1998. By letter dated June 18, 2004, Taos Pueblo demanded that FAA and its agents immediately return to the Taos Pueblo all copies of the confidential appendix (which identified TCP locations and use) in the Study. FAA complied with Taos Pueblo's demand. However, prior to the demand, the FAA was able to study the 18 TCPs discussed below. Of the 80 TCP locations, 18 were chosen by the FAA to analyze for potential adverse effects due to noise and visual impacts. These 18 locations were selected because they are either directly under aircraft flight tracks or are in close proximity to one or more tracks and, therefore, represent the worst of impacts one might expect at any of the TCPs. The analysis reveals that at least one TCP would be affected to a degree by the "Build" Alternatives. The analysis reveals that a perceptible increase in DNL would occur in 2010 at only one of the Taos Pueblo traditional cultural properties (TP76) that were analyzed for Alternatives 2C and 2D. In 2018, this same location (TP76) would experience an increase with Alternatives 2C and 2D (9.7 and 11.0 dB, respectively), while a decrease in DNL would occur at one of the Taos Pueblo traditional cultural properties that were analyzed for 2010 and 2018 for Alternatives 2C and 2D.

Even with these increases, the overall DNL value for the Selected Alternative at the TCP is 31.5 dBA DNL in 2010 and 32.3 dBA DNL in 2018 (see Table 5.1.5-13 of the FEIS). None of the "Build" Alternatives would result in exceedances of the FAA's "Threshold of Significance" for noise impacts.

Perceptible increases in Lmax would occur at TP76 in Alternatives 2C and 2D (9.6 dBA and 10.6 dBA, respectively) and at locations TP3 and TP64 (12.4 dBA and 4.5 dBA, respectively) in Alternative 3 in both

¹¹ As stated by the SHPO in a letter dated January 8, 1999, describing TCPs, "activities are, in fact, always performed in a specific traditional location. The intent of the traditional cultural property concept is that it is place specific." See Appendix B of the FEIS. These practices are tied to specific geographic locations, which is one of the requirements for traditional cultural properties. See Appendix Q, FEIS, page 10.

future study years. Also, increases in TAA would occur at all locations for each alternative in both future study years.

Table 5.1.5-13 of the FEIS shows the results of the DNL analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the Lmax analysis. Tables 5.1.5-14, 5.1.5-15, and 5.1.5-16 of the FEIS show the results of the time above ambient noise level analysis.

In addition to the TCP locations listed in Table 5.1.5-17 of the FEIS, tracts of Taos Pueblo lands were evaluated to determine the potential for increased overflights of aircraft using SKX for each "Build" Alternative when compared to the future No-Action Alternative. Taos Pueblo lands evaluated include the Taos Pueblo Land Grant (includes the Taos Pueblo WHS); Tenorio Tract (adjacent and northwest of Taos Pueblo Land Grant); Tract A; Tract B; Tract C (adjacent and northwest of the Blue Lake Wilderness Area); Karavas Tract (adjacent and southwest of Taos Pueblo Land Grant); the Blue Lake Wilderness Area; and the Bottleneck Tract (between Tract C and the Blue Lake Wilderness Area).

- As discussed in the FEIS and shown on Figures 5.1.2-1 through 5.1.2-6 of the FEIS, virtually all of the flight tracks associated with the No-Action Alternative and the "Build" Alternatives avoid the Taos Pueblo WHS and the Blue Lake Wilderness Area.
- As shown in Figures 5.1.6-1, 5.1.6-4, 5.1.6-7, and 5.1.6-10 of the FEIS, for all three Build Alternatives, there are no perceptible changes over the Blue Lake Wilderness Area using the DNL metric for years 2010 or 2018.
- As shown in Figures 5.1.6-5 and 5.1.6-11 of the FEIS, for Alternative 3, due to the Runway 7/25 alignment, it is anticipated that overflights of Tract B would decrease as a result of Alternative 3 while overflights of Tract A were estimated to remain similar to the No-Action Alternative. The potential for overflights of the Karavas Tract and the western area of the Taos Pueblo Land Grant was estimated to increase as a result of Alternative 3.
- Due to the Runway 12/30 alignment, it is anticipated that overflights of Tracts A and B would decrease as a result of Alternatives 2C and 2D.
- Potential overflights of the western edge of the Taos Pueblo Land Grant (due to arrivals to the existing Runway 22) would also be reduced as a result of Alternatives 2C and 2D since aircraft would be distributed to another runway.
- The Karavas Tract could experience an increase in overflights due to departures from Runway 12 in Alternatives 2C and 2D.
- Due to the Runway 7/25 alignment, it is anticipated that overflights of Tract B would decrease as a result of Alternative 3 while overflights of Tract A were estimated to remain similar to the No-Action Alternative.
- As shown on Figures 5.1.6-1 through 5.1.6-9 of the FEIS, changes in DNL, Lmax, and TAA would be experienced primarily along extended runway centerlines (approximately 5 statute miles from the nearest runway end) of the proposed runway in each "Build" Alternative.

As discussed in Appendix Q of the FEIS, current SKX flight tracks do not extend over the Taos Pueblo WHS, and neither would future tracks associated with the "Build" Alternatives. The Taos Pueblo WHS, as noted above, currently experiences uncontrolled, low level, general aviation overflights, which are disruptive to the traditional lifeways of the Taos Pueblo people. Any potential increase in these uncontrolled overflights was identified by Taos Pueblo as an adverse effect on the NHL and UNESCO WHS, as well as other sites of religious and cultural significance in the historic district. Given the importance of this issue to the people of Taos Pueblo, the FAA examined the potential for increases in uncontrolled overflights of the Taos Pueblo WHS and other sites of religious and cultural significance in the historic district as a result of the "Build" Alternatives. Because of the projected increase in general aviation activity under the "Build" Alternatives, as compared to the No-Action Alternative, the FAA has determined that the proposed "Build" Alternatives have the potential to cause an increase in uncontrolled overflights of the Taos Pueblo WHS and other sites of religious and cultural significance in the historic district that is greater than the increase that will occur under the No-Action Alternative.

As discussed in Appendix Q of the FEIS, the FAA has determined that the effects of any of the "Build" Alternatives on the Taos Pueblo WHS and the historic district associated with the peoples of Taos Pueblo (which, for the purpose of this project has been determined to be a NRHP-eligible district) are as follows:

- There would be no visual, audible, or vibration effects that would diminish the integrity of Taos Pueblo WHS as a result of aircraft on the flight tracks for any of the "Build" Alternatives.
- The undertaking will not induce development or growth that would result in a change in the setting or character of the use of the World Heritage Site.
- There is the possibility of an increase of some unknown magnitude in the number of uncontrolled overflights over the Taos Pueblo WHS as a result of the "Build" Alternatives. The FAA considers this potential increase in the number of uncontrolled overflights to be an adverse effect.
- Construction of any of the "Build" Alternatives would result in small increases in visual and auditory intrusions into some parts of the NRHP-eligible historic district and would cause small increases in noise levels, overflights, and visual impacts at some of the 80 identified traditional cultural properties and the Rio Grande Gorge. Given the low ambient noise levels within most parts of the district, the contemplated nature of activities at some of the contributing properties, the frequent use of many of the contributing properties, and the importance of the historic district in maintaining the continuing cultural identity of Taos Pueblo, the FAA finds that these changes would diminish the district's integrity of setting, feeling, and association and would, therefore, result in an adverse effect.

Details concerning the noise analysis supporting these conclusions are in Section 5.1 of the FEIS and summarized in **Section 6.2.1** of this ROD.

Pursuant to Title 36 CFR Part 800.6(a)(1), the FAA has notified the ACHP that it has completed the evaluation of effects on historic properties that will, or are likely to result from the Proposed Project and reasonable alternatives, and that the undertaking will have an adverse effect on historic properties within the NRHP-eligible historic district. The FAA provided the ACHP with documentation describing the

undertaking, the APE, the steps taken to identify historic properties within the APE, the affected and unaffected historic properties, and the nature of the effects (see Spriggs to Klina, August 21, 2006 in Appendix B of the FEIS). The Section 106 Consulting Parties have also been notified of the FAA's determination that the undertaking will have an adverse effect on historic properties (e.g., increased uncontrolled overflights and increased visual and auditory intrusions). The FAA, in consultation with the ACHP, Taos Pueblo, the Town of Taos, and the NPS, has determined that this proposed Undertaking would adversely affect properties listed and eligible for listing on the National Register within the NRHP-eligible historic district. The public was notified of this finding through the DEIS and Effects Document (see Appendix Q of the FEIS) public review process. During this review process, the public was provided opportunities to suggest measures to resolve the adverse effects. From March 25, 1994 to December 21, 2011 there were 43 meetings, including government-to-government meetings specifically with Taos Pueblo, and many additional telephone conferences and electronic mail messages among the FAA and the various consulting parties involved in the Section 106 consultation process, including Taos Pueblo, the Advisory Council on Historic Preservation, the National Park Service, the New Mexico State Historic Preservation Office, the New Mexico Department of Transportation Aviation Division, and the Town of Taos. A listing of the meetings may be found in the table in **Section 5.0** above. The purpose of this consultation was to resolve the adverse effects of the undertaking on historic properties. The Section 106 consultation between the FAA, the Taos Pueblo, and the Consulting Parties concluded in late 2011 with the signing of a Memorandum of Agreement (MOA). The MOA contains the stipulations agreed to by the Section 106 Consulting Parties to avoid, minimize or mitigate adverse effects. The signed MOA is made part of FAA's ROD and demonstrates that FAA has worked with the Consulting Parties to resolve adverse effects under 36 CFR § 800.6. A copy of the MOA is contained in Appendix B of the FEIS and **Appendix 3** of this ROD.

As indicated in FAA Order 1050.1E, an adverse effect does not automatically trigger significant impacts. The context and intensity of the adverse effects of the "Build" Alternatives on historic properties as compared to the No-Action Alternative supports FAA's determination that these adverse effects do not result in a significant impact.

6.2.9 *BIOTIC COMMUNITIES*

The "Build" Alternatives would require conversion of existing natural undeveloped land into airport-related facilities. The No-Action Alternative would not result in the disturbance of natural vegetative communities; however, maintenance in the form of clearing and grubbing would be required for the safe operation of SKX. Alternatives 2C and 2D would impact approximately 466.53 and 464.76 acres of biotic communities, respectively. All of this area would be contained on existing airport property. Alternative 3 would impact approximately 448.66 acres of biotic communities, including up to 360 acres in the acquisition area. The sagebrush and arroyo vegetative communities that would be impacted by the "Build" Alternatives are common to the area and abundant in the region and their conversion to airport use would not represent a significant impact.

A potential indirect impact of the project is the possible impact of aircraft overflights to raptors and migratory waterfowl within the vicinity of the Rio Grande Gorge.¹² The Rio Grande river valley is a migratory route for several neotropical species as well as a roosting and nesting area for raptors located approximately 2 miles to the west of SKX. Because the vegetative communities within the DSA are common to the Taos area and region, the FAA has determined that impacts to the population dynamics or sustainability of migratory species are unlikely. In addition, the "Build" Alternatives would not increase the potential for bird strikes by aircraft utilizing the airport and would be compatible with FAA AC 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*. Additionally, as discussed in Sections 5.3 and 5.4 of the FEIS, the incremental increase in tourism and population resulting from the improvement of SKX is also expected to have a minor effect upon growth and development in Taos Valley.

The actions associated with the implementation of each of the "Build" Alternatives are subject to the Migratory Bird Treaty Act (MBTA) should it be found that protected migratory birds are nesting on the site. In such a case, construction would be avoided in the nesting and fledging season to ensure that the project does not cause mortality." This mitigation measure is made a condition of this approval in **Section 7.0** of this ROD.

6.2.10 THREATENED AND ENDANGERED SPECIES

The proposed "Build" Alternatives would not affect any listed species or areas designated as "critical habitats" by the U.S. Fish and Wildlife Service (FWS) and would have no adverse affect on any listed species or areas designated as "critical habitats" by the State of New Mexico Department of Game and Fish (NMDGF). The evaluation considered both the direct and indirect potential impacts of the No-Action and "Build" Alternatives. However, there could be possible impacts to three species with a high potential to occur within the detail study area and would occur under all of the three "Build" Alternatives. Those three species are the Western Burrowing Owl, the Gunnison's Prairie Dog, and the Loggerhead Shrike. The FAA has identified potential mitigation measures to minimize impacts to these species. An indepth discussion of those three species and identified potential mitigation measures may be found in Section 5.10 of Appendix T in the FEIS. The mitigation measures are also outlined later in **Section 7.0** of this ROD.

6.2.11 WETLANDS AND OTHER WATERS OF THE U.S.

There are no jurisdictional or non-jurisdictional wetlands within the DSA for the "Build" Alternatives. Therefore, none of the alternatives would impact wetland resources and mitigation.

In 2006, the U.S. Supreme Court ruled on a case challenging Federal jurisdiction to regulate isolated wetlands under the *Clean Water Act* (CWA). While this decision could extend Federal jurisdiction to some arroyos in the DSA, a field investigation performed in April 2012 revealed that there were no signs that the arroyos within the DSA were Waters of the U.S. During that field investigation, the arroyos were examined for their physical features and jurisdictional water characteristics. Results of the field survey indicate that the DSA is generally flat, with a very gentle slope toward the Rio Grande River which is located approximately three miles to the west/southwest. Arroyos present in the DSA are wide and

¹² Potential impacts to migratory waterfowl was discussed in Section 5.10 of the FEIS.

shallow with a poorly defined channel system. Visual observations did not identify any high water marks or other indicators of recent water flow within the arroyos. Vegetation in and surrounding the arroyos consisted of big sage (*Artemisia tridentata*), blue grama (*Bouteloua gracilis*), and broom snakeweed (*Gutierrezia sarothrae*). No significant nexus with the Rio Grande River or the Rio Pueblo de Taos for any of the arroyos located in the DSA was evident. The FAA considers the arroyos as not being jurisdictional. The FAA has coordinated with the U.S. Army Corps of Engineers (USACE) on the matter with no objections raised from the regulatory agency. A copy of the field survey data report is contained in Attachment 1 to the Technical Memorandum provided in Appendix T of the FEIS. The coordination effort with the USACE was concluded in the same timeframe as when the FEIS was being released. As a result, the FEIS included some possible mitigation measures to be taken if the arroyos were found to be jurisdictional. USACE did not object to FAA's determination that the arroyos are not jurisdictional. Therefore, no mitigation will be required.

6.2.12 FLOODPLAINS

A floodplain evaluation was conducted to determine the effect of the alternatives on 100-year floodplains in accordance with Executive Order 11988 and DOT Order 5650.2. Based on the Level 1 and Level 2 screening analysis discussed in Chapter 3.0 of the FEIS, there was no practicable alternative that did not include construction in the floodplain and that still would meet the purpose and need of the proposed action.

The results of the impact analysis may be found in Chapter 5.0 of the FEIS and has been updated to include additional floodplains that were later identified in Appendix T of the FEIS. However, the Proposed Project and its "Build" Alternatives would not encroach on this newly identified floodplain or generate any indirect impacts to the floodplain (i.e., effects on natural and beneficial floodplain values).

A review of Federal Emergency Management Agency (FEMA) National Flood Insurance Rate Maps (FIRM) identified areas within the DSA that is mapped as a floodplain. Most of the evaluated floodplain is not located within the areas of direct disturbance associated with the Proposed Project or its "Build" Alternatives.

The results of this evaluation indicate that portions of the area to be developed by each of the "Build" Alternatives would result in unavoidable development within the 100-year floodplain. In keeping with the policy provided in Executive Order 11988 and DOT Order 5650.2, the FAA evaluated the three "Build" Alternatives based on the approximate acreage of 100-year floodplains that would be impacted.

The total area of the 100-year floodplain encroachment for Alternative 2C would be 4.96 acres (all within the RSA and/or RPZ). The total area of the 100-year floodplain encroachment for Alternative 2D would be 2.70 acres (all within the RPZ). The total area of the 100-year floodplain encroachment for Alternative 3 would be 12.69 acres (including portions of the runway, parallel taxiway, and RPZ). These 100-year floodplains are associated with several of the dry arroyos that traverse the airport site. In this type of topography and climate, an arroyo is a consistent indication of where floodplains occur. Flood elevations in these areas have not been determined by the Federal Emergency Management Agency. No designated floodways would be affected by any of the alternatives. However, unavoidable floodplain

impacts would occur because the affected floodplains are the only locations that would meet FAA design standards for the proposed runway's RSA and RPZ. Mitigation measures to minimize floodplain impacts can be accomplished for each alternative in accordance with Federal, state, and local regulations. These mitigation measures are discussed in Sections 5.12.4.5 and 6.2 of the FEIS. The FAA does not consider the encroachment associated with the "Build" Alternatives to be significant (pursuant to FAA Order 1050.1E, Appendix A, Paragraph 9.2) since it would not cause a considerable probability of loss of human life; would not likely have substantial, encroachment-associated costs or damage, including interrupting aircraft service or loss of a vital transportation facility; or a notable adverse impact on natural and beneficial floodplain values. Although the floodplain impacts are not considered to be significant, mitigation measures to offset the impacts to 100-year floodplains have been proposed by the FAA. These mitigation measures are discussed in Chapter 6.0, Mitigation, of the FEIS.

6.2.13 COASTAL ZONE MANAGEMENT/COASTAL BARRIERS

The "Build" Alternatives at SKX would not affect or involve land areas that are protected by the provisions of the *Coastal Zone Management Act* of 1972 (CZMA) or the *Coastal Barrier Resources Act* of 1982. The airport is not located in a coastal zone county and is not included in a Coastal Zone Management Program; therefore, the "Build" Alternatives would not impact coastal resources. In addition, SKX is located in New Mexico, which is an inland state. Therefore, the "Build" Alternatives would not involve designated coastal barrier elements.

6.2.14 WILD AND SCENIC RIVERS

The *Wild and Scenic Rivers Act*, as amended, provides for the protection and preservation of certain rivers and their immediate environments which possess outstandingly remarkable recreational, geologic, fish and wildlife, historic, cultural, and other similar values. The DSA was used as the limits for the evaluation of direct impacts to Wild and Scenic Rivers (WSRs).

The Rio Grande, a designated WSR, is located approximately 2 miles away from SKX, far beyond 1/4-mile of the ordinary high water line that is the distance the *Wild and Scenic Rivers Act* requires an agency to begin considering environmental impacts from a proposed action. There are no improvements proposed within 1/4-mile of the ordinary high water line of the Rio Grande, which is the closest designated WSR to SKX; therefore, implementation of the No-Action Alternative or any of the "Build" Alternatives would not result in direct impacts to WSRs. Even though the Rio Grande is beyond the distance requiring analysis under the *Wild and Scenic Rivers Act*, the Noise Analysis described in Section 5.1 of the FEIS and the supplemental noise analysis (Appendix M of the FEIS) was used to evaluate the potential for indirect impacts. Because of the projected increase in general aviation activity forecasted as a result of the "Build" Alternatives (aircraft activity due to the project would increase on average by seven flights per day in 2010 and 13 flights per day in 2018), the FAA determined that Alternatives 2C, 2D, and 3 would have the potential to cause an increase in uncontrolled overflights of the Rio Grande WSR when compared to the future No-Action Alternative.

