

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
FINDING OF NO SIGNIFICANT IMPACT  
RECORD OF DECISION  
AND  
DEPARTMENT OF TRANSPORTATION ACT  
SECTION 4(F) DETERMINATION**

**Location**

Erie International Airport (Tom Ridge Field) (ERI)  
Erie, Pennsylvania

**Introduction**

This Finding of No Significant Impact/Record of Decision (FONSI/ROD) sets out the Federal Aviation Administration's (FAA) consideration of environmental and other factors for the extension of Runway 6-24 at Erie International Airport (ERI). This FONSI/ROD is based on the *Final Environmental Assessment (EA) for the Proposed Extension of Runway 6-24 at Erie International Airport, Tom Ridge Field, Erie, Pennsylvania* dated October 2005 and the *Erie International Airport, Tom Ridge Field, Section 4(f) Report* dated July 2005. Both documents are attached to this finding. Mitigation measures intended to minimize potential environmental impacts are identified in the EA and would become part of this Runway Extension Project. There are no environmental impacts associated with the preferred alternative that cannot be mitigated below FAA established significance thresholds.

**Project Description**

The project considers the proposed extension of Runway 6-24 at ERI. The runway extension is needed to accommodate existing and future aviation demand as demonstrated in the recently completed airport master plan. ERI is a publicly owned, public-use commercial service airport serving the aviation needs of the city of Erie, Erie County, the western region of Pennsylvania, southwestern New York, and northeast Ohio.

The goal of the project is a runway extension that meets the local and regional aviation needs of EMAA and the community as well as complying with FAA safety regulations and the National Plan of Integrated Airport Systems (NPIAS) for 2005-2009. The increased runway length would accommodate the critical design aircraft (DC-9 Cargo Service) for planned aviation activity based on a recently executed agreement between the German firm Zuckerwatte and Erie Aviation, Inc.

The proposed project specifically involves the following:

- Extending Runway 24 end 1,900 feet
- Displacing the threshold of Runway 6 by 900 feet
- Implementing standard RSA with a length of 1,000 feet and width of 500 feet beyond both runway thresholds
- Providing 7,500 feet of available runway length for take-offs on Runway 24
- Providing 8,400 feet of available runway length for take-offs on Runway 6

Furthermore, it should be noted that proposed project will require:

- Relocating the Runway 6 Glide Slope Transmitter due to threshold displacement
- Relocating the Runway 6 Localizer due to Runway 24 extension
- Relocating the Runway 6 MALSR due to threshold displacement
- Relocating the Runway 24 Glide Slope Transmitter due to the runway extension
- Relocating the Runway 24 MALSR due to the runway extension
- Constructing a parallel taxiway extension whose centerline is 400 from the centerline of the adjacent Runway 6-24
- Revising Air Traffic Control procedures and published materials
- Providing Air Traffic Control training on the revised procedures
- Closure and Relocation of Powell Avenue
- Closure of Millcreek Township Flood Detention Basin (FDB) and construction of a stormwater management area to mitigate existing FDB
- Mitigating potential impacts to Millcreek Township Superfund site
- Modifying two of nine holes on the Millcreek Township golf course
- Acquiring and relocating 135 residences and 6 commercial buildings
- Acquiring an avigation easement over Millcreek Township golf course
- Removing 13.01 acres of trees penetrating navigable airspace in the runway approach/departure zones, 4.89 acres of which are located in wetlands, and mitigating the resultant impacts to wetlands
- Mitigating 7.98 acres of wetland impacts with 12.43 acres of replacement wetlands
- Relocating 3,150 feet of stream and mitigating those impacts.

### **Proposed Agency Actions**

The FAA actions involved in the implementation of the proposed project include the following:

- a. Unconditional approval of the ALP pursuant to 49 U.S.C. § 40103(b) and § 47107(a)(16), and determination of effects upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718.
- b. Determination under 49 U.S.C. §§ 40101(d)(1) and 47105(b)(3) whether the proposed project meets applicable design and engineering standards set forth in FAA Advisory Circulars.
- c. Potential funding through the Federal grant-in-aid program authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. § 47107) and/or approval of an application to use Passenger Facility Charges (PFCs) and determinations that the proposed project is in conformance, for environmental purposes only, with Federal grant eligibility and other requirements, pursuant to 14 CFR Parts 77, 150, 152, 157, and 169.
- d. Prior to any funding decision concerning the proposed project, determination under 49 U.S.C. § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense.

- e. Continued close coordination with Millcreek Township, US EPA, PA DEP and appropriate FAA program offices, as required, for safety during construction (14 C.F.R. Part 139) (49 U.S.C. §44706).
- f. Approval of appropriate amendments to the Erie International Airport, Tom Ridge Field (ERI) Airport Certification Manual (ACM), including, but not limited to, amendments to the Airport Wildlife Hazard Management Plan as required, pursuant to 49 U.S.C. §44706.
- g. Determinations that the potential impacts to approximately 7.98 acres of wetlands can be mitigated below significance thresholds.
- h. Approvals to provide air traffic controller training and updated position responsibilities for new simultaneous approach/departure procedures and all ATC procedures related to the new runways (e.g. approval and development of arrival procedures and ATC procedures used in enroute and terminal airspace).
- i. Determinations that there will be no undue burden or unusual circumstances barring the Sponsor from obtaining a NPDES permit for stormwater and wastewater discharges (CWA, Section 402(p), as amended).
- j. Determinations that the proposed project is consistent with the Pennsylvania Coastal Zone Management Program (CZMP) (FAA issued the Final CZMP Consistency Determination on September 1, 2005, which is included in the FEA, Appendix B-3).
- k. Approvals of protocols for maintaining coordination among Sponsor offices, construction personnel, and appropriate FAA program offices, as required, to ensure safety during construction.
- l. Decisions to modify and/or develop air traffic control and airspace management procedures to affect the safe and efficient movement of air traffic to and from the runway. This includes the development of a system for routing arriving and departing traffic and the design, establishment, and publication of standardized flight operations procedures, including instrument approach procedures, standard instrument departure procedures, and new flight procedures into and out of the airport and specifically for the extended runway (49 U.S.C. 40103(b) and 44701 and 14 CFR Part 95).
- m. Approvals for establishment of a new instrument landing system (ILS) and associated approach lighting systems and NAVAIDS, as appropriate, for the runway extension (49 U.S.C. 44502(a)(1)).
- n. Determinations through the aeronautical study process (49 U.S.C. 44718 and 14 CFR Part 77), regarding any off-airport obstacles that might obstruct the navigable airspace under established standards and criteria (49 U.S.C. 40103(b) and 40113).
- o. Approvals to develop new video maps for the runway extension and associated airspace.
- p. Designations of controlled airspace and revised routing (14 CFR Parts 71 and 75).

- q. Determinations under 14 CFR Part 157 as to whether FAA objects to the airport development proposal from an airspace perspective, based on aeronautical studies (49 U.S.C. 40113(a)).

### **Background**

The Erie Airport is oriented east to west. It is bordered to the north by mixed residential and commercial land uses. The main roadway to the north is West 12th Street. To the south, a high volume, two-track railroad corridor borders the airport. The major roadway is Route 20, which is located to the south of and parallel to the railroad corridor. To the east of the airport is the Millcreek Township Superfund site, also the site of the Millcreek public golf course. A north/south local roadway (Powell Avenue) is adjacent to the end of Runway 24 and connects Route 20 with West 12<sup>th</sup> Street. The local roadway crosses over the railroad corridor on an existing bridge structure. To the west of the airport is mixed residential and commercial land use. A local roadway (Asbury Road) is located to the west of Runway 6, crosses beneath the railroad corridor, and connects Route 20 with West 12<sup>th</sup> Street.

As the owners and operators of the airport, Erie Municipal Airport Authority (EMAA), in cooperation with the FAA, updated the 1990 airport master plan in order to identify the regional aviation demands at the airport for the next 20 years. The planning process evaluated the potential of the airport and identified specific opportunities for meeting aviation demand and developing airport facilities. The Master Plan identified the following needs for improvement at ERI:

- Protect and enhance safety.
- Extend Runway 6-24 to accommodate the critical design aircraft, the McDonnell Douglas DC-9 (See Purpose and Need of this FONSI/ROD).
- Correct existing airport design standard deficiencies for runway safety area (RSA) and runway object free area (ROFA).
- Accommodate international business development plans for Erie Aviation, a partner with EMAA in developing international business and an integral part of the airport.
- Be consistent with long term development planning and provide economic benefits for the city and region.
- Improve limited ability to provide adequate system linkage as part of the National Plan of Integrated Airport Systems (NPIAS).

