

US Department of Transportation
Federal Aviation Administration
Southwest Region

FINDING OF NO SIGNIFICANT IMPACT

Wildlife Hazard Mitigation Project
Fort Smith Regional Airport
Fort Smith, Arkansas

I. INTRODUCTION

The purpose of this Finding of No Significant Impact (FONSI) is to briefly present the reasons why the approval of Federal actions supporting the proposed wildlife hazard mitigation project at Fort Smith Regional Airport (FSM) in Fort Smith, Arkansas will not have a significant effect on the human or natural environment. Attached to this FONSI is the Final Environmental Assessment (FEA) on which the finding is based.

The Federal Aviation Administration (FAA) is the federal agency responsible for approval of the Proposed Action. The Proposed Action would involve clearing and grubbing the trees and vegetation on the eastern portion of the property, with the exception that a 25-foot vegetative buffer along both sides of Spivey Creek would be left intact. Two borrow pits, depression areas and a small pond would be filled and graded. Grassy vegetation would be established on the disturbed areas. The area of disturbance for the Proposed Action is approximately 25.8 acres, which includes 6.9 acres of timber clearing/grubbing and 2.79 acres of wetlands alteration.

II. SUMMARY

The FEA was prepared pursuant to the provisions of the National Environmental Policy Act (NEPA) of 1969 as amended and the Council on Environmental Quality regulations (40 CFR §1500-1508). The FEA meets the guidelines identified in FAA Orders 5050.4B, *NEPA Implementing Instructions for Airport Actions* and 1050.1F, *Environmental Impacts: Policies and Procedures*. Coordination with appropriate Federal, state, and local agencies was conducted during preparation of the FEA.

III. PURPOSE AND NEED

The purpose of the Proposed Wildlife Hazard Mitigation Project is to improve drainage. The need for the Proposed Action is to minimize wildlife vectors at the airport. FSM has experienced Type 1 and Type 3 Triggering Events, which are described as follows:

- Type 1: An air carrier aircraft experiences multiple wildlife strikes
- Type 3: An air carrier aircraft experiences engine ingestion of wildlife

From 1990 through 2011, there have been 18 daytime incidents where an aircraft experienced multiple wildlife strikes. There have also been seven engine ingestion incidents at FSM. Reducing the water bodies and vegetation at the airport would reduce the amount of wildlife in the vicinity of the airport and, in turn, reduce the amount of strikes.

IV. ALTERNATIVES

FAA explored and objectively evaluated reasonable alternatives that were considered practical and feasible in meeting the purpose and need. Three alternatives were analyzed in the FEA. These consisted of:

- Alternative 1, No Action Alternative
- Alternative 2, Clear and grub vegetation on eastern portion of the property, except for a buffer surrounding Spivey Creek, fill in borrow pits, depression and pond, re-route, fill and channelize Spivey Creek

A detailed explanation of each alternative considered for final review is provided in the FEA and will not be repeated herein. Note that the No Action Alternative is always required to be analyzed in accordance with the Council on Environmental Quality (CEQ) regulations 40 CFR §1502.14. FAA, in this FONSI, has determined that Alternative 2 is FAA's preferred and selected alternative. In arriving at this decision, FAA considered all pertinent factors, including the environmental impacts as well as FAA statutory charter in the Federal Aviation Act of 1958, as amended, to encourage and foster the development of civil aeronautics (49 USC §40101).

V. ENVIRONMENTAL CONSEQUENCES

A. Potential Impact Resource Categories

Implementation of the Proposed Action or Alternatives has the potential to impact the following resource categories:

Air Quality

EPA has set national ambient air quality standards (NAAQS) for six of the following criteria pollutants: ozone (O₃), particulate matter (PM_{2.5} and PM₁₀), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), and lead (Pb). According to the Arkansas Department of Environmental Quality (ADEQ), the entire state of Arkansas is classified as being in attainment, meaning criteria air pollutants do not exceed the NAAQS.