However, the results of the noise and supplemental noise analyses show that implementation of any of the "Build" Alternatives would not result in the introduction of significant visual, audible (i.e.,

aircraft noise), or other sensory intrusions to the upper rim of the Rio Grande WSR that are out of character with the river or its surrounding environment, which notably has included airport operations for decades. Since significant impacts would not occur, mitigation measures are not warranted.

6.2.15 FARMLANDS

Development of the "Build" Alternatives would not adversely impact any prime or unique farmland soil types designated by the U.S. Department of Agriculture Natural Resources Conservation Service or land of statewide or local importance. Since there are no prime or unique farmlands or land of statewide or local importance located in the DSA, the *Farmland Protection Policy Act* (FPPA) would not apply.

6.2.16 ENERGY SUPPLY AND NATURAL RESOURCES

The two primary considerations given to energy use and supply include: 1) the amount of energy consumed or expended through increased fuel use or electricity demand because of the project and 2) the potential effect on naturally-occurring resources of energy in the project vicinity. Based on the results of the analysis conducted for the EIS, there would be no significant increases anticipated in fuel use or electricity as a result of the alternatives. Moreover, there are no known reserves of energy-bearing resources in the vicinity of the airport that would be affected.

There are no known sources of mineral or energy resources in the DSA that would be impacted by either the No-Action Alternative or the "Build" Alternatives. Development of any of these alternatives would not require the use of unusual materials or those that are in short supply in the Taos area. Since the alternatives would not result in significant natural resource impacts, mitigation is not required.

6.2.17 LIGHT EMISSIONS

An evaluation of aviation-related lighting systems proposed for the "Build" Alternatives was conducted to determine potential adverse light emission impacts on sensitive areas. The results of the evaluation may be found in Chapter 5.0 of the FEIS and updated to include additional information regarding new nearby residential land uses that were later identified in Appendix T of the FEIS. Future light emission levels from airborne aircraft or aircraft operating on the ground are not anticipated to adversely impact surrounding residential areas. Residential areas sensitive to changes in light emissions are not located in the vicinity of the ground-lighting systems associated with the "Build" Alternatives; therefore, the "Build" Alternatives would not result in significant off-airport light emission impacts.

6.2.18 SOLID WASTE

The No-Action Alternative and Alternatives 2C, 2D, and 3 were evaluated for their potential to result in solid waste impacts associated with the long-term generation of municipal solid waste (MSW); the temporary generation of solid wastes due to demolition and construction activities; the potential for runway facilities to be operated adjacent to active landfills that accept putrescible waste where bird strike hazard may be present; and the airport's ability to comply with the guidelines contained in FAA AC 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*. Analysis indicates that Alternatives 2C, 2D, and 3 would result in a small increase in MSW associated with increased flight crews and

passengers arriving and departing SKX, along with construction and demolition waste generated at SKX during runway construction. According to the Town, these increases are not considered to be significant and would not impact the ability of the Taos Regional Landfill to accommodate this increase in demand (see Appendix A of the FEIS).

The Alternative 2C and 2D thresholds are 6,555 and 6,689 feet from the Taos Regional Landfill, respectively. The FAA Safety and Standards Branch reviewed the 1997 Bird/Aircraft Strike Hazard Assessment and issued no objections to the proposed lateral expansion of the landfill; provided any expansion did not place landfill operations closer to SKX (see Appendix D of the FEIS). The Town agreed to the provision. There have been no incidents that the FAA lead certified inspector is aware of to date and the 1997 study is considered valid for the EIS. Therefore, Alternatives 2C and 2D would not result in an increased bird strike potential at SKX as per the FAA-approved Town's Bird/Aircraft Strike Hazard Assessment. Alternatives 2C and 2D would not result in significant solid waste impacts, mitigation measures are not warranted.

Under Alternative 3, the end of Runway 25 would be located 2,030 feet from the Taos Regional Landfill. This is significantly closer to the landfill than Alternatives 2C and 2D and, because of this proximity and runway orientation (i.e., closer to the path of arriving and departing aircraft), Alternative 3 has the potential to result in an increase possibility of bird strike. Also, Alternative 3 is not consistent with the Town's grant assurance obligations to take appropriate action to assure compatible land uses in the vicinity of the airport under 49 U.S.C. §47107(a)(10) as set forth in FAA AC 150/5200-33B, *Hazardous Wildlife Attractants on or near Airports*, and with the Town's Bird/Aircraft Strike Hazard Assessment.

6.2.19 CONSTRUCTION IMPACTS

Construction impacts resulting from the "Build" Alternatives at SKX include temporary impacts such as noise, water quality, and air quality. Project construction may create specific impacts resulting solely from construction operations, which would be limited to occurring exclusively during the construction period (2009-2010). These impacts would be temporary in nature. Construction impacts are distinct in that their degree of adversity steadily diminishes as work progresses and usually disappears shortly after project completion. All potential construction impacts would be mitigated through the incorporation of accepted BMPs into the construction programs. A Clean Water Act Section 402 NPDES stormwater permit is required prior to construction of the "Build" Alternatives. There has been no indication of difficulty in getting the required permits, which will be obtained prior to construction. Mitigation measures for temporary construction impacts have been developed by the FAA and are discussed in Chapter 6.0, Mitigation, of the FEIS and are incorporated into **Section 7.0** of this ROD.

6.2.20 HAZARDOUS MATERIALS AND ENVIRONMENTAL CONTAMINATION

There are no known sites or facilities on, or in the immediate vicinity of, SKX that contain significant sources of hazardous substances or environmental contamination. The airport does have fuel storage facilities and other small accumulations of regulated substances, but these areas would not be impacted by implementation of the "Build" Alternatives.

SECTION 7.0

MITIGATION

The primary responsibility for implementation of the mitigation measures rests with the Airport Sponsor, in this case, the Town of Taos. The FAA will have oversight responsibility and will include conditions in any grant approval to ensure implementation of the mitigation measures by the Airport Sponsor. Mitigation measures for those impact categories where mitigation measures are necessary to avoid or minimize adverse environmental impacts, as well as identified or adopted monitoring and enforcement of mitigation programs, are summarized below. The FAA finds that all practical means to avoid or minimize environmental harm have been adopted, through appropriate mitigation planning in accordance with all applicable environmental laws, regulations and statutes.

The FAA has developed measures to mitigate the adverse effects of construction and operation of the proposed development. This mitigation program was developed to meet applicable Federal and state requirements and in consideration of state and local guidelines. The concerns and interests of the public and government agencies were also addressed. The complete details of the mitigation program are described in the FEIS (Chapter 6.0). As discussed above, mitigation action was considered in the FEIS for possible impacts to Waters of the U.S. Subsequent coordination with the USACE determined there were no Waters of the U.S. present. Therefore, no mitigation is needed. Seven other impact categories have been identified:

- Easement Acquisition
- Historic Properties (Section 106)
- Water Quality
- Floodplains
- Construction
- Threatened and Endangered Species
- Migratory Birds

The FAA will monitor the implementation of these mitigation measures as necessary to assure they are carried out as project commitments. The FAA finds that these measures constitute all practicable means to avoid or minimize environmental harm from the Proposed Federal Action.

Accordingly, having considered: 1) the policies set forth at 49 U.S.C. Sections 40104 and 47101, 2) the ability of the alternatives to meet the purpose and need, and 3) the administrative record which concerns these development projects, the FAA hereby approves the implementation of the agency's preferred alternative, Alternative 2D, as described, disclosed, and analyzed in the FEIS, including mitigation measures, indicated in the FEIS to be carried out by the Town of Taos will be included as conditions of the airport improvement grant for the proposed action.

FAA's approval of the preferred alternative in this ROD signifies that the project meets FAA standards for Agency approval discussed in Section 2.0 of this ROD. It does not, however, signify an FAA commitment to provide financial support for this project, which must await future decisions under the separate funding criteria prescribed by 49 U.S.C. 47115 (d) and 49 U.S.C. 40117.

In accordance with 40 CFR 1505.3, the FAA will take appropriate steps through Federal funding grant assurances and grant conditions, airport layout plan approvals, and contract plans and specifications to ensure that the following mitigation actions are implemented. The FAA will monitor and reevaluate the implementation of these mitigation measures as necessary. Specific monitoring requirements are included in the NHPA Section 106 MOA, discussed in more detail below.

7.1 EASEMENT ACQUISITION

The project will require the acquisition of an aviation easement over property adjacent to the new runway to prevent possible future noncompatible land uses from occurring in the Runway Protection Zone. See Figure 1.2-1 of the FEIS for the location of the property. Easement acquisition must be done in compliance with FAA AC 15/5100-17, *Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects*, and the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (URARPAPA, 42 U.S.C. 4601).

7.2 HISTORIC PROPERTIES (SECTION 106)

FAA has determined that there would be an adverse effect as a result of the "Build" Alternatives because of the possibility of an increase of some unknown magnitude in the number of uncontrolled overflights over the Taos Pueblo WHS. The FAA has also determined that there would be an adverse effect because construction of any of the "Build" Alternatives would result in small increases in visual and auditory intrusions into some parts of the NRHP-eligible historic district and would cause small increases in noise levels, overflights, and visual impacts at some of the 80 identified traditional cultural properties and the Rio Grande Gorge (contributing properties).

As a result of extensive Section 106 coordination meetings and teleconferences, a Memorandum of Agreement (MOA) was prepared which specified mitigation stipulations to avoid, minimize, and mitigate the FAA-determined adverse effects due to the operation of the Proposed Project (see Sections 5.1, 5.7, and 5.8 of the FEIS). The parties involved in the development of the MOA were the FAA, Taos Pueblo, New Mexico State Historic Preservation Officer (SHPO), National Park Service (NPS), the Town of Taos, the New Mexico Department of Transportation Aviation Division (NMDTAD), and the ACHP. The Section 106 consultation process resulted in the approval of the MOA in late 2011. A copy of the final MOA, which stipulates the duties and responsibilities of each signatory party, is included in Appendix B of the FEIS and Appendix 3 of this ROD.

7.3 WATER QUALITY

These elements of the mitigation program will be developed during the design and permitting stages, implemented during the construction phase, and maintained during the operational phase of a "Build" Alternative:

- Erosion and Sediment Control,
- Oil/Water Separators, and
- Create Stormwater Detention Areas for Attenuation and Treatment of Stormwater Runoff.

Because soil erosion represents a potentially significant source of water pollution, procedures outlined by FAA AC 150/5370-10F, *Standards for Specifying Construction of Airports*; AC 150/5370-7, *Airport Construction Controls to Prevent Air and Water Pollution*; and the Natural Resources Conservation Service's *Erosion Handbook - Water and Wind* can be incorporated into the plans and specifications for the design of a "Build" Alternative. The plan would address such issues as soil erosion, revegetation, sediment control, and the protection of surface water quality and would set standards for the design and construction of control facilities.

The erosion control plan would identify the location, size, and use of specific erosion control techniques. Depending on the final design of the proposed improvements and stormwater drainage system, the plan may include the following measures:

- Limiting, to the extent possible, the surface area of erodible earth material exposed by clearing, grubbing, excavation and fill operations;
- Covering exposed areas with pavement, fast growing native grasses, sod, mulches, rip-rap, fiber mats, and/or other control devices and methods to keep erodible soils in place;
- Installing berms, dikes, drains, and sediment basins as a means of detaining sediment-laden runoff from disturbed areas long enough for the majority of the sediment to settle;
- Prohibiting the fording of wet arroyos and other natural drainage areas with construction equipment and using temporary bridges or other structures when crossings are necessary or when such crossings will adversely affect sediment levels; and
- Stabilizing or containing mounds of earth, construction materials, and debris to minimize surface erosion into off-site areas.

While remaining consistent with the potential erosion control measures discussed above, the FAA will develop these control measures in consultation with Taos Pueblo in connection with the potential for drainage onto Taos Pueblo's Tract A.

The servicing of heavy construction equipment would require the storage and dispensing of oil, gasoline, grease, and other solvents. Therefore, maintenance and repair of equipment would be confined to areas specifically designed for that purpose such as the contractor's staging area. When equipment servicing is not conducted in these designated areas, special care can be taken to ensure that these potential pollutants would not be washed into nearby drainage channels.

Following project construction, the total pollutant load in the stormwater system will increase, due to increased airport operations. An updated Stormwater Pollution Prevention Plan (SWPPP), which incorporates Best Management Practices (BMPs) and Best Available Technology (BAT), will be prepared and implemented by the Town. The proposed drainage system and existing ditches and interceptors can be maintained to reduce pollutant loads to insignificant levels. All dry detention ponds, if needed, will be designed to comply with FAA AC 150/5200-33B, Section 2.3.b. The SWPPP will be developed and submitted as part of the NPDES permitting process. Stormwater quality treatment methods, which will be examined by the Town for their feasibility, include the following:

- Use of oil/water separators at storm drain inlets;
- Sweeping of paved areas;
- Construction of sediment sumps;
- Other treatment methods to budget specific pollutants identified through the NPDES-required water quality monitoring;
- Controlled use of pesticides, herbicides, and fertilizers; and
- Native species vegetative buffers that do not attract wildlife hazards to reduce sedimentation and chemical pollution of water.

7.4 100-YEAR FLOODPLAINS

This element of the mitigation program will be developed during the design phase, implemented during the construction phase, and maintained during the operational phase of the preferred alternative. Fill will be limited within 100-year floodplain areas and the Airport Sponsor will provide stormwater detention areas for peak discharge attenuation and floodplain storage compensation.

Per Executive Order 11998 and DOT Order 5650.2, 100-year floodplain mitigation will be necessary for any of the "Build" Alternatives because they all will result in unavoidable impacts to 100-year floodplains. Mitigation measures may include:

- Culverts at drainageway crossings;
- Utilization of stormwater storage in infield areas between the runway and taxiway;
- Dry detention areas, swales, and check dams;
- Limiting fill within the 100-year floodplain especially in runway protection zones;
- Replacing of flood volume storage area;
- Using of special flood-related design criteria;
- Construction controls to minimize erosion and sedimentation;
- Design to allow adequate flow circulation and preserve natural drainage;

- Using pervious surfaces where practicable;
- Controlling of runoff; and
- Land use controls for 100-year floodplain management.

Any channel, swale, or dry detention area will be designed to meet standards in FAA AC 150/5200-33B. This AC provides design recommendations that create less-attractive environments to wildlife to minimize aircraft/wildlife interactions.

In addition to these forms of mitigation, compliance with the provisions of 100-year floodplain ordinances, permitting requirements, and any additional mitigation requirements of the County and the Town will also be necessary.

A mitigation measure for flood volume storage replacement will be to excavate using the average base floodplain over the required base floodplain storage area. Excavation would occur adjacent to, and contiguous with, the existing floodplain boundary. Borrow materials that result from excavation could be used as fill in the affected floodplain areas of a "Build" Alternative. Actual floodplain mitigation volumes and areas will be decided during the preliminary design phases of a "Build" Alternative.

Floodplain regulations that must be adhered to are implemented by the Federal Emergency Management Agency under the National Floodplain Insurance Program. The local agency having floodplain jurisdiction for the "Build" Alternatives is the County. Engineering design plans and specifications will conform to FAA design standards and the local 100-year floodplain regulations to ensure that the construction and operation of any of the "Build" Alternatives does not increase the 100-year floodplain water surface elevation above the regulated limits.

7.5 CONSTRUCTION

This element of the mitigation program will be developed during the design phase, and implemented during the construction phase of any of the "Build" Alternatives. Construction and environmental control provisions (BMPs) will be followed.

As discussed in Section 5.19 of the FEIS, the development of any of the "Build" Alternatives would temporarily result in impacts to water quality, floodplains, and air quality from construction-related activities. Water quality and 100-year floodplain mitigation measures were described in the previous two subsections of this section.

To prevent temporary construction-related air quality impacts, a variety of control measures can be implemented. These measures include the following:

- Exposing the minimum area of erodible earth,
- Temporary mulch with or without seeding,
- Water trucks or other means of using moisture for dust control,

- Covered haul trucks on public roadways,
- Dust stabilizers or penetration asphalt on haul roads,
- Plastic sheet coverings,
- Schedule the timing of truck traffic to not disturb heavy traffic flows,
- Maintaining construction vehicles and using reduced speeds, and
- Suspending certain activities during high-wind conditions.

These measures, as well as any required by the permit conditions granted to the Town, will be implemented during construction activities and monitored by the contractor and the Town.

7.6 THREATENED AND ENDANGERED SPECIES

There are no Federally-listed threatened and endangered species; however, there are potential impacts to three species with a high potential to occur within the DSA and would occur under all of the three "Build" Alternatives. The FAA has identified potential mitigation measures to minimize impacts to these species. The mitigation measures are outlined below.

Western Burrowing Owl

In accordance with the "Guidelines and Recommendations for Burrowing Owl Surveys and Mitigation" issued by the New Mexico Department of Game and Fish (NMDGF) on July 2007, the Town of Taos will identify Western burrowing owl (*Athene cunicularia*) habitat and burrows within the runway construction area during the permitting phase of the project. If burrows are observed within the runway construction area, the Town of Taos will confirm owl presence by implementing survey protocol as stated in the guidelines, taking into account weather conditions, time of year, and breeding chronology of the burrowing owl.

If occupied burrows are noted in the runway construction area, mitigation measures will be implemented to minimize impacts to individuals and nests. To minimize impacts, occupied burrows will not be disturbed during the nesting season from March 1st to August 1st. If destruction of the burrows is unavoidable for the construction of the runway and associated structures, the burrows will be collapsed during the unoccupied season from September to the end of February. To ensure that the burrows are not occupied prior to collapse, each burrow will be scoped to confirm the burrow(s) are unoccupied.

If owls will be negatively impacted by project activities, prior permits will be obtained and passive relocation of individuals will be implemented as stated in the guidelines above. After capture, the burrows will be scoped to confirm they are unoccupied and the captured owls will be released in a predetermined location with suitable habitat. The relocation site will be determined during the permitting phase of the project. After the burrows are confirmed to be unoccupied, the burrows will be collapsed.

Prior to the initiation of surveys, capture and release, or collapsing of burrows, the Town of Taos will contact and coordinate with the NMDGF and the U.S. Fish and Wildlife Service (FWS) to obtain the appropriate state and Federal permits, as required.

Gunnison's Prairie Dog

In accordance with the Draft "Conservation Plan for Gunnison's prairie dog (*Cynomys gunnisoni*) in New Mexico" issued by the NMDGF in May 2008, SKX will survey and identify prairie dog burrows within the runway construction areas. Because prairie dogs hibernate from September to November and re-emerge mid-March to mid-April (depending on snow cover), surveys will be conducted in the spring to determine burrow occupancy.

If it is determined that active burrows will be adversely affected by the construction of the runway and associated structures, the Town of Taos will coordinate with the NMDGF and the FWS to obtain the appropriate state and Federal permits, as required for taking and/or capture and translocation of individuals to a predetermined location with suitable habitat. While the Gunnison's prairie dog is Federally-listed as a candidate species in montane regions, the DSA is not considered a montane region and there are no Endangered Species Act requirements.