### **Purpose and Need**

The extension of Runway 6-24 that is being proposed herein is consistent with the planning efforts completed as part of a comprehensive airport master plan and reflects the aviation needs of the region. Through a commitment letter received from Erie Aviation Inc., sufficient aviation demand exists today to support the need for extending Runway 6-24 to accommodate the DC-9 as the critical design aircraft, which is the aircraft with the fastest approach speed and the largest wingspan that is forecast to conduct a minimum of 500 operations at the airport. Additionally, there is strong support from regional businesses and airlines for an extension of Runway 6-24. The need to address non-standard runway safety areas is also an integral part of the proposed action. Making improvements to non-standard Runway Safety Areas in order to come into compliance with established standards in an effort to improve safety is a major goal of current FAA policy.

After determination of the critical aircraft, a careful process for determining the minimum length of runway required for optimal operation of this aircraft is completed following the guidance set forth in FAA AC 150/5325-4, *Runway Length Requirements for Airport Design*. This process investigates both critical aircraft characteristics (weight, length of trip, number of passengers, etc.) and airport location characteristics (weather, airport elevation, etc.). Investigation of the DC-9 cargo aircraft forecast to operate at Erie International Airport requires a minimum runway length of 7,500 feet to accommodate a typical operation of this aircraft. This determination was verified through a runway length validation completed as part of the EA.

The existing Runway 6-24, currently does not meet FAA design standards for runway safety area dimensions or runway object free area dimensions for Airport Reference Code C-III. The Airport Reference Code (ARC) of C-III, identified for ERI, indicates that the airport is expected to serve Aircraft Approach Category C (speed up to but not including 141 knots) and Airplane Design Group III (wingspans up to but not including 118 feet). The FAA mandates that a RSA be cleared, drained, graded, and capable of supporting emergency and maintenance equipment, as well as aircraft, for a width of 500 feet and a length extending 1,000 feet out from the runway threshold.

ERI is one of 14 primary airports in Pennsylvania and 413 in the nation that are part of the National Plan of Integrated Airport Systems (NPIAS). The NPIAS defines the role and future development of public-use airports throughout the United States. It is estimated that more than \$35 billion for national infrastructure development that is eligible for federal aid will be needed over the next five years to focus on the goals of promoting safety, mobility, economic growth and trade, protection of communities and the natural environment, and national security. ERI is one of two airports in Pennsylvania to be specifically named for funding in the most current transportation appropriations bill. The runway extension would enhance the capabilities and role of ERI as part of the national aviation system.

### **Forecasting**

During the forecasting effort for the master planning process, the FAA reviewed and approved the operations forecasts and the critical design aircraft, the McDonnell-Douglas DC-9. Since then, the critical aircraft has changed from a DC-9 passenger aircraft to a DC-9 cargo aircraft. Notwithstanding this change in aircraft operation type, the runway length requirement for a DC-9 cargo aircraft remains at 7,500 feet. The purpose of the project is to accommodate the critical design aircraft, which has been established as the DC-9 based on a letter from Erie Aviation, dated October 18, 2004, indicating their intent to conduct operations of the aircraft at ERI.

### **Alternatives**

Alternatives evaluated included extending the runway to the west (Runway 6 End), extending it to the east (Runway 24 End), a combination of extensions to both the east and west, constructing a new runway, constructing an airport at a new location, and constructing a technological alternative consisting of engineering materials arresting system (EMAS) applications.

The completed master plan identified seven alternatives to address runway deficiencies and design standards. Two alternatives were determined to meet the stated purpose and need, and were considered reasonable and feasible alternatives for further in-depth evaluation as part of this EA. These alternatives include the extension of Runway 24 End by 1,900 feet and the inclusion of a standard runway safety area (RSA), Alternative 3, and the extension of Runway 24

End by 1,520 feet with the inclusion of an Engineered Material Arresting System (EMAS) bed of 600 feet in length and 500 feet in width on the Runway 6 End, Alternative 8. Alternative 8 was developed as a result of recent changes in FAA guidance regarding the use of EMAS. A separate financial feasibility study was conducted in accordance with FAA Order 5200.9, *Financial Feasibility and Equivalency of Runway Safety Area Improvements and Engineered Material Arresting Systems*. The No-Action Alternative 1 was also carried through the EA analysis.

Alternatives considered included:

- Alternative 1: No-Action
- Alternative 2: Extend Runway 24 end 900 feet
- Alternative 3: Extend Runway 24 end 1,900 feet
- Alternative 4: Extend Runway 24 end 1,100 feet and Runway 6 end 900 feet
- Alternative 5: Construct a new 7,500-foot runway
- Alternative 6: Extend Runway 24 end 2,500 feet
- Alternative 7: Relocate the airport to a new location
- Alternative 8: Engineered Material Arresting System

Of the eight alternatives, Alternatives 1, 3, and 8 were considered for in-depth evaluation as part of this EA, while the remaining alternatives (2, 4, 5, 6, and 7) either did not meet the established purpose and need for the project or were considered unreasonable, infeasible, or impractical. Alternatives were developed and evaluated according to the airport's runway length requirements, environmental studies, engineering criteria, FAA design criteria, input gathered from the general public, and information from various environmental agencies.

The preferred alternative identified within this EA is Alternative 3. This alternative is consistent with the master plan's recommended alternative for the 20-year planning period (2000 through 2020). Alternative 3 generally consists of extending the Runway 24 end 1,900 feet to the east and thereby providing an available runway takeoff length of 7,500 feet. Alternative 3 also addresses the non-standard runway safety areas at both runway ends and meets the purpose and need stated herein.

### **Discussion**

The attached EA and DOT Section 4(f) Report address the effects of the proposed project on the quality of the human and natural environment, and are made part of this Finding/Decision. The following impact analysis highlights the more thorough analysis presented in the EA and DOT Section 4(f) Report.

### **Air Quality**

The analysis was completed in accordance with FAA procedures outlined in *Air Quality Procedures for Civilian Airport and Air Force Bases*. ERI is an attainment area for all National Ambient Air Quality Standards (NAAQS) criteria pollutants, except ozone (one-hour classification as marginal non-attainment and eight-hour classification of subpart 1—non-attainment). The area has an approved Long Range Transportation Plan (LRTP) and Transportation Improvement Program (TIP), the region's short range (4 year) investment plan, which prioritizes all transportation related projects within the constraints of federal funding received over that period. The TIP is updated every two years and included as a component of the State Implementation Improvement Plan (STIP). The development of the 2007-2010 Erie

TIP will begin in 2005, with the draft document to be advertised for public review in the spring of 2006, for adoption by July of 2006.

The incremental changes in emissions that would arise from implementation of the proposed operational modifications as a result of airport development were analyzed. Construction activity impacts from airport modifications were also analyzed.

Based on the results of the air study, review of the NAAQS, emission thresholds, and impacts to air quality associated with the proposed action, impacts of the proposed action, by comparison, are concluded to be not significant. Although the current air quality model (EDMS, version 4.21) does not produce output for ozone, the estimated highest NO<sub>x</sub> (a precursor of ozone) emissions of 15.647 tons will occur during the first year of project construction and is below the *de minimis* level for NO<sub>x</sub> emissions of 100 tons per year in areas of non-attainment. The proposed action will not: exceed an NAAQS; cause a violation of the NAAQS; or delay achieving the NAAQS and therefore is presumed to conform with the NAAQS.

Mitigation for Air Quality is not required for the proposed action.

#### **Coastal Resources – Coastal Barriers and Coastal Zone Management (CZM)**

By definition, coastal barriers are present at the interface of land and sea and the Great Lakes, but the project does not involve any coastal barriers within the state of Pennsylvania, nor within the proposed project area. This assertion is supported by correspondence from Mr. Toth of the PADEP, PA Coastal Zone Management Program (See Appendix B of the EA) in which is stated “Pennsylvania’s Coast Zones contain no coastal barriers.”

The *Coastal Zone Management Act* applies to actions occurring within designated coastal zones as well as actions occurring outside the coastal zone that have the potential to affect resources within the coastal zone. ERI is located outside of Pennsylvania’s Lake Erie Coastal Zone; however, Pennsylvania’s CZM Program reviews all activities undertaken at ERI for consistency with CZM policies due to the potential for impacts to resources located within the coastal zone of the Great Lakes. Based on coordination, the main concern under the CZM program pertains to increased runoff from the proposed project and its potential impact to stream and bluff erosion. To address this concern, the CZM program is requiring compliance with the Millcreek Township’s stormwater management ordinances for this project (see FAA Memorandum, dated June 1, 2005, in Appendix B of the EA). The CZM program’s primary concern is that increased stormwater from the runway extension project may exacerbate erosion of Lake Erie’s bluffs and upstream banks.

Stormwater runoff from the proposed Runway 6-24 extension will discharge into Marshall Run at a location off of airport property. The stormwater modeling and evaluation discussed in the EA indicates that the proposed action will result in a decrease in the total volume of runoff and a substantial decrease in the peak runoff rate.

As conditions of this FONSI/ROD, the state level CZM Program will review and comment on ERI’s state National Pollution Discharge Elimination Systems (NPDES) permit application. A copy of the permit application will be provided to the CZM Program at the same time it is submitted to the PADEP Northwest Regional office. Additionally, the design and construction

of the stormwater management area will be conducted in accordance with Millcreek Township's stormwater management ordinances.