The No Action Alternative would result in no changes to the property and, therefore, would not impact air quality. The construction phase of the Proposed Action may produce a temporary increase in air pollution through the emissions from construction vehicles and dust resulting from earth moving and vegetation clearing. Federal and State attainment levels would not be exceeded.

Minimization and Mitigation Measures for Air Quality

Mitigation is not required, however, Best Management Practices (BMPs) would be developed and implemented to apply moisture to minimize dust in exposed soil areas, as necessary, and properly maintain and minimize operation hours for fuel-burning equipment.

Construction Impacts

Construction impacts can include short-term effects on noise, air, and water quality. Construction projects also have the potential to affect surface transportation traffic near the Airport and along routes used to transport construction materials.

The No Action Alternative would not require any construction activities and would not have construction impacts. The proposed Wildlife Hazard Mitigation Project would involve clearing and grubbing the trees and vegetation on the eastern portion of the property, except for a 25-foot vegetative buffer maintained along both sides of Spivey Creek. Two borrow pits, depression areas and a small pond would be filled and graded. Grassy vegetation would be established on the disturbed areas.

These activities may temporarily increase noise and dust in the immediate vicinity related to clearing and construction. The impacts of noise and dust would be for a short duration and negligible. These activities may also lead to minor traffic congestion along Zero Street and South 66th Street during delivery of equipment and materials.

Minimization and Mitigation Measures for Construction Impacts

Construction activities are typically regulated by local, state, tribal, and federal requirements. Contractors would be required to comply with all applicable regulations, as well as FAA guidance documents. BMPs including erosion and sedimentation control (e.g. silt fences, straw wattles, vegetative buffers along Spivey Creek, and moisture application to exposed soils) would be implemented to minimize impacts during the construction phase of the Proposed Action. FSM would be required to submit a Stormwater Pollution Prevention Plan as part of the construction. The contractor would be required to submit a proposed sequence of construction to minimize disturbance to business traffic in the area.

Wildlife and Vegetation

Wildlife species commonly found in the vicinity of FSM include birds and mammals. The large quantity of birds presently frequenting FSM has led to numerous airport wildlife strikes. Incidents have involved mourning doves, blackbirds, killdeer, sparrows and swallows. Six threatened and endangered species including the American burying beetle (ABB), the northern long-eared bat (NLEB) and the gray bat are known to occur in this region. Based on correspondence with the USFWS, the Proposed Action should not adversely impact protected species.

The No Action Alternative would result in no changes to the property and, therefore, would not impact wildlife and vegetation. The Proposed Action would reduce the water bodies and vegetation at the airport. This action is intended to reduce the amount of wildlife in the vicinity of the airport and, in turn, reduce the amount of strikes.

Two ABB surveys were performed on the property in June 2015 and June 2016. No ABB were captured during these surveys. The US Fish and Wildlife Service (USFWS) concurred with the findings. According to correspondence with USFWS, the project area is not located near known hibernacula or maternity roost trees for the northern long-eared bat. USFWS concurred with the determination that the proposed action would not result in any prohibited incidental take of the NLEB. The gray bat is a cave-dwelling species and there are no caves located on the property.

Minimization and Mitigation Measures for Wildlife and Vegetation

The proposed project should not adversely impact threatened or endangered species and mitigation is not required.

Hazardous Materials

A hazardous material is a material that, because of its quantity, concentration, or physical and chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. There are no known hazardous material soil or groundwater impacts in the proposed project area. The No Action Alternative would result in no changes to the property and, therefore, would not generate hazardous wastes or affect hazardous materials. Construction activities may include the use of small quantities of fuel, oil, lubricants, paints, solvents, and fertilizers. The contractor would be required to implement BMPs to minimize release of the substances; however, no significant impacts are anticipated.

Minimization and Mitigation Measures for Hazardous Materials Impacts

The Proposed Action would not generate significant hazardous materials impacts and mitigation measures would not be required. However, BMPs would be implemented to minimize release of any hazardous substances utilized during construction activities.