Loggerhead Shrike

Because the loggerhead shrike (*Lanius ludovicianus*) breeds from May to July and uses hedge rows and thorn trees for nesting, the Town of Taos will commit to completing a nesting survey of the construction area prior to and during nesting season. Active nests observed on-site will be protected until adults and fledglings have left the nest and the nest is unoccupied. No construction activities will occur within 50 feet of an active nest. Due to the remaining large sagebrush community surrounding the DSA, the construction of the runway and associated structures should have little to no effect on the foraging habitat of this species.

The Town of Taos will commit to contacting and coordinating with the NMDGF prior to the initiation of loggerhead shrike surveys at SKX.

7.7 *MIGRATORY BIRDS*

Actions associated with the implementation of the selected alternative are subject to the *Migratory Bird Treaty Act* should it be found that protected migratory birds are nesting on the site. In such a case, construction would be avoided in the nesting and fledging season to ensure that the project does not cause mortality.

7.8 *MONITORING AND ENFORCEMENT PROGRAM*

Section 1505.2(c) of the CEQ regulations directs agencies that a ROD shall adopt a monitoring and enforcement program and summarize where applicable any mitigation. The monitoring and enforcement program for this project is discussed below.

Monitoring

As discussed in **Section 7.1** above, both the Town of Taos and the FAA will prepare annual reports concerning Section 106 mitigation measures pursuant to Stipulation IX of the MOA. These reports will serve as the monitoring action for all of the Section 106 mitigation measures identified in **Section 7.1** above. Additionally, the Town of Taos shall prepare a separate, but concurrent, report to the FAA regarding the status of the identified mitigation measures discussed in **Sections 7.2 through 7.7** above.

Enforcement

Approval of the ALP and any AIP grants associated with this project shall include all of the mitigation measures discussed in **Sections 7.1 through 7.7** above, as well as the reporting requirements discussed in this subsection, as conditions of approval or special conditions in grants that may be issued for this project. Failure to meet these conditions could cause the Airport Sponsor to be found in noncompliance with its grant obligations to the FAA. A finding of noncompliance could jeopardize funding for other future projects at the airport and possibly require Federal funds associated with this project be returned to the United States.

SECTION 8.0

COMMENTS ON THE FEIS

Letters were received from the following agencies/offices in response to the FEIS:

- New Mexico Environment Department (NMED)
- United States Department of Interior (DOI)

These letters are attached to this ROD (**Appendix 1**).

NMED Comments. The NMED noted that a National Pollutant Discharge Elimination System (NPDES) Construction General Permit will be required prior to construction. The NMED also noted that airport operations are covered by an existing NPDES permit and the Town has presumably implemented a Storm Water Pollution Prevention Plan (SWPPP) to address pollutants from stormwater runoff and drainage systems. Finally, the NMED noted that while the project is not expected to have any adverse impacts on ground water quality in the area of the project, all parties involved in the project should be aware of notification requirements for accidental discharges.

Response To NMED. Sections 7.2 and 7.4 of this ROD discuss the mitigation requirements associated with water quality and construction impacts. The need for a NPDES permit and SWPPP is discussed in those sections.

DOI Comments. Commenting on behalf of NPS, DOI stated that the MOA does not relieve the FAA from thoroughly addressing specific resource impacts as part of the FEIS and that the FEIS should be revised to better reflect the long-term commitment made by the parties to the MOA. The DOI opined that the mitigation measures in the FEIS do not preclude the FAA from thoroughly describing the present state of the resource, and developing a full and appropriate range of mitigation measures to minimize adverse effects. The DOI stated that the FAA should evaluate the effectiveness of these mitigation measures over time, including a plan for long-term re-evaluation and consideration of more effective strategies, as needed. The DOI letter also commented that the FAA has not yet adequately resolved concerns expressed by both Taos Pueblo and NPS in previous correspondence regarding the limitations of the noise studies and subsequent analysis, including those that addressed overflights and that the FEIS should be revised to acknowledge the additional data collection and analysis needs as previously identified by the NPS. The DOI noted that the NPS concurs with the FAA's determination of adverse effect, but stated that the FEIS does not accurately reflect the agreed upon language of the MOA and asks that the FAA quote the MOA in full. The DOI concluded that they cannot concur that there is no feasible or prudent alternative to the preferred alternative and that all measures have been taken to minimize harm to resources under DOT Section 4(f) (49 U.S.C. §303).

Response To DOI. While DOI recognized that FAA consulted with the SHPO and executed a MOA, it should also be noted that the NPS was a concurring party on the executed MOA to resolve adverse effects of the proposed undertaking on the Taos Pueblo World Heritage Site. In addition to the SHPO and the NPS, the FAA also consulted with Taos Pueblo, the Advisory Council on Historic Preservation, the New Mexico Department of Transportation Aviation Division, and the Town of Taos.

Based on the Taos Pueblo comments on the Preliminary Final EIS (PFEIS), the FAA quoted the stipulations from the MOA verbatim in the FEIS, rather than summarizing provisions. The FEIS also included and referred to a full copy of the MOA in Appendix B. The MOA includes mitigation evaluation measures and possible establishment of additional mitigation measures in the FEIS.

Taos Pueblo did not submit any comments on the FEIS. The FAA is, therefore, unaware of Taos Pueblo's position on whether their concerns have been adequately resolved regarding perceived limitations of the noise studies and subsequent analysis, including those that address overflights. The FAA has thoroughly evaluated, addressed, and documented aircraft noise impacts in the DEIS and the FEIS in accordance with FAA guidance and policies, industry practices, and in cooperation with the NPS and Taos Pueblo. Although the NPS has concerns regarding what they perceive as, "limitations of the noise studies and subsequent analysis," the FAA has gone far beyond what is typically required to analyze noise impacts associated with a new runway at a general aviation airport. The FAA believes that the noise analyses prepared for the EIS sufficiently describe potential aircraft noise impacts and satisfy the Agency's obligations under NEPA. The noise analyses also provide sufficient information to the decisionmaker to make an informed and reasonable decision on the proposed action. The FAA described the present state of Taos Pueblo in Chapter 4.0, Affected Environment, of the FEIS. Neither NEPA nor the NHPA require existing conditions be addressed through mitigation, although many of the measures identified in the MOA and FEIS will address existing conditions at Taos Pueblo that predate and are not associated with the proposed action (i.e., letters to agencies encouraging removal of aircraft debris). Other measures will not only address the proposed action, but also address the existing condition (e.g., raising the voluntary minimums, pilot education about Taos Pueblo cultural sensitivities, etc.). Although not required, the ROD includes a commitment to re-evaluate mitigation measures in the long-term and consider more effective strategies, as needed.

Section 4(f) prohibits the use of Section 4(f) resources unless no feasible and prudent alternative exists and all possible planning to minimize harm to the resource has been taken. Because there is no direct or constructive use of Section 4(f) resources, there is no requirement to consider the existence of prudent and feasible alternatives that avoid using Section 4(f) resources under 49 U.S.C. 303(c). Because there are no significant impacts on any resources as a result of the proposed action, the FAA was only required to consider reasonable alternatives that met the purpose and need of the proposed action¹³.

Four comments were received from the public. Those comments are attached to this ROD (**Appendix 1**).

Ms. Jean Public Comments. Ms. Public opposed the project, questioning population increase figures in the EIS, air traffic at night and its possible health effects, the health effects of aircraft using leaded fuel, the noise analysis used in the EIS, the use of tax dollars, and air pollution. Ms. Public requested a copy of Appendix T of the FEIS and an extension of the public comment period.

¹³ DOI's misunderstanding may come from FAA's response to NPS' June 1, 2012 letter contained in Appendix S of the FEIS. In the response to that letter, the FAA indicated that where significant impacts would occur, specific mitigation measures were identified and discussed in the PFEIS. In fact, no significant impacts were identified in the actual analysis of environmental consequences conducted for each impact category in the FEIS.

Response To Ms. Public. The information contained in the FEIS is the most up-to-date and accurate available to assist the Federal Decisionmaker in making the Agency's findings and decisions in this ROD. That information includes discussions on population, air traffic, impacts on health, noise, project costs and air quality. Ms. Public was provided a copy of Appendix T of the FEIS. An extension to the public comment period was not given.

Ms. Edith Lawrence Baker Comments. Ms. Baker felt the public had been denied a chance to comment or oppose the project. She objected to the projected increase in operations, associating that increase with noise. Ms. Baker was also concerned about possible crashes, resultant fires, and Taos' ability to respond. Finally, Ms. Baker believed additional services, such as motels and restaurants, will increase demand for limited water resources.

Response To Ms. Baker. The FEIS acknowledges that operations may increase at SKX as a result of the project. Noise was a primary issue analyzed in Chapter 5.0 of the FEIS. The results of that analysis may be found in the FEIS and is discussed above. Regarding aircraft crashes, resultant fires and Taos' ability to respond; aircraft accidents are dealt with not only by the Town of Taos, but in concert with Taos County and the state of New Mexico. Additionally, the Section 106 MOA includes measures to improve coordination of crash responses with Taos Pueblo, when those crashes occur on Taos Pueblo lands. The FEIS looked at possible indirect development, such as motels and restaurants, in the Socioeconomic section of the FEIS and found no correlation between a new runway and such development. As a result, the project will not be the cause any appreciable increase in water demand due to new motels or restaurants that may be built in the Taos area in the future.

Mr. Alfred Trujillo Comments. Mr. Trujillo noted that he did not receive a copy of the FEIS or the Executive Summary, but had to locate a copy before he could comment. He felt that existing ownership of the property should not factor into the cost considerations when selecting an alternative. Mr. Trujillo also wanted to draw a connection between the proposed runway and a Taos Ski Valley proposal to increase its resort development. He acknowledged the safeguards proposed to protect Taos Pueblo's interests, but stated that other non-Indian cultural properties were not given the same level of sensitivity and confidentiality as given to Taos Pueblo. Mr. Trujillo discussed the FAA's wind coverage standards, questioning the need for the runway. He suggested subsidizing farm equipment and funding agricultural projects rather than new runway. Mr. Trujillo questioned the naming of the airport from "Municipal" to "Regional," apparently construing a name change would have an effect on other airport's missions in the area. He raised the possibility of using other airports to address the crosswinds at SKX. Mr. Trujillo felt the analysis for water resources was lacking in the FEIS. He concluded with his opinion that the No-Action Alternative is the most viable for the area with respect to service, on-/off-site impacts, and socioeconomic effect.

Response To Mr. Trujillo. FAA records show Mr. Alfred Trujillo of the Arroyo Hondo Community Association on the FEIS distribution list. The FAA apologizes if there was a mailing address mistake, but is pleased that Mr. Trujillo was able to locate a document and comment in a timely manner. After the FAA issued the Finding of No Significant Impact in May 1988, the Town of Taos purchased the property in question. Acquisition was prior to the United States District Court of New Mexico's finding that the environmental assessment was inadequate and ordered the FAA to prepare an EIS. Because the property was purchased prior to the Court's finding, and it was done in good faith and in accordance with

all applicable rules and regulations, the ownership of the property became part of the baseline condition for the preparation of the EIS. The overall cost of the project, including land acquisition costs, was a factor in the Level 2 screening process for alternatives. Because the airport owned adequate property for an additional runway, the cost savings relative to land acquisition factored into the FAA's decision. The FAA has identified historic properties within the APE in consultation with the SHPO, the NPS, the Town of Taos, Taos Pueblo, other traditional communities in the Taos area, and local interested parties (see Section 4.2.3 of the FEIS). The FAA evaluated potential effects from the proposed undertaking on traditional cultural properties associated with Taos Pueblo and other traditional communities of the Taos area. Even if a property was not specifically identified, the supplemental noise grid point analysis was detailed enough that someone reviewing the EIS would be able to locate the property of interest on the exhibits in the FEIS to determine whether impacts are likely. The FAA's design standards concerning crosswinds are discussed in detail in Chapters 2.0 and 3.0 of the FEIS. Title 49 dictates that Federal grant funds through the Airport Improvement Program may only be used for aviation actions. Federal funding for agricultural actions is not within the scope of the FAA. The decision to use the terms "Municipal" or "Regional" is a local airport sponsor's decision. These terms have no impact on whether the FAA will consider providing support for an airport sponsor's desire to improve their facilities, if those improvements are justified. Alternatives, including the use of other airports, is discussed in Chapter 3.0 of the FEIS. The FEIS looked at existing conditions, including water resources, in Chapter 4.0 and analyzed potential impacts to water resources in Chapter 5.0 of the FEIS. The FAA has given due consideration to all alternatives in the FEIS, including the "No-Action Alternative," and has selected Alternative 2D as the preferred alternative.

Mr. Jean-Louis Bourgeois Comments. Mr. Bourgeois noted that an incorrect zip code was used when mailing a copy of the FEIS Executive Summary to him, causing a delay in delivery. He requested an electronic copy of the Executive Summary as well as an electronic and paper copy of the FEIS. Mr. Bourgeois provided two statements given by Mr. Ian Wilson, a pilot local in Taos, at the scoping meeting for the EIS and at the public hearing. Those statements dealt with the Mr. Wilson's opinion that an gravel runway would be appropriate for the cross wind conditions at Taos, and that the proposed runway should be shorter than the existing runway with no need for lighting. Mr. Bourgeois challenged the FEIS contention that a new crosswind runway measuring 8,600 feet is need for safety.

Response To Mr. Bourgeois. The FAA apologizes for the mistake involving an incorrect zip code. Even though Mr. Bourgeois submitted his comments after the deadline, the FAA is willing to address his comments in this ROD. An electronic copy of the Executive Summary was sent to Mr. Bourgeois via electronic mail. The FAA requested Mr. Bourgeois to provide a physical address for delivery of the electronic and paper copies of the FEIS. Mr. Bourgeois has not responded to date. While Mr. Wilson's comments at both the scoping meeting and the public hearing have been previously addressed in Appendix S of the FEIS, they are addressed again here. As stated in Chapter 2.0, Purpose and Need, of the FEIS, the proposed project addresses two existing needs at the airport, crosswind coverage and runway length. While an unlit gravel strip that is shorter than the existing runway may address the crosswind coverage need for the smaller aircraft operating at the airport, it would not meet the needs of larger aircraft currently operating at the airport for a longer runway due to local density-altitude conditions. The proposed action will meet both needs. The proposed action will improve both the safety and efficiency of the airport.

SECTION 9.0

THE AGENCY'S FINDINGS

In accordance with applicable laws, the FAA makes the following determinations for this project, based upon all of the available information and data, which are contained in the FEIS and the administrative record:

9.1 *HISTORIC SITES/PROPERTIES AND PLANNING TO ADDRESS ADVERSE EFFECTS – SECTION 106, NATIONAL HISTORIC PRESERVATION ACT*

The FAA has determined that the selected alternative would have no effect on properties listed and eligible for listing on the NRHP that are not associated with Taos Pueblo. The FAA has also determined that there will be no adverse effects on the Catholic traditional processional and performance sites. With respect to the Taos Pueblo World Heritage Site and the associated NRHP-eligible historic district, the FAA finds:

- There would be no visual, audible, or vibration effects that would diminish the integrity of Taos Pueblo World Heritage Site as a result of aircraft on the flight tracks for any of the "Build" Alternatives.
- The undertaking will not induce development or growth that would result in a change in the setting or character of the use of the World Heritage Site.
- There is the possibility of an increase of some unknown magnitude in the number of uncontrolled overflights over the Taos Pueblo World Heritage Site as a result of the "Build" Alternatives. The FAA considers this potential increase in the number of uncontrolled overflights to be an adverse effect.
- Construction of any of the "Build" alternatives would result in small increases in visual and auditory intrusions into some parts of the NRHP-eligible historic district and would cause small increases in noise levels, overflights, and visual impacts at some of the 80 identified traditional cultural properties and the Rio Grande Gorge. Given the low ambient noise levels within most parts of the district, the contemplated nature of activities at some of the contributing properties, the frequent use of many of the contributing properties, and the importance of the historic district in maintaining the continuing cultural identity of Taos Pueblo, the FAA finds that these changes would diminish the district's integrity of setting, feeling, and association and would, therefore, result in an adverse effect.

Through consultation with the Taos Pueblo, the Advisory Council on Historic Preservation, the National Park Service, the New Mexico State Historic Preservation Office, the New Mexico Department of Transportation, and the Town of Taos, a Memorandum of Agreement (MOA) was developed and signed by all parties that outlines measures to be taken to address those adverse effects. A copy of the MOA is found in Appendix B of the FEIS and Appendix 3 of this ROD.

**9.2 *FAA DETERMINATION OF USE OF PROPERTIES – 49 U.S.C., SECTION 303(c)
(FORMERLY SECTION 4(f) OF THE DOT ACT)***

The FAA has determined that the selected alternative would not cause a direct use or constructive use of any properties subject to consideration under Title 49 U.S.C., Section 303(c) of Title 49.

**9.3 *FLOODPLAIN ENCROACHMENT HAS NO PRACTICABLE ALTERNATIVE AND ACTION
CONFORMS TO APPLICABLE OF STATE AND LOCAL STANDARDS – EXECUTIVE
ORDER 11988***

The construction of Runway 12/30 will impact the 100-year floodplain. Alternatives 2C and 3 each had greater impacts on floodplains. In keeping with the policy provided in Executive Order 11988 and DOT Order 5650.2, the FAA evaluated alternatives in the Level 2 screening process based on the approximate acreage of 100-year floodplains that would be impacted. Based on that evaluation, there was no practicable alternative that did not include construction in the floodplain and that still would meet the purpose and need of the proposed action. Alternative 2D has the least impacts on floodplains. All measures to minimize harm have been included as discussed in Section 7.4 of this ROD. Construction of Alternative 2D will comply with all relevant state and local standards to minimize the floodplain impact.

**9.4 *PROJECT HAS NO DISPROPORTIONATELY HIGH OR ADVERSE EFFECTS ON
MINORITY OR LOW-INCOME POPULATIONS – EXECUTIVE ORDER 12898***

Based on the analysis in Chapter 5.0 of the FEIS concerning environmental justice, the FAA has determined that no minority or low-income group or community would be disproportionately affected by the impacts of the proposed action.

9.5 *FAA'S INDEPENDENT EVALUATION – CEQ REGULATIONS 40 CFR 1506.5*

The environmental process included FAA selecting a consultant/contractor to assist in conducting the environmental analysis. The FAA provided guidance to the consultant/contractor, participated extensively in the development, preparation, and review of the DEIS and FEIS documents, and independently evaluated the documents prior to their approval. The FAA takes responsibility for the scope and contents of the FEIS.

9.6 *TITLE 49 U.S.C.*

The following findings are made under Title 49 of the U.S.C. (49 U.S.C. 47101, *et seq.*). This was formerly known as the 1982 *Airport and Airway Improvement Act* which was recodified.

9.6.1 *CONSISTENCY WITH LOCAL PLANS – 49 U.S.C. 47106(A)(1)*

The FAA finds that the proposed action is reasonably consistent with existing plans of public agencies authorized by the state in which the airport is located to plan for the development of the area surrounding the airport. Taos County is the public agency authorized by the State of New Mexico to plan for the development of the area in which SKX is located. The property is currently zoned County Rural. Aviation uses are compatible with the current zoning around SKX.