### **Compatible Land Use**

ERI is located within Millcreek Township; however, a portion of Fairview Township, located to the west of the airport and beyond Millfair Road, is within the approach to Runway 6. The proposed project is anticipated to be in accordance with the current zoning ordinances for both Fairview and Millcreek townships, as well as the current Fairview Township comprehensive master plan, and the Millcreek Township comprehensive master plan.

The proposed action will require acquisition of the following parcels:

- 32 homes (stick built) with an average of 2.8 people per home
- 103 mobile homes with an average of 1.9 people per mobile home
- 6 commercial or industrial establishments
- 8 vacant properties

Table 23 of Chapter 3 in the EA provides a detailed breakdown of the property acquisitions and the reasons the parcels would be acquired. As a result of these acquisitions, there will be no significant noise impacts associated with the proposed action.

All residential and commercial acquisitions and relocations will be conducted in accordance with the stipulations of the *Federal Uniform Relocation Assistance Act, Real Property Acquisition Policies Act of 1970* (as amended), and Title VI of the *Civil Rights Act of 1964* as mitigation. These regulatory guidelines ensure decent, safe, and sanitary replacement housing or suitable replacement business sites and facilities. ERI shall make every effort to meet with affected property owners and amicably negotiate the acquisition of property required for the proposed action. However, ERI has eminent domain authority under the *Municipal Authorities Act of 1945* and shall exercise their authority as necessary.

### **Construction Impacts**

Specific effects during construction that will create environmental impacts include noise of construction equipment on-site, noise and dust from delivery of materials through surrounding neighborhoods, creation of borrow pits and spoils piles, and surface water pollution from sedimentation and erosion.

Under the proposed action, the runway extension will result in the displacement of 32 residences, 103 mobile homes, and 6 commercial and industrial establishments. Once the displacements and relocations are completed, the existing properties will be razed during site preparation.

The proposed action involves earth disturbance of an area in excess of one-acre requiring the acquisition of a Clean Water Act, Section 402 National Pollution Discharge Elimination Systems (NPDES) permit. This permit will be obtained prior to construction during the final design process.

A borrow location has been identified as the preliminary source of fill material for the construction of the proposed runway extension. The preliminary borrow area is located to the west of the Runway 6 end on existing airport property. The proposed borrow site is a previous airport disposal area. This area was included in the Phase I Environmental Site Assessment

conducted for this project and there was no indication of a recognized environmental condition at this area. This area has been included in coordination with the Pennsylvania Historic Museum Commission (PHMC) with a determination that no historical and archaeological resources are present and has been included in the environmental site assessment. The area is characterized as a maintained grassland community. No other sensitive resources were identified at this prior disposal area.

In general, impacts during construction are of a lesser magnitude than long-term impacts of the proposed action. Many of the specific types of impacts that could occur during construction and implementation of the proposed project are detailed in Chapter 3 of the EA. The proposed action is expected to have some degree of construction-related impacts associated with its implementation. None of the impacts are expected to be significant or not able to be mitigated to less than significant levels.

Construction impacts will be mitigated through the use of Best Management Practices (BMP) in accordance with FAA Advisory Circular 150/5370-10A titled *Standards for Specifying Construction of Airports*, Item P-156, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control. In addition, resulting demolition debris will be disposed of in accordance with federal, state and local waste disposal regulations and policies. The acquisition of all required approvals will be the responsibility of the demolition contractor.

#### **Department of Transportation Act, Section 4(f) Resources**

The Millcreek Golf Course is a publicly owned recreational facility identified as a Section 4(f) resource in the project area. The Millcreek Golf Course is a nine-hole golf course that is owned and operated by Millcreek Township and covers 60 acres of land within the proposed project area at the intersection of West 17<sup>th</sup> Street and Harper Drive. The golf course is located on the Millcreek Township Superfund site.

The golf course will be affected by the proposed action. Potential impacts to the Millcreek Golf Course that are associated with the proposed action are primarily due to the installation of the proposed CAT I Instrument Lighting System, and construction of a 12-foot wide gravel access road within a utility easement to maintain the proposed approach lighting system and related to the location of the golf course within the proposed Runway Safety Area (RSA), localizer critical area, glide slope critical area, FAR Part 77 surfaces. Direct impacts to the golf course are the result of the permanent acquisition of property from the golf course for airport usage including easements that constitute a “use” under Section 4(f). In addition, an aviation easement over the portions of the Millcreek Golf Course that will not be acquired by EMAA, but will remain within the Runway Protection Zone (RPZ), and access rights for the purposes of wildlife control will be required to mitigate for any potential wildlife hazard posed by the course. Effective impacts of the golf course are the results of the displacement of two holes and the reconfiguration of the golf course to offset the loss of the displaced holes.

Alternative 8 was developed in part to potentially reduce impacts to the Millcreek Golf Course by utilizing EMAS to reduce the overall footprint of the runway. However, the effective impact to two of nine holes on the golf course was the same as the proposed action and the cost of Alternative 8 was greater due to the use of EMAS. Millcreek Township, the agency with jurisdiction over the golf course, is in agreement with the treatment of the recreation property under the proposed action and provides written verification of their agreement (as shown in

Appendix B of the EA). Additionally, the US Department of Interior has reviewed the project and has concurred that no prudent and feasible alternative exists to the use of Section 4(f) lands and that the proposed action minimizes impact on the recreational resource (as shown in Appendix B of the EA).

The proposed action will require the acquisition of 12.75 acres of property and additional easements for the Wildlife Hazard Management Plan at the golf course to implement the proposed runway extension project. However, the effective use of the golf course will be limited to the displacement of 2 holes.

Impacts to Millcreek Golf Course will be mitigated through the acquisition of additional property to the north and the reconfiguration of the course layout. A detailed description of the mitigation measures associated with the impacts to the golf course is contained below.

### **Fish, Wildlife, and Plants**

The biotic community evaluation focused on two different areas: native species of flora and fauna and potential wildlife hazards.

In terms of Flora and Fauna, due to the sensitive nature of the second growth forest within the Millcreek Golf Course and palustrine forested and palustrine scrub-shrub wetlands, several areas considered penetrations to the FAR Part 77 surfaces will not be removed because they present no adverse impact to instrument operations. As a result, obstruction removal related impacts for the proposed action includes removal of a total of 4.89 acres of vegetation within wetlands and 8.12 acres of upland second growth forest. Obstruction removal activities are incorporated as part of the proposed action. The majority of the wetland areas where obstruction removal would take place are palustrine-forested wetlands. Non-wetland areas, where obstruction removal would take place, consist of second growth forest.

ERI prepared a draft ecological study for the airport that indicates that areas that pose the greatest potential for providing habitat that lends itself to wildlife-aircraft related problems. Potential wildlife attractants at or near ERI include, but are not limited to, palustrine emergent wetlands, the Riviera Estates FDB, lower perennial streams as identified within the draft ecological study, and the Millcreek Municipal Golf Course. Several palustrine emergent wetlands will be filled as a result of the proposed action. Additionally, tributaries A and B will be relocated, and a large portion of the FDB will be filled.

The end of Runway 24 for the proposed action will be located approximately 1,900 feet closer to these areas identified as potential wildlife hazards. This will result in a decrease in the elevation of aircraft flying over these existing areas. Compared to present operations, this will not result in a significant change in the proximity of arriving or departing aircraft to these habitats. The runway extension for the proposed action includes the construction of an FAA standard RSA, and ROFA that will eliminate hazards that are presently immediately adjacent to the runway. In addition, an aviation easement over the portions of the Millcreek Golf Course that will not be acquired by EMAA, but will remain within the RPZ, and access rights for the purpose of wildlife control will be required to mitigate for the wildlife hazard posed by the course.

Although the impacts associated with this resource category are not significant and no mitigation is necessary, several project measures have been developed to minimize the impacts to the biotic

resources surrounding the project area. These measures are presented in the Mitigation section of this FONSI/ROD below.

### **Impacts to the Millcreek Superfund Site**

The Millcreek Superfund site is identified as EPA ID No. PAD980231690. An 84.5-acre freshwater wetland was formerly present in the location of the Millcreek Superfund site. An unpermitted landfill operated in the location from 1941 to 1981 and resulted in 80.5 acres of the wetland being filled with various waste materials. When the landfill ceased operation in 1981, the site was relatively flat and interspersed with leveled buildings, junked automobiles, abandoned machinery, and more than 300 abandoned 55-gallon drums.

The proposed action will impact the Millcreek Superfund Site through construction of navigation lights for the relocated MALSR, a maintenance access road, and the height reduction or relocation of the golf course driving range netting support poles located on the existing Superfund site's earthen cover. The proposed action would require the acquisition of a portion of the property from the Superfund site (see Figures 26 and 37 in the EA).