Water Quality

Water quality considerations for this project consist of surface water conditions and stormwater management. The FSM stormwater system is covered by a National Pollutant Discharge Elimination System (NPDES) permit. A Stormwater Pollution Prevention Plan (SWPPP) is also in place at the Airport.

The No Action Alternative would not impact water quality. The Proposed Action would involve the filling in and leveling of two borrow pits, depression areas and a small pond on FSM property. No significant impacts to Spivey Creek are anticipated as the creek would not be altered and a 25-foot vegetative buffer would be maintained along both sides of the creek to minimize disturbance to the creek. Clearing and grading activities associated with the Proposed Action may result in temporary increases in stream turbidity and total suspended solids concentrations.

Minimization and Mitigation for Water Resource Impacts

Mitigation of water quality impacts should include sediment and erosion control BMPs along the drainage path from the filling and grading of the borrow pits to Spivey Creek. FSM would likely be required to obtain an ADEQ Short-Term Activity Authorization to allow temporary exceedance of water quality standards during construction. FSM would obtain an ADEQ General Stormwater Permit for Construction, which would detail BMPs including erosion and sediment controls. Contractors would be required to follow all applicable regulations.

Wetlands, Jurisdictional or Non-jurisdictional

The No Action Alternative would not impact the existing wetlands. The Proposed Action would involve filling in the borrow pits, depression areas and pond, which would directly impact approximately 2.79 acres of wetlands. These areas support wildlife and fish habitats; however, the habitat is considered to have a low function and value since they are located within the existing airport operational area. Impacts to wetlands from the Proposed Action should not be significant.

Minimization and Mitigation for Wetlands, Jurisdictional or Non-jurisdictional

In accordance with Executive Order 11990, direct and indirect impacts to wetlands and streams would be avoided and minimized as much as possible. Spivey Creek would not be altered and a 25-foot vegetative buffer along both sides of the creek would be maintained to minimize disturbance to the creek. The US Army Corps of Engineers issued Individual Nationwide Permit No. 2016-00251 on May 26, 2017 which allows purchase of wetland credits from an approved mitigation bank to fulfill the mitigation requirements. FSM would purchase 20.3 total wetland, open water, and pond credits from a mitigation bank that includes the project area within its primary service area or 30.45 total credits from a mitigation bank that includes the project area within its secondary service area. FSM must submit documentation of the purchase of the wetland credits to USACE within 180 days of issuance of the permit.

FSM has contracted with the National Resources Investment Group, LLC to purchase wetlands credits from the Cadron Creek Mitigation Bank in Conway County, Arkansas. FSM is within the secondary service area of the Cadron Creek Mitigation Bank.

Cumulative Impacts

NEPA requires evaluation of the cumulative effects of a proposed project. Per 40 CFR §1508.7, cumulative effects are defined as “the impact on the environment which results from the incremental impact when added to the past and future actions”. The No Action Alternative would have no effect on cumulative impacts. Implementation of the Proposed Action along with other past, present, or reasonably foreseeable projects would not result in significant cumulative impacts to environmental resources as defined by FAA Environmental Order 1050.1F.

The vicinity around the Proposed Action is a highly developed area as a regional airport and industrial area. Impacts caused by the Proposed Action should not have an incremental impact when added to the past and future actions in the vicinity.

B. Resource Impact Categories Unaffected by the Proposed Action or Alternatives

The following environmental resources either do not exist in the proposed study area or would not be directly or indirectly affected by any of the alternatives:

- **Coastal Resources**
- **Compatible Land Use and Zoning**
- **Department of Transportation Act: Section 4(f) Resources**
- **Farmlands**
- **Floodplains**

- **Historical, Architectural, Archaeological, Cultural Resources**
- **Light Emissions and Visual Environment**
- **Natural Resources and Energy Supply**
- **Noise**
- **Socioeconomics, Environmental Justice and Children's Health and Safety Risks**
- **Wild and Scenic Rivers**