9.6.2 LAND USE ASSURANCE – 49 U.S.C. 47107(A)(10)

To the extent reasonable, the Airport Sponsor has taken or will take actions to restrict land uses in the airport vicinity, including the adoption of zoning laws, to ensure the uses are compatible with airport operations. The Town of Taos gave this assurance in a letter dated March 21, 2001 found in Appendix G of the FEIS.

9.6.3 FAIR CONSIDERATION – 49 U.S.C. 47106(B)(2)

The FAA finds that fair consideration has been given to the interests of communities in or near the project location.

As described in Section 6.0 of this ROD, nearby communities have had numerous opportunities to express their views. The FAA's extensive consideration of these views is set forth in the FEIS (Appendix S) and this ROD.

Thus, the FAA has determined that throughout the EIS process, beginning at its earliest planning stages, fair consideration has been given to the interests of communities in or near the project location, in compliance with 49 U.S.C. 47106(b)(2).

9.6.4 OPPORTUNITY FOR A PUBLIC HEARING – 49 U.S.C. 47106(c)(1)(A)(i)

As described in Chapter 7.0 and in Appendix E of the FEIS, a public hearing was jointly held by the FAA and the Town of Taos on November 14, 2006. This hearing meets the requirements for an opportunity for a public hearing as per 49 U.S.C. 47106.(c)(1)(A)(i). The Airport Sponsor's certification to that effect may be found in Appendix 2 of this ROD.

9.6.5 RIGHT TO PETITION – 49 U.S.C. 47106(c)(1)(A)(ii)

The Town of Taos has advised communities that they have the right to petition the Secretary of Transportation about the Proposed Project. Copies of letters from the Airport Sponsor to Taos County and Taos Pueblo, as well as the Airport Sponsor's certification letter, may be found in Appendix 2 of this ROD.

9.7 CONDITIONS OF APPROVAL

This ROD approves the Agency actions necessary for implementation of the environmentally preferred alternative, Alternative 2D, under the conditions set forth below. In accordance with 40 CFR 1505.3, the FAA will take appropriate steps through Federal funding grant assurances and conditions, airport layout plan approvals, and contract plans and specifications, to ensure that the following mitigation actions are implemented, and will monitor and re-evaluate the implementation of these mitigation actions as necessary to assure that representations made in the FEIS with respect to mitigation are carried out. Section 7.0 of this ROD includes summaries of the mitigation actions discussed more fully in FEIS Chapter 6.0. Based on these discussions, the FAA finds that all practicable means to avoid or minimize environmental harm have been adopted through appropriate mitigation planning. Mitigation measures, as well as identified or adopted monitoring and enforcement programs, are summarized below:

1. The Town of Taos will implement the mitigation measures designated for their action and listed in the FEIS (Chapter 6.0) and this ROD (**Section 7.0**) as outlined in the FEIS and ROD.
2. The Town of Taos will prepare a quarterly update on the status of the mitigation measures and provide this to the FAA (Louisiana/New Mexico Airports District Office) until such mitigation efforts are complete. The FAA will monitor the implementation of these mitigation actions as necessary to assure that they are carried out as project commitments. These measures, which constitute all the practicable means to avoid or minimize environmental harm from the proposed action, are hereby adopted.
3. The Town of Taos will obtain all appropriate permits prior to construction.
4. The Town of Taos will consult with Taos Pueblo during the design phase of the drainage for the project.
5. The Town of Taos will develop of a comprehensive erosion control plan prior to commencement of construction in accordance with the mitigation section of the FEIS (Chapter 6.0) and the ROD (Section 7.0).
6. The Town of Taos will, in the unlikely event that historic properties are discovered during construction, cease activity in the area and the contact New Mexico State Historic Preservation Officer, Taos Pueblo, and other appropriate agency officials within 48 hours of the discovery.
7. To minimize impacts as much as possible, the Town of Taos will direct contractors and consultants to design and use "best management" construction practices discussed in the FEIS and this ROD, including those outlined in the Storm Water Pollution Prevention Plan maintained by the sponsor to prevent impacts to air quality and water quality as discussed in Chapter 6.0 of the FEIS and **Section 7.0** of this ROD.

SECTION 10.0

DECISION AND ORDER

In this ROD, the FAA identified the proposed action as the "environmentally preferred alternative." Having identified Alternative 2D as the Agency's preferred alternative, the remaining decision is whether to approve or not approve the Agency actions necessary for implementation of the proposed action. Approval would signify that the Town of Taos could proceed with the proposed development, subject to the Conditions discussed above, and possibly receive Federal funding for eligible items. Not approving these Agency actions would prevent the Town of Taos from proceeding with Federally supported development in a timely manner.

I have carefully considered the FAA's goals and objectives for the air transportation system, including safety considerations, in relation to the operation objectives of the proposed action and potential impacts to the environment discussed in the FEIS. This process included evaluation of the purposes and needs for the proposed action; alternative means to the proposed action, including "No-Action;" environmental impacts of the proposed action and the alternatives; and mitigation necessary to avoid or minimize environmental impacts; and the costs and benefits in terms of effective and fiscal responsible expenditure of Federal funds that would result from achieving the purpose and need.

Based upon the administrative record of this project, I find that the proposed action is reasonably supported and should be approved. I certify, as prescribed by 49 U.S.C. 44502 (formerly Section 308 of the *Federal Aviation Act* of 1958, as amended), that the proposed project is reasonably necessary for use in air commerce or in the interests of national defense.

I, therefore, direct that action be taken to carry out the Agency actions, including the underlying safety elements, discussed more fully in **Section 3.0** of this ROD including:

- Construction of a new 8,600-foot by 100-foot runway capable of accommodating ARC C-II aircraft. The proposed airfield system complex consists of the runway (able to accommodate aircraft weighing up-to 60,000 pounds) and full length parallel taxiway; runway lighting; navigational aids for Category I ILS capabilities; runway safety areas and protection zones, and associated grading, drainage, and utility relocations; installation of a remote transmitter/receiver (RTR) located on airport property to allow aircraft operators at SKX to communicate with ATC in Albuquerque while at SKX;
- Shortening of Runway 4/22 by 420 feet to the northeast, with an associated shift of the Runway Safety Area (RSA), Runway Object Free Area (ROFA), and Runway Protection Zone (RPZ) a similar distance to the northeast to keep the existing non-precision RPZ entirely on airport property in accordance with the guidance in FAA Order 5100.38C, Paragraph 701b(1);
- Construction of a new airport access road (approximately 3,200 feet long);
- Extension of the airport access road from the existing automobile parking lot to the FBO hangar/terminal; and

- Determination that the proposed action and airport improvements are eligible for federal funding (subject to the availability of funding) in accordance with FAA Order 5100.38C, *Airport Improvement Program Handbook*.

I further direct that environmental Mitigation be carried out as described in Chapter 6.0 of the FEIS, **Section 7.0** of this ROD, and in accordance with the Conditions discussed above in this ROD.

This action is directed to be taken under the authority of 49 U.S.C. 40104, 44502, 40113, 44701, and 46110 (formerly Sections 305, 308, 313(a), 601, and 1006(a) of the *Federal Aviation Act* of 1958, as amended); and 49 U.S.C. 47101, 47105, 47106, 47120, and 47122 (formerly Sections 502, 511, and 519 of the *Airport and Airway Improvement Act* of 1982, as amended.)

This decision, as well as subsequent approval of the proposed action for Federal assistance, constitutes an order of the Administrator reviewable in the Circuit Court of Appeals in accordance with the provisions of 49 U.S.C. 46110 (formerly Section 1006 of the *Federal Aviation Act* of 1958, as amended.)



Teri Bruner
Regional Administrator
Southwest Region



Date

Right of Appeal

This order constitutes final Agency action under 49 U.S.C. 46110 (formerly Section 1006 of the *Federal Aviation Act* of 1958, as amended). Any party to this proceeding having a substantial interest may appeal the order to the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia upon petition, filed within 60 days after entry of this order.

APPENDIX 1

FEIS AGENCY AND PUBLIC COMMENTS



NEW MEXICO
ENVIRONMENT DEPARTMENT

Office of the Secretary

SUSANA MARTINEZ
Governor
JOHN A. SANCHEZ
Lieutenant Governor

Harold Runnels Building
1190 Saint Francis Drive (87505)
PO Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-2855 Fax (505) 827-2836
www.nmenv.state.nm.us



DAVE MARTIN
Cabinet Secretary
BUTCH TONGATE
Deputy Secretary

July 16, 2012

Dean McMath
Department of Transportation
Federal Aviation Administration
2601 Meacham Blvd.
Forth Worth, Texas 76137

**RE: Review of Letter from Federal Aviation Administration Regarding Airport Layout
Plan Improvements, Taos, New Mexico (NMED File No. 3730 ER)**

Dear Mr. McMath:

Your letter regarding the above named project was received in the New Mexico Environment Department (NMED) and was sent to various Bureaus for review and comment. Comments were provided by the Surface Water Quality Bureau and Ground Water Quality Bureau and are as follows.

Surface Water Quality Bureau

The U.S. Environmental Protection Agency (USEPA) requires National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) coverage for storm water discharges from construction projects (common plans of development) that will result in the disturbance (or re-disturbance) of one or more acres, including expansions, of total land area. Because this project appears to exceed one acre (including staging areas, etc.), it may require appropriate NPDES permit coverage prior to beginning construction (small, one - five acre, construction projects may be able to qualify for a waiver in lieu of permit coverage - see Appendix C).

Among other things, this permit requires that a Storm Water Pollution Prevention Plan (SWPPP) be prepared for the site and that appropriate Best Management Practices (BMPs) be installed and maintained both during and after construction to prevent, to the extent practicable, pollutants (primarily sediment, oil & grease and construction materials from construction sites) in storm water runoff from entering waters of the U.S. This permit also requires that permanent stabilization measures (revegetation, paving, etc.), and permanent storm water management measures (storm water detention/retention structures, velocity dissipation devices, etc.) be implemented post construction to minimize, in the long term, pollutants in storm water runoff from entering these waters. In addition, permittees must ensure that there is no increase in sediment yield and flow

velocity from the construction site (both during and after construction) compared to pre-construction, undisturbed conditions (see Subpart 9.4.1.1)

You should also be aware that EPA requires that all "operators" (see Appendix A) obtain NPDES permit coverage for construction projects. Generally, this means that at least two parties will require permit coverage. The owner/developer of this construction project who has operational control over project specifications, the general contractor who has day-to-day operational control of those activities at the site, which are necessary to ensure compliance with the storm water pollution plan and other permit conditions, and possibly other "operators" will require appropriate NPDES permit coverage for this project.

The CGP was re-issued effective February 16, 2012. The CGP, Notice of Intent (NOI), Fact Sheet, and Federal Register notice can be downloaded at:

<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

In addition, operation of these types of facilities requires Storm Water Multi-sector General Permit (MSGP – see <http://cfpub.epa.gov/npdes/stormwater/msgp.cfm>) coverage. This permit requires preparation of a Storm Water Pollution Prevention Plan (SWPPP), and installation of appropriate Best Management Practices (BMPs), such as oil/water separators, dikes or berms, use of absorptive materials during fueling operations, use of dry cleanup methods, or other practices to prevent or reduce the pollution of waters of the United States (per the SWPPP). The Taos Regional Airport has NPDES permit coverage (NMR05GD05) and has presumably implemented a SWPPP which addresses pollutants in storm water runoff, and drainage systems.

Activities at airports result in the creation of various pollutant sources including, but not limited to, the following:

- Aircraft, Ground Vehicle, and Equipment Maintenance and Washing - Spills and leaks of fuels, engine oils, hydraulic fluids, transmission oil, radiator fluids, and chemical solvents used for parts cleaning; disposal of used parts, batteries, oil, filters, and oily rags;
- Runway Maintenance - tire rubber, oil and grease, paint chips, and fuel from runway surface cleaning operations.

Generally, the airport authority (i.e., the Town of Taos) and all "tenants" of the airport that conduct "industrial activities" as described in **40 CFR Part 122.26(b)(14)** (e.g., fueling concession or other Fixed Base Operators, as well as all other facilities "engaging in industrial activity") are required to apply for NPDES storm water permit coverage for discharges from their areas of operation. The airport authority and tenants of the airport should work in partnership in the development and implementation of a SWPPP. However, SWPPPs developed separately for areas of the airport facility occupied by these tenants must be integrated into the SWPPP for the entire airport facility.

Ground Water Quality Bureau

Ground Water Quality Bureau staff reviewed the above-referenced letter as requested, focusing specifically on the potential effect to ground water resources in the area of the proposed projects.

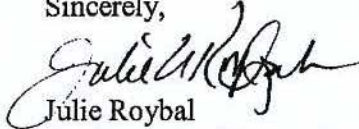
The letter announces the availability of the Final Environmental Impact Statement for the Proposed Airport Layout Plan Improvements at the Taos Regional Airport. The improvements include construction of a new 8,600 foot runway, shortening Runway 4/22 by 420 feet, construction of a new

3,200-foot airport access road, and extension of the airport access road by 2,800 feet.

The completed project is not expected to have any adverse impacts on ground water quality in the area of the project. However, implementation of the project will likely involve the use of heavy equipment, thereby leading to a possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with equipment malfunctions. The GWQB advises all parties involved in the project to be aware of notification requirements for accidental discharges contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will further ensure the protection of ground water quality in the vicinity of the project.

I hope this information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Roybal", is written over the printed name.

Julie Roybal

Environmental Impact Review Coordinator
NMED File #3730 ER



United States Department of the Interior

Office of the Secretary
Office of Environmental Policy and Compliance
1849 C Street, NW - MS 2462 - MIB
Washington, D.C. 20240

ER06/978

AUG 8 2012

Mr. Dean McMath, ASW-613
Regional Environmental Programs Manager
Federal Aviation Administration
Southwest Regional Office
Fort Worth, Texas 76193

Dear Mr. McMath:

Thank you for the opportunity to review the Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation for the Taos Regional Airport Improvement Project, New Mexico. The National Park Service (NPS) has reviewed the document, and the Department of the Interior (Department) hereby submits these comments as an indication of our thoughts regarding this project.

In its role as the lead federal agency for World Heritage stewardship in the United States, the NPS is responsible for working with its sister agencies to make sure World Heritage Site values and resources are protected. Because "Pueblo de Taos" is the only World Heritage Site in the United States recognized for its living cultural community and associated traditional values, NPS is committed to continuing to provide the Pueblo with support and technical assistance to help protect the historic site and on-going traditional cultural practices. Further, as agencies of the Federal government, the Federal Aviation Administration (FAA) and NPS share in the affirmative responsibility and treaty obligation to preserve and protect the outstanding universal value that led to the inscription of Taos Pueblo on the World Heritage Site list.

The NPS is a cooperating agency with the FAA and Taos Pueblo in assessing impacts and contributing to the project. Most recently, NPS had the opportunity to review and provide comments on the Preliminary FEIS (PFEIS) in which NPS expressed continued concerns about the impacts of the proposed project on the cultural values and practices of Taos Pueblo as a World Heritage Site. The NPS reviewed the FEIS and Section 4(f) Evaluation, and its previous concerns were not addressed. Therefore, the Department would like to reiterate the following specific concerns:

TRANSMITTED ELECTRONICALLY – NO HARD COPY TO FOLLOW

- Although the signed Memorandum of Agreement (MOA) was an important project related milestone, it does not relieve FAA from thoroughly addressing specific resource impacts as part of the FEIS. Rather, the MOA provides measures that may mitigate impacts identified in the FEIS and also includes an adaptive management component for the monitoring and evaluating of the effectiveness of the measures. The FEIS should be revised to better reflect the long-term commitment made by the parties to the MOA to determine the efficacy of the mitigation measures and the need to implement additional measures, as determined by the parties in consultation; and
- The FAA has not yet adequately resolved concerns expressed by both Taos Pueblo and NPS in previous correspondence regarding the limitations of the noise studies and subsequent analysis, including those that addressed overflights. The FEIS should be revised to acknowledge the additional data collection and analysis needs as previously identified; and
- As stated in the letter dated September 19, 2006, NPS concurs with the FAA's determination of adverse effect. Unfortunately, the FEIS language citing the MOA does not accurately reflect the agreed upon language of the MOA itself. The NPS respectfully asks the FAA to quote the MOA in full, where applicable, to avoid confusion about the content of the conditions of the MOA in the future.

Final Environmental Impact Statement

As stated in previous reviews of both the DEIS (Appendix S, page 844) and PFEIS (Appendix S, page 877), NPS believes that FAA did not adequately resolve or address the limitations of the noise studies and subsequent analysis. In Appendix S Responses (page 729, bullet 3), the FAA states:

Although the NPS and Taos Pueblo may continue to have concerns regarding what they perceive as "limitations of the noise studies and subsequent analysis", the FAA has gone far beyond what is typically required to analyze noise impacts associated with a new runway at a general aviation airport. The FAA believes that the noise analyses prepared for the EIS sufficiently describe aircraft noise and satisfy the Agency's obligations under NEPA. The noise analysis also provides sufficient information to the decisionmaker to make an informed and reasonable decision on the proposed action.

We continue to have concerns regarding the limitations of the noise studies and subsequent analysis and disagree with the above statement that the FAA has sufficiently described aircraft noise in Taos Pueblo. Taos Pueblo has significant cultural value and therefore the acoustic metrics to evaluate the impacts must adequately describe the specific acoustic resource of Taos Pueblo.

Although the mitigation measures presented in the document address some of the concerns, these measures do not preclude FAA from thoroughly describing the present state of the resource in the FEIS, and developing a full and appropriate range of mitigation measures to minimize adverse effects. Further, FAA should seek to evaluate the effectiveness of these mitigation measures over time, including a plan for long-term re-evaluation of mitigation measures and their effectiveness in minimizing adverse effects, and consideration of more effective strategies, as needed.

Section 4(f) Evaluation

We acknowledge that you have consulted with the New Mexico State Historic Preservation Office, and have executed a Memorandum of Agreement to minimize adverse effects to historic properties; however, because we believe that not all measures have been taken to minimize harm to these resources, we cannot concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources.

We appreciate the opportunity to review this document and thank you in advance for addressing these concerns before a decision is issued. We thank you for continuing to work closely with NPS, Taos Pueblo, the New Mexico State Historic Preservation Office, and the Advisory Council on Historic Preservation throughout this process. Please contact Christine Landrum, Director, NPS Office of Indian Affairs and American Culture directly with questions and for assistance at 303-969-2836 or christine_landrum@nps.gov.