Potential impacts of the proposed project include:

1. Short-term construction-related impacts to the site cover
2. Impacts to the ongoing USEPA remedy
  - Impacts to the pump and treat facility
  - Impacts to surface and subsurface hydrology
  - Changes to the flood retention basin and storm water detention basin
3. Long-term liability-related impacts

Although the involvement with a Superfund site by an FAA funded project is by definition a significant impact, coordination conducted with USEPA has resulted in a determination that this project would not significantly impact the site. The PADEP and USEPA have co-review responsibility for all actions affecting the Superfund site.

Due to the proposed action's location on a Superfund site, EMAA will enter into two "Multi-party Agreements" that would serve the purpose of authorizing mitigation activities, before construction begins at the Superfund site. The first agreement will be a "Consent Order and Agreement" between and among EMAA, the PADEP and Millcreek Township (the owner of the Superfund site). The second agreement will be a consent decree among EMAA, the U.S. Department of Justice (on behalf of the USEPA) and the potentially responsible parties at the Superfund site. The proposed mitigation measures, detailed below in the Mitigation section, will result in less than significant impact to the Superfund site and preserve the integrity of the earthen cover and the effectiveness of the remedial pump and treat system. Additionally, the proposed action will not have an adverse effect upon human health or the human environment.

### **Gas Wells**

Observations made during site walkovers indicated that the proposed project area contains a number of existing natural gas wells, as well as a variety of ancillary equipment. Four natural gas wells and three associated above ground storage tanks (ASTs) are visibly present within the proposed project area that is located to the east of the ERI. Based on review of PADEP's on-line eMapPA system, additional gas wells may be present.

Construction of the proposed action will result in impacts to between two and ten natural gas wells. The wells are not known to generate taxable revenues and therefore their loss will not impact the local tax base.

Closure of the wells will be coordinated with the owners in compliance with PADEP regulations. More detail regarding coordination procedures is contained in the Mitigation section below.

### **Light Emissions and Visual Impacts**

An existing approach lighting system is in place at ERI within property owned and operated by ERI to the east and west of the airport. Lighting systems to the east of the airport are present within Runway 24's RPZ and bordered by railroad tracks to the south, the Millcreek Golf Course to the east, assorted residential and commercial properties to the north, and ERI to the west. Meanwhile, lighting systems present to the west of the airport are located within Runway 6's RPZ and are bordered by railroad tracks to the south, ERI to the east, residential properties to the north, and vacant property to the west.

Implementation of the proposed action will result in the installation of new lighting systems that will impact residential properties located to the north of each runway's RPZ. These light emission impacts will manifest themselves as glare and create a potential annoyance among people that reside near the approach lighting installations.

Specific mitigation measures for impacts are presented in the Mitigation section of this FONSI/ROD.

### **Noise**

To meet the requirements of FAA Order 5050.4A and FAA Order 1050.1E, a noise study for the proposed extension of Runway 6-24 was completed. Additionally, a supplemental noise evaluation was conducted consistent with FAA's Air Traffic Noise Screening (ATNS) criteria as defined in FAA Order 1050.1E. The noise study reports are presented in Section 3.13 and Appendix J of the EA. Due to the required acquisitions of non-compatible land use associated with the proposed action, no significant noise impacts are associated with the project.

No mitigation for noise impacts is required for the proposed action.

### **Secondary/Induced Impacts**

Powell Avenue will be closed as part of the Runway 6-24 extension project under the proposed action. The project includes the relocation of Powell Avenue, as agreed to in an executed MOU between EMAA and Millcreek Township in 2004, and included as Appendix A of this FONSI/ROD. The local road would provide a north/south route from West 26<sup>th</sup> Street to West 12<sup>th</sup> Street consistent with the current use of Powell Avenue. The proposed road will be designed for a 25-mile-per-hour posting and to accommodate the proposed industrial redevelopment initiative for the existing sites along West 20<sup>th</sup> Street, between the railroad corridor and the airport and west of existing Powell Avenue. ERI will acquire the necessary properties for the proposed action including the relocation of Powell Avenue. ERI will be responsible for the construction of the relocated roadway and, upon its completion, will transfer ownership of the relocated Powell Avenue by dedicating the relocated roadway to the township. Upon acceptance of ERI's dedication, the township will be responsible for all future maintenance of the relocated

roadway. Additionally, upon completion of the construction of the relocated Powell Avenue, the abandoned existing portion of Powell Avenue will be removed.

Mitigation measures for the Powell Avenue relocation are included in the resource-specific mitigation discussed in the Mitigation section below.

### **Environmental Justice, Children's Environmental Health and Safety Risks, and Socioeconomic Impacts**

#### ***Environmental Justice***

In accordance with *Executive Order (EO) 12898, Federal Action to Address Environmental Justice in Minority Populations and Low-income Populations (1994)*, information was obtained regarding the presence of minorities and/or low-income persons in the vicinity of the proposed airport development. Information was obtained from the 2000 US Census for Erie County, Millcreek Township and the affected population. A disproportionate impacts analysis was conducted to determine whether minority and/or low-income populations are present in the area and whether these populations will shoulder a disproportional share of the project-related impacts.

The potential for a disproportionate effect upon low-income populations exists in block groups adjacent to the airport because low-income populations in these block groups exceed the county and state low-income population levels of 12.0 and 11.0 percent, respectively. However, the proposed action requires the acquisition of the low-income residences within these block groups (the Clifton Court Mobile Home Park) and the relocation of low-income residents. The residents will be relocated in compliance with the provisions of the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*.

The proposed impact upon low-income individuals under the proposed action is neither arbitrary nor capricious, but is based on sound engineering design, on FAA regulation and policy, and as a result of the lack of prudent and reasonable alternatives. Therefore, the project is non-discriminatory towards low-income populations and no environmental justice impacts are associated with the proposed action.

#### ***Children's Environmental Health and Safety Risks***

Potential elevated health and safety risks to children will result during the construction of the proposed action. The proposed removal of facilities on parcels currently identified as incompatible land use, through demolition, will pose potential risks to children during periods of construction inactivity when the construction site is unattended; however, this risk will be reduced through the implementation of Best Management Practices. Other risks will be posed by disturbed soils and stockpiled materials that present potential pathways for increased fugitive soil/dust inhalation and ingestion by children. Excavation or grading activities will not occur to a depth extending below the Superfund site's earth cover. Therefore, the stockpiling for disposal of contaminated soils will not occur. In addition to ingestion or inhalation, areas of excavation, soil and material stockpiles, and construction equipment pose potential physical safety risks to children, which will also be reduced by the implementation of Best Management Practices.

### ***Socioeconomic Impacts***

The proposed action will cause various impacts to residential, commercial, and industrial properties located throughout the proposed project area. Impacts are primarily a result of existing properties being located within the area of the airport's proposed runway expansion construction area, including the runway/taxiway fill embankment, the proposed stormwater management area (SMA), and within the RPZ of the proposed action. In addition to the proposed runway and taxiway extension, the airport security fence will also need to be extended to keep wildlife and unauthorized vehicles and people from the runway/taxiway area. The proposed fence location will be at or near the proposed airport property boundary. Access to the airport for the general public will occur through the terminal area.

The proposed action requires the acquisition of 32 homes, 8 vacant properties, 103 mobile homes, and six commercial establishments, thereby requiring the relocation of approximately 286 residents.

The proposed action increases transit times for the Millcreek School District transportation system and increases the response times of emergency and medical services because it displaces Powell Avenue, a north/south thoroughfare.

Mitigation measures to address impacts to socioeconomic resources are contained in the Mitigation section below.

### **Water Quality**

The project will result in filling a portion of the Riviera Estates flood detention basin (FDB). A stormwater management area will be constructed at the current location of the Clifton Court mobile home park as mitigation. The mobile home park is located at the point of lowest elevation in the general vicinity of the project site. As a result, stormwater runoff drains to this area.

In addition, the anticipated grading, excavation, and filling required for this project will result in impacts to two state- and federally-regulated streams, including impacting a total of 3,150 linear feet of stream channel. Since stream losses are anticipated as a result of the proposed project, compensatory mitigation will be required, as discussed in the Mitigation section below.

### **Wetlands**

The proposed project will result in unavoidable impacts to wetland areas. Wetlands that are habitats to hazardous wildlife are incompatible with certain airfield areas. In general, the FAA has determined with Advisory Circular 150/5300-13 *Airport Design* that open water areas are incompatible with associated elements of runways including the runway safety area, taxiway safety area, and glide slope critical area. Wetlands are presently located within the proposed area for the runway and taxiway extension, as well as in the area for the above-mentioned runway elements.

The proposed action will result in impacts to 7.98 acres of regulated wetlands. As explained in more detail below, the wetlands acreage loss would be mitigated through the development of 12.43 acres of replacement wetlands at a site to be determined through coordination with all appropriate agencies having jurisdiction.

In addition, due to the sensitive nature of the second growth forest within the Millcreek Golf Course and palustrine forested and palustrine scrub-shrub wetlands, several areas considered penetrations to the FAR Part 77 surfaces will not be removed because they present no adverse impact to instrument operations. Therefore, the proposed action will result in 4.89 acres of obstruction removal within wetlands. Mitigation for obstruction removal within wetlands is discussed in the Mitigation section as well.