VI. CONDITIONS

As prescribed by 40 CFR §1505.3, FAA shall take steps as appropriate to the action, such as through special conditions in grant agreements, property conveyance deeds, releases, airport layout plan approvals, and contract plans and specifications and shall monitor these as necessary to assure that representations made in the FEA and FONSI with respect to mitigation of impacts will be carried out. Mitigation plans to be developed will be coordinated with the appropriate jurisdictional agencies. Specifically, conditions of approval associated with this project include:

- A. Use of appropriate controls contained in FAA Advisory Circular 150/5370-10G, *Standards for Specifying Construction of Airports* in addition to Federal, state and local ordinances or permits required for construction
- B. In accordance with USACE Nationwide Permit No. 2016-00251 issued on May 26, 2017, FSM must submit documentation of the purchase of 20.3 total wetland, open water, and pond credits from a mitigation bank that includes the project area within its primary service area or 30.45 total credits from a mitigation bank that includes the project area within its secondary service area to USACE within 180 days of issuance of the permit.
- C. Under the Clean Water Act (Section 402), a NPDES permit will be required prior to any construction activity. The NPDES permit requires the preparation of a stormwater pollution prevention plan that will ensure BMPs are installed and maintained during and after construction to prevent, to the extent practical, pollutants in stormwater runoff from entering waters of the US.
- D. No historic, cultural, or archeological sites were identified within the proposed project area, if an archeological or cultural site were to be exposed during construction, work must cease immediately and an opportunity will be provided for the Arkansas State Historic Preservation Officer and FAA to examine the site so that a determination can be made regarding the significance and the need for excavation of the site.

VII. DECISION CONSIDERATIONS AND ADDITIONAL FINDINGS

Throughout the development of the airport, including the proposed improvements described in Part III above, FAA has made every effort to adhere to the policies and purposes of NEPA, as stated in CEQ Regulations for Implementing NEPA, 40 CFR §1500-1508. FAA has concentrated

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on the truly significant issues related to the action in question. In its determination whether to prepare an EIS or process the FEA as a FONSI, FAA weighed the following considerations:

In accordance with 40 CFR §1507.3 and §1501.4, FAA Order 5050.4B, represents the agency procedures to supplement the CEQ Regulations for airport development projects.

After examination of the EA, comments from Federal, state, and local agencies, as well as all other evidence available to FAA, FAA has determined that the available record demonstrated that no thresholds indicating the potential for significant impact were exceeded and that an EIS is not required. In addition, FAA determined that existing evidence available to the agency clearly points to the proposed project as beneficial in fulfilling FAA's statutory mission of promoting a safe and efficient nationwide airport system, and further study of the issues in an EIS will result only in "amassing needless detail." As the nation's aviation agency, FAA has the ultimate technical expertise to develop, evaluate, and select actions and alternatives that would result in safe and efficient use of U.S airspace as prescribed in 49 USC §40103(a). In accordance with 49 USC §44502(b), FAA has determined that the proposed action is reasonable necessary for use in air commerce.

The FEA has adequately provided the agency with the information it needs: (a) to make an informed, objective decision on the environmental effects, as well as other effects, of the proposed project; and (b) to take actions that protect, restore, and enhance the environment. FAA weighed both the potential positive and negative consequences that this proposed action may have on the quality of the human environment. Further processing of this proposed action in an EIS would needlessly generate additional paperwork and a rehashing of issues, while simultaneously impeding FAA from carrying out its mission and blocking a primary goal of NEPA -- that of fostering excellent action. In summary, FAA has determined that a Finding of No Significant Impact is appropriate based on its conclusions that the proposed project will not have a significant effect on the human environment.

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA.

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RECOMMENDED FOR APPROVAL:



8/24/2017

ROBERTO I. RAMOS
Environmental Protection Specialist, AR/OK Airports District Office

Date

APPROVED:



8/30/2017

GLENN BOLES
Manager, AR/OK Airports District Office

Date