Sincerely,


for Willie R. Taylor

Director, Office of Environmental
Policy and Compliance



RE: PUBILC COMMENT ON FEDERAL REGISTER FW:

usacitizen1 usacitizen1

to:

Dean Mcmath

07/03/2012 03:49 PM

Hide Details

From: usacitizen1 usacitizen1 <usacitizen1@live.com>

To: Dean Mcmath/ASW/FAA@FAA,

I QUESTION POPULATION INCREASE FIGURES FOR TAOS. I KNOW THE RESIDENTS WILL NOT LIKE THE ENDLESS TRAFFIC THAT WILL ACCOMPANY THIS EXPANSION OF THE AIRPORT. THEY NEED TO SLEEP AT NIGHT. AND IT IS CLEAR THAT NOISE BRINGS ON HEART ATTACKS FOR RESIDENTS. ENDLESS STUDIES HAVE SHOWN THIS. I ALSO BELIEVE THAT TAOS CAN GET ALONG WITHOUT THIS EXPANSION. AND I BELIEVE THAT THE CHANGE TO THE ENVIRONMENT WHAT WITH USE OF LEAD GASOLINE IS A NEGATIVE IMPACT ON HEALTH. I ALSO BELIEVE THE WAY NOISE IS CALCULATED IS LUDICROUS AND A SCAM ON THE PUBLIC. NOISE IS AN ATTACK ON THE EARS AND SYSTEM AND CIRCULATORY SYSTEM AND BRAINS. AND YOU HAVE SOME WEIRD WAY OF AVERAGING IT OUT SO THAT EXTREME NOISE CONDITIONS ARE AMELIORATED THROUGH YOUR FUNNY BUNNY CALCULATIONS. THE WAY YOU CALCULATE NOISE DOES A DISSERVICE TO AMERICA. THIS COMMENT IS FOR THE PUBLIC RECORD. JEAN PBULIC

> Subject: Re: PUBILC COMMENT ON FEDERAL REGISTER FW:

> To: usacitizen1@live.com

> From: Dean.Mcmath@faa.gov

> Date: Mon, 2 Jul 2012 14:46:54 -0500

>

> Hello,

>

> As per your request, please find attached a copy of Appendix T - Technical

> Memorandum.

>

> Thank you,

>

> Dean McMath

>

> (See attached file: APPENDIX T.PDF)

>

>

>

> From: usacitizen1 usacitizen1 <usacitizen1@live.com>

> ASW-610, Planning & Programming

> To: Dean Mcmath/ASW/FAA@FAA, <americanvoices@mail.house.gov>,

> <comments@whitehouse.gov>,

> Cc: <speakerboehner@mail.house.gov>, <sf.nancy@mail.house.gov>,

> <letters@newsweek.com>, <today@nbc.com>

> Date: 06/27/2012 07:22 PM

> Subject: PUBILC COMMENT ON FEDERAL REGISTER FW:

>

>

>

> I OPPOSE A NEW RUNWAY AND ASSOCIATED FACILITIES (WHICH SEEM TO BE NAMELESS
> AND SNEAKY IN THIS FEDERAL REGISTER NOTICE). THE AMERICAN PEOPLE DO NOT
> WANT THEIR TAX DOLLARS USE IN ANY WAY FOR THIS UNNECESSARY RUNAWAY PLUS THE
> LEAD EFFECTS FROM THE GAS USED IN ALL THESE FLIGHTS WILL CAUSE BRAIN DROPS
> AND RED BLOOD CELLS PROBLEMS FOR KIDS IN THE AREA. ALONG WITH THIS THE
> EXTRA NOISE FROM FLIGHTS ALL NIGHT LONG WILL BREAK SLEEP AND CAUSE HEART

> ATTACKS FOR RESIDENTS, AS RECENT RESEARCH OF THE US CDC SHOWS. THIS IS
> TERRIBLE AIR POLLUTION FRM AIRPORTS. EVERY AIRPORT IN THE EAST SHOWS
> TERRIBLE HEALTH EFFECTS ON RESIDENTS FROM AIRPORT ENLARGEMENT. THIS IS NOT
> A BENEFIT FOR TAOS RESIDENTS. THE FEDEAL REGISTER ALSO GAVE NO ACCESS TO
> YOUR ALLEGED RECENT TECHNICAL REPORT. PLEASE EMAIL TO ME IMMEDIATELY AND
> ENLARGE TIME TO COMMENT ON THIS ISSUE OF THIS HORRIFIC AIRPORT EXPANSION.
> THIS COMMENT IS FO RTHE PUBLIC RECORD JEAN PUBLIC 2 GLENWAY FLEMINGTON NJ
> 08822 ARE YOU HIDING INFORMATION FROM THE PUBLIC ON THIS PLAN?
>
> >
> >
> > [Federal Register Volume 77, Number 124 (Wednesday, June 27, 2012)]
> > [Notices]
> > [Pages 38375-38376]
> > From the Federal Register Online via the Government Printing Office
> > [www.gpo.gov]
> > [FR Doc No: 2012-15735]
> >
> >
> > -----
> >
> > DEPARTMENT OF TRANSPORTATION
> >
> > Federal Aviation Administration
> >
> >
> > Notice of Availability of the Final Environmental Impact
> > Statement (FEIS) for the Taos Regional Airport Layout Plan
> > Improvements, Taos, NM
> >
> > AGENCY: Federal Aviation Administration (FAA), Department of
> > Transportation (DOT).
> >
> > ACTION: Notice of Availability of the Final Environmental Impact
> > Statement.
> >
> > -----
> >
> > Location: The Taos Regional Airport (SKX) is located in north Taos
> > County, New Mexico, approximately seven miles northwest of the Town of
> > Taos.
> > SUMMARY: The FAA is issuing this Notice to advise the public that it
> > has prepared a Final Environmental Impact Statement (FEIS) for a
> > proposed new runway and associated facilities and improvements at the
> > Taos Regional Airport, Taos, New Mexico. The FEIS reflects the Section
> > 106 consultations between the FAA, the Taos Pueblo, Town of Taos,
> > National Park Service, Advisory Council on Historic Preservation, New
> > Mexico State Historic Preservation Officer (SHPO), and the New Mexico
> > Department of Transportation regarding adverse effects on the Taos
> > Pueblo World Heritage Site and other traditional cultural properties
> > within the National Register Eligible Historic District associated with
> > the Taos Pueblo. The FEIS also includes floodplain impact evaluations.
> > The FAA is seeking comments on those sections of the FEIS that have
> > been updated and/or contain information that has become available since
> > the release of the DEIS. Please see the SUPPLEMENTARY INFORMATION
> > section below for more information.

> > The FAA is providing a thirty day (30) day FEIS review period. The
 > > FEIS review period begins on the date of the publication of this Notice
 > > of Availability in the Federal Register, and will close on July 30,
 > > 2012. The FAA must receive written comments on these subsections
 > > postmarked no later than July 30, 2012. Comments received after that
 > > date may not be considered by the FAA.
 > > All comments on the FEIS are to be submitted to Mr. Dean McMath of
 > > the FAA, at the address shown in the section below entitled, ``For
 > > Further Information or to Submit Comments".
 > >
 > > SUPPLEMENTARY INFORMATION: The FAA, as the lead Federal agency, has
 > > prepared the EIS for the proposed new runway and related facilities and
 > > improvements at SKX. The Department of Interior National Park Service
 > > and the Taos Pueblo are Cooperating Agencies for the preparation of the
 > > EIS.
 > > The airport development action proposed by the Town of Taos (the
 > > Airport Sponsor) is the construction of a new runway at SKX that would
 > > be 8,600 feet long and 100 feet wide. Related facilities and
 > > improvements proposed by the Airport Sponsor include grading and
 > > drainage improvements, taxiways, new airfield lighting, communication
 > > equipment, and navigational aids associated with the new runway;
 > > shortening the existing Runway 4/22 by 420 feet; construction of a new
 > > airport access road; and, extension of an on-airport access road.
 > > The FAA published a Draft Environmental Impact Statement (DEIS) in
 > > October, 2006. The DEIS was prepared pursuant to the National
 > > Environmental Policy Act of 1969 (NEPA). The DEIS comparatively
 > > assessed and disclosed the potential future impacts of the No-Action
 > >
 > > [[Page 38376]]
 > >
 > > Alternative and three proposed action alternatives designated as
 > > Alternative 2-C, Alternative 2-D, and Alternative 3.
 > > Since the publication of the DEIS, the FAA has addressed comments
 > > received on the DEIS; addressed comments on the Preliminary FEIS
 > > provided by Cooperating Agencies; conducted additional technical
 > > analyses; conducted the Section 106 consultation process; and prepared
 > > the FEIS. The Section 106 consultation process resulted in the
 > > execution of a Memorandum of Agreement (MOA) in February 2012.
 > > Because the DEIS is more than three years old, the FAA evaluated
 > > the DEIS to determine whether the consideration of alternatives,
 > > affected environment, environmental impacts, and mitigation measures in
 > > the DEIS remains applicable, accurate, and valid in accordance with FAA
 > > Order 1050.1E, paragraph 514a and 5050.4B, Section 1401.b.3. The FAA
 > > found that substantial changes in these factors have not occurred and
 > > that a complete revision or supplement to the DEIS was not warranted.
 > > However, FAA's review of current information did note that some social
 > > and environmental changes have occurred since the DEIS was published in
 > > 2006. The FAA evaluated the new information and determined that the
 > > changes did not affect the range of alternatives considered or the
 > > detailed analysis of alternatives conducted in this FEIS. However, to
 > > document and disclose the social and environmental changes that have
 > > occurred, the FAA prepared a technical memorandum that presents the new
 > > information and discusses any potential impacts related to the changed
 > > social and environmental conditions. The technical memorandum is
 > > contained in the FEIS.
 > > The FAA is making available the FEIS it prepared addressing a

> > proposed new runway and associated facilities and improvements at the
 > > Taos Regional Airport. The FEIS discloses:
 > > The purpose and need for the proposed project;
 > > Reasonable alternatives analyzed and the FAA's preferred
 > > alternative;
 > > Potential environmental impacts and consequences
 > > associated with those alternatives;
 > > FAA's responses to comments it received on the DEIS; and
 > > How FAA has complied with various resource laws,
 > > regulations and executive orders, including the National Environmental
 > > Policy Act, Section 106 of the National Historic Preservation Act,
 > > Executive Order (EO) 12898, ``Federal Actions to Address Environmental
 > > Justice in Minority Populations and Low-Income Populations'', and EO
 > > 11988, ``Floodplain Management."
 > > Public Review and Comment: The FEIS is available for review during
 > > normal business hours at the following locations:
 > > FAA Southwest Regional Office, 2601 Meacham Boulevard,
 > > Fort Worth, Texas 76137,
 > > Taos Regional Airport, Highway 64 West, 1 Airport Road,
 > > Taos, New Mexico 87571,
 > > Taos Town Hall, 400 Camino de la Placita, Taos, New Mexico
 > > 87571, and
 > > Taos Public Library, 402 Camino de la Placita, Taos, New
 > > Mexico 87571.
 > > Comments should be as specific as possible and address the analysis
 > > of potential environmental impacts, the adequacy of the proposed
 > > action, or the merits of alternatives and the mitigation being
 > > considered. Reviewers should organize their participation so that it is
 > > meaningful and makes the agency aware of the viewer's interests and
 > > concerns using quotations and other specific references to the text of
 > > the FEIS and related documents. This is intended to ensure that
 > > substantive comments and concerns are made available to the FAA in a
 > > timely manner so that the FAA has an opportunity to address them in its
 > > Record of Decision (ROD).
 > > Comments can only be accepted with the full name and address of the
 > > individual commenting. Before including your address, phone number,
 > > email address, or other personal identifying information in your
 > > comment, be advised that your entire comment--including your personal
 > > identifying information--may be made publicly available at any time.
 > > While you can ask the FAA in your comment to withhold from public
 > > review your personal identifying information, the FAA cannot guarantee
 > > that it will be able to do so.
 > > After review and consideration of the comments received on the
 > > FEIS, and sometime after the 30-day comment period on the FEIS has
 > > ended, the FAA will issue its ROD.
 > >
 > > FOR FURTHER INFORMATION CONTACT OR TO SUBMIT COMMENTS: Dean McMath,
 > > ASW-613, Regional Environmental Programs Manager, Federal Aviation
 > > Administration, Southwest Regional Office, Fort Worth, Texas 76193,
 > > telephone (817) 222-5617.
 > >
 > > Issued in Fort Worth, Texas, on June 19, 2012.
 > > Kelvin L. Solco,
 > > Manager, Airports Division.
 > > [FR Doc. 2012-15735 Filed 6-26-12; 8:45 am]
 > > BILLING CODE 4910-13-P

Edith Lawrence Baker
36 Eototo Road
HCR 74-21103
El Prado, NM 87529
Tel: 575-758-7171

July 23, 2012

Mr. Mean McMath, ASW-613
Regional Environmental Programs Manager
Federal Aviation Administration
Southwest Regional Office
Fort Worth, TX 76193

Re: Taos Airport Environmental Impact Statement

Dear Mr. McMath,

This letter is in response to a call for comments re the above-mentioned EIS as reported by The Taos News. This EIS has been the best kept secret of Taos County, thus denying many of us a chance to comment in time as well as to marshal any forces to keep the project at bay.

Expanding the airport will have a tremendous negative effect on this entire valley. If you have ever been to Taos, you will know that we are a large valley bisected by the Rio Grande rift and surrounded by mountains. The town of Taos and the Taos Pueblo sit at the base of the Sangre de Cristo Mountains which rise to 13,000 feet from a floor of roughly 7,000 feet. My house is four miles as the crow flies from town, the airport and the base of the mountains.

Airplanes taking off and landing do not go straight up or down, obviously. They have a glide path of noise. Because of our topography, the mountains and valley act as an echo chamber. Where I live, I can hear every take-off made from the current airport. The thought of having 2,665 more take-offs and landings per year escalating to 4,880, is anathema to anyone who wishes to live a peaceful and serene life. Almost all of my life I have lived on a runway pattern and I do not wish to end my days being constantly assaulted from the skies.

Not only will I and everyone else in this valley live in constant noise, we will be subject to increased risk of crashes, possibly on top of us, and the resultant fires. Unlike Aspen, which had a jet crash into a mountain on approach, Taos does not have the firefighting equipment nor the ability to fight a catastrophe that might occur deep in the mountains.

Page Two

The additional infrastructure required to maintain and service the increased airport activity will strain our woeful and inadequate police and fire departments even more. Additional services such as motels and restaurants will increase the need for water in a desert area that cannot support such activity. There is absolutely no way that this huge project cannot impact adversely our way of life in Taos and to say that it won't is ludicrous.

This is a rural community abundant with four-legged wild life and domestic animals that require quiet to live as well as two-legged animals who wish to do the same. Please allow us to live in peace.

Respectfully,

A handwritten signature in cursive script that reads "Lawrence Baker". The signature is written in dark ink and is positioned above the printed name.

Lawrence Baker



DATE: July 30, 2012

TO: Dean McMath
ASW-613
Regional Environmental Programs Manager
Federal Aviation Administration
Southwest Regional Office
Fort Worth, Texas 76193

FROM: Alfred Trujillo
P.O. Box 367
Arroyo Hondo, New Mexico 87513

RE: Comments on the Environmental Impact Statement on proposed Taos,
New Mexico airport expansion

Dear Mr. McMath;

As you know the Town of Taos and the Federal Aviation Administration (FAA) originally did not want to do an Environmental Impact Statement (EIS) on what is still considered a project of major proportions with significant negative impacts for the Taos valley and surrounding areas.

A shallow Environmental Assessment (EA) in the late 1980's, quickly followed by a Finding Of No Significant Impact, was far from sufficient to justify such an expansion. It was through the extensive efforts of the Coalition for an EIS that the Town and FAA were compelled to take a closer look.

It has taken the FAA a quarter century to prove its own initial shortcomings particularly since the lengthy EIS process has not yielded anything new, substantial or convincing. There is still no safety issue and there is still no aviation demand but there is no shortage of contrivances.

The FAA and the Town of Taos have failed to justify the proposed changes.

I had much to do with the formation of the Coalition and had many communications with Ms. Joyce Porter of the FAA yet the Draft EIS was sent to me at the wrong address and received far too late to adequately respond. I have since found my address to be clearly listed in several places in the DEIS, Volume 2: Appendix E yet the Draft was sent to an entirely different address as is evident in Volume 1: Chapter 8, page 11. Even after my last conversation and address corrections with Ms. Porter, I did not receive a copy of the Final EIS (or the Executive Summary) and only after an article appeared in the local newspaper did I discover I had 2 weeks to locate a copy (of the Executive Summary) and respond.

The FAA has resorted to the same maneuvers with regard to the airport expansion. There is much to be said about the negative and cumulative impacts to the surrounding areas however, as to the project site itself, the FAA's preferred alternative involves land previously bought by the Town in anticipation of the expansion. No explanation could be found in the DEIS only that the preferred alternative is located on "existing airport property" whose boundary outline (ALP) was used with each alternative and treated as a given throughout the DEIS.

The land in question *happens* to align with Taos Pueblo's Tract A and *happens* to be suitable for a crosswind runway and comes complete with a designated access road. It would seem the land would be slated for acquisition after the narrowing down of alternatives and the final selection of one via a true EIS process, but wasn't.

The pre-purchase of land makes the existing runway in the No-Action Alternative look needy and unfulfilled while Alternative 3 was rejected in part due to the cost of acquiring land. It would seem the No-Action Alternative meant no action from inception and throughout.

As such, before the official starting gun was fired, the Town and the FAA had already jumped over a couple of hurdles and were well on their way, effectively handicapping all other alternatives.

From all indications, existing runway 4/22 was itself not originally slated for further expansion based on its tight positioning in an acute corner formed by U.S. Hwy. 64 and Tract A and a crosswind runway was not intended there based on its alignment having 94% favorable wind coverage. It suggests that the Taos Airport, having been relocated several times prior, should next be moved out of the valley if it is to accommodate any growth.

The premature land purchase represents the same headstrong approach that was used with the EA. As an extension of the EA process however, the EIS was seriously prejudiced before it started.

Arroyo Hondo is the northernmost Spanish settlement along the Rio Grande corridor and falls within the historic *jurisdiccion de San Geronimo de Taos*. The deep valley marked the Spanish frontier and later the Spanish/Mexican fringe. Its anchor is the Rio Hondo whose fountainhead originates at New Mexico's highest peak and like Taos Pueblo's neighboring Blue Lake, it is sacred.

Close to the Rio Hondo's origin is Taos Ski Valley, a U.S. sponsored anomaly derived from once over-hyped and now long-defunct mining claims and more recently, U.S. Forest Service permits. Lately the resort submitted its own EIS seeking to further increase resort development on public and private lands to match the expected influx from an expanded airport.

TSV's exploitations and environmental disregard are legendary and its lobbying abilities are extensive yet its latest endeavor is one important up-

date not covered in the FAA's analysis. The resort is the airport expansion's main beneficiary for which the U.S. is now on the verge of wiping out the last vestiges of prior sovereigns and old cultures to create an accessible tourist and real estate mecca.

One very important change during the course of the EIS is that Taos Pueblo has been designated a World Heritage Site and, from all indications, it has reluctantly endorsed the expansion as a means to safeguard its interests. By itself, that is good, however there is much more to the Taos valley than Taos Pueblo, the Town of Taos and those who speak for them. Nonetheless, the Pueblo's cultural properties will be adversely affected as even the FAA admits. Members of both locales are part of the Coalition for an EIS.

As far as the older traditional cultures go, the airport expansion is Taos' Trojan Horse - an elaborate invasion and decimation that even more recent arrivals to the Taos area can't understand why its being done.

Along those line, there are significant non-Indian cultural properties in the Taos and Hondo valleys that were not given the same level of sensitivity and confidentiality that was given to Taos Pueblo. They are not what the FAA has listed or perceives but are of a profound nature. They were not identified but their consideration was brought up to Ms. Susan Perlman of the National Park Service during one of her visits to an Arroyo Hondo residence. There was no follow-up.