### **Other Impact Categories**

As demonstrated in Chapter 3 of the EA, the proposed action would have no impact to the following resource categories: farmlands; endangered and threatened species of flora and fauna; floodplains; historic, architectural, archaeological and cultural resources; natural resources and energy supply; wild and scenic rivers; and cumulative impacts.

### **Consistency with State Environmental Requirements**

The EA has been submitted to relevant and interested Pennsylvania state agencies for review and comment. All comments from state agencies on the Draft EA are contained in Appendices B and Q of the Final EA. Additionally, all applicable comments have been addressed in the Final EA. This process provides documentation of the proposed project's consistency with state environmental requirements.

### **Coordination with the General Public**

The sponsor has closely coordinated this project with various jurisdictional agencies. Because the proposal includes a major runway extension, a public hearing was held on September 1, 2005.

A 45-day public comment period was held for the Draft EA and DOT Section 4(f) Report from August 1, 2005 through September 15, 2005. The Public Notice was published in the Erie Times News. During the comment period, copies of the Draft EA and 4(f) Report were available for review at a local public library, Erie International Airport, and the Millcreek Township Offices. The public comments received and responses to these comments are included in the Final EA and are considered in the decision making process.

Comments received included concerns about the schedule for property acquisition, noise, the Superfund site, stormwater drainage, environmental justice, and wetlands. FAA ensured that the comments were appropriately addressed in the Final EA and determined that alterations to the project were not required as a result of the comments.

The Final EA and Draft FONSI/ROD were made available to the public on October 31, 2005, which initiated a 30-day public review period of the final document and draft decision document. The review period closed on December 3, 2005. During the review period, three comment letters were received on the Final EA and Draft FONSI/ROD, one each from the Pennsylvania Department of Environmental Protection, the US Army Corps of Engineers, and the US Environmental Protection Agency Region 3 Office. Copies of these comment letters and the FAA response to the letters is contained in Appendix B of this FONSI/ROD.

### **Mitigation Measures**

The proposed mitigation measures are summarized under each of the impact categories previously discussed. This section presents the mitigation measures in detail for each of the

environmental resource categories. These measures have been developed in close coordination with state and federal resource and permitting agencies. The mitigation measures below will be incorporated into final project design. Subsequent FAA decisions on funding for this project will require fulfillment of these mitigation commitments. Each of the mitigation measures discussed below will be attached as Grant Assurances to any grant decisions made on behalf of this project. The Grant Assurances will require completion of each of the mitigation measures below prior to any funding being used for elements of the Proposed Action that require mitigation. In addition, all permits must be obtained prior to impacting any of the resources requiring permissible actions. Failure to obtain any permits discussed within this section will prevent EMAA from utilizing federal funds for project actions that impact resources covered by said permits. These mitigation measures will result in the impacts of the proposed action being reduced to less than significant levels.

### ***Coastal Resources***

The state level CZM Program will review and comment on ERI's state National Pollution Discharge Elimination Systems (NPDES) permit application. A copy of the permit application will be provided to the CZM Program at the same time it is submitted to the PADEP Northwest Regional office. Additionally, the design and construction of the stormwater management area will be conducted in accordance with Millcreek Township's stormwater management ordinances.

### ***Compatible Land Use***

Incompatible land uses that cannot be mitigated through the use of zoning and other land-use control methods will be acquired. All proposed property acquisitions and displacements will occur in accordance with the provisions of the *Federal Uniform Relocation Assistance Act, Real Property Acquisition Policies Act of 1970* (as amended), and Title VI of the *Civil Rights Act of 1964*. These regulatory guidelines ensure decent, safe, and sanitary replacement housing or suitable replacement business sites and facilities. ERI will make every effort to meet with and amicably negotiate the acquisition of property required for the proposed action and mitigation with affected property owners. However, ERI has eminent domain authority under the *Municipal Authorities Act of 1945* and will exercise their authority as necessary, subject to the provisions below.

Mitigation measures for the proposed action include:

- No person shall be displaced unless and until adequate replacement housing has been made available to all affected persons regardless of their race, color, religion, sex, or national origin, and will be within their financial means and readily accessible to their place of employment, public services, and other conveniences.
- Services and payments, within the limits of current laws and administration procedures established by the state, shall be provided to all displaced individuals.
- To the greatest extent practicable, no person lawfully occupying real property shall be required to move from their dwelling or to move their business, farm, or non-profit organization without written notice of at least 90 days prior to the date such a move is required and would receive relocation benefits as provided for under the Pennsylvania Eminent Domain Code.
- A right-of-way representative will be available to assist displaced residents in the process of relocation.

### ***Construction***

Construction contract specifications will contain the provisions of FAA Advisory Circular 150/5370-10A titled *Standards for Specifying Construction of Airports*, Item P-156, Temporary Air and Water Pollution, Soil Erosion, and Siltation Control. If required, detention basins to control the discharge of stormwater shall be in place prior to construction. The stormwater management shall comply with Advisory Circular 150/5200-33 *Hazardous Wildlife Attractants on or Near Airports* and be designed to not retain water for periods greater than 24 hours in duration.

No project construction will commence until all required approvals and permits are obtained by EMAA. Any stipulations contained in the issuance of permits for project approval will be considered as required mitigation measures for this FONSI/ROD and be included as Grant Assurances for any grant decisions made relating to the proposed project. Required permits and approvals include:

- Section 401 Water Quality Certification, pursuant to the *Clean Water Act*.
- USACE Section 404 Permit for placement of fill material in waters of the United States, pursuant to the *Clean Water Act*.
- PADEP Chapter 105 Water Obstruction and Encroachment Permit, pursuant to PA Code, Title 25.
- Section 402 Individual National Pollution Discharge Elimination Systems permit for stormwater discharges from construction activities, pursuant to the *Clean Water Act*.
- Multi-party agreements concerning construction activities proposed at the Millcreek Superfund site.

Minimization of construction-related impacts will be conducted through the implementation of standard best management practices to reduce noise, erosion and sedimentation effects and fugitive dust impacts during construction. Best management practices that will be implemented during project construction include, but are not limited to:

- Utilizing appropriate dust suppression methods during on-site construction activities including: application of water, soil stabilizers, or vegetation; use of enclosures, covers, silt fences, or wheel washers; and suspension of earth-movement activities during high wind conditions;
- Maintaining a speed of less than 15mph with construction equipment on unpaved surfaces as well as utilizing fuel with low or ultra-low sulfur content;
- Employing a construction management plan in order to minimize interference with regular motor vehicle traffic;
- Using electricity from power poles instead of generators whenever possible;
- Repairing and servicing construction equipment according to the regular maintenance schedule recommended for each individual equipment type;
- Using low-VOC architectural materials and supply equipment;
- Incorporating energy-efficient supplies whenever feasible;
- Maintaining construction equipment and installing mufflers to reduce noise; and
- Implementing time-of-day restrictions on construction and maintenance activities to reduce noise during sensitive hours.

Additionally, EMAA must comply with newly revised fine particulate matter standards applicable to on- and off-road diesel vehicles as the standards are implemented during the construction period.

Coordination with resource agencies will continue throughout construction and post-construction for the permit acquisition processes regarding the proposed dam structure modification, stormwater management basin design, wetland mitigation design, stream mitigation design and earth disturbance activities, to ensure compliance with applicable permit requirements.

#### ***Department of Transportation Section 4(f) Resources***

In order to minimize impacts to the Millcreek Golf Course, the following mitigation measures will be included in the design and construction of the proposed action:

- During final design, continued coordination will be conducted with Millcreek Township to present the project status, schedule, and the evaluation results of the conceptual construction treatments proposed for the golf course.
- Acquisition of property, as well as the temporary construction impacts of the property will be limited to the minimum area necessary to conduct the required construction activities. The storage of materials and equipment will be restricted from the golf course property, unless determined necessary. All disturbed areas will be final graded and re-vegetated at the conclusion of construction.
- For obstruction removal activities located on the golf course's property, individual obstructive trees and the tree canopy will be cut, cleared, and the stumps grubbed out. Disturbed earth will be smoothly graded, and a lower growing decorative species replanted as replacements to maintain aesthetics and minimize impact to the golf course environment. In some locations, where obstructive trees provide significant aesthetic value, tree topping will also be an option.
- For the obstruction removal activities located in designated wetlands, trees will be cut as close to the ground as possible, only removing the trunks with no disturbance to the ground surface and existing soil. Since it is essential to keep soil disturbance to a minimum in wetland areas, no stump removal, or re-grading of the cleared area will be allowed.
- Landscape treatments, consistent with the golf course design, will be implemented to screen or buffer components of the CAT I ILS units within the golf course. All landscape plantings and design considerations will comply with FAR Part 77 and the Millcreek Township airport zoning ordinance, while being performed under direction of a qualified golf course designer and in compliance with Executive Order 13112 concerning invasive species.
- Approximately 30 percent of the existing driving range netting poles will need to be below FAR Part 77 surfaces. An evaluation of the impacted netting poles will be conducted during final design and coordination with Millcreek Township will determine whether the poles will be either reduced in height or relocated to comply with the FAR Part 77 surfaces and/or to accommodate the proposed lighting.

In addition to the mitigation measures above, ERI proposes to construct a municipally owned and operated park or greenspace to the north and northeast of the project. This park or greenspace area will contain a variety of public recreational facilities. Those aspects of this measure that are not directly attributable to the replacement of golf course holes and acreage impacted are conceptual at this stage. As a result, any park or greenspace development that would ultimately transfer to the ownership of Millcreek Township outside of the replacement of holes and acreage to the Millcreek Golf Course will not be eligible for funding under the AIP Program.

### ***Fish, Wildlife, and Plants***

Limited vegetation removal within or immediately adjacent to biotic communities, and appropriately specified soil erosion and control devices will be used during construction to maintain the long-term water quality of aquifers, groundwater, and surface water bodies. Furthermore, obstruction removal within regulated wetlands will use special construction methodologies to minimize the impacts of obstruction removal.

Based on historic wildlife strike data, ERI does not experience a significant wildlife hazard and current management strategies (including lethal and harassment controls of wildlife through the use of pyrotechnics, lethal traps, and firearms) adequately deal with the potential hazards. Since the proposed action will bring the runway closer to wetlands, the golf course, and forested wildlife habitat, additional wildlife hazards may arise. Monitoring of wildlife strike incidents is an operational requirement of EMAA and will continue to be conducted to evaluate trends that may indicate the need for the development of a more aggressive wildlife hazard management plan in the future. Additionally, the proposed stormwater detention basin (SMA) for the site of the Clifton Court mobile home park will be designed to drain within 24-hours of a storm event; the proposed stream mitigation measures will be designed in coordination with the resource and permitting agencies to not be a potential wildlife hazard attractant; and ERI will continue appropriate management strategies in dealing with potential wildlife hazards including the implementation of lethal and harassment controls, under a Memorandum of Agreement between ERI and Millcreek Township. Furthermore, an avigation easement over the portions of the Millcreek Golf Course that will not be acquired by EMAA, but will remain within the Runway Protection Zone (RPZ), and access rights for the purposes of wildlife control will be required to mitigate for the wildlife hazard posed by the course.

Mitigation regarding tree removal and wetlands impacts are located within the Department of Transportation Section 4(f) Resources and Wetlands subheadings of this section, respectively.

### ***Millcreek Township Superfund Site***

Before construction begins at the Superfund site, EMAA will enter into two “Multi-party Agreements” that would serve the purpose of authorizing mitigation activities. The first agreement will be a “Consent Order and Agreement” between and among EMAA, the PADEP and Millcreek Township (the owner of the Superfund site). The second agreement will be a consent decree among EMAA, the U.S. Department of Justice (on behalf of the USEPA) and the potentially responsible parties at the Superfund site. Additionally, EMAA must obtain an amendment to the applicable Federal Court Consent Decree to account for impacts to the ongoing Millcreek Superfund Site remediation before construction for the Proposed Action can occur on the Millcreek Superfund Site.

Since no excavations through the Superfund site cover and marker mat layer will occur, the proposed mitigation addresses procedures for dealing with incidental exposure of landfill materials as a result of minor cover/mat penetrations. The mitigation will be conducted in accordance with the requirements of the Multi-party Agreements, which will likely include best management practices procedures for penetrating the Superfund site cover established by:

- *Site Inspection and Maintenance Plan*, prepared for the Millcreek Dump Site, Erie County, PA (November 2001), Appendices C—Site Inspection and Maintenance Plan

- *Site Inspection and Maintenance Plan*, prepared for the Millcreek Dump Site, Erie County, PA (November 2001), Appendices D—Site Cap Material Specifications

The Site Inspection and Maintenance Plan appendices outline the established OSHA requirements for the protection of on-site workers and the general public, procedures for activities that penetrate the marker mat layer, and off-site disposal of disturbed waste materials. Also addressed are issues of site backfill, marker mat repair, and landfill cover replacement.

A site-specific worker health and safety plan (HASP) will be prepared during final design, based on a detailed review of the waste material constituents of the various portions of the site where construction activities are proposed, in accordance with the CFR Title 29 Section 1910.120 Hazardous Waste Operations and Emergency Rule. The appropriate provisions of the HASP will be prepared in coordination with Millcreek Township, the FAA, USEPA and PADEP and will be incorporated into project plans and specifications to ensure the protection of site workers, the general public and the environment.

Additional elements of the mitigation plan to minimize impacts to the Superfund site and remedy will include, but would not be limited to the following:

- Use geotextile fabric beneath proposed roadway fill material to minimize the potential for roadway settlement and subsidence.
- Substitute the use of piles and pile cap foundations for spread footings requiring excavation to depth, in order to avoid excavation of Superfund landfill material for the construction of the localizer.
- Use of earthen berms (approximately 18 inches high) constructed at the base of each concrete foundation within the boundary of the Superfund site. The earthen berms will serve as a foundation anchoring and to minimize penetration of the remedial cover.
- Electrical cables connecting each approach light will be installed in a conduit allowing the cable to be buried at a shallow depth within the remedial cover.
- A gravel access road will be installed parallel to the lighting system. The access road will be 12 feet wide, constructed of crushed aggregate and installed to a depth of no more than 8 inches allowing maintenance vehicles temporary access to the lights.
- A waste management plan, an updated health and safety plan, and a contaminated materials handling plan will be prepared in support of the construction specifications. The waste management procedures will include methods to monitor and control dust emissions during construction, and the handling, storage, analysis and proper disposal of waste materials incidentally encountered during construction. The plan(s) will also specify procedures for control of surface water runoff during construction. The plans will be submitted to the participants of the two Multi-party Agreements and to the USEPA and PADEP for review and approval.
- Continued coordination with the USEPA and PADEP will occur concerning the development of grading plans, health & safety plans, monitoring plans, and other specific plans describing potential impacts to the Superfund site.

### ***Gas Wells***

Coordination and negotiation of all well closures will be conducted with well owners and operators. Additionally, the closure and removal operations will be coordinated with the PADEP—Bureau of Oil and Gas Management to ensure compliance of the closure process with applicable regulations and procedures. Applicable state and federal regulations to be adhered to

include 25 PAC 78—*Oil and Gas Wells*, 25 PAC 79—*Oil and Gas Conservation*, PA Act 214—*Coal and Gas Resource Coordination Law*, PA Act 223—*Oil and Gas Act*, and PA Act 359—*Oil and Gas Conservation Law*. During the well closure process, Millcreek Township will be contacted to obtain information on well and gas line locations in the vicinity of the Riviera Estates Flood Detention Basin.

### ***Light Emissions***

Proposed navigational aids associated with the proposed action will be designed and constructed in such a way that they do not shine directly into residential and commercial structures located near the approach lighting system. Furthermore, a mix of two landscaping treatments including tree buffers and berms, will be used to screen aesthetic and glare intrusions from residents and facilities that are located near the airport. These landscaping measures will be designed and constructed to conform to the surrounding character of the landscape while not resulting in a FAR Part 77 airspace obstruction. Development of landscape treatments will be coordinated with Millcreek Township to reduce the visual impacts of the approach lighting systems.

### ***Children's Environmental Health and Safety Risks***

Potential health and safety risks to children will be minimized through adherence to standard construction and safety practices implemented by the construction contractor. The disturbance and/or stockpiling of contaminated soils is not anticipated. Fugitive dust will be controlled by the application and maintenance of standard erosion, sedimentation control, and dust suppression measures. The airport security fence will be relocated during construction, but will maintain a secure perimeter at all times.

The construction contractor will employ best management practices to restrict children from the construction site. These practices will include the posting of signs around the construction site prohibiting access, fencing and warnings around areas of open excavation and material stockpiling, and site policing.

### ***Socioeconomics***

Displacement-related impacts cannot be mitigated because the respective properties are required for airport construction activities and will be replaced with paved surfaces or ancillary airport features. Therefore, these properties will be acquired.

Efforts will be made throughout the course of the project to minimize the number of residential, commercial, and industrial properties that will be displaced and require relocation under the proposed action. Residential, commercial, and industrial displacements that cannot be avoided will be relocated in accordance with applicable federal and state relocation regulations established by the *Federal Uniform Relocation Assistance Act, Real Property Acquisition Policies Act of 1970* (as amended), and Title VI of the *Civil Rights Act of 1964*. Specific mitigation measures regarding the relocation of residents are detailed under the Compatible Land Use subheading of this section.