In the last couple of weeks title to the Ponce de Leon Hot Spring south of Taos was handed to Taos Pueblo. It is not known if the spring was listed as one the Pueblo's cultural properties before then but it is considered sacred by them and venerated by non-Indians as well. Out of the 17 known hot springs in New Mexico, the Ponce de Leon lies at the south end of the proposed runway and two others lie at the north end in the Rio Grande gorge. Apparently tranquility is not meant for those who seek them or the serenity of their surroundings, it is meant for those who pay to ride the chairlifts.

Yes, the Taos setting is quite different. It is exceptional.

Its uniqueness has limitations and an expanded airport will push it beyond the tipping point.

The existing runway is 1% below the FAA's *recommended* 95% wind coverage. The FAA should list how many airport/wind-related accidents have occurred since the Town acquired the land for its miraculously prophesied crosswind runway alternative, and who, specifically, has suffered from the lack of an expanded airport. A 1% shortfall is petty for which an exception to the FAA's recommendation should apply. It is clearly a case where the Secretary of Transportation and/or Secretary of Interior should intervene otherwise the FAA's 1% demand is a windfall for Taos' upper 1%, namely a resort town that has already reached its physical limits ... and wants more!

While organizing the Coalition for an EIS, several pilots acknowledged wind problems at certain times of the year. Some admitted that even a small, graded/graveled crosswind runway would suffice and others simply refrained from flying during those times altogether. Given the trade offs, it attests to selfless values (by some) that are still evident in the Taos area. Similarly, many Taos merchants and artists support the Coalition for an EIS.

The economy has taken a sharp downturn since the DEIS was issued in 2006. While some may argue putting money into infrastructure is good, this type of undertaking is not what Taos needs. Not only does it serve the upper 1% of the populace but will undo the essence of what Taos is. The expansion represents the type of overreaching that crippled economies at all levels in the first place. Subsidizing farm equipment and funding agricultural projects would better suit this area as it is literally from the ground up.

As it now stands, the FAA's metal/plastic eagle soars and swoops ever closer to the goose that laid the golden egg.

The Taos airport has gone from Municipal to Regional Since the Coalition's lawsuit in the early 1990's. Was there public input from the region into that decision or was the distinction given for the purpose of downgrading surrounding airports? Meeting the standards of a "Proposed Project" with its pre-determined runway location/alignment does not constitute fairness to other municipalities that also seek to improve their infrastructure and aviation traffic. In view of the economic lessons now being learned and in the interest of *spreading the wealth* today and in the future, no one site should be favored over others as they all vie for fuel sales.

That type of targeting is what is being done on a different scale within the Taos watershed to the disadvantage of others.

It would seem the surrounding airports could work cooperatively. The Questa airport, for example, could deal with crosswind conditions during the short periods that they occur. It is not far from Taos and perhaps other businesses along the way could gain, including the market in Arroyo Hondo which would otherwise be subjected to negative impacts only.

At this point, the "Regional" status seems more strategic than actual - it is yet wishful thinking.

The FAA's analysis of Water Resources is seriously lacking. The 2010 Taos Pueblo Indian Water Rights Settlement Act is but one phase of the Taos/Hondo Water Rights Adjudication which is still a ways from final. Water in general is a very important consideration that goes far beyond the on-site arroyos and floodplain. As on the Rio Hondo, water from farmlands was transferred to run a resort at its headwaters while the river and its traditional communities downstream get treated sewage and other runoff in return. The resort went from a proposed winter recreation site *only* to a

year-round destination spot. Sensitive wetlands have been violated there and remain threatened.

On the other hand, the Rio Pueblo and Rio Lucero that feed Taos Pueblo and further downstream, the Town of Taos, come from protected headwaters and enter the valley largely in a pristine state.

For the vast majority of Taoseños, the expansion represents floods and trickles - negative environmental impacts and meager if any economic benefit, respectively. Overall it is an injustice as the FAA moves unmoved to open the skies ... and the floodgates.

With all due considerations, the No-Action Alternative remains the most viable for this area with respect to service, on/off-site impacts and socioeconomic effect.

The FAA yet needs to investigate the on-site land acquisition and its prejudicial effect on the EIS process. As such the FEIS, although voluminous and unwanted by the FAA and Town of Taos, remains superficial and tainted, and, its preferred alternative unjustified and suspect.

Respectfully submitted,


Alfred Trujillo



Taos Airport Final EIS, June 29th, 2012. Comment Aug. 13th '12
Jean-Louis Bourgeois

to:

Dean Mcmath

08/13/2012 07:23 PM

Cc:

imail, dmeiklejohn, editor, lator, bshields, kwalz, rdean, energy, ktao, pbareiss, seacrews,
pegandmikemabry, vajrabone, azorthian

Hide Details

From: Jean-Louis Bourgeois <jeanlouisbour@yahoo.com> Sort List...

To: Dean Mcmath/ASW/FAA@FAA,

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Dean McMath, ASW-613
Planning and Programming Branch
Department of Transportation
Federal Aviation Administration
2601 Meacham Blvd.
Fort Worth, Texas 76137

dean.mcmath@faa.gov
817/222-5617

August 13, 2012

Dear Mr. McMath,

I am e-mailing you about the Taos Regional Airport Final Environmental Impact Statement (FEIS) Executive Summary, dated June 29th 2012.

Thank you for sending me a paper copy of the FEIS Executive Summary.

Please email me an electronic copy.

Also, would you PLEASE SEND ME paper and electronic copies OF THE COMPLETE FEIS.

Thank you.

You mailed me a paper copy the FEIS Executive Summary on June 21st. I received it

OVER SIX WEEKS LATER, on August 7th, JUST SIX DAYS AGO.

Why so late?

BECAUSE YOU SENT THE FEIS USING AN INCORRECT ZIP CODE.

An apparently small but in fact extremely important mistake. More on this subject later.

Here are two statements by a Taos pilot Ian Wilson.

First, at an Federal Aviation Administration (FAA), Scoping hearing held in Taos on May 14, 1992, Mr. Wilson had this to say ("Statement #1"):

"I am a pilot. The main planes that have problems in cross-wind landings are small planes. Commuter planes can deal with heavier wind. **SO A CROSS WIND RUNWAY COULD BE VERY SHORT** because it's only going to accommodate small planes. It could be just a gravel strip, because, primarily, there are not winds during the daytime. It would not need to be lighted.

"And I said a gravel strip, because it would not get used very often. It would be just an emergency runway there for occasional use, so probably would cost a few hundred-thousand dollars at most, and it would **OFFSET THE CLAIM THAT THE 8600' RUNWAY IS BEING BUILT FOR SAFETY**" (emphases added).

Second, fourteen-and-a-half years later, on November 9, 2006, Ian Wilson added ("Statement #2")

"From my knowledge as a pilot and civil engineer, a crosswind runway is needed at an airport to make it safer for airplanes to land, and to takeoff, when there is a significant wind blowing across the airports main runway. A crosswind runway should be shorter than the primary runway. It is only used during occasional high wind conditions when airplanes obtain much of their needed air speed from the wind itself, and therefore do not need as much runway length as when there is no wind.

The main runway at the Taos airport is already oriented to the prevailing winds so a strong crosswind is not the normal situation. Since this shorter crosswind runway would only be used occasionally, during the less common high crosswind conditions, it could be constructed of gravel instead of pavement. Additionally since strong winds at night are rare, the runway would not need to be lighted. Larger airplanes are capable of coping with stronger crosswinds than smaller airplanes, so the crosswind runway would be used more by smaller

airplanes that do not need a long runway anyway.

The proposed crosswind runway, which is over 50% longer than the existing runway, is gross overkill! A shorter crosswind runway would achieve the improved safety desired by all."

The above comments challenge directly the FEIS contention (FEIS, page ES-12) that a new crosswind runway measuring 8600 ft is needed for safety.

It is not.

How, specifically, Mr McMath, are you going to reply to this letter's challenge?

I await your prompt reply.

If you delay, I intend to pursue my opposition to the construction of your proposed runway both administratively and, if necessary, legally.

Sincerely yours,

Jean-Louis Bourgeois

cc:

Ian Wilson
pilot
imail@taosnet.com

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APPENDIX 2

TOWN OF TAOS LETTERS TO TAOS COUNTY AND TAOS PUEBLO AND CERTIFICATION LETTER

Darren M. Cordova, Mayor

Councilmembers:

Rudy C. Abeyta

Andrew T. Gonzales

Frederick A. Peralta

Michael A. Silva

Abigail R. Adame, Interim Town Manager



Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571
(575) 751-2000
Fax (575) 751-2026

Visit us on our Website at:
www.taosgov.com

July 17, 2012

Laureano B. Romero, Governor
Taos Pueblo
PO Box 1846
Taos, NM 87571

RE: Taos Regional Airport Expansion Project

Dear Governor Romero:

In accordance with the National Environmental Policy Act, the Federal Aviation Administration is completing an Environmental Impact Statement for the Taos Regional Airport Expansion Project.

On June 29, 2012, the FAA issued the notification of the Preferred Alternative (Alternative 2D), which was published in the Federal Registry on June 29, 2012.

The Final Environmental Impact Statement was completed and released in June, 2012.

This letter will serve you as formal advise, pursuant to 49 USC 47106.(c)(1)(A)(ii) that your community has the right to petition the Secretary of Transportation with respect to the Taos Regional Airport Expansion Project.

Sincerely,

Darren M. Cordova
Mayor

Cc: Dean McMath, FAA

"La Ciudad de Don Fernando de Taos"
Incorporated May 7, 1934

Darren M. Cordova, Mayor

Councilmembers:

Rudy C. Abeyta

Andrew T. Gonzales

Frederick A. Peralta

Michael A. Silva

Abigail R. Adame, Interim Town Manager



**Taos Municipal Building
400 Camino de la Placita
Taos, New Mexico 87571
(575) 751-2000
Fax (575) 751-2026**

***Visit us on our Website at:
www.taosgov.com***

July 17, 2012

Barbara Martinez
Interim County Manager
Taos County
105 Albright Street Suite G
Taos, NM 87571

RE: Taos Regional Airport Expansion Project

Dear Ms. Martinez:

In accordance with the National Environmental Policy Act, the Federal Aviation Administration is completing an Environmental Impact Statement for the Taos Regional Airport Expansion Project.

On June 29, 2012, the FAA issued the notification of the Preferred Alternative (Alternative 2D), which was published in the Federal Registry on June 29, 2012.

The Final Environmental Impact Statement was completed and released in June, 2012.

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Sincerely,

Darren M. Cordova
Mayor

Cc: Dean McMath, FAA

***"La Ciudad de Don Fernando de Taos"*
Incorporated May 7, 1934**

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***Visit us on our Website at:
www.taosgov.com***

Abigail R. Adame, Interim Town Manager

July 17, 2012

Mr. Dean McMath
Regional Environmental Programs Manager
Federal Aviation Administration
Southwest Region Headquarters ASW-640D
Fort Worth, TX 76192

RE: Taos Regional Airport Expansion Project

Dear Mr. McMath:

Pursuant to 49 USC 47601(c)(1)(A)(i), this letter hereby certifies that the Town of Taos has provided opportunities for public hearing for the consideration of the environmental, social and economic effects of the Taos Regional Airport Expansion Project. A hearing was held November 14, 2006. The hearing was held in Taos, New Mexico

Neither Taos County nor Taos Pueblo have voting representation on the Airport Board, although Taos Pueblo will become a voting member in the near future. Pursuant to 49 USC 47106(c)(1)(A)(ii), this letter certifies that Taos County and Taos Pueblo have been advised of their right to petition the Secretary of Transportation with respect to the proposed projects analyzed in the ongoing Environmental Impact Statement for Taos Regional Airport .

Sincerely,

Darren M. Cordova
Mayor

***"La Ciudad de Don Fernando de Taos"
Incorporated May 7, 1934***

APPENDIX 3

TAOS PUEBLO SIGNED MEMORANDUM OF AGREEMENT

Memorandum of Agreement
Among
The Federal Aviation Administration
Taos Pueblo
The Town of Taos
The Advisory Council on Historic Preservation
The New Mexico State Historic Preservation Officer
The New Mexico Department of Transportation, Aviation Division
and
The National Park Service
Regarding
Airport Layout Plan Revision Approval
and
Federal Funding Considerations
at
Taos Regional Airport, Taos, New Mexico

WHEREAS, the Federal Aviation Administration (FAA), the lead Federal agency for this Undertaking, is considering the Town of Taos' request to approve proposed revisions to the Airport Layout Plan for the Taos Regional Airport at Taos, New Mexico (Airport), pursuant to Title 49 sections 47106 and 47107 relating to eligibility for funding for proposed runway improvements at the Airport; and

WHEREAS, the proposed Undertaking consists of: constructing a new runway that would be 8,600-feet long and 100-feet wide; shortening existing Runway 4/22 by 420 feet, with an associated shift of the Runway Safety Area (RSA), Runway Free Object Zone (ROFA), and Runway Protection Zone (RPZ) a similar distance to the northeast; building a new 3,200-foot long airport access road; and lengthening the existing 2,800-foot long access road from the existing parking lot to the large hangar area all as described on page 1-1 of the Final Environmental Impact Statement (FEIS) that the FAA has prepared for the Undertaking; and

WHEREAS, Section 40103(a) of Title 49 of the United States Code grants the United States Government exclusive sovereignty of airspace of the United States; and

WHEREAS, Section 40103(b) of Title 49 of the United States Code grants the FAA Administrator the authority to develop plans and policies for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace; and

WHEREAS, FAA has determined that the approval of proposed revisions to the Airport Layout Plan for the Airport is an Undertaking subject to review under Sections 106 and 110 of the National Historic Preservation Act (NHPA)[16 U.S.C. 470(f) and 470(h)-2(f)] and their implementing regulations, "Protection of Historic Properties" (36 CFR Part 800) and "World Heritage Convention" (36 CFR Part 73); and

WHEREAS, the FAA and Taos Pueblo, as a Federally recognized sovereign American Indian Tribe, have conducted Government-to-Government consultations regarding this Undertaking; and

WHEREAS, the Taos Pueblo Tribal Government is responsible for the protection of its people, its land, its natural and cultural resources, and its way of life that are affected by such aircraft operations; and

WHEREAS, Taos Pueblo members have lived continuously in the Taos Valley and adjacent areas since time immemorial and continue to maintain a living culture, nurtured by the surrounding lands and natural and cultural resources, that has sustained the Tribe over the centuries; and

WHEREAS, Taos Pueblo and the National Park Service (NPS) have consulted with the FAA in its National Environmental Policy Act (NEPA) process on the proposed Undertaking as cooperating agencies; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that provides guidance and advice on the application of the regulations implementing Section 106 of the National Historic Preservation Act (Section 106) and generally oversees the Section 106 process; and

WHEREAS, the Department of the Interior (DOI), through the NPS, is responsible for National Historic Landmarks under Section 101 of the NHPA and consults with Federal agencies on undertakings adversely affecting those Landmarks; and

WHEREAS, the DOI, through the NPS, is responsible for directing and coordinating the United States' participation in the World Heritage Convention in the United States and consulting with Federal agencies on undertakings adversely affecting the Nation's World Heritage Sites; and

WHEREAS, the New Mexico State Historic Preservation Officer (SHPO) administers programs to preserve and protect the historical and cultural heritage of the State of New Mexico for the benefit of present and future generations under the NHPA and the following state statutes: New Mexico Cultural Properties Act (codified at NMSA 1978 §§ 18-6-1 et seq.), the New Mexico

Prehistoric and Historic Sites Protection Act (NMSA 1978 §§ 18-8-1 et seq.), and the New Mexico Cultural Properties Protection Act (NMSA §§ 18-6A-1 et seq.); and

WHEREAS, the New Mexico Department of Transportation Aviation Division (NMDTAD) and the Town of Taos constitute political subdivisions of the State of New Mexico for the purposes of § 18-6-8.1, NMSA 1978/4.10.7 NMAC and § 18-8-7, NMSA 1978/4.10.12 NMAC and § 18-6A-5, NMSA 1978 and have carried out consultations as required under these State statutes concerning the effects of the airport improvements on registered cultural properties; and

WHEREAS, the Town of Taos, the owner and operator of the Airport, and the NMDTAD each agree to provide 2.5% of the total cost of the proposed Undertaking as local matches to any Federal grant funding; and

WHEREAS, the FAA, in consultation with Taos Pueblo and other consulting parties, has defined the Undertaking's area of potential effects (APE) as described in Figure 2, Appendix Q, FEIS (see attached Figure); and

WHEREAS, the FAA, in consultation with the ACHP, Taos Pueblo, the SHPO, the Town of Taos, and the NPS, has determined that this proposed Undertaking would adversely affect properties listed on and eligible for listing on the National Register of Historic Places (National Register) as discussed below; and

WHEREAS, Taos Pueblo has numerous ancestral homesites and cultural sites and areas, which it has identified in the APE and which are in continuous use; and

WHEREAS, the FAA, in consultation with Taos Pueblo and the SHPO, has determined that the entire APE would be treated as a National Register-eligible historic district as described in Appendix Q of the FEIS for purposes of this Undertaking; and

WHEREAS, one of those affected properties is Taos Pueblo, a World Heritage Site inscribed in the United Nations' Education, Scientific, and Cultural Organizations' World Heritage Convention; a designated National Historic Landmark under Section 101 of the National Historic Preservation Act; and a property listed on the National Register; and

WHEREAS, the multi-story dwellings at Taos Pueblo are remarkable examples of traditional architectural structures maintained and lived in continuously by the Taos Pueblo community for centuries; and

WHEREAS, Taos Pueblo is unique in that it is one of only eight cultural World Heritage Sites in the United States, and none other is comparably recognized for its ongoing way of life and living culture; and

WHEREAS, because of Taos Pueblo's unique status among World Heritage Sites in the United States, the conditions in this Agreement apply only to this proposed Undertaking and are not intended to establish precedent for any existing or future FAA undertakings; and

WHEREAS, Article 5 of the Convention Concerning the Protection of the World Cultural and Natural Heritage, which the United States Senate ratified in 1973, requires each state party to take, in so far as possible, the appropriate legal, scientific, technical, administrative, and financial measures necessary to identify, protect, conserve, rehabilitate, and preserve World Heritage Sites; and

WHEREAS, in December 1970, the United States Congress declared to be held in trust for Taos Pueblo an area, now known as the Blue Lake Wilderness Area, totaling approximately 48,000 acres, recognizing that Taos Pueblo has depended upon these lands since time immemorial for traditional and cultural uses including hunting, water supply, forage for their domestic livestock, wood, timber and other natural resources for their personal use, and religious ceremonies, and providing for use for Taos Pueblo traditional purposes only (Pub. L. No. 91-550); and

WHEREAS, in January 1996, the United States Congress transferred to the Secretary of Interior to be held in trust for Taos Pueblo an area known as the Path of Life Area, totaling approximately 764 acres and held in trust by the United States, to be managed as part of the Blue Lake Wilderness Area (Pub. L. No. 104-333, Section 210); and

WHEREAS, Taos Pueblo has declared that the Blue Lake Wilderness Area, located adjacent to the Taos Pueblo World Heritage Site, is integral to sustaining Taos Pueblo's traditional living culture; and

WHEREAS, the FAA has consulted with the ACHP, Taos Pueblo, the NPS, the SHPO, and the Town of Taos about the Undertaking pursuant to 36 CFR Parts 73 and 800; and

WHEREAS, the FAA, in consultation with the ACHP, Taos Pueblo, the SHPO, the Town of Taos, and the NPS, has determined that the proposed Undertaking will cause an increase in the number of uncontrolled flights (i.e., low altitude, general aviation flights) over portions of the historic district; and

WHEREAS, with respect to the National Register-eligible Historic District, and as stated in the FAA's Finding of Effect (page 18, Appendix Q, FEIS), "Given the low ambient noise levels

within most parts of the district, the contemplative nature of activities at some of the contributing properties, the frequent use of many of the contributing properties, and the importance of the historic district in maintaining the continuing cultural identity of Taos Pueblo, the FAA finds that these changes ['small increases in noise levels, overflights and visual impacts at some of the 80 identified traditional cultural properties and the Rio Grande gorge'] would diminish the district's integrity of setting, feeling, and association and would therefore be an adverse effect," and

WHEREAS, the FAA, in consultation with the ACHP, Taos Pueblo, the SHPO, the Town of Taos, and the NPS, has determined that the proposed Undertaking will cause adverse effects due to increased uncontrolled flights over the Taos Pueblo World Heritage Site that could diminish the Site's integrity of setting and feeling, and impact Taos Pueblo's living culture; and

WHEREAS, the FAA, in consultation with the ACHP, Taos Pueblo, the SHPO, the Town of Taos, and the NPS, has further determined that this proposed Undertaking will cause aircraft to fly along new flight tracks modeled by the FAA to simulate paths of aircraft using the Airport; and

WHEREAS, the FAA, in consultation with the ACHP, Taos Pueblo, the SHPO, the Town of Taos, and the NPS, has determined aircraft using those new flight tracks will adversely diminish the district's integrity of setting and feeling due to increases in noise levels and visual impacts at some of the contributing properties within the Taos Pueblo National Register-eligible historic district, defined in Appendix Q to the FEIS to be coextensive with the APE, that could diminish the district's integrity of setting and feeling resulting in an adverse affect; and

WHEREAS, Taos Pueblo is a signatory to this Agreement because the proposed Undertaking will affect historic properties, including those of traditional Taos Pueblo religious and cultural significance, on Taos Pueblo lands and elsewhere in the APE, and participated in consultations, including Government-to-Government consultations, regarding this proposed Undertaking; and

WHEREAS, the Town of Taos, as owner and operator of the Airport, has participated in the consultations regarding this proposed Undertaking and is an invited signatory to this Agreement; and

WHEREAS, the NPS and NMDTAD have participated in consultations and have been invited to concur in this Agreement; and

WHEREAS, the FAA provided information about the proposed Undertaking to the Jicarilla Apache Nation and the Ute Mountain Ute Tribe and invited them to participate in consultations; however, neither tribe has elected to participate in consultations for this Undertaking; and

WHEREAS, the consulting parties acknowledge that Taos Pueblo and the Town of Taos intend to pursue formal means, including seeking legislation, to ensure the long-term protection of the lands and cultural values associated with the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area.

NOW, THEREFORE, the FAA, the SHPO, the ACHP, Taos Pueblo, and the Town of Taos agree that the undertaking shall be implemented according to the following stipulations in order to avoid, minimize or mitigate the adverse effects of the undertaking.

STIPULATIONS

If the FAA issues a Record of Decision (ROD) approving the proposed Undertaking, it is stipulated that the following actions will be taken:

I. For purposes of these Stipulations, the following terms have the indicated meanings:

A. The "Taos Pueblo World Heritage Site" means the site nominated in 1987 by the United States for the World Heritage List under the Convention concerning the Protection of the World Cultural and Natural Heritage and inscribed in 1992.

B. The "Blue Lake Wilderness Area" means the area held in trust for Taos Pueblo pursuant to Public Law 91-550, including the Path of Life Area held in trust for Taos Pueblo pursuant to Public Law 104-333; and

C. The "Undertaking" means the FAA's unconditional (final) approval (as embodied in the ROD) of the Airport's amended Airport Layout Plan for the Town of Taos to construct, with potential FAA funding, a new runway that would be 8,600-feet long and 100-feet wide; shortening existing Runway 4/22 by 420 feet, with an associated shift of the Runway Safety Area (RSA), Runway Free Object Zone (ROFA), and Runway Protection Zone (RPZ) a similar distance to the northeast; building a new 3,200-foot long airport access road; and lengthening the existing 2,800-foot long access road from the existing parking lot to the large hangar area all as described in the FEIS on page 1-1.

II. Measures to address aircraft accidents:

A. The FAA and Taos Pueblo shall, within 60 days of the ROD's issuance, establish a process to ensure the FAA provides notice to the Taos Pueblo Police Department immediately upon receiving a report of any aircraft crash in Taos or Colfax Counties.

The Taos Pueblo Police Department shall notify the Taos Pueblo Governor and War Chief.

B. The FAA, the Town of Taos and Taos Pueblo shall, within 60 days of the ROD's issuance, establish a process to ensure that in the event of an aircraft crash in Taos or Colfax Counties, the FAA shall promptly provide Taos Pueblo available pertinent information, such as accident reports and aircraft owner information, except to the extent the information is subject to withholding under the Freedom of Information Act, Privacy Act, or other Federal Law.

C. The Town of Taos and Taos Pueblo, within 120 days of the ROD's issuance, shall complete the development of procedures to coordinate aircraft crash responses in the event of aircraft accidents in Taos County on Taos Pueblo lands. These procedures shall mandate that responses to aircraft accidents by the Town of Taos on Taos Pueblo lands are coordinated with Taos Pueblo and shall ensure that there are no intrusions onto Taos Pueblo lands without prior authorization by Taos Pueblo.

D. The FAA, the Town of Taos and Taos Pueblo also shall coordinate to inform the New Mexico State Police, the United States Department of Defense (DOD), the National Transportation Safety Board, the Bureau of Indian Affairs, the United States Forest Service, and the Bureau of Land Management of the procedures required by Stipulations II.A, B, and C and encourage their cooperation in following those procedures.

E. While having no legal responsibility for the cause or removal of aircraft debris resulting from crashes on Taos Pueblo property that have occurred before the execution of this Agreement, the FAA shall assist Taos Pueblo in attempting to locate and identify the owner(s) of the wrecked aircraft(s) in the following ways:

1. To assist the FAA, Taos Pueblo shall provide the FAA's Albuquerque Flight Standards District Office Manager with the tail numbers of the aircraft involved in past crashes. If a tail number is not available, Taos Pueblo shall provide the engine serial number to the Manager of the FAA's Flight Standards Office. Within 60 days of receiving the information from Taos Pueblo, the FAA shall research its database to identify the owner(s) of the aircraft. If the aircraft is in the database, the FAA shall provide Taos Pueblo with the aircraft owner's name and address or other contact information. The FAA's Albuquerque Flight Standards District Office Manager shall use any reasonable means, including but not limited to, contacting the National Transportation Safety Board, to obtain the responsible parties' contact information.

2. Within 60 days of receipt of the information described above from Taos Pueblo, the FAA shall send letters to any local, State or Federal agencies associated with the Taos Pueblo-provided information (examples: the NPS, the U.S. Forest Service, the Bureau of Indian Affairs, the New Mexico State Police, and the DOD) encouraging them to assist Taos Pueblo to safely remove the structural remains of any aircraft that has crashed on Taos Pueblo lands, including the Blue Lake Wilderness Area.

III. Overflight Measures:

A. The FAA, within 180 days of the ROD's issuance but no later than one year before the proposed new runway is commissioned and operational, shall implement a voluntary 5,000-foot above ground level (AGL) minimum flight altitude over the Taos Pueblo World Heritage Site as depicted on the attached draft figure from the Denver Sectional Aeronautical Chart. This charting is for air navigation purposes only and does nothing to change the boundaries of any Pueblo lands. This measure would not apply in those rare instances when:

1. Air Traffic Control (ATC), due to weather or emergency conditions, authorizes an aircraft arriving or departing an airport to operate below the minimum flight altitude in Stipulation III.A to ensure safe aircraft operations;
2. Law enforcement or aeromedical flight operations must operate below the minimum flight altitude in Stipulation III.A for operational or safety purposes; or
3. Aircraft operating for purposes of fighting a forest fire or for fire surveillance must operate below the minimum flight altitude in Stipulation III.A.

B. The FAA, within 180 days of the ROD's issuance but no later than one year before the proposed new runway is commissioned and operational, shall implement a voluntary 3,000-foot AGL minimum flight altitude over the Blue Lake Wilderness Area, the Taos Pueblo Grant outside the World Heritage Site boundaries, and adjoining Pueblo lands as depicted on the attached draft figure from the Denver Sectional Aeronautical Chart. This charting is for air navigation purposes only and does nothing to change the boundaries of any Pueblo lands. This measure would not apply in those rare instances when:

1. Air Traffic Control (ATC), due to weather or emergency conditions, authorizes an aircraft arriving or departing an airport to operate below the minimum flight altitude in Stipulation III.B to ensure safe aircraft operations;

2. Law enforcement or aeromedical flight operations that are in contact with ATC must operate below the minimum flight altitude in Stipulation III.B for operational or safety purposes; or

3. Aircraft operating for purposes of fighting a forest fire or for fire surveillance or on special scheduled flights for natural resources management and protection must operate below the minimum flight altitude in Stipulation III.B.

C. The minimum flight altitudes specified in Stipulations III.A and III.B shall have no precedential effect in any rulemaking proceeding concerning overflights of the Taos Pueblo World Heritage Site, the Blue Lake Wilderness Area, or other Taos Pueblo lands.

D. The FAA, within 60 days of the ROD's issuance, shall offer Taos Pueblo the training opportunities described below for Taos Pueblo members at no cost to Taos Pueblo. If Taos Pueblo chooses to use these training opportunities, Taos Pueblo shall provide space for the training. The FAA and Taos Pueblo shall negotiate mutually agreeable training dates.

1. The FAA Albuquerque Flight Standards District Office shall offer to conduct a workshop for 20 participants. The workshop will train those participants how to identify and report aircraft failing to adhere to the voluntary altitude minimums over the areas specified in Stipulations III.A and B. Taos Pueblo may choose to identify and report aircraft as a supplement to the passive monitoring system described in Stipulation IV.A of this Agreement. Taos Pueblo shall determine the people who will receive the training. The FAA training shall be designed to enhance individuals' abilities to efficiently read the aircraft tail numbers and identify the types of aircraft that fail to adhere to the voluntary altitude minimums over the areas specified in Stipulations III.A and B. Taos Pueblo shall ensure that its members who receive this training will instruct other Taos Pueblo members in future years. If requested by Taos Pueblo, the FAA will also work with Taos Pueblo in future years to train additional Taos Pueblo members, subject to FAA budgetary and staffing considerations.

2. The FAA shall offer to provide a one-time workshop on airport planning and operations. This training, for a maximum of 20 Taos Pueblo members, will be based on existing FAA curricula offered to its employees, but will be tailored to Taos Pueblo needs.

E. The FAA, the Town of Taos and Taos Pueblo shall work together as follows to design and implement, within 180 days of the ROD's issuance but no later than one year before

the proposed new runway is commissioned and operational, a program to alert and educate pilots about the cultural values of the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area:

1. The FAA's National Aeronautical Charting Office shall update and maintain the Denver Sectional Aeronautical Chart.

a. The chart shall clearly outline the area including the Taos Pueblo World Heritage Site, the Blue Lake Wilderness Area, the Taos Pueblo Grant western and southern boundaries; except for navigation purposes for the purpose of this Agreement only, the southwest boundary of the Pueblo Land Grant shall be charted to exclude the Town of Taos and Highway 64 as depicted on the attached draft figure from the Denver Sectional Aeronautical Chart.

b. The current charted national welfare language shall be replaced with the following as depicted on the attached draft figure from the Denver Sectional Aeronautical Chart:

1. For the World Heritage Site, "DUE TO NATIONAL WELFARE, PILOTS ARE REQUESTED TO AVOID FLIGHTS BELOW 5000' AGL OVER THE TAOS PUEBLO WORLD HERITAGE SITE. NOTE: THE MINIMUM ALT OVER THE WORLD HERITAGE SITE IS 12,300' MSL."

2. For the Blue Lake Wilderness Area, "DUE TO NATIONAL WELFARE PILOTS ARE REQUESTED TO AVOID FLIGHTS BELOW 3000' AGL OVER THE TAOS PUEBLO BLUE LAKE WILDERNESS AREA AND OUTLINED PUEBLO LANDS."

2. The Town of Taos shall work with Taos Pueblo to begin and maintain a Public Education Program urging pilots to avoid flying over the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area, provided the safety of the aircraft is not compromised given flight conditions. To do so, the Town of Taos shall:

a. Place and maintain announcements on the Universal Communications system (UNICOM) urging pilots to avoid flying over the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area.

b. Place and maintain noise abatement signs at the ramp security gates and at the ends of the taxiways at Taos Regional Airport. The signs shall advise pilots of the culturally sensitive natures of the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area. Signs will urge pilots to avoid flying over those locations, consistent with the exceptions in Stipulations III.A and III.B.

c. Distribute a one-page information sheet urging pilots to avoid flying over the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area to be developed by Taos Pueblo in consultation with the Town of Taos and the FAA. The sheet shall explain the sensitive natures of the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area, and include a map of the locations pilots should avoid overflying. The Town of Taos shall distribute this information sheet to airports in Texas with the greatest amount of traffic bound for Taos Regional Airport and to all airports located in northern New Mexico and southern Colorado that are identified in the National Plan of Integrated Airport Systems, including but not limited to the Albuquerque metropolitan area and the Colorado Springs metropolitan area. Electronic distribution of this information sheet shall be repeated at least annually.

d. Include on the Taos Regional Airport website the text of the announcement in Stipulation III.E.2.a and the information sheet in III.E.2.c.

3. The FAA shall coordinate with the Aircraft Owners and Pilots Association (AOPA), the Experimental Aircraft Association (EAA), the New Mexico Pilots Association (NMPA), and the Soaring Society of America (SSA) to make their members aware of the cultural sensitivity of the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area. The Town shall annually provide electronically the information sheet in Stipulation III.E.2.c to these groups for distribution to their members.

4. The FAA, the Town of Taos, and Taos Pueblo shall cooperate to develop an exhibit in the Airport terminal. This exhibit shall be designed by Taos Pueblo to make pilots more aware of Taos Pueblo's culture and needs for privacy and protection from aircraft noise and visual intrusion.

a. The Town of Taos shall make available in the Airport terminal a wall surface, up to 9 square feet in area, in a prominent location for the exhibit.

Provided the Town of Taos submits to the FAA a properly completed project grant application with supporting documentation, sponsor assurances, and certifications, the FAA shall provide funding of up to \$5,000 for reasonable costs of developing and initially printing the poster or other type of wall exhibit, subject to the conditions in Stipulation XII. The Town of Taos and the NMDTAD shall provide the local matching share for this grant of Federal funding.

b. Taos Pueblo will develop the poster or other type of wall exhibit to convey the cultural sensitivity and need for privacy of the Taos Pueblo World Heritage Site and the Blue Lake Wilderness Area. The poster or other type of wall exhibit must fit within the 9-square foot area described in Stipulation III.E.4.a.

c. The Town of Taos shall include a reproduction of the poster or wall exhibit on the Taos Regional Airport website.

d. Before installing Taos Pueblo's poster or other type of wall exhibit, the Town of Taos and the FAA will review all developed informational materials to assure the exhibits are not contrary to Federal, State, or local laws, including, but not limited to, aviation safety or airport minimum standards.

IV. Passive Monitoring System Measure:

A. Within 90 days of issuance of the ROD, the Town of Taos shall advertise for a mandatory pre-bid meeting and a site survey tour with prospective contractors for the design, installation, and monitoring of a passive monitoring system. The Town of Taos and Taos Pueblo shall attend the pre-bid meeting and explain the cultural sensitivities of Taos Pueblo to the prospective contractors, so they may factor those sensitivities in their proposals. Within 30 days of the pre-bid meeting, the Town of Taos shall advertise a Request for Proposals for qualified contractors who attended the pre-bid meeting to submit proposals for the design, installation and operation of the system. Once a contractor has been selected and bids accepted, the Town of Taos, in consultation with Taos Pueblo, shall submit to the FAA a properly completed project grant application for that system, including supporting documentation, sponsor assurances and certifications. Upon receipt of this grant application, the FAA shall provide funds for the passive monitoring system for a three-year period as discussed in Stipulation IV.B, subject to the conditions in Stipulation XII. The Town of Taos and the NMDTAD shall provide the

local matching share for this grant of Federal funding. Once a contractor has been selected and a grant issued by the FAA, the Town of Taos and Taos Pueblo will meet with the selected contractor to review proposed locations for the monitoring system's receivers and determine acceptability of those locations to Taos Pueblo regarding tribal cultural sensitivities. The FAA, the Town of Taos, SHPO, and Taos Pueblo shall, in good faith, reach agreement on the optimal location for the passive monitoring ground stations within 30 days of meeting with the selected contractor. If agreement cannot be reached, the dispute resolution process described in Stipulation X shall be followed. The written objection required under Stipulation X.A shall be submitted to the FAA within 45 days of the meeting with the selected contractor. Notwithstanding the outcome of the dispute resolution process set forth in Stipulation X, the Town shall not direct the selected contractor to proceed with installation and operation of the passive monitoring system until agreement is reached. Once installation of the passive monitoring system is complete, the selected contractor shall operate the passive monitoring system for a three-year period as discussed in Stipulation IV.B.

B. For purposes of monitoring existing Airport-related operations over the Taos Pueblo World Heritage Site or the Blue Lake Wilderness Area, the passive monitoring system should be operational for one year before the runway is commissioned and operational. For purposes of monitoring future Airport-related operations over the sites noted above, the system shall operate for two years after the Undertaking's proposed runway becomes commissioned and operational.

C. The passive monitoring system shall be based on standard aircraft transponders and ground stations (a ground array of receivers) to provide data and comparative information concerning the pre-project and post-project frequency and altitude of flights over the Taos Pueblo World Heritage Site, the Blue Lake Wilderness Area, the Taos Pueblo Grant and adjoining Pueblo lands as described in this Agreement and outlined on the attached draft Denver Sectional Aeronautical Chart.

D. The FAA and the Town of Taos shall ensure, through contractual provisions with the system vendor, that monitoring data will be available in real time to all signatories and concurring parties through access to a web site. The FAA shall provide all parties to this Agreement with information on how to access the web site on or before the first day the passive monitoring system is operational. The FAA shall ensure that monitoring data will be available during the monitoring periods discussed in Stipulation IV.B above, except for times and circumstances that are beyond the control of the FAA (examples: equipment damage due to weather, power outages, or equipment maintenance or repair).

E. If the passive monitoring system is funded and installed, the FAA shall provide all signatories and concurring parties with summarized information from the monitoring system at the end of the pre-project year, and at the end of the two year post-project period.

F. If the passive monitoring system's data for the two year post-project period indicate an ongoing issue of uncontrolled overflights below the altitudes described in Stipulations III.A and III.B, the Town of Taos shall consider, in consultation with Taos Pueblo, extending the operation, maintenance, and collection of data from the passive monitoring system beyond the initial three-year period.

G. Within 90 days of the FAA's issuance of the ROD, the Town of Taos, in consultation with Taos Pueblo, shall submit to the FAA a properly completed project grant application with supporting documentation, sponsor assurances, and certifications for reasonable costs of conducting aircraft identification and report activities as a supplement to the passive monitoring system. The FAA agrees to provide funding of up to \$45,500 for these purposes subject to Stipulation XII. The Town of Taos shall contract with Taos Pueblo to conduct these activities. The Town of Taos and NMDTAD shall each provide local matching shares of 2.5% of the total funding cost. This Federal grant shall be used to assist in funding Taos Pueblo's costs for identification and reporting activities for one full year before the proposed runway is commissioned and operational and two full years after the runway is commissioned and operational.

V. Reporting of Radar Data over the Rio Grande Gorge:

A. During the three years in which the passive monitoring system described in Stipulation IV is in operation, the FAA shall provide a report within the first two weeks of each calendar quarter to the other parties of radar data on aircraft flights over the Rio Grande Gorge.

1. The report shall include one week of data for each month during the three years in which the passive monitoring system is in operation.
2. For each month that the passive monitoring system is in operation, Taos Pueblo shall designate the week during which the tracking of radar reports is to be conducted. Taos Pueblo will designate the weeks no later than the last day of the quarter.

B. The report shall include aircraft flights below Flight Level 180 wherever radar coverage is available within an area whose boundaries are as follows:

1. The eastern boundary is a north-south line ½ mile east of the eastern edge of the Rio Grande Gorge;

2. The western boundary is a north-south line ½ mile west of the western edge of the Rio Grande Gorge;
 3. The southern boundary is an east-west line that intersects the confluence of the Rio Grande and the Rio Pueblo; and
 4. The northern boundary is an east-west line two miles north of the Rio Grande Gorge bridge.
- C. The report shall include as much of the following information as radar provides about flights within the area designated in Stipulation V.B above:
1. The date and time of day of each flight;
 2. The time of entry to and exit from the area defined in Stipulation V.B.;
 3. The flight path of each flight;
 4. The MSL altitude of each flight throughout its flight path over the area defined in Stipulation V.B; and
 5. The type of aircraft involved in each flight if available.

VI. Potential future mitigation measures by FAA:

A. If the results of the passive monitoring system described in Stipulation IV indicate an increase in uncontrolled aircraft flights over the area monitored, then the FAA, in consultation with Taos Pueblo, the Town of Taos and other consulting parties, as appropriate, shall conduct appropriate safety, operational, environmental, and cultural preservation reviews to determine whether the following additional steps should be implemented to discourage the increase in uncontrolled overflights:

1. Use Runways 22 or 30 as departure runways, traffic and conditions permitting;
2. Use Runways 04 or 12 as arrival runways, traffic and conditions permitting;
3. Develop and adopt flight procedures that will guide pilots flying to Taos Regional Airport to approach the Airport from the west;
4. Develop and adopt flight procedures that will guide pilots departing Taos Regional Airport to conduct their initial climbs to the west of the airport traffic area; or
5. Adjust approach and departure flight patterns for Runways 04/22 to the northwest of those runways and Runways 12/30 to the southwest of those runways.

B. If the outcome of the reviews described in Stipulation VI.A is that one or more of the above additional steps would discourage overflights and would meet applicable safety, operational, environmental, and cultural preservation considerations, then the FAA, in consultation with Taos Pueblo, the Town of Taos and other consulting parties as appropriate, shall implement that step or those steps.

VII. Airport Advisory Board Measure:

A. The Town of Taos, within 30 days of the ROD's issuance, shall take the necessary actions by ordinance and amend the bylaws for the Town's Airport Advisory Board (the Board). The ordinance and amendment shall create a permanent voting-member position on the Board for a representative of Taos Pueblo whose participation shall be consistent with the Town of Taos' Municipal Ordinance Chapter 2.12 and the Board's bylaws.

B. Within 60 days after ordinance enactment and bylaws amendment, Taos Pueblo will:

1. Appoint the person who will represent the interests of Taos Pueblo on the Board (Pueblo Board Member); and
2. Inform the Town of Taos of the appointment and provide the appointee's contact information.

VIII. Legislative Action:

A. Taos Pueblo, the Town of Taos, the ACHP, and the SHPO agree that they shall work together to develop legislation that would protect the living culture values of the World Heritage Site, the Blue Lake Wilderness Area, the Taos Pueblo Grant, and the adjoining Taos Pueblo lands as outlined in the draft Denver Sectional Aeronautical Chart, excluding the U.S. Route 64 corridor, from the noise and visual effects of aircraft through enforceable flight restrictions and prohibitions. Within 90 days of execution of this Agreement, the Town of Taos and Taos Pueblo agree that they shall jointly submit draft proposed legislation to the New Mexico Congressional delegation with a request for expeditious introduction and enactment and shall renew their request annually thereafter until enactment. The voluntary minimum flight altitudes specified in Stipulations III.A and III.B and the passive monitoring system results described in this Agreement will have no precedential effect in the formulation or consideration of any such legislation.

B. The FAA and the NPS will provide technical advice upon request by Congress.

C. If such legislation is enacted, then the FAA, in consultation with all parties to this Agreement, will determine whether any of the provisions of this Agreement have been superseded or modified as a matter of law, and whether the Agreement should be amended pursuant to Stipulation XI.B.

IX. Review and Evaluation:

A. After the proposed runway has been in operation for one year and for each of the next two years thereafter, the FAA, Taos Pueblo and the Town shall participate in a meeting at Taos Pueblo to review and evaluate the effectiveness of the Stipulations. Other consulting parties will be invited.

B. On or before the last day of the month preceding the meeting, the FAA, Taos Pueblo, and the Town of Taos shall each prepare and distribute to all parties of this Agreement a report. The NPS will support the Taos Pueblo as needed in addressing issues and preparing its report. Each report shall:

1. Describe activities undertaken pursuant to the Agreement during the past year;
2. Evaluate whether the Stipulations have been effective in addressing the Undertaking's effects under Section 106 of the NHPA on the World Heritage Site and properties listed on or eligible for listing on the National Register; and
3. Make recommendations, if any, for changes in the Stipulations and for additional measures that should be implemented to address the Undertaking's effects under Section 106 of the NHPA on the World Heritage Site and properties listed or eligible for listing on the National Register.

C. The signatories and concurring parties participating in the meeting shall determine the meeting date and agenda. The agenda for the meeting shall include an opportunity for presentations from the FAA, Taos Pueblo, the Town of Taos, the ACHP, the NPS, the SHPO, and the NMDTAD.

X. Dispute Resolution:

A. Should any signatory to this Agreement object in writing to the FAA regarding any action carried out or proposed with respect to the Undertaking or implementation of this Agreement, the FAA shall consult with the objecting signatory to resolve the objection.

B. If, after initiating such consultation, the FAA determines that the objection cannot be resolved through consultation, the FAA shall forward all documentation relevant to the objection to the ACHP, including the FAA's proposed response to the objection.

C. Thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

1. Advise the FAA that the ACHP concurs in the FAA's proposed response to the objection, whereupon the FAA shall respond to the objection accordingly;

2. Provide the FAA with recommendations, which the FAA shall take into account in reaching a final decision regarding its response to the objection; or
3. Notify the FAA that the objection shall be referred for comment pursuant to 36 CFR 800.7(a)(4), and proceed to refer the objection and comment. The FAA shall take the resulting comment into account and respond to it in accordance with 36 CFR 800.7(c)(4).

XI. Duration, Amendment, and Termination:

- A. This Agreement will terminate five years after the runway is commissioned and operational, unless extended by a written amendment to this Agreement that all signatories sign.
- B. Any signatory to the Agreement may request that it be amended, whereupon the signatories shall consult to reach a consensus on the proposed amendment. No amendment shall be effective unless it is in writing and signed by all signatories to this Agreement.
- C. If any signatory to the Agreement determines that its terms cannot be carried out, that signatory shall immediately consult with the other signatories to develop an amendment per Stipulation XI.B. If within ninety (90) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.
- D. If any signatory terminates the Agreement, the FAA shall comply with 36 CFR Part 800 for all remaining portions of the Undertaking.
- E. The termination of this Agreement shall have no effect on any of the measures provided in Stipulations I; II.A, B, C, and D; III.A, B, C, and E; VII; VIII; XII; XIII; XIV and XV. Those measures shall remain in effect after the term of this Agreement runs or if this Agreement is terminated.

XII. Anti-Deficiency Act:

The FAA's obligations under this Agreement are subject to the availability of appropriated funds, and the Stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act. The FAA will make reasonable and good faith efforts to secure the necessary funds to implement this Agreement in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the FAA's ability to implement the stipulations of this Agreement, the FAA will consult in accordance with the amendment and termination procedures set forth in Stipulation XI.

XIII. Town of Taos' Appropriations and Authorization:

The obligations of the Town of Taos under this Agreement are contingent upon there being sufficient appropriations and availability of funds and sufficient legal authorization for their performance. The Town of Taos will make reasonable and good faith efforts to secure the necessary funds to implement the portions of this Agreement for which it is responsible. If lack of appropriations or sufficient legal authorization alters or impairs the Town of Taos' ability to implement the Stipulations of this Agreement, the Town of Taos will consult in accordance with the amendment and termination procedures set forth in Stipulation XI.

XIV. Availability of Taos Pueblo Resources:

The obligations of Taos Pueblo under this Agreement are contingent upon there being sufficient appropriations and available funds, and upon legal authorization for both the performance of those obligations and the use of funds for those obligations. Taos Pueblo will make reasonable and good faith efforts to secure the funds necessary to implement the provisions of this Agreement for which Taos Pueblo is responsible. If insufficient funds or the absence of legal authorization alters or impairs Taos Pueblo's ability to perform its obligations under this Agreement, Taos Pueblo shall consult with the other signatories to this Agreement pursuant to the amendment and termination procedures set forth in Stipulation XI.

XV. Limitation:

This Agreement does not address any previous, current or future authorizations for Department of Defense or national security flight operations. Those authorizations are not part of this Undertaking as defined in Stipulation I.C.

XVI. World Heritage Site Modifications:

Should a revision or modification of the World Heritage Site occur during the term of this Agreement, the signatories and concurring parties will consult to determine whether amendments to this Agreement pursuant to Stipulation XI.B are needed.

XVII. Execution:

Execution of this Agreement by the FAA, the ACHP, Taos Pueblo, the SHPO, the Town of Taos, NPS, and the NMDTAD and implementation of its terms, constitutes evidence that the FAA has afforded the ACHP, Taos Pueblo, the SHPO, the Town of Taos, the NPS, and the NMDTAD an opportunity to comment on the proposed Airport Layout Plan Improvements for the Taos Regional Airport and the effects of these improvements on historic properties. Further,

execution of the Agreement shows that the FAA has taken into account the effects of the proposed Undertaking on historic properties, including Taos Pueblo, a World Heritage Site and a National Historic Landmark, and the area treated as a National Register-eligible historic district which includes the Blue Lake Wilderness Area.

SIGNATORIES

Federal Aviation Administration

By: Teresa Bruner Date: 1/23/12
Teresa Bruner, Regional Administrator

Advisory Council on Historic Preservation

By: John M. Fowler Date: 1/27/12
John M. Fowler, Executive Director

New Mexico Department of Cultural Affairs

By: Jan Biella Date: 1/10/2012
Jan Biella, Acting State Historic
Preservation Officer

Taos Pueblo

By: Nelson J. Cordova Date: 12/28/2011
Nelson J. Cordova, Governor

By: Edwin Concha Date: 12/28/11
Edwin Concha, War Chief

Town of Taos

By: Darren M. Cordova Date: 12/29/11
Darren M. Cordova, Mayor

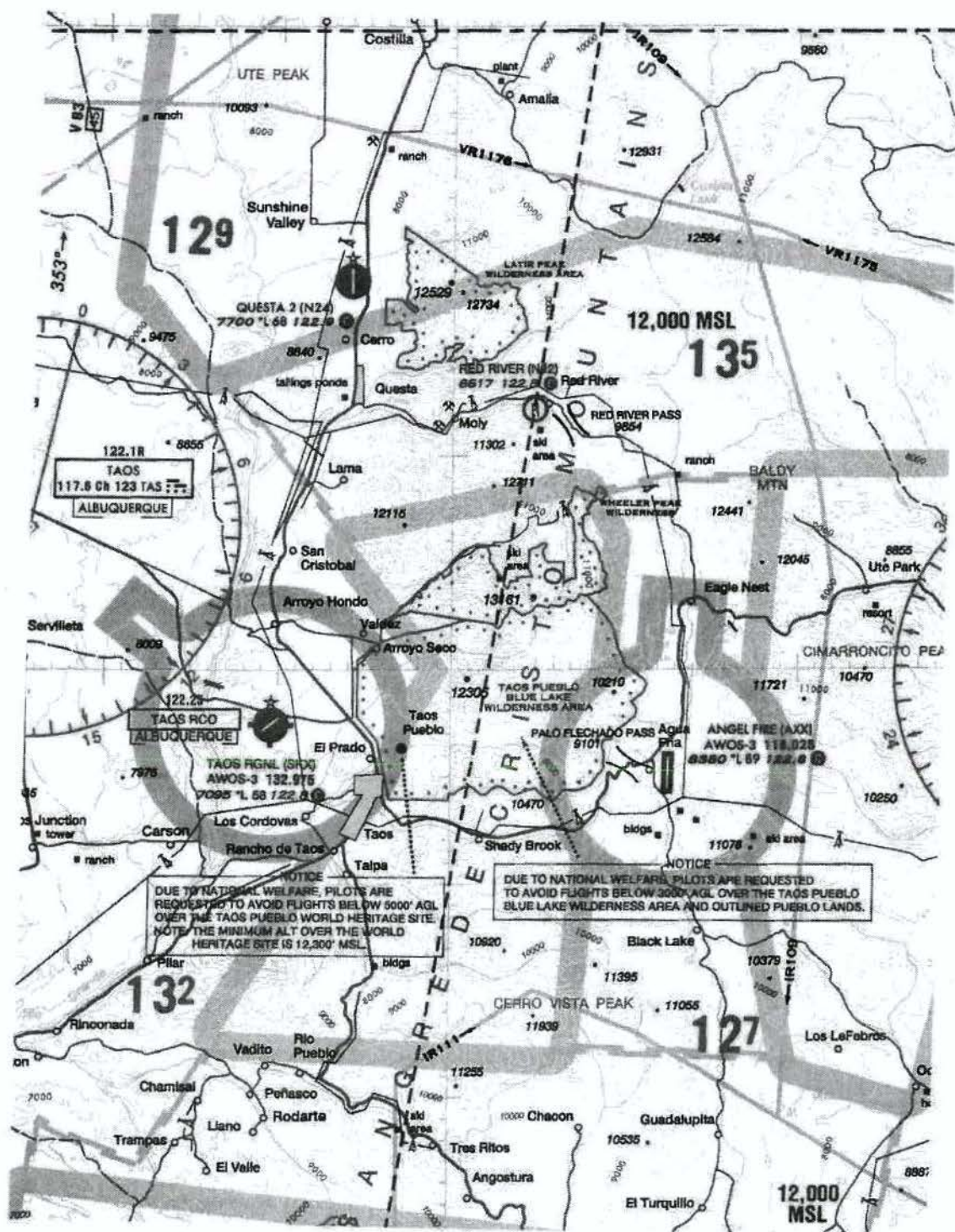
Concurring:

National Park Service, Intermountain Region

By: Cyd Martin RC-IMR Date: 2/24/2012
Cyd Martin, Director for Indian Affairs
and American Culture

New Mexico Department of Transportation, Aviation Division

By: Sty L Summers Date: 2/29/12
~~Jane L. Moore, Acting Director~~
Stephen Summers



APPENDIX 4

ACRONYMS AND ABBREVIATIONS

APPENDIX 4

ACRONYMS AND ABBREVIATIONS

4.1 LIST OF ABBREVIATIONS AND ACRONYMS

A

AC	Advisory Circular
ACHP	Advisory Council on Historic Preservation
ADO	Airports District Office
AEE	FAA's Office of Environment and Energy
AIP	Airport Improvement Program
ALP	Airport Layout Plan
APE	Area of Potential Effect
ARC	Airport Reference Code
ATC	Air Traffic Control

B

BAT	Best Available Technology
BMP	Best Management Practices

C

CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
COE	Change of Exposure
CWA	Clean Water Act
CZMA	Coastal Zone Management Act

D

dB	Decibels
dBA	A-weighted Decibels
DEIS	Draft Environmental Impact Statement
DMOA	Draft Memorandum of Agreement
DNL	Day-Night Average Sound Level
DOT	U.S. Department of Transportation
DOI	U.S. Department of Interior
DSA	Detailed Study Area

E

EPA	U.S. Environmental Protection Agency
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F

FAA	Federal Aviation Administration
FAR	Federal Aviation Regulations
FBO	Fixed Base Operator
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency

FIRM	Flood Insurance Rate Map
FPPA	Farmland Protection Policy Act
FWS	U.S. Fish and Wildlife Service

G

GAO	General Accounting Office
GHG	Greenhouse Gases

I

ILS	Instrument Landing System
INM	Integrated Noise Model
IPCC	Intergovernmental Panel on Climate Change

L

Lmax	Maximum Sound Level
LWCF	Land and Water Conservation Fund

M

MBTA	Migratory Bird Treaty Act
MCTOW	Maximum Certificated Take-off Weight
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSL	Mean Sea Level
MSW	Municipal Solid Waste

N

NAAQS	National Ambient Air Quality Standards
NAVAIDs	Navigational Aids
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NMASP	New Mexico Airport System Plan
NMDGF	New Mexico Department of Game and Fish
NMDTAD	New Mexico Department of Transportation Aviation Division
NMED	New Mexico Environment Department
NOA	Notice of Availability
NPDES	National Pollutant Discharge Elimination System
NPIAS	National Plan of Integrated Airport Systems
NPS	National Parks Service

NRCS Natural Resources Conservation
 Service
NRHP National Register of Historic Places

P

PDEIS Preliminary Draft Environmental
 Impact Statement
PFEIS Preliminary Final Environmental
 Impact Statement

R

ROD Record of Decision
ROFA Runway Object Free Area
RPZ Runway Protection Zone
RSA Runway Safety Area
RTR Remote Transmitter/Receiver

S

SHPO New Mexico State Historic
 Preservation Officer
SKX Taos Regional Airport

T

TAA Time Above Ambient
TAF Terminal Area Forecast
TCP Traditional Cultural Property

U

UNESCO United Nations Educational,
 Scientific and Cultural Organization
U.S. United States
USACE U.S. Army Corps of Engineers
U.S.C. U.S. Code
USDA U.S. Department of Agriculture

W

WHS World Heritage Site
WSR Wild and Scenic River