Construction of a replacement road for the closing of Powell Avenue would be conducted to mitigate the potential impact upon emergency service providers as well as upon the general public. The roadway relocation would be conducted consistent with the MOU between EMAA and Millcreek Township, and located in Appendix A of this FONSI/ROD. In addition to this

mitigation element to maintain existing north/south conductivity around the airport, the following measures will also be considered by EMAA:

- A realignment of mutual aid assignments to the Lake Shore and city of Erie Fire Departments, purchase of additional extrication equipment, and the provision of additional extrication training to West Ridge Fire Department to mitigate impacts on fire protection services.
- A relocation of existing resources, coordinated deployment strategies between MPS and EmeryCare, or peak-load deployment of an additional ALS first-response resource at a West Lake Fire Department station to mitigate impacts on emergency medical services. Additionally, mitigation could be achieved through the elimination of traffic flow problems on Peninsula Drive.
- The use of one or more options including the reassignment of the roaming patrol unit to the north zone during peak service demand periods for that zone, peak-load deployment of an additional patrol officer in the northern patrol zone, and/or additional use of the Airport Police Department for officer assistance and back-up calls in the north zone to mitigate impacts on law enforcement services.

The mitigation measures under consideration for emergency services are in addition to the MOU to replace Powell Avenue, as negotiated between EMAA and the Township of Millcreek. These mitigation measures are not required to mitigate the impact below the level of significance and are therefore not eligible for funding under the AIP Program.

Following implementation of the proposed action, proposed mitigating measures to preserve and enhance community cohesion will be implemented to restore the region's suburban fabric and development pattern by using landscape treatments, buffer areas, and other land use design methods. Mitigating measures will primarily be implemented in areas located to the north of the existing Millcreek Municipal Golf Course, especially near those areas that will be affected by property acquisitions. Other measures to mitigate impacts to community cohesion are detailed under the Department of Transportation Section 4(f) Resources subheading of this section.

### ***Water Quality***

The following impact minimization measures will be implemented during permitting, design, and construction of the proposed project:

- Develop and implement an approved erosion and sedimentation pollution control plan, in accordance with state and federal policies to prevent sediment deposition to surface waters.
- Re-vegetate disturbed areas with plants that are native to Pennsylvania.
- Minimize the amount of in-stream work to be performed by heavy equipment.
- Coordinate permitting, design, and construction of the proposed project with the PADEP and the Pennsylvania Fish and Boat Commission.
- Obtain all necessary approvals and permits prior to the start of construction as detailed under the Construction subheading of this section.

A conceptual stream mitigation plan has been developed through coordination with the USACOE, PADEP, PAFBC, and ERI for the proposed stream impacts. A final stream mitigation plan will be prepared during final design and will be coordinated with the applicable resource agencies in conjunction with the permit(s) application process.

The conceptual stream mitigation plan includes:

- Use of a 1-to-1 ratio for compensatory mitigation.
- On-site replacement of streams to be impacted.
- Site availability of 3,200 linear feet of stream within the vicinity of the existing streams.
- Replacement of the functions and values of the impacted streams.
- Creation of streams that will exhibit more naturally occurring characteristics and benefits including natural stream substrate, improved stream bank design, creation of a more natural channel path, and reestablishment of riparian cover and buffer zone using native vegetation.
- The development of the mitigation plan during final design with consideration given to improving the natural condition of the mitigation streams over their respective existing conditions, but without a resulting design that would be a hazardous wildlife attractant.

Consistent with a condition of the permit, a post-construction monitoring plan will be implemented for a minimum of five years to monitor the success of the mitigation and the need for remedial actions. The monitoring plan will involve twice annual monitoring for the first three years and annual monitoring for each subsequent year. The results of the monitoring will be presented to the permitting agencies for review and comment. Once the US Army Corps of Engineers determines the functions and values have been replaced, monitoring will no longer be required.

Construction of a stormwater management area (SMA) will occur within the current location of the Clifton Court mobile home park to mitigate the impacts of the proposed action on the Riviera Estates Flood Detention Basin (FDB). Tributaries A and B will be diverted towards the newly proposed SMA. Subsequent to diverting existing drainage channels, the Riviera Estates FDB will be modified to allow for construction of the extended runway and its ancillary features. Diverted stormwater will be directed to the SMA, which will be constructed on land currently occupied by the mobile home park. The SMA will be constructed so that it is not a hazardous wildlife attractant and will not retain water for durations exceeding 24 hours.

Final stormwater mitigation plans will be prepared and submitted to the appropriate regulatory agencies, including the state CZM Program, for review and approval prior to construction.

Efforts to explore additional mitigation measures will continue through the permitting, final design and construction phases of the proposed action.

### ***Wetlands***

A Draft Compensatory Wetland Mitigation Plan has been prepared to demonstrate that the unavoidable wetland impacts due to the proposed runway extension project can be mitigated since compensatory wetland mitigation is possible. The wetlands impacts will be mitigated through creation and/or restoration of replacement wetlands to the extent that there will be no net loss of wetlands and that wetland functions and values will not be diminished. The plan does not provide identification of the preferred location for available compensatory mitigation; however, it identifies that several potential mitigation sites are available and that successful mitigation of the wetland impacts is feasible. Mitigation plans will be submitted with the Chapter 105/Section 404 Joint Permit Application during the permitting and design phase of the project.

Replacement ratios for impacts to wetlands were established and agreed upon by the PADEP and USACE. These ratios are as follows: PEM-1.0 acres of wetland replacement for each acre of wetland loss; PSS-1.5 acres of wetland replacement for each acre of wetland loss; and PFO-2.0 acres of wetland replacement for each acre of wetland loss. As a result of these replacement ratios, total wetland mitigation for the proposed action will be 12.43 acres to compensate for the proposed loss of 7.98 acres of regulated wetlands. Compensatory wetland mitigation will also be required for the proposed 4.89 acres of obstruction removal within wetlands.

The plan outlines a process of interagency coordination on the development of conceptual and final wetland mitigation plans with the commitment of no net wetland loss and no functions and value diminishment, consistent with the goals of the resource agencies having jurisdiction over wetlands. The final wetland mitigation plan will be based on site-specific conditions of the ultimately selected mitigation site and on input resulting from agency review and comment. Elements of the final wetland mitigation plan will include, but are not limited to:

#### Earthwork & Grading

- Earthwork involving grading to intercept the seasonal high ground water table
- Grade site for a maximum standing water depth of 6" to 18"
- Grade site to provide high water connection with adjacent stream
- Grade site to mimic natural drainage and stream pattern
- Grade site to produce micro-topography including hummocks, bars features, etc
- Grade site to support wetland mitigation community ratios of 25 percent PEM, 22 percent PSS and 53 percent PFO
- Maintain an on-site wetland mitigation inspector during construction

#### Site Preparation

- Stockpile impacted on-site wetland soils for reapplication
- Consider trucking excavated wetland soils from the Erie Airport runway extension project construction site to the proposed mitigation site for application
- Supplement soils with the application of fertilizers

#### Re-vegetation & Plantings

- Use of native wetland and upland species
- Stabilize mitigation site with wetland seed mix
- Develop QA/QC specifications to ensure high quality planting stocks, requirements for prompt planting, and proper planting techniques
- Provide irrigation as necessary
- Provide deterrents to wildlife damage of site plantings

#### Enhancements

- Provide large wood debris piles as micro-habitats
- Provide nesting boxes for indigenous bird species
- Provide terrestrial woody plantings
- Provide riparian plantings as applicable

#### Post Construction Monitoring

- Provide for a construction monitoring program with annual reporting for a minimum of five years
- In year 3 of the monitoring program, include a decision point to determine the need for remediation through agency coordination
- Post construction monitoring would be conducted twice a year for the first 3 years and once a year for the remaining years
- Establish criteria for determining the success of the mitigation effort, such as an 85 percent success rate for hydrophytic species and an effectiveness assessment for functions/values replacement
- Once the US Army Corps of Engineers determines the functions and values have been replaced, monitoring will no longer be required

Obstruction removal activities under the proposed action shall not result in a decrease of wetland area and will not allow for future development of those areas. After obstruction removal for the project is completed, wetland areas impacted by obstruction removal will provide similar functions as they did prior to obstruction removal activities, although their overall value will be somewhat degraded. The following is a list of minimization/mitigation measures that will be reviewed during the design and permitting phase for the project:

- For necessary tree obstructions located in designated wetlands, the recommended action shall be to cut the trees as close to the earth as possible, only removing the trunks with no disturbance to the ground surface and existing soil. As long as no soil disturbance occurs by using other methods, tree removal using hand methods only will not be necessary. Since it is essential to keep soil disturbance to a minimum in wetland areas, no stump removal, or re-grading of the cleared area will be allowed.
- Tree topping involving the removal of the crown, large branches, and main stem of the tree will also be an alternative option to tree removal.
- Re-planting and seeding can occur within the area where tree removal is necessary. The specification of low growing species can be used to establish preferred vegetation within areas where obstructions can occur.

Additionally, secondary wetland impacts through airway obstruction removal (tree cutting without stump removal) will be compensated for through the development of the conceptual and final wetland mitigation plans during the permitting process. The conceptual and final mitigation plans will be prepared in detail during the final design step prior to construction. The mitigation plan will be developed in coordination with the resource agencies including: PADEP, PFBC, PGC, USACE, USFWS, and USEPA. Section 404 of the *Clean Water Act* authorizes the federal wetland program, which requires that federal approval be obtained for any activity affecting “Waters of the United States” (33 CFR §328.3(a)) including wetlands. The federal program is administered by USACE.

An additional potential impact to the wetland areas is sedimentation from silt laden stormwater runoff. Appropriate soil erosion and sediment control devices shall be used during construction to minimize this potential impact.

Since the proposed project involves the direct placement of fill within regulated wetlands, and involves the loss of waters of the United States, a USACE Section 404 Permit will be required for this project. Additionally, Pennsylvania regulates wetlands under the *Dam Safety and Encroachments Act*. The Chapter 105 regulations and permitting requirements previously

described also apply to jurisdictional wetlands. Since the proposed project involves the direct placement of fill within State regulated wetlands, and involves the loss of state waters, a Chapter 105 Water Obstruction and Encroachment permit and 401 Water Quality Certificate will also be required for this project.

### ***Reporting***

Due to the substantial nature of mitigation related to the Proposed Action, the FAA will require EMAA to prepare quarterly reports detailing the status of mitigation development. The reports shall detail the progress made on each of the mitigation measures and permits during the quarter. Any stipulations attached to permits granted by resource agencies shall also be contained in the quarterly report. The reports will be used to facilitate FAA monitoring of the mitigation commitments contained within this FONSI/ROD and to determine compliance with any Grant Assurances pertaining to any grant decisions related to this project. Copies of the reports shall be sent to FAA representatives in the Harrisburg Airports District Office. EMAA shall also distribute copies of the quarterly mitigation reports to representatives of the appropriate resource agencies with authority over the resources to be mitigated, including but not limited to: Pennsylvania Department of Environmental Protection; US Army Corps of Engineers, Pittsburgh District; and US Environmental Protection Agency, Region 3 Office.

### **Agency Findings**

Implementation of the proposed action will provide for the safe and efficient use of the airport. The Preferred Alternative will also result in overall benefits to the National Airspace System.

FAA hereby makes the following determinations and approvals for this project, based on the appropriate information and data contained in the Final EA and the administrative record, and having considered: (1) the policies set forth at 49 U.S.C. 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.

These determinations and approvals do not signify an FAA commitment to provide a specific level of financial support for these projects. An actual funding commitment can only be made in the future, pending EMAA's grant application and FAA consideration of the separate funding criteria prescribed by 49 U.S.C. 47115(d) and 49 U.S.C. 40117.

1. The project is consistent with existing plans of public agencies for development of the area surrounding the airport (49 U.S.C. 47106(a)(1)).
2. The interest of the communities in or near where the project may be located was given fair consideration (49 U.S.C. 47106(b)(2)).
3. For this project, involving new construction that would directly affect wetlands, there is no practicable alternative to such construction. The proposed project includes all practicable measures to minimize harm to wetlands that may result from such use (Executive Order 11990, as amended, *Avoidance and Minimization of Harm to Wetlands*).
4. Subject to federal guidance on relocation assistance, 42 U.S.C. 4601 et seq., FAA will require EMAA to provide fair and reasonable relocation payments and assistance

payments pursuant to the provision of the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*. Comparable decent, safe, and sanitary dwellings are available for occupancy on the open market.

5. The FAA has given the proposal the independent, thorough, and objective evaluation required (CEQ Regulations 40 CFR 1506.5).
6. EMAA has provided the opportunity for a public hearing to consider economic, social, and environmental effects of the location and the location's consistency with the objectives of any planning that the community has carried out (49 U.S.C. 47106(1)(a)(I)).
7. For this action involving a major runway extension found to have a significant adverse effect, there is evidence to support the conclusion that (a) there is no feasible and prudent alternative, and (b) all reasonable steps have been taken to minimize adverse effects below significance thresholds (49 U.S.C. 47106 (c)(1)(B)).

### **Decision and Order**

The FAA recognizes its responsibilities under the National Environmental Policy Act of 1969 (NEPA) and its implementing Council on Environmental Quality (CEQ) regulations, and its own directives. Recognizing these responsibilities, I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the as discussed in the Final Environmental Assessment, and I have used the environmental process to make a more informed decision. This review included the purposes and needs to be served by this project, alternative means of achieving them, the environmental impacts of these alternatives, and the mitigation necessary to preserve and enhance the human environment.

The final environmental documents satisfy the policies and objectives as set forth in Section 101(a) of NEPA and demonstrate that the project 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.

Having carefully considered aviation safety and the operational objectives of the proposed project, as well as being properly advised as to the anticipated environmental impacts of the proposed action, under the authority delegated to me by the Administrator of the FAA, I find that the project is reasonably supported. Approval of the ALP is based on determinations through aeronautical studies regarding potential obstructions to navigable airspace, and that the airport development proposal is acceptable from an airspace perspective. I therefore direct that action be taken to carry out the agency actions noted above. Specifically:

- a. Unconditional approval of the ALP pursuant to 49 U.S.C. § 40103(b) and § 47107(a)(16), and determination of effects upon the safe and efficient utilization of navigable airspace pursuant to 14 CFR Parts 77 and 157 and 49 U.S.C. §44718.
- b. Determination under 49 U.S.C. §§ 40101(d)(1) and 47105(b)(3) whether the proposed project meets applicable design and engineering standards set forth in FAA Advisory Circulars.

- c. Determination of funding through the Federal grant-in-aid program authorized by the Airport and Airway Improvement Act of 1982, as amended (recodified at 49 U.S.C. § 47107) and/or approval of an application to use Passenger Facility Charges (PFCs) and determinations that the proposed project is in conformance, for environmental purposes only, with Federal grant eligibility and other requirements, pursuant to 14 CFR Parts 77, 150, 152, 157, and 169.
- d. Prior to any funding decision concerning the proposed project, determination under 49 U.S.C. § 44502(b) that the airport development is reasonably necessary for use in air commerce or in the interests of national defense.
- e. Continued close coordination with Millcreek Township, US EPA, PA DEP and appropriate FAA program offices, as required, for safety during construction (14 C.F.R. Part 139) (49 U.S.C. §44706).
- f. Approval of appropriate amendments to the Erie International Airport, Tom Ridge Field (ERI) Airport Certification Manual (ACM), including, but not limited to, amendments to the Airport Wildlife Hazard Management Plan as required, pursuant to 49 U.S.C. §44706.
- g. Determinations that the potential impacts to approximately 7.98 acres of wetlands can be mitigated below significance thresholds.
- h. Approvals to provide air traffic controller training and updated position responsibilities for new simultaneous approach/departure procedures and all ATC procedures related to the new runways (e.g. approval and development of arrival procedures and ATC procedures used in enroute and terminal airspace).
- i. Determinations that there would be no undue burden or unusual circumstances barring the Sponsor from obtaining a NPDES permit for stormwater and wastewater discharges (CWA, Section 402(p), as amended).
- j. Determinations that the proposed project is consistent with the Pennsylvania Coastal Zone Management Program (CZMP) (FAA issued the Final CZMP Consistency Determination on September 1, 2005, which is included in the FEA, Appendix B-3).
- k. Approvals of protocols for maintaining coordination among Sponsor offices, construction personnel, and appropriate FAA program offices, as required, to ensure safety during construction.
- l. Decisions to modify and/or develop air traffic control and airspace management procedures to affect the safe and efficient movement of air traffic to and from the runway. This includes the development of a system for routing arriving and departing traffic and the design, establishment, and publication of standardized flight operations procedures, including instrument approach procedures, standard instrument departure procedures, and new flight procedures into and out of the airport and specifically for the extended runway (49 U.S.C. 40103(b) and 44701 and 14 CFR Part 95).

- m. Approvals for establishment of a new instrument landing system (ILS) and associated approach lighting systems and NAVAIDS, as appropriate, for the runway extension (49 U.S.C. 44502(a)(1)).
- n. Determinations through the aeronautical study process (49 U.S.C. 44718 and 14 CFR Part 77), regarding any off-airport obstacles that might obstruct the navigable airspace under established standards and criteria (49 U.S.C. 40103(b) and 40113).
- o. Approvals to develop new video maps for the runway extension and associated airspace.
- p. Designations of controlled airspace and revised routing (14 CFR Parts 71 and 75).
- q. Determinations under 14 CFR Part 157 as to whether FAA objects to the airport development proposal from an airspace perspective, based on aeronautical studies (49 U.S.C. 40113(a)).

Approved:

\_\_\_\_\_  
 Manny Weiss  
 FAA, Eastern Regional Administrator

\_\_\_\_\_  
 Date

This decision, including any potential subsequent actions approving a grant of Federal funds to the Erie Municipal Airport Authority, Erie, Pennsylvania is taken pursuant to the 49 U.S.C. § 40101 et seq. (Part A) and 49 U.S.C. § 47101 et seq. (Part B), and constitutes a final order of the Administrator which is subject to review by the courts of appeals of the United States in accordance with the provision of 49 U.S.C. § 46